



Report to East Area Planning Committee

Application Number:	PL/21/1309/FA
Proposal:	Demolition of existing buildings, and erection of a foodstore (Use class E) with servicing, access, car parking and landscaping.
Site location:	44 London Road West Amersham Buckinghamshire HP7 9DD,
Applicant:	Aldi Stores Limited
Case Officer:	Mr Graham Mansfield
Ward affected:	Penn Wood & Old Amersham
Parish-Town Council:	Amersham Town Council
Valid date:	12 May 2021
Determination date:	22 October 2021 (Extension of Time: 5 April 2024)
Recommendation:	Defer and delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and the satisfactory prior completion of a Legal Agreement relating to financial contributions towards upgrading of Bus Stops and Travel plan monitoring fees. If the Legal Agreement cannot be completed the application shall be refused for such reasons as considered appropriate.

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Full planning permission is sought for the redevelopment of the site, including the demolition of existing buildings, and erection of a foodstore (Use class E) with servicing, access, car parking and landscaping.
- 1.2 The site is unallocated for any land use and would allow the reuse of a previously developed site which would continue to provide an employment use. However, the scheme proposes a main town centre in an out-of-town location. The application is supported by a sequential test and retail impact assessment, which has been critiqued independently to the satisfaction of the Council. As such, the proposed use is considered acceptable within a sustainable location.
- 1.3 The proposed development is considered to be a compatible land use with the

surrounding developments and would not cause harm to the character of the area, the setting of designated heritage assets, AONB or the amenities of neighbouring residents. In addition, the proposed development would not result in any unacceptable impacts on the local highway network.

- 1.4 A Flood Sequential Test was submitted with the application and it is considered that the site would be appropriate for the proposed development which would be safe for its lifetime without increasing flood risk elsewhere. The application has also demonstrated that biodiversity net gain can be achieved within the site.
- 1.5 Overall, the proposed development would align with the development plan and would achieve the economic, social and environmental objectives of achieving sustainable development as laid out in section 2 of the NPPF (2023).
- 1.6 The application has been called in for determination by the planning committee by Councillor Waters.
- 1.7 The application is therefore recommended for approval subject to conditions and the completion of a legal agreement to secure passenger information improvements to bus stops on London Road West and to secure financial contributions towards the monitoring of a Travel Plan for the proposed retail development.

2.0 Description of the Site

- 2.1 The site (approx. 0.66ha) is located on the south side of London Road West, close to the junction with Station Road within the built-up area of Amersham.
- 2.2 The application site is currently occupied by a large two storey flat roofed building surrounded by a large expanse of hardstanding. The site was last used as a car showroom. The application site is essentially located in the bottom of the Misbourne Valley with the land rising to south, north and to a lesser extent to the east, although the site itself is relatively flat.
- 2.3 To the west of the site is a residential development with the properties 1 to 13 Washington Row abutting the common boundary of the site. To the west of the site, and to the south of Washington Row is a covered reservoir.
- 2.4 Beyond the southern boundary of the site is the A413 Amersham By-Pass and to the eastern boundary (beyond the River Misbourne) is agricultural land. The land immediately adjacent to the south and east boundaries of the site are within the Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB)
- 2.5 Opposite the site on the north side of London Road West are two designated heritage assets. These being the Chequers Public House (Grade II Listed) and Ambers of Amersham (Grade II Listed). The site is not located in a Conservation Area. The boundary of the Amersham Old Town Conservation Area is approx. 420m to the west (beyond the Tesco Superstore).
- 2.6 The River Misbourne which is designated as an Environment Agency main river and Chalk Stream runs through the north east corner of the site. The application site is located in Flood Zones 2 and 3a and within low, medium and high levels of surface water flooding.
- 2.7 Two public right of ways run close by the site, these being public footpath AMS/18/2 to the south west of the site and AMS/17/1 to the north east of the site.
- 2.8 The character of the immediate area is mixed with semi-detached residential properties located on Milshot Drive/Chequers Hill to the north east, a number of commercial

properties to the north and north west including the Chequers Pub, Ambers of Amersham and the Tesco Superstore located on the corner of Station Road and London Road West. On the south side of London Road West (and to the west of the site) are a mixture of residential properties including Washington Row and Stokebury House and commercial properties including the Three Valleys Pumping Station and 24 London Road West.

2.9 The application is accompanied by:

- Design and Access Statement
- Heritage Assessment
- Transport Statement and Travel Plan
- Landscape and Visual Assessment
- Flood Risk Assessment (including Drainage Scheme)
- Planning Retail Assessment (Including Retail Sequential Test)
- Biodiversity Net Gain Assessment
- Flood Sequential Test
- Preliminary Ecological Assessment
- Lighting Plan

2.10 During the course of the application amended plans were received in relation to the external details of the proposed building. In addition, further supporting information was received in relation to retail impact, flood risk, biodiversity net gain and highways. The application has taken some time to resolve, due to these complex issues.

Environmental Impact Assessment (EIA)

2.11 The aim of the EIA regulations is to protect the environment by ensuring that a Local Planning Authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process.

2.12 The application proposal would be considered Schedule 2 Development under 10b) Urban Extension projects of the Town and Country Planning (EIA) Regulations 2017 ('EIA Regulations'). However, due to the size of the development (under 1 ha), it would not meet the thresholds for the requirement of an EIA Development. However, the proposed development would be adjacent to a 'sensitive area', which for the purpose of the EIA regulations includes Area's of Outstanding Natural Beauty (AONB)

2.13 Notwithstanding the above, the NPPG highlights that an Environment Impact Assessment is more likely to be required if the project affects the features for which the sensitive area was designated. However, it does not follow that every schedule 2 development in (or affecting) these areas will automatically require an Environmental Impact Assessment.

2.14 As part of the application, the LPA carried out a screening opinion pursuant to the EIA regulations for the proposed development. The Council, as set out in Appendix C, has confirmed that the proposal is not considered to give rise to significant effects on the environment in EIA terms. It is therefore the LPA's judgment that proposed development did not comprise EIA development and an Environmental Statement was not required.

3.0 Development Proposal

3.1 Full planning permission is sought for the demolition of the existing building on site and the erection of a food store with servicing, access, car parking and landscaping.

3.2 The proposed foodstore building would be located to the west of the site, adjacent to the common boundary with the covered reservoir and would be set back approx. 30m from

the boundary with public highway.

- 3.3 In relation to the size and scale of the proposed building, this would be flat roofed and part single storey, part two storey. The two-storey element would be located at the back of the building, approximately 42.5m from the front elevation.
- 3.4 In terms of footprint the proposed building would be 67m in depth and 24.8m in width. The single storey element would be a maximum height of 5.3m and the first-floor element would be a maximum height of 8.8m.
- 3.5 The proposed store would have a gross external area of 1,998 sqm and retail sales area of 1,195sqm.
- 3.6 In terms of layout the front of the store would feature a lobby entrance area and servicing at the rear. Access to the site would remain as existing, with the current western access to the site being removed. 101 Car parking spaces would be provided across the site, together with electric charging provision (4 active and 19 passive), 6 parent and child spaces, 5 blue badge spaces and cycle parking for 8 bicycles.

4.0 Relevant Planning History

- 4.1 Relevant planning history for the site:
- 4.2 CH/1997/1223/FA; Single Storey Side/Front Extension to Showroom – Conditional Permission
- 4.3 CH/2002/1479/FA; Single Storey Building to Provide Valetting and Washroom Facilities – Conditional Permission
- 4.4 CH/2004/1082/FA; Replacement Single Storey Extension – Conditional Permission
- 4.5 CH/2008/1796/FA: Single Storey Extension to South East of Existing Showroom – Conditional Permission

5.0 Summary of Representations

- 5.1 The application was subject to the relevant consultation, notification and publicity. At the time of drafting the report over 1,500 comments of support have been received. 16 letters of objections have been received, including objections from the Chiltern Conservation Board, Amersham and District Residents Association, Tesco and Waitrose.
- 5.2 Comments from consultees and summarised representations can be found within Appendix B of this report.
- 5.3 Amersham Town Council provided comments on 24th May 2021 as follows:
Members raised no objection to the application in principle, subject to the following -
 - Highways, traffic and parking constraints are adhered to.
 - Sufficient access for buses and addition of a zebra crossing across the A355 for public safety.
 - Making the site as green as possible by including more electric car charging points.
 - 24-hour security.
 - Concerns over light pollution were also raised, particularly for residents in Washington Row.

6.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), December 2023.
- National Design Guide, 2021

- Core Strategy for Chiltern District - Adopted November 2011:
- Chiltern Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.
- Buckinghamshire Countywide Parking Guidance, September 2015.
- Biodiversity Net Gain Supplementary Planning Document, July 2022.
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

Principle and Location of Development – Retail and Employment

Core Strategy Policies:

CS1 (The spatial strategy),

CS3 (Amount and distribution of non-residential development 2006-2026)

CS16 (Employment Land

Local Plan Saved Policies:

S1 (Locations for shopping development)

S14 (Other shopping developments outside district and local centres in built-up areas excluded from the Green Belt)

E2 (Areas for business, general industrial and storage or distribution development in the built-up areas excluded from the Green Belt as defined on the Proposals Map)

E3 (Areas for business and storage or distribution development in the built-up areas excluded from the Green Belt as defined on the Proposals Map)

- 6.1 The application site comprises of a former car garage, which has been vacant for a number of years. The application site is not allocated for any specific land use within the development plan and is surrounded by a mix of commercial and residential uses.
- 6.2 Core Policy C3 sets out that new commercial development, including additional retail floorspace, and additional employment floorspace (primarily on existing employment sites), will be focused in the four main centres for growth (which includes Amersham/Amersham-on-the-Hill).
- 6.3 Policy S1 of the Chiltern District Local Plan highlights that shopping development will be concentrated in the District Shopping Centre of Amersham-on-the-Hill with the exception of development in accordance with S14 of the Local Plan.
- 6.4 Policy S14 of the Chiltern District Local Plan sets out that developments in the built-up area for larger retail proposals will not be acceptable unless it can be demonstrated that the development proposal cannot be accommodated in the designated shopping centres. In such situations a sequential test would be required. In addition, any proposal for retail development outside the identified shopping centre should not result in any undue impacts on the local highway network and align with all other relevant local plan policies.
- 6.5 Policy S14 of the local plan is broadly consistent with the NPPF in terms the retail sequential test requirements. Paragraph 91 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Paragraph 92 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.
- 6.6 Paragraph 94 of the NPPF sets out that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (for the purposes of the East Area the

validation requirement a threshold of 1,000sqm applies).

- 6.7 The application is supported by a Planning and Retail Statement which includes a sequential assessment of potential sites. In consideration of the specialist nature of retail planning considerations, the Council has sought an independent review of the applicant's supporting information. A copy of the review can be found attached to this report at appendix D.

Retail Sequential Assessment

- 6.8 The Planning Practice Guidance (PPG) highlights that the application of the sequential test will need to be proportionate and appropriate for the given proposal. Paragraph 92 of the NPPF requires local planning authorities to demonstrate flexibility of issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

- 6.9 As stated previously the applicant has provided a Planning and Retail statement. In terms of the sequential test parameters, the applicant has followed the guidance in the PPG in relation to Town Centre Viability and Vitality. In terms of reviewing sites paragraph 10 of the PPG highlights that in reviewing alternative sites regard should be given to suitability, viability and availability of those sites. The applicant has defined these as follows:

Availability: whether sites are available now or are likely to become available for development within a reasonable period of time.

Suitability: with due regard to the requirement to demonstrate flexibility, whether sites are suitable to accommodate the proposal.

Viability: whether there is reasonable prospect that the development will occur on the site at a particular point in time.

- 6.10 A number of town centre or edge of centre locations have been identified as part of the sequential test which is based on the former District Council's evidence base (for the withdrawn Chiltern and South Bucks Local Plan) entitled Town Centre Retail and Leisure Study Update (Lichfields 2019). The scope of the selected sites is considered to be appropriate for the context of the proposed scheme. A review of the sites as set out in the applicant's sequential test as below.

A) East Building Supplies, Chiltern Avenue, Amersham-on-the-Hill

- 6.11 This site would be of a size that could accommodate the application proposal. However, the site is currently in active use, having been granted continued permission for its use in 2019 (PL/19/0632/FA). It is noted that access to the site is restricted and is surrounded by active commercial/residential developments on Woodside Road/Chiltern Avenue. As such, the site has been discounted owing to suitability and viability grounds.

B) Sycamore Road/Woodside Road, Amersham-on-the-Hill

- 6.12 The site is a size that would be able to accommodate the proposed development. In terms of availability, the site comprises of a wide range of shops which are in active use. In terms of suitability, this town centre site is compromised by the existing road layouts which would require comprehensive redevelopment with the displacement of the existing uses on site. Therefore, this site was dismissed as part of the sequential test.

C) Postal Sorting Office, Hill Avenue, Amersham-on-the-Hill

- 6.13 In terms of size, the postal sorting office size would not be of a size capable of

accommodating the proposed development. At this present time, it remains in active use and does not appear to be available. Overall, the site has been dismissed in terms of the sequential test owing to its unsuitability and availability.

D) Star Yard Car Park, Chesham Town Centre

6.14 Star Yard Car Park comprises one of the main car parks in Chesham Town Centre and would only be likely available if the site was being considered as a comprehensive development site. Whilst the site is capable of accommodating the proposed development, it is unlikely to be suitable due to the location of surrounding uses. For example, the site provides servicing and delivery access to the rear of shops on High Street as well as access to Chesham Town Council and the Broadway Baptist Church. As such, the site has been dismissed as part of the sequential test as being unsuitable and unavailable.

E) NCP Station Car Park, Chesham

6.15 The NCP car park provides car parking for commuters using the Chesham Metropolitan Line Station and therefore not available for development. In terms of size, the site would be smaller than that needed to accommodate the proposed development with its backland location making it unsuitable for a discount food store. As such, this site has been not carried forward as part of the sequential test.

F) Red Lion Street, Chesham (Water Meadow Surgery/Chesham Job Centre)

6.16 The above site comprises of the Water Meadow Surgery and Job Centre with associated car parking, which are in active use and not available for development. In terms of size and suitability, the size of the site is smaller than that required to accommodate the proposed development. The constraints from the size and the location of the River Chess are considered to make the site unsuitable for a budget foodstore. As such, the site has been dismissed as part of the sequential test.

Sequential Test – Discussion and Conclusion

6.17 As highlighted previously the information presented by the applicant in terms of the retail sequential test has been subject of an independent review. During the course of the application further clarifications and additional information was provided by the applicant relating to the sites described above.

6.18 The Council's assessor considered that the sites A, C, D and E above would not be sequentially preferable site to accommodate the development proposal, citing that C and E were too small to accommodate the proposed development, with site D not being readily available and site A not being an attractive site for retail development owing to its backland location. During the course of the application there were queries over site B in relation to part of the site being vacant (that of the former Laura Ashley Store on Woodside Road). However, as this is now not available due to the establishment of the Francis Hospice Charity Shop, the assessor concluded that site B cannot be considered sequentially preferable.

6.19 Finally in respect of site F, queries were raised in respect to the availability of the site for the proposed development. At this moment in time the site at Red Lion Street continues to be in active use, with no immediate plans to acquire or develop the site from a Council perspective.

6.20 Noting the above, the sites that formed part of the sequential test were either not suitable or occupied by a number of existing uses. As such, they would not be available within a

similar timeframe to the proposed development. The review of the information confirms that the sequential test has been addressed and satisfied.

- 6.21 In addition, the extent and catchment of the identified sites within the sequential test are considered reasonable for the purposes of the proposed development as confirmed by the Council's independent assessor.

Retail Impact Assessment

- 6.22 The thrust of paragraph 94 of the NPPF is to ensure that assessment of out of town centre retail developments takes into account the impact of such developments on the vitality and viability of town centres including local consumer choice and trade in the town centre and wider retail catchment.
- 6.23 It is noted that objections have been raised in relation to the figures provided on trade draw and the vitality of Amersham (on-the-hill) Town Centre. Amended information was provided during the course of the application and reviewed by the Council's independent assessor.
- 6.24 In terms of the health of Amersham and Chesham town centres, the Council's independent assessor notes that these centres have a lower level of convenience provision than the national UK average, which suggest that they are not reliant on convenience goods to support the centres. It is also noted that Chesham and Amersham have good levels of comparison goods above the national UK average.
- 6.25 In terms of trade draw from other retail stores the applicant has identified the London Road Tesco as representing Amersham's only main food shopping centre destination, with the other stores in the town centre namely Tesco Express, Little Waitrose and Marks and Spencer serving a 'top-up' shopping role. In addition, the applicant suggests that London Road Tesco would (given its location to the proposed Aldi store and market profile) is likely to experience the most direct trade diversion. The stores in the town centre have been identified as having lower trade diversion, having being identified as operating in a slightly different market.
- 6.26 The Council's independent assessor has not raised any concerns in relation to the applicants information relating to trade draw (including that of stores in Chesham, and other stores). Overall, it is considered that the trade draw analysis would appear to be reasonable and would unlikely to result in any significant adverse impacts on any town centre.
- 6.27 Based on the review of the retail supporting information, the Council is satisfied that there are no more sequentially preferable sites to the application site. Furthermore, the proposed development is unlikely to have a significant impact on the viability and vitality of town centres. The assessments that have been carried out are considered to be proportionate given the scale of the development. As such, the proposal would align with paragraph 95 of the NPPF which states where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, should be refused.
- 6.28 Noting the above, the relevant tests are considered to be passed. The proposed development is considered to be acceptable in this location, subject to the consideration against all other development plan policies (discussed further in the report below).

Employment

- 6.29 The NPPF Supports the effective use of previously developed land. It sets out the need to

support economic growth, taking into account both local business needs and wider opportunities for development.

- 6.30 Policy CS16 of the Chiltern District Core Strategy outlines that the Council will secure the long-term retention of employment sites and premises within the District which are attractive to the market and propose a range of jobs to meet local needs.
- 6.31 The site would continue to contribute as a source of employment. Around 30-50 staff would be expected to be employed as part of the proposed development. As such, there would be no conflict with the Council's employment planning policies.

Transport matters and parking

Core Strategy Policies:

CS25 (Dealing with the impact of new development on the transport network)

CS26 (Requirements of new development)

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications)

TR3 (Access and road layout)

TR15 (Design of parking areas)

Access and Highway Safety

- 6.32 Policy CS26 of the Chiltern Core Strategy considers the requirements of new developments and expects compliance with a range criteria including a) provide safe, convenient and attractive access on foot by cycle, making suitable connections with existing footways, public footpaths, bridleways, cycleways, local facilities and public transport so as to maximise opportunities to use these modes; b) Ensure that the convenient use and enjoyment of existing public rights of way are not affected by the development; c) Integrate with local public transport; d) Be appropriately located to the road network and provide satisfactory vehicle access(es) to and from the area of development so that convenience, safety, and free flow of traffic using public highways are not adversely affected; e) Provide appropriate and effective vehicular and cycle parking and servicing arrangements; f) Ensure that all vehicular traffic generated by future development does not materially increase traffic problems such as congestion and local air quality.
- 6.33 The above is generally consistent with paragraph 114 of the NPPF which sets out similar considerations. In addition, paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.34 In terms of access to the site, it is proposed to close the existing western access to the site and utilise the existing eastern access point which would be amended to facilitate all traffic movements to and from the site. In addition, it is proposed to extend the pedestrian footway on the south side of London Road West to connect with the existing bus stop to the east of the site.
- 6.35 In addition to the above, the applicant has provided swept path analysis for the purpose of tracking the delivery vehicles to the site. The Council's Highways officers have reviewed the access matters and have raised no issues regarding the visibility of the sites entrance. It has been noted that the tracking information highlights a slight overrun on left hand turns from the site. However, the existing site when in operation was also served by large HGV which also overran the opposite carriageway, it is on this basis that Highway officers

do not raise any objections in relation to this point. It is also noted that there have been no records of accidents at the site regarding the issue of access and manoeuvrability.

- 6.36 In terms of the impacts on traffic and highway safety, the applicant has provided a Transport Assessment including predicted trip generation. Further information from Highway Officers was requested during the course of the application in relation to baseline traffic data and traffic modelling of the proposed right hand turning lane into the site.
- 6.37 Overall, the Council's Highway Officers are satisfied with the information provided in relation to trip and traffic impacts. It is considered that the proposed development would not have an adverse impact on the surrounding road network, insofar that the nearby road junctions would be able to operate within capacity. The traffic movements generated by the proposed development can therefore be safely accommodated within the local highway network within all expected peak periods.

Parking

- 6.38 In terms of parking 101 car parking spaces would be provided across the site. Against the Buckinghamshire Parking Standards this would represent a shortfall of 42 spaces. To justify the shortfall, the application is supported by a parking survey and parking data from 2 other Aldi Stores comparable to the proposed site by way store and town size. The surveys reveal that peak parking demand would take place at weekend peak hours (12:00 – 16:00).
- 6.39 The information has been reviewed by the Council's Highway officers who have acknowledged that the number of spaces provided would be sufficient to cater for the likely demand. Notwithstanding this, during the event of peak demand, there is likely to be a high turnover of spaces. The layout of the car park provides good stacking and would allow vehicles to enter and exit the site without having undue impacts on the surrounding Highway network.
- 6.40 In addition to the above, Highway officers note that the surrounding Highway network benefits from parking restrictions (in the form of double yellow lines) which would prevent overspill onto the highway. As such, it is considered that the level of parking provided would not result in any unacceptable impacts in terms of highway safety and convenience of highway users.
- 6.41 In addition to the above, opportunities for electric charging spaces would be provided (4 active and 19 passive), 5 blue badge spaces, 6 parent and child spaces and provision for 8 cycle spaces. No objections have been raised by Highways officers in relation to the above.

Sustainability

- 6.42 The application site is within a mixed-use area with the residential area of Amersham close by the site. It is likely that some trips would be made by foot and cycle and public transport (with bus stops located on London Road West outside the site). The site is considered to be in a location that would benefit and encourage the use of sustainable transport options. It should be noted that improvements are being proposed in the form of a pedestrian crossing across London Road West, and would be subject to the applicant entering into a Section 278 agreement to progress these Highway improvement works.
- 6.43 The application is also supported by a Travel Plan, which sets out objectives to reduce reliance on single occupancy car journeys, provide opportunities for active healthy travel

and to increase proportion of journeys to and from the site by sustainable modes of transport. A final version of the Travel Plan has been requested by highways officers via planning condition with funding for its monitoring by the Council to be secured by Legal Agreement.

- 6.44 As well as the Travel Plan objectives, the Highways Authority have recommended contributions to be sought to improve bus stop provision in the form of real time travel information for which £15,500 would be required and captured via a legal agreement.
- 6.45 Overall, it is considered that the proposed development would align with local and national policy in relation to highway impacts. The proposed development would not result in any unacceptable impact on highway safety as set out in para. 115 of the NPPF.

Landscape and visual Impact

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS20 (Design and environmental quality)

CS22 (Chilterns Area of Outstanding Beauty)

Local Plan Saved Policies:

GC1 (Design of development)

LSQ1 (Chilterns Area of Outstanding Natural Beauty as defined on the Proposals Map)

- 6.46 Part B of Core Policy CS22 of the Chiltern Core Strategy states that all proposals must protect the setting of the AONB and safeguard views into and out of the area.
- 6.47 In terms of the design of the proposed building this is explored further in the report below. In terms of impacts on the wider character of the area, it should be noted that the development site is within the built-up area of Amersham. However, the boundary of the Chilterns AONB wraps around the site to the south and east.
- 6.48 The surrounding area is characterised by buildings of various scales, forms and uses. Including residential dwellings on the north side of London Road West and to the west of the site. There are larger commercial buildings further west towards and beyond the junction with Station Road including Tesco Superstore and the Three Valleys Water Pumping Station. For the purposes of the Chiltern and South Bucks Townscape Character Study, the surrounding area is described as an 'Out of Centre Commercial' character typology area.
- 6.49 The application site is not located with a designated landscape. However, views of the site would be available from the Chilterns Area of Outstanding Natural Beauty (AONB) from public footpaths to the south and east of the site. In terms of the AONB that adjoins the site to the south and east, for the purposes of Bucks Landscape Character Assessment (2011) this is identified as the Misbourne Upper Chalk River Valley.
- 6.50 The Misbourne Upper Chalk River Valley character is described as a shallow chalk valley, gently sloping and indented by smaller dry valleys to produce smooth rolling valley sides, with a relatively wide, flat bottom floodplain. Amongst other things the character area also identifies the valley acting as a transport corridor for the A413 following the valley floor, with this being visible from many parts of the landscape. The landscape guidelines for this area of the AONB include conserving and enhancing habitats along the Misbourne Valley, avoiding deterioration in levels of tranquillity, and avoiding large scale development which is out of keeping with the existing scale of built form.
- 6.51 The applicant has submitted a Landscape Visual Appraisal (LVA) which identifies a total

of 8 public vantage points from where the proposed development would be viewed and the impacts on these viewpoints within the public realm.

- 6.52 In terms of the methodology for visual impacts, Zone of Theoretical Visibility (ZTV) mapping has been used to identify the likely extent of visibility of the proposed development. The ZTV aims to reflect the theoretical visibility of the tallest part of the development (in this case a maximum roof height of 9m above ground level). It should be noted that ZTV's assume the worst-case scenario where vegetation and landscape is not taken into account.
- 6.53 The results of the ZTV reveal that the proposed development would generally be limited to short distance views owing to the landscape and built form. From the wider landscape it was found that views of the site are limited to views from rising land located immediately to the north and south of the Misbourne Valley, which the site lies in.
- 6.54 In terms of the short distance impacts the visual change on receptors would be experienced at the following points:
- Public right of way AMS/18/1 Rodgers Wood (to the South)
 - South Bucks Way (immediately to the south of the site)
 - Public right of way AMS/1/3 near Parsonage Wood (north-west of the site)
 - Views from the surrounding roads/streetscene/Dwellings at London Road West, London Road East, Station Road
- 6.55 In terms of visual effects, the proposed redevelopment of the site would result in a magnitude of change considered to be at a medium magnitude, except for those views from public footpaths which would be a medium/high magnitude of change due to the fact that the existing building would be removed and a new building with a higher first floor element in a location closer to the western boundary of the site. However, in the context of the existing site, the impact of the proposed development would be sited within an urban setting, on a previously developed site against the backdrop of other commercial buildings and the wider built-up area of Amersham and therefore afforded a neutral effect overall.
- 6.56 The landscape assessment also addresses the impact of lighting as part of the proposed development. Similarly, any proposed lighting would have a similar impact to the existing site circumstances, due to the fact that this part of the built-up area of Amersham benefits from street lighting and similarly lit commercial and residential premises.
- 6.57 Based on the LVA assessments, it is concluded that the impact of the proposed development due to its nature and scale would be limited to local views with no undue impacts on the wider character areas of the AONB. In terms of visual effects, whilst the new development would be apparent from the local views identified, there would be opportunities for boundary planting which would provide vegetative screening once at full maturity.
- 6.58 Noting the above, officers would consider the findings of the submitted landscape visual assessment to be a fair assessment of the proposed development in terms of its impacts on the wider landscape. Overall, it is considered that the proposed development would not have an unacceptable impact on the setting of the wider Chilterns AONB. Localised impacts in terms of design and visual amenity are discussed further below.

Raising the quality of place making and design

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)
CS22 (Chilterns Area of Outstanding Natural Beauty)
CS29 (Community)
CS32 (Green infrastructure)
Local Plan Saved Policies:
GC1 (Design of development)
GC4 (Landscaping)

- 6.59 Core Strategy Policy CS20 requires that new development is of a high standard of design which reflects and respects the character of the surrounding area and those features that contribute to local distinctiveness. Local Plan Policy GC1 also requires that development is designed to a high standard and sets out that design includes both the appearance of the proposed development and its relationship to its surroundings including scale, height, siting and adjoining buildings and highways; appearance of car parking and servicing areas; building materials; and design against crime. These good design principles are also reflected in the NPPF which highlights that good design is a key aspect of sustainable development, creates better places in which to live, work and helps make development acceptable to communities.
- 6.60 Para 135 of the NPPF sets out how decisions should ensure that developments add to the quality of the area, are visually attractive, sympathetic to the local area, optimise the potential of the site and create places which are safe, inclusive and accessible.
- 6.61 The proposed development would make use of a previously developed site, currently occupied by a two-storey flat roofed building of no architectural merit, surrounded by a large apron of hardstanding.
- 6.62 As noted in the section above, the character of this part of Amersham is mixed with a number of commercial and residential properties of varying from, scales and designs.
- 6.63 In terms of size and scale the proposed building would be 67m in depth and 24.8m in width. The single storey element would be a maximum height of 5.3m and the first-floor element would be a maximum height of 8.8m. The proposed building would be flat roofed with the first-floor element located towards the back of the building, approximately 42.5m from the front elevation. Like, the existing building, the proposed development would not dominate the streetscene, noting the generous set back. In any event, officers consider that the size and scale of the proposed building to be compatible with the other buildings in the immediate area.
- 6.64 It is noted that a number of representations have raised concern with the design of the proposal. The design of the proposed building would be flat roofed, (as per the existing building on the site) and would be of a functional, simple appearance. It would feature full height glazing to the north elevation identifying the retail area and enhancing the buildings interaction with the public realm through the creation of an active frontage facing the main road. The glazing also wraps around the northeastern corner of the building to define the entrance, which incorporates a cantilevered canopy that also shelters the trolley bay and customers entering and exiting the building. In order to break up the mass on the eastern elevation there is a continuation of high-level ribbon windows, which also provides natural daylight into the retail area.
- 6.65 It is also noted that concerns have been raised in relation to the materials proposed for the building. Officers sought amendments to the material palette during the course of the application in order to remove grey cladding which was to be used on elements of the

development.

- 6.66 As such, the proposed building would now consist of a mixture of brick work and white render. Officers consider the materials to be appropriate for the area and would reflect other building materials used in the area. It is noted that the majority of the housing stock to the north of the site predominately feature a mixture of brick and render as is typical for the Metroland housing within Amersham. A condition would be recommended to secure the final material details for the proposed development.
- 6.67 The proposed development would result in the closure of one of the current access points. This would result in soft landscaping being provided along the front boundary of the site. In addition, further soft landscaping would be provided along the perimeter of the site, which would help break up the massing of the car parking and provide screening and relief from the boundaries of the site. Final details of landscaping would be sought by planning condition.
- 6.68 Overall, the immediate area consists of a mixture of buildings of varying form and characteristics (as noted in the Chiltern and South Bucks Townscape Character Study). The proposed development is considered to be of an acceptable scale, form and appearance. It is considered that the proposed development would be a visual improvement in comparison to the existing site circumstances and would not unacceptably harm the surrounding streetscene or the character of the area in accordance with policy CS20 of the Chiltern District Core Strategy and policy GC1 of the Chiltern Local Plan.

Historic environment

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policies:

LB1 (Protection of special architectural or historic interest of Listed Buildings throughout the district)

LB2 (Protection of setting of Listed Buildings)

CA2 (Views Within, out of, or into the Conservation Areas as defined on the Proposals Map)

AS2 (Other unscheduled archaeological remains)

- 6.69 Policy LB2 of the Chiltern Local Plan states that planning permission will not be granted for any development within the curtilage, or in the vicinity of a listed building which would adversely affect the setting of that listed building.
- 6.70 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets' conservation (para 205). The NPPF states in para 200 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.71 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building, conservation area, or their setting or any features of special architectural or historic interest which they possess, and which is it accepted is a higher duty.
- 6.72 The application site is not located in the Old Amersham Conservation Area, which is located over 400m to the west, beyond the junction with Gore Hill and London Road West.

As highlighted previously, the application site is located opposite two Grade II Listed buildings 'Ambers of Amersham' and 'The Chequers'. The application is supported by a desk top heritage statement which has been reviewed by the Council's Heritage Officer.

- 6.73 Concerns have been raised in relation to the impact of the proposed development on the setting of the Grade II Listed buildings located opposite the site on the north side of London Road West. The Council's Heritage officer notes that the application site was once formed of open fields which were once associated with the subject listed buildings. However, the application site no longer forms part of the significance of the listed buildings (Ambers and Chequers).
- 6.74 Notwithstanding the above, elements of the proposed development have been identified as introducing potential harm to the setting of the Grade II Listed buildings. The Council's Heritage officer has referred to the advertisement associated with the proposed supermarket. However, this is not being considered as part of the subject planning application and would need to be subject to a separate application for Advertisement Consent (an informative would be attached to any forthcoming permission).
- 6.75 In addition to the above, concerns have been raised in relation to the impact of the forecourt of the proposed development and the lack of enhancement in line with Historic England's Planning Note (HEPN). Para 39 of the HEPN also outlines the options to reduce harm through good design which includes management measures capable of being secured via planning condition.
- 6.76 Amended plans were provided during the course of the application which has increased the amount of boundary screening on the front of the site. Officers consider that the exact planting details of the front boundary can be secured by planning condition. Subject to landscape screening, officers consider that any potential harm can be effectively reduced.
- 6.77 Third party responses have also raised concerns of the impact of the proposal on the historic settlement of Old Amersham. As highlighted previously, the application site is not located within the Old Amersham Conservation Area, which is 420m to the west. Due to the separation distance and the fact that the application would not be visually prominent when viewed from the Conservation Area, no undue harm would occur to its setting.
- 6.78 The northern end of the application site is within an archaeological notification area. The applicant's heritage assessment has addressed potential archaeology and non-designated heritage assets beneath the site. The construction of development may impact on any in situ archaeological remains. These impacts should be mitigated by appropriate archaeological investigation. If planning permission is granted for this development then it is likely to harm a heritage asset's significance so a condition should be applied (as recommended by Council's Archaeology Officer) to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 207. With reference to the NPPF it is therefore recommended that any consent granted for this development is made subject to conditions.
- 6.79 Overall, it is considered that the proposed development would be satisfactory in terms of impacts on designated and non-designated heritage assets.

Amenity of existing residents and Environmental Issues

Local Plan Saved Policies:

GC3 (Protection of amenities)

GC7 (Noise-generating developments)

GC9 (Prevention of pollution)

- 6.80 Policy GC3 of Chiltern Local Plan highlights the requirements to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. Where amenities are impaired to a significant degree, planning permission will be refused.
- 6.81 In terms of the built form of the development, this would be located closer to the western boundary of the site compared to the existing buildings. The nearest residential dwellings to the application site, are those in Washington Row (located to the west).
- 6.82 The rear gardens of the ground floor of 1-13 Washington Row abut the rear gardens of the site and are approx. 7.5m in depth. However, the proposed building (the front of the buildings single storey element) would be located to the south of these properties and would only be seen at oblique angles. As such, officers consider that no undue impacts in terms of visual dominance, overshadowing or loss of light would occur.
- 6.83 The majority of the western elevation of the building, including the first-floor element to the rear would be adjacent to the covered reservoir and therefore would not result in any undue impacts on residential amenities.
- 6.84 The proposed development would have the potential to introduce noise and disturbance due to the level of coming and goings associated with the proposed retail use of the site. Although this would not be too dissimilar to the existing lawful use of the site.
- 6.85 Noise generating activities would include deliveries to the rear of the store and the inclusion of plant on the roof of the proposed building. It should be noted that the deliveries and the plant (i.e. air conditioning units) would be located behind an acoustic screen towards the southern end of the store away from residential properties.
- 6.86 It also recognised that an element of noise and disturbance may occur as a result of demolition and construction. The Council's Environmental Health Officer has reviewed the application and has not raised any objections. It is suggested that conditions are attached to any forthcoming permission securing details of opening hours, delivery hours, waste management and plant machinery. A construction management plan is also recommended as part of any permission.
- 6.87 These conditions are considered sufficient to ensure that the construction of the development is adequately controlled during the construction phase. In addition, this would not prevent action from being taken through other Environmental Health legislation should the development be considered to be creating nuisance.
- 6.88 Artificial light is proposed within the parking areas of the proposed development. The proposed lighting is not considered to be excessive and is supported by projected light spill which has not been raised as a concern as part of the review by Council Environmental Health officers.
- 6.89 In terms of land contamination, the Council's Environmental Health Officer has recognised that the existing site due to its former uses could potentially contain contaminates. However, it is considered that further investigative work could be secured through planning condition.
- 6.90 In summary, subject to appropriate conditions, it is considered that the proposed

development would not unduly harm the residential amenities of nearby properties in terms of their light, outlook, or privacy. Although there will be some impact from construction traffic and dust, conditions can require the submission of a Construction Traffic Management Plan. Therefore, whilst the concerns raised within the representations received with regards to the impact on residential amenity are noted, it is considered the proposed development would ensure an adequate level of residential amenity for existing and future occupiers in accordance with Local Plan policies GC1, GC7 and the advice set out within the NPPF.

Flooding and drainage

Core Strategy Policy:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policy:

GC10 (Protection from flooding)

- 6.91 The NPPF states at para 165 that inappropriate development in areas of high risk of flooding should be avoided by directing development away from areas of highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 of the Framework requires all plans to apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. Paragraph 168 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 6.92 Where appropriate, applications should be supported by a site-specific flood risk assessment (paragraph 173) and when determining applications LPAs should ensure that flood risk is not increased elsewhere. Paragraph 175 requires that major developments incorporate sustainable drainage systems, unless there is clear evidence this would be inappropriate.
- 6.93 The River Misbourne flows from north west to south east across the north eastern corner of the application site. As such, the site is located with Flood Zones 2 and 3a at high risk of fluvial flooding and is subject to Surface Water Flood Risk from low to high.

Flood Sequential Test

- 6.94 Due to the flood risk associated with the proposed development, the application would require a Sequential Test in line with Paragraph 168 of the NPPF. The purpose of the sequential test, as explained by Paragraph 169 of the NPPF, is to steer new development to areas of lowest flood risk. These mean that “development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding”.
- 6.95 In terms of the assessment of the submitted Sequential Test the Planning Practice Guidance (PPG) provides guidance on its application as follows: “Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so”
- 6.96 The PPG recognises that the sequential test will be defined by local circumstances relating

to the catchment area for the type of development proposed. It continues: 'When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken'. It goes on to state that; 'The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to an increase in flood risk elsewhere.'

6.97 Turning to the approach to the sequential test, the applicant has set out the structure and considers that the site selection based on the sites identified in the Retail Sequential Test would be appropriate for the basis of the Flood Sequential Test. Officers consider that the sites identified would be pragmatic and reasonable.

6.98 The Flood Sequential Test identifies all relevant sources of flooding for the sites identified using evidence from Environment Agency Flood mapping, Surface Water Mapping, Reservoir Flooding and sewer flooding. Officers consider that the identification of the potential sources of flooding to be appropriate.

6.99 The summary of the flood constraints at the identified sites (as per the Retail Sequential Test) are outlined as follows:

Site A: East Building Supplies, Chiltern Avenue, Amersham-on-the-Hill

Lower flood risk than the proposed site although not suitable and available for development. The site is deemed not sequentially preferable.

Site B: Sycamore Road/Woodside Road, Amersham-on-the-Hill

Lower flood risk than the proposed site although not available for development

Site C: Postal Sorting Office, Hill Avenue, Amersham-on-the-Hill

Lower flood risk than the proposed site although not commercially viable or available for development.

Site D: Star Yard Car Park, Chesham Town Centre

Lower flood risk than the proposed site although not suitable or available for development.

Site E: NCP Station Car Park, Chesham

Lower flood risk than the proposed site although not suitable or available for development.

Site F: Red Lion Street, Chesham (Water Meadow Surgery/Chesham Job Centre)

Lower flood risk than the proposed site although not available for development.

6.100 Noting the above it would appear that there would be sequentially preferable sites in terms of flood risk. However, for the reasons set out in the Retail Sequential Test these sites are either not appropriate for the proposed development or not reasonably available at the point of time envisaged for the proposed development. Whilst the Flood Sequential Test differs from that of the retail sequential test, it should be considered in the context of the outcomes of the retail sequential test that sites a to f were not sequentially preferable on retail grounds.

6.101 Officers consider that the applicant has provided sufficient information in relation to the flood sequential test and as such, it is considered passed.

6.102 Paragraph 169 of the NPPF states that if it is not possible for development to be located

in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

- 6.103 In this instance, the proposed retail development is identified as a less vulnerable land use in accordance with the flood risk vulnerability criteria, which is a compatible land use for the site. Therefore, there is no requirement to carry out an exception test.
- 6.104 Referring again to Para 159 of the NPPF which outlines where development is necessary in high-risk flood areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.105 The NPPF also states that where appropriate, applications should be supported by a site-specific flood risk assessment (paragraph 167) and when determining applications LPAs should ensure that flood risk is not increased elsewhere.
- Paragraph 169 requires that major developments incorporate sustainable drainage systems, unless there is clear evidence this would be inappropriate.
- 6.106 The proposed development is accompanied by a site-specific Flood Risk Assessment and it is noted that a drainage strategy for the site has been amended during the course of the application to the satisfaction of Buckinghamshire Council as the Lead Local Flood Authority (LLFA).
- 6.107 The LLFA has reviewed the latest iteration of the drainage strategy for the site and subject to the imposition of conditions are satisfied that an appropriate and workable drainage solution can be achieved on the site.
- 6.108 In addition to the above, the Environment Agency has reviewed the flood risk assessment and they do not raise any objections. Overall, it is considered that the proposed development would not result in any unacceptable impacts in terms of flood risk.

Ecology

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests)

GC12 (Protection Of River Character - Rivers Chess And Misbourne)

- 6.109 Policy CS24 of the Chiltern Core Strategy aims to conserve and enhance biodiversity. Local Plan Policy NC1 seeks to safeguard nature conservation interests. Development will be refused where it will significantly harm an acknowledged nature conservation interest of established importance.
- 6.110 Policy GC12 of the Chiltern Local Plan states that any development which will detrimentally affect the character of the District's rivers, river banks or land in the vicinity of a river, particularly where the development impinges visually on the riverside landscape, will not be permitted. The term "river" includes any adjoining marshland, or other related water feature and applies to the River Chess and River Misbourne.
- 6.111 In addition to the above the Buckinghamshire Council Biodiversity Net Gain SPD (2022) sets out guidance on how biodiversity net gain should be delivered across development

sites.

- 6.112 In terms of protected species, the submitted Preliminary Ecological surveys and species surveys have not identified that there would be an adverse harm as a result of the development on protected species or their habitats. The Council's Ecology officer has not raised any objections in terms of impacts on protected species. However, conditions would be recommended in relation to a construction environmental management plan, with details to be submitted prior to the commencement of development.
- 6.113 As highlighted previously the River Misbourne runs through part of the site. The River Misbourne is identified as a Chalk Stream and is identified as priority habitat under Section 41 of the Natural Environment and Rural Communities Act 2006. Local planning authorities have a duty to conserve and enhance biodiversity under the Natural Environment and Rural Communities Act 2006 (NERC Act 2006).
- 6.114 In terms of preventing pollution from water-run off from the site, the applicant proposes to incorporate oil receptors in vehicle standing areas. Oil receptors are drains which trap oil and prevent contaminated water from entering watercourses. In terms of the details, these can be sought as part of the requested construction environmental management plan condition. Ecology officers have also requested measures to prevent debris and litter from the site from entering the river. As such, details of a waste management plan can be sought via condition.
- 6.115 During the course of the application further information was requested from both the Environment Agency and the Council's Ecology officer in relation to Biodiversity Net gain.
- 6.116 The applicant has submitted a Biodiversity Net Gain Report and Biodiversity Net Gain Metric 4.0 which would result in a net gain scheme within the River Misbourne and would include habitat creation and enhancements (net gain of River units of 12.84%).
- 6.117 Overall, no objections are raised in terms ecological enhancements, subject to conditions securing the landscape and ecological management across the site.

Building sustainability

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS5 (Encouraging renewable energy schemes)

Local Plan Saved Policy:

GC1 (Design of development)

- 6.118 The submitted Design and Access Statement sets out how the proposed development would accord with principles of the energy hierarchy. Measures to be used in the proposed development include low carbon technologies in relation waste heating recovery from the refrigeration system.
- 6.119 The building has been designed with sustainable approaches including measures to prevent high levels of air permeability, which includes features such as the entrance lobby and seals around the delivery bay ensuring heat loss is minimised. In addition, natural ventilation is proposed in ancillary spaces with large amounts of glazing into the retail area ensure the space is well day lit.
- 6.120 Measures such as the use of low energy LED lighting and the provision of electric charging spaces for customers (4 active and 19 passive spaces) would also contribute towards sustainability principles, and could be secured by planning conditions.

Infrastructure and Developer Contributions

Core Strategy Policies:

CS31 (Infrastructure)

- 6.121 The development is a type of development where CIL would be chargeable.
- 6.122 It is considered that there would not be other types of infrastructure, other than the provision of the off-site highway works that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.
- 6.123 Having regard to the statutory tests in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that the following planning obligation(s) are required to be secured within a section 106 agreement:
- Financial contribution of £15,500.00 towards upgrading of Bus Stops
 - Travel plan (including monitoring fee)
- 6.124 The applicant has confirmed that they are willing to enter into a legal agreement.

7.0 Weighing and balancing of issues / Overall Assessment

- 7.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 7.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.3 As set out above, the proposal for an out-of-town centre retail development has been assessed in terms of retail impact and the vitality and viability of the local town centres. No adverse impacts have been identified. The proposal would make effective and efficient use of a previously developed site. In addition, the proposal is considered to result in economic and social benefits which would be attributed positive weight.
- 7.4 Compliance with National and Local Plan policies have been demonstrated in terms of visual impact, setting of the AONB and heritage assets, preserving residential amenities, parking and access, meeting the challenge of climate change and flooding, and conserving and enhancing the natural environment, however these do not represent benefits of the scheme but rather demonstrate an absence of harm to which weight should be attributed

neutrally.

- 7.5 It is considered there are no adverse effects of the proposal that would significantly and demonstrably outweigh the benefits. Taking all of the above into account it is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.

8.0 Working with the applicant / agent

- 8.1 In accordance with paragraph 38 of the NPPF (2023) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 8.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 8.3 In this instance:
- Pre-application advice has been given.
 - The applicant/agent was informed of issues arising with the development during the course of the application process and was given the opportunity to address concerns.
 - Further submissions and amendments were accepted in relation to retail impact, ecology, drainage and design.
 - Following the addressing of these issues to the satisfaction to the relevant consultees, the application was referred to the Planning Committee without delay.

- 9.0 Recommendation:** Defer and delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and the satisfactory prior completion of a Legal Agreement relating to financial contributions towards upgrading of Bus Stops and Travel plan monitoring fees. If the Legal Agreement cannot be completed the application shall be refused for such reasons as considered appropriate.

Conditions:

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.
Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.
2. Before any construction work at or above ground level commences, details of the materials to be used for the external construction of the development hereby permitted, including the surface materials for the new parking, turning areas and boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials. Hard surfacing materials shall be of a permeable surface or shall allow for natural drainage within the site.
Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality, setting of nearby listed buildings or create flooding issues, in accordance with Policies GC1, GC10, LB2, CA1 and CA2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and Policies CS4 and CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

3. Prior to the commencement of any works on site, detailed plans showing the existing ground levels and the proposed slab and finished floor levels of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.

Reason: To protect, as far as is possible, the character of the locality, in accordance with Policies GC1, CA1 and CA2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

4. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping at a scale of not less than 1:500 which shall include indications of all existing trees and hedgerows on the land, with details of those to be retained, those to be felled being clearly specified, and full details of those to be planted. This shall include full details of the locations, size and species of all trees, hedgerows and shrubs to be planted, removed and retained.

Reason: In order to maintain, as far as possible, the character of the locality and to ensure biodiversity enhancements in accordance with policies GC1 and GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS24 of the Core Strategy for Chiltern District (Adopted November 2011).

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to maintain, as far as possible, the character of the locality and to ensure biodiversity enhancements and to ensure a good quality of amenity for future occupiers of the dwellings hereby permitted, in accordance with policies GC1 and GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS24 of the Core Strategy for Chiltern District (Adopted November 2011).

6. No development shall take place (including demolition, ground works, vegetation clearance) unless and until the Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management which will (without limitation) include the provision of biodiversity net gain within the Site as shown within the Biodiversity Gain Plan.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy and providing a reliable process for implementation and aftercare.

7. Before any construction works hereby approved are commenced, a Construction Environmental Management Plan (CEMP) detailing, in full, measures to protect existing habitat during construction works and to safeguard protected and notable species, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should be completed in accordance with the British Standard on Biodiversity BS 42020:2013 with these details below:
 - a) Details of what biodiversity features could be impacted on and what development activities could be potentially damaging;
 - b) A rolling timetable of when and where specific measures to avoid / reduce impacts are to be carried out including any seasonal or legal implications (e.g. the bird nesting season) and who is responsible;
 - c) Details of method statements for specific biodiversity issues (e.g. for specific destructive activities such as: vegetation clearance, hedgerow removal, tree felling, soil stripping and building demolition);
 - d) Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts;
 - e) Details of inspections to ensure wildlife do not become trapped in excavations or machinery;
 - f) Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP;
 - g) Details of contingency measures in the event of an accident or other potentially damaging incident (e.g. pollution incidents; how to deal with previously unrecorded protected species found during construction and restoration; unexpected bad weather; repair of damaged features etc.);
 - h) Details of procedures to avoid pollution incidents (e.g. from fuel spills and site run-off based on an understanding of the wildlife interest at risk);
 - i) Regular review of the implementation of CEMP throughout the construction / restoration phase to monitor effectiveness of mitigation measures and compliance with legal, planning and/or contractual requirements;
 - j) Details of biosecurity protocols / method statements to prevent spread of non-native species;
 - k) Temporary management of existing wildlife features during construction / implementation.

The development shall be undertaken and thereafter maintained in accordance with the approved CEMP.

Reason: To safeguard priority habitat and protected species that may otherwise be affected by the development.

8. Prior to occupation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - c. include location, height, type and direction of light sources and intensity of illumination.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) and protect species of conservation importance and in the interests of protecting residential amenities

9. No development shall take place, including works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority, in conjunction with the Highway Authority. The CTMP shall include details of:
 - i. The accessing and routing of construction vehicles
 - ii. The parking of vehicles of site operatives and visitors
 - iii. Loading and unloading of plant and materials
 - iv. Storage of plant and materials used in constructing the development
 - v. Wheel washing facilities
 - vi. Construction access
 - vii. Details of hoarding positions
 - viii. Information and directional signs

The approved plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety, convenience of highway users and to protect the amenities of residents.

10. Prior to occupation and further to the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb or removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

11. Prior to occupation of the development, the scheme for parking, manoeuvring and the loading and unloading of vehicles shown on the submitted plans, including the provision of parent and

child parking, click and collect parking, disabled parking and electric vehicle charging spaces, shall be laid out. In addition, the internal pedestrian link between the footway and the entrance lobby shall be laid out. The areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

12. Prior to occupation of the development, a covered area for cycle parking, as broadly indicated on the submitted plans, shall be laid out prior to the initial occupation of the development hereby permitted and shall not thereafter be used for any other purpose.

Reason: In order to promote sustainable methods of travel and to minimise obstruction and inconvenience to users of the site and the highway.

13. Prior to first occupation of the development the off-site highway works shown in principle on drawing SK04 Rev C, which includes:

- Extension to the existing pedestrian footways
- Zebra crossing point
- Amended road markings
- Tying in kerbing and lining with the existing provision
- Informal dropped kerb crossing point and
- Amended vehicular access

have been laid out and constructed in accordance with details to be first approved in writing by the Planning Authority in consultation with the Highway Authority and shall be subject to the relevant consultations including, traffic speed surveys and Safety Audit approvals, all of which shall be paid by the developer.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

14. No works (other than demolition) shall begin until a scheme for kerb upstands and clearway markings at bus stops shall be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority. These off-site highway works shall then be laid out and constructed in accordance with the approved details prior to the occupation of the development.

Reason: To enable the Local Authority to enforce the parking restriction within the existing bus stop lay-bys, allowing buses to pull clear from the live carriageway at all times for the safety and convenience of the highway user.

15. No part of the development shall be occupied until a final Staff Travel Plan for the site has been submitted to and approved by the Planning Authority. The framework shall set out measures to reduce single occupancy journeys by the private car and indicate how such measures will be implemented and controlled. The Travel Plan shall include targets for modal shift in the forthcoming year and up to 5 years. No part of the development shall then be occupied until the approved Travel Plan has been implemented and subject to annual review thereafter. For the avoidance of doubt the Travel Plan will require the appointment of a Travel Plan Co-ordinator.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with national and local transport policy.

16. No works (other than demolition) shall begin until the detailed design of the surface water mitigation measures as set out in Surface Water Conveyance Technical Note 2 (Doc. Ref. 11862w0007a, dated 23/03/2023) and supporting documents has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The detailed design shall include full construction details and relevant calculations relating to all elements of the indicative surface water flooding mitigation scheme included within Surface Water Conveyance Technical Note 2 (Doc. Ref. 11862w0007a, dated 23/03/23) Appendix C, referenced as; Craddy Drg. 11862-CDY-XX-XX-DR-D-Ss_50_35_00-0076-S2-P03 'Overland Surface Water Flows Conveyance Scheme Layout' and Drg. 11862-CDY-XX-XX-DR-D-Ss_50_35_00-0076-S2-P03 'Overland Surface Water Flows Conveyance Scheme Sections Sheet One' as follows:

- 1) Detailed design/typical construction details/line and level info relating to open 'U' concrete channels and associated grating covers proposed along the western and eastern site boundaries, including proposed external surface levels.
- 2) Detailed design information relating to the inlet and outlet structures from conveyance culverts into the U concrete channels in addition to details of the 450mm outfall structure into the adjacent River Misbourne; and
- 3) Detailed design/typical cross sections/long sections/supporting calculations relating to the series of three conveyance culverts located beneath the building.

Reason: The reason for this pre-construction condition is to ensure that there is a satisfactory solution to managing surface water flood risk in accordance with paragraph 173 and 175 of the National Planning Policy Framework.

17. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on the principles set out in approved Flood Risk Assessment (Doc. Ref. 11862w0002b, August 2021, prepared by Craddys) and Craddys letter (Ref. 11862w0004, dated 17/11/2021), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- Discharge from the surface water drainage scheme is to be no greater than 2l/s as set out in FRA prepared by Craddys (Doc. Ref. 11862w0002b, August 2021)
- SuDS components agreed in the outline application as shown on Craddys drg.ref. 11862-0050- Rev. B 'Drainage Layout' included within Appendix F of the approved FRA
- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Details of the proposed surface water pumping system including details of sump/wetwell, duty/standby pump specifications, rising main and break chamber
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Calculations should also include an assessment of half drain times and demonstrate that the proposed drainage system has the ability to accommodate repeat storm events (1 in 10yr

return period storm event). The calculations should also include an assessment of the impacts of

- blockage, surcharged outfall conditions and the residual risk of pump failure;
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- Flootation calculations for all buried drainage elements (attenuation tanks, pump station sump/wetwell, conveyance culverts, concrete U channels etc...) based on groundwater levels encountered during winter monitoring (November-March) or based on the worst case scenario of groundwater at surface level.

Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 173 and 175 of the NPPF (Dec 2023) is to ensure that there is a satisfactory solution to managing flood risk.

18. Prior to the occupation of the development a whole-life maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the on site surface water mitigation and drainage infrastructure (e.g. a maintenance schedule for each component i.e. SuDS/pump station/conveyance culverts, channels, outfall etc...), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long-term maintenance of the drainage system as required under Paragraph 175 of the NPPF (Dec 2023).

19. Before any construction work above ground commences, details of the measures to provide at least 10% of the energy supply of the development secured from renewable or low- carbon energy sources, including details of physical works on site and the details and location of the electric vehicle charging points, shall be submitted to and approved in writing by the Local Planning Authority. The renewable energy equipment shall be installed in accordance with the approved details prior to the occupation of the development and shall thereafter remain operational.

Reason: To increase the proportion of energy requirements arising from the development from decentralised and renewable or low-carbon sources, in accordance with policy CS5 of the Core Strategy for Chiltern District (Adopted November 2011).

20. The store shall only be open to be public between the following hours:

Monday to Saturday 0800hrs - 2200hrs

Sunday 1000 - 1700hrs

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.

21. No deliveries shall be received or dispatched from the site or collection of waste shall outside of the following hours:

Monday - Saturday 0700hrs - 2300hrs

Sunday 0900hrs- 1800hrs.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.

22. Prior to the commencement of building works above ground of the relevant part of the development, full details of any internal and external plant equipment, including building services plant, ventilation and filtration equipment, shall be submitted to and approved in writing by the Local Planning Authority. All flues, ducting and other equipment shall be installed in accordance with the approved details prior to the use commencing on site and shall thereafter be maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.

23. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii. A site investigation, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii. The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

24. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

25. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 23, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 23, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 23.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

26. No development shall take place following the demolition of the existing buildings, unless authorised by the Planning Authority, until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work (which may take place over a number of phases) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. The development shall only be implemented in accordance with the approved scheme.

Reason: To ensure the protection of any non-designated heritage assets.

27. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and the plan numbers listed below unless the Local Planning Authority otherwise first agrees in writing.

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
31 Mar 2021	180935-1000 Rev P1
31 Mar 2021	180935-1301 Rev P2
31 Mar 2021	180935-1302 Rev P3
31 Mar 2021	180935-1303 Rev P1
18 Aug 2021	180935-1310 Rev P1
25 Nov 2022	180935-1300 Rev P4
25 Nov 2022	180935-1400 Rev P2

Reason: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.