

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments:

Cllr Jonathan Waters:  
Received: 8<sup>th</sup> June 2021

I would like to request that the application be called in to the Planning Committee for decision if the Officers recommendation is for permission. I am concerned about the highways issues due to the significant increase in traffic from the current use, potential for light pollution to neighbouring residential properties, and design.

### Amersham Town Council Comments Received:

21<sup>st</sup> May 2021

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.

### Consultation Responses

Highways Development Management: 11<sup>th</sup> January 2023

I write further to my comments dated 19<sup>th</sup> January 2022 in which I had no objection to the proposals subject to conditions and s106 obligations. Since these comments, the applicant has submitted amended plans in order to address concerns raised by other consultees.

Having reviewed the amended plans, I note that some parking spaces to the east of the site have been moved slightly to allow for a drainage channel. I am satisfied that no parking spaces have been lost as a result and sufficient manoeuvring space remains within the site.

Mindful of the above, I have no objection to the proposed development, subject to the conditions and s106 obligations as stated on my previous response.

**Highways Development Management: 19<sup>th</sup> January 2022**

I write further to my comments dated 31<sup>st</sup> August 2021 in which I requested amended plans/additional information regarding the proposed pedestrian crossing, level of parking provided and the traffic impact for the Saturday peak. The applicant has now aimed to address these concerns which I will review within this response.

These comments shall be read in conjunction with my aforementioned previous responses for this application.

### Pedestrian Crossing

I write further to my comments dated 31<sup>st</sup> August 2021 in which I requested amended plans/additional information regarding the proposed pedestrian crossing, level of parking provided and the traffic impact for the Saturday peak. The applicant has now aimed to address these concerns which I will review within this response. These comments shall be read in conjunction with my aforementioned previous responses for this application.

In addition, an informal dropped kerb crossing point has been proposed between the site and the existing bus stop which is on the desire line for pedestrians trying to access the eastbound bus stop. The suggestion to include a pedestrian island as well was originally proposed by the highway authority in this location; however, this would not be possible as it would be located opposite the access point and restrict the movement of delivery vehicles when egressing the site. Therefore, it was concluded that just the informal crossing was most appropriate and would serve as a sufficient crossing facility at this point.

It is also recognised that the applicant is proposing a zebra crossing facility further along the road. I am therefore satisfied that the pedestrian crossing arrangements are now suitable.

### Parking

Within my previous assessment of the parking data submitted, it was requested why ALDI stores within Buckinghamshire were not included within the parking surveys. It has now been made apparent that not all local ALDI stores benefit from parking survey data which is regularly collected. However, parking data from 2 other ALDI sites have been submitted that are relatively comparable to the proposed site by way of town size and store size. Therefore, we have accepted these surveys as appropriate to support the parking assessment.

Having assessed all parking surveys submitted, it does appear that full capacity of Aldi car parks are reached and is limited to weekends at peak hours (approximately 12:00 – 16:00) Therefore, it is acknowledged that peak car park demand is likely to occur outside of weekday peak hours where the traffic flows on the network are lower. It has been demonstrated that the number of spaces is sufficient to cater for the likely demand, albeit the car park is likely to reach capacity at these weekend peaks.

Should a situation occur on the weekend peak when the demand is greater than the capacity, it can be expected that the high turnover of spaces will limit the time period of any occurrences of insufficient capacity. The proposed car park provides a good amount of stacking space due to the width of the entrance and the length of access before parking spaces are reached. In addition, the proposed layout of the site would allow vehicles to safely enter the site, look for a parking space and turn within the site and exit safely even if the parking was at full capacity.

Furthermore, I am satisfied that the local highway in the vicinity of the site benefits from parking restrictions in the form of double yellow lines which would prevent the overspill of parking onto the highway.

In light of the above considerations, I do not consider the level of parking proposed is likely to create a detriment to highway safety or convenience in line with the NPPF and therefore the Highway Authority recommends the parking arrangements are sufficient.

### Traffic Impact

Given the expected high levels of flows on weekends as demonstrated within the previously submitted parking surveys, it was requested that additional modelling of the right-hand turn lane was carried out for these peak periods to ensure the movements could be safely accommodated.

Traffic flow data on the network was not available for weekends; therefore, it was agreed that the applicant should use the expected weekend trip generation against traffic flow data obtained between 3pm and 4pm on weekdays, as this was considered a 'secondary' network peak and most comparable to traffic levels on the weekend. This additional assessment has been included within Technical Note 2.

Having reviewed the additional modelling submitted, I am satisfied that the junctions will continue

to operate within practical capacity and the movements can therefore be safely accommodated onto the local highway network within all expected peak periods.

### Sustainability

Within my first response, it was noted that the existing bus stops on London Road West will need to be upgraded which will be secured within the S106 agreement. Having consulted our passenger transport team on this, they required that both stops have a minimum kerb height of 125mm, but ideally 140mm, and both marked as bus stop Clearways with RTPI displays (battery powered so no power required).

In order to carry out the above works, the kerb upstands and bus stop Clearways can be included within the S278 offsite works funded by the applicant. In addition, a sum of £15500 is required for the provision of RTPI displays. These upgrades have been secured below.

Conclusion: Mindful of the above, the Highway Authority does not object subject to the obligations and conditions being included on any planning consent you may grant.

### **Highways Development Management: 31<sup>st</sup> August 2021**

I write further to my comments dated the 29th June 2021 in which I requested additional information which the applicant has now aimed to address. These comments should be read in conjunction with my aforementioned previous comments for this application.

It has been confirmed that the hours assessed were 8am – 9am for the AM peak and 5pm – 6pm for the PM peak as indicated by the traffic surveys. I am satisfied that this is appropriate for the assessment of the application.

Typical shift patterns have been stated within the additional documents which has been based on other ALDI stores. I am satisfied that the staff movements are likely to occur outside of the stated network peak hours and will not therefore affect the traffic impact on the local highway network.

As requested, the applicant has obtained the most up-to-date traffic flow data to provide a comparison with the assessment carried out using the 2016 data. Following a review of the data sets, it appears that the 2019 baseline data is similar, and I am therefore satisfied that the assessment previously made using the 2016 data is sufficient. For clarity, I am satisfied that the junctions would function significantly below capacity within all scenarios with a maximum RFC of 0.25 within the PM peak and I can confirm that the expected vehicular movements can be safely accommodated onto the local highway network.

The names of areas used within the census data have now been clarified. As a result of this, I can confirm that the estimated distribution trips from these areas based on the population- distance gravity model are reasonable.

The reasoning behind the proposed extended right-hand turn lane and a road layout comparison was requested within my previous response. It has been stated that the extended right-hand turn lane combines the existing two which have also been widened to better cater for turning movements, especially delivery HGVs. Whilst I can confirm that this is appropriate for the proposed site, the new road layout and pedestrian crossing appears to have been placed in the location of an existing access on the opposing side of the carriageway, serving no. 49 London Road

West, which would result in a conflict between pedestrians and vehicles. In order to minimise risk to pedestrians using this crossing, it is recommended that permission is sought from the landowner of the vehicular access to reduce the width of their dropped kerb which would better facilitate the crossing. In addition, measures will need to be taken to ensure vehicles don't run over the tactile paving to access no. 49, for example through the imposition of carefully placed bollards. Once permission has been sought, additional detailed plans will need to be submitted for the proposed highway works. Should the landowner not permit the alterations to the existing access, an alternative suitable location will need to be provided for the pedestrian crossing.

With regards to the proposed parking provision, the applicant has provided additional information regarding the current parking for other ALDI sites to justify the shortfall in the parking proposed within the current application. Parking accumulations were carried out every hour across a 14-day period from the 21st June to 4th July at three separate sites within Chipping Norton, Banbury and Didcot. The reasoning behind the selection of these specific stores has not been provided given that there are approximately 10 ALDI stores operating within Buckinghamshire. It appears the proposed site has a parking to sqm ratio lower than both Banbury and Didcot but most similar to Chipping Norton which experienced above 90% capacity on 7 separate occasions, which suggests the car park is fully occupied. Given the results from the small number of parking surveys and the number of existing stores within Buckinghamshire, it is requested that further parking accumulation surveys are carried out at other stores to increase the sample size, including from those within Buckinghamshire, to provide confidence that the level of parking proposed is suitable.

In addition, having carried out a further assessment of this parking survey, it appears that the highest levels of parking occur between 11:00 and 16:00 on weekends. This higher level of parking demand and thus trip generation creates concerns that vehicles may queue to enter the site which could lead to backing up on the highway outside of the designated right-hand turn lane. The impact of this expected weekend development peak on the adjoining highway was not assessed within the original TA as this only covered the weekday network peak hours. As such, in order to provide a robust assessment of the application, it is also requested that the right-hand turn lane is modelled at the peak development times on a Saturday/Sunday.

Having re-assessed the parking layout since my aforementioned previous response, it has now been realised that the proposed parking spaces fall short of the updated dimensions as set out within the Buckinghamshire Countywide Parking Guidance of 5.0m x 2.8m, which was adopted within this area in April 2021. We expect to see new car parks designed in line with the adopted policy. The parking layout therefore needs to be reviewed to maximise provision that meets these dimensions.

Mindful of the above, I request additional information regarding the proposed pedestrian crossing and parking provision/layout before I am able to finalise my comments.

## **Highways Development Management: 29<sup>th</sup> June 2021**

### Introduction

London Road West, known as the A355, is subject to a 30mph speed limit. This application seeks permission for the demolition of the existing 2573sqm car showroom and erection of a 1998sqm discounted food store with associated access and parking.

The local highway benefits from parking restrictions in the form of double yellow lines directly outside the site which extend to the Station Road/London Road West mini roundabout to the west of the site and the London Road West/A413/A404 roundabout to the east of the site.

### Trip Generation

In terms of trip generation, having carried out my own assessment using the TRICS® database and comparing this to the assessment carried out by the applicants' transport consultant, I am satisfied with the results produced within the submitted Transport Assessment (TA).

As set out within the TA, it is expected that the proposed development would generate an additional 52 movements in the AM peak and an additional 158 movements in the PM peak. Within my TRICS® assessment, the AM peak was classified as 8am – 9am and PM peak was 5pm – 6pm. The applicant should also clarify what they consider the peak hours based on the existing traffic flows as this has not been stated within the TA.

It is noted that between 30-50 staff are to be employed (27 FTE). In order to provide a robust assessment of the expected trip generation, it is also required that details are provided as to the shift patterns and the expected number of staff employed for each shift so this can be included within the calculations. This would also be beneficial to calculate the number of parking spaces required for staff given the maximum number on site at any one time.

### Traffic Distribution and Impact

It is noted that existing traffic data has been used as a baseline for the assessment of traffic distribution as a result of the applicant being unable to conduct their own surveys due to the COVID-19 pandemic. I am satisfied that the data for the east of the site is acceptable as this has been collected within the past 3 years, however, the data used for the west of the site was collected some 5 years ago. Transport for Buckinghamshire hold updated data for this location which was collected in 2019 and can be obtained at a cost from Simon Vale (Simon.Vale@buckinghamshire.gov.uk). It is therefore requested that the applicant obtain this data and do a comparison exercise with the data from 2016 to identify any areas of change.

Should significant differences be discovered, it would be appropriate for the applicant to re-assess the traffic distribution of the site. Notwithstanding the above, I have made an assessment of the expected traffic distribution from the proposed development. However, it should be noted that this could change subject to the retrieval of updated traffic data. Figure

5.1 demonstrates the expected trade draw from nearby areas into the site. It is accepted that not all movements to the site will be new to the highway network and a proportion of the movements will be pass-by or diverted trips, as defined within the TA.

The applicant has used census data to calculate the expected distributions based on population numbers and journey times. Whilst this approach is accepted, the data provided within Appendix F is unclear as the names of each area within the census data have not been provided. This should therefore be clarified so I am able to ensure the data is correct.

Analysis has been undertaken using Junctions 10 for 2022 (baseline + development) and 2027 (baseline + development) to assess the impact upon the T-junction when turning into and out of the site during the AM and PM network peaks. The Highway Authority is particularly interested in whether the proposed development would result in disruption on London Road West whilst vehicles are waiting to turn right into the site. For reference, a junction is considered to exceed

practical capacity when the ratio to flow capacity (RFC) exceeds 0.85 (85%). Theoretical capacity is reached when the RFC is 1 or above (100%).

RFC is a measure of the volume of traffic, which is making a turning movement at the junction, compared to the capacity that the junction is physically able to accommodate.

Having assessed the results of the assessment and subject to the review of the baseline data, I am satisfied that the junctions would function significantly below capacity within all scenarios with a maximum RFC of 0.25 within the PM peak.

A percentage impact assessment has also been provided for the two roundabouts to the west of the site along London Road West. Having assessed this against the net trips for the development, the additional movements travelling through the junctions are considered negligible and would not result in a significant impact on the highway network.

Therefore, I can confirm that the expected vehicular movements can be safely accommodated onto the local highway network.

The right-hand turn lane is proposed to be extended in the proposed highway layout plan. In light of the above network assessments, please can the rationale behind this be justified? It is expected Saturday peak time development trips will be higher and so a longer right-hand turn lane could be justified, however, we expect the applicant to provide the evidence for this.

#### Access and parking

The existing site benefits from two accesses onto the local highway network. The applicant is proposing to close off the existing western access to enable all movements to occur from the existing eastern access which will be slightly amended to facilitate these movements. Having assessed this access, I am satisfied that full visibility can be achieved entirely within the highway extents and this access is therefore safe and suitable to serve the site.

The closing of the western access has resulted in the applicant proposing to extend the existing right- turn lane into the site. Having reviewed the proposed road layout, it is unclear how the proposed extension and proposed pedestrian crossing would impact upon the existing accesses on the northern side of the carriageway which also benefit from a right-turn lane. It would therefore be beneficial for the applicant to submit a plan of the existing road layout with the proposed alterations laid on top to allow for a direct comparison.

The applicant is proposing to extend the existing pedestrian footway on the southern side of the carriageway across the site and to the adjacent bus stop to the east of the site in order to improve accessibility. I am satisfied that this is appropriate to serve the site.

A swept path analysis has been provided for HGV delivery vehicles accessing and egressing the site as well as manoeuvring within the site. Having assessed this, it does appear vehicles may need to overrun the opposing side of the carriageway when turning left out of the site. Whilst this is not ideal, it is my understanding that the existing site receives regular deliveries from HGV's and there have been no accidents recorded on the highway network as a consequence of this manoeuvre. Therefore, I do not consider I could reasonably object to this arrangement.

In line with the Buckinghamshire Countywide Parking Guidance, 143 parking spaces should be provided within the site. Having assessed the submitted plans, a total of 101 parking spaces are to be provided which includes disabled and electric vehicle charging points. The applicant has aimed to justify this shortfall in parking spaces within paragraph 3.5.6 stating that the level of provision

has been based on local experience at other nearby ALDI stores. Whilst this approach may be acceptable, supporting evidence of this has not been provided, such as the submission of parking accumulation surveys carried out at comparable sites. In addition, it has not been stated whether staff parking has been included within this number and whether this would be segregated from customer parking. It is considered that adequate levels of parking should be provided for this site as it would be inappropriate for parking to take place on the highway network in the vicinity of the site. Additional information regarding the suitability of the proposed parking should therefore be submitted.

Having assessed the site layout, I can confirm that the spaces proposed are of adequate dimensions and would allow all vehicles to park, manoeuvre safely and egress the site in a forward gear.

### Sustainability

When assessing the sustainability of the site, it is noted that two bus stops are located within 60m east of the site on both sides of the carriageway. These run a number of services including a regular service between High Wycombe and Hemel Hempstead via Chesham. In order to provide better access to these bus stops, as aforementioned, the applicant is proposing to extend the existing footway on the southern side of the carriageway, past the site access to the bus stop. In addition, an uncontrolled dropped kerb crossing point is proposed to the east of the site access. Whilst this will improve the accessibility of the bus stops, it is also considered that the bus stops should be upgraded which can be dealt with through appropriate S106 contributions. I am in dialogue with our passenger transport colleagues and will confirm the exact contribution required within the S106 in due course. I am satisfied that the extended footway, crossing point and upgraded bus stops will help to encourage the use of public transport to the site.

An additional pedestrian crossing point is proposed to the west of the site access which includes an island between the two right-turn lanes. When assessing the proposed road layout, it appears the proposed crossing conflicts with the existing access on the northern side of the carriageway. Therefore, it is required that the comparison between the existing and proposed road layout is submitted, as previously mentioned. The implementation of a pedestrian crossing point to the west of the site will however increase accessibility to the residential areas to the north of the site, predominantly off Station Road. Whilst it is considered only a small number of customers will access the site on foot given the proposed use, it is important that the site is within a sustainable location to allow for this option to be available to both customers and staff members.

Similarly, it is not anticipated that many customers will cycle to the site, especially when undertaking a large food shop, developments however should ensure sustainable travel opportunities are maximised. In line with this sheltered customer cycle parking is to be provided which I am satisfied is in a suitable location. Staff cycle parking is to be provided within the internal warehouse which I can confirm is also a suitable arrangement.

The applicant has submitted a draft staff travel plan with the aim to reduce single occupancy vehicle trips to and from the site through a number of measures. I am satisfied that a final detailed travel plan can be conditioned, and a £5000 financial contribution will need to be secured through a S106 Agreement for the monitoring of this plan.

Conclusion:

Mindful of the above, I require the submission of additional information which include the following

before I am able to finalise my comments for this application:

- Clarification of the AM and PM peaks
- Expected shift patterns and number of staff per shift
- Assessment of updated traffic data
- Clarification of the census ward data
- Justification of extended right-hand turn lane
- Existing road layout vs proposed road layout
- Justification for parking provision and staff parking arrangements

### **Ecology: 23<sup>rd</sup> February 2024**

No objections, subject to conditions

Following our previous comments dated 15th December 2023, an updated Biodiversity Metric 4.0 (Five Rivers Environmental, 26 October 2023) and a document titled 'Aldi BNG Query Responses' addressing our queries were submitted.

The information provided is satisfactory and we would like to withdraw our objection to the proposal. According to the revised metric the proposed development is likely to result in a net gain of river units of 12.84%.

To ensure the habitat creation/enhancement and river enhancement and long-term management of the site I would recommend that a Landscape and Ecological Management Plan (LEMP) is submitted and secured via a condition to any approval granted.

An additional condition relating to waste management should be attached to any approval granted, but the LEMP should also address littering in the long-term management measures (littering in River Misbourne).

As we previously stated a Construction Environmental Management Plan (CEMP) will be required to proceed with the proposed works.

The CEMP should include the following details in accordance with the British Standard on Biodiversity BS 42020:2013:

#### Proposed Ecological Impacts

- Details of what biodiversity features could be impacted (in that phase) and what development activities could be potentially damaging.

#### Timetables

- 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.
- The nature of the pre-commencement ecological checks / surveys required and details of the results of these surveys once they have been undertaken (for our approval).

#### Avoidance and Mitigation Measures

- 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).
- Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts.



- Specifically state the agreed buffer zones relevant to each phase.
- Details of inspections to ensure wildlife do not become trapped in excavations or machinery.

#### On-site Personnel & Training

- The role and responsibility of the on-site Ecological Clerk of Works (ECOW) in each phase should be clearly stated including which works require supervision by the ECOW in relation to the current timetable for that phase.
- Evidence that an ECOW has been appointed for each phase and has an appropriate level of experience.
- Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP.
- Details of any awareness training of on-site non-ecological personnel such as tool box talks provided by the ECOW.
- Who will be responsible for erection and maintenance of on-site fencing, protective barriers and warning signs.
- Who is responsible for compliance with regulations, legal consents, planning conditions, environmental procedures and contractual agreements and the issuing of periodic reports on success and compliance. These periodic reports should feedback into the CEMP for the subsequent phase and ensure the results of this regular review are effectively communicated to on-site staff.

#### Monitoring, Compliance, Contingency and Emergency Measures

- 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.)
- 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).
- 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.
- Details of biosecurity protocols / method statements to prevent spread of non-native species between sites.
- Temporary management of existing wildlife features during construction / implementation.
- Ensure copies of all ecological reports relevant to site works, relevant planning conditions and any protected species licences are kept in the site office and are available to refer to at any time.

I would recommend that the CEMP is secured via a condition to any approval granted. As the proposed development may impact on bats foraging and commuting along River

Misbourne a lighting design for light-sensitive biodiversity should be submitted and secured via a condition to any approval granted.

Artificial lighting needs to be designed in accordance with the 'Guidance Note 08/23: Bats and artificial lighting in the UK' (Institute of Lighting Professionals, 2023).

Ecology: 15<sup>th</sup> December 2023

I viewed the Biodiversity Net Gain Report: River Misbourne (Five Rivers, 04/12/2023) and the Biodiversity Metric 4.0 (Five Rivers, 26/10/2023) submitted in support of application PL/21/1309/FA - 44 London Road West, Amersham.

It is understood that through the creation of brash beams, gravel riffles and vegetation management the condition of the on-site River Misbourne is predicted to be enhanced from 'moderate' to 'fairly good'. However, as per our previous comments (dated 10th January 2023) increased levels of litter should be considered in the post-development condition assessment. Introducing litter into a chalk stream (a NERC Act Section 41 Habitat of Principal Importance - Priority Habitat) should not be underestimated given that the proposal involves a supermarket immediately adjacent to the river. The Biodiversity Net Gain Report: River Misbourne does not make reference to this or how litter will be managed long-term.

In addition, it appears that as separate biodiversity metrics for habitat/hedgerow and river were produced there is some inconsistency in the proposed habitat plans with a habitat plan where all the existing trees and bankside vegetation will be retained (apart from non-native species to be removed) and with a river habitat plan where there is selective clearance of the bankside trees/vegetation (see Tyler Grange Biodiversity Net Gain Assessment (31st May 2022) Drawing number 13780\_P05 and Five Rivers plan Appendix 1: Concept Design - Option 1 ). It is stated in the Five Rivers report: 'Selective tree works and vegetation clearance will remove portions of dense canopy, allowing light to reach the semi-bare banks and channel'. Although it is understood that this can be an enhancement for the river, it is difficult to assess what the final score of net gain in habitat units will be if larger habitat areas will be removed than initially estimated (as illustrated in the Five Rivers plan Appendix 1).

I would recommend further information is provided regarding the points above prior to determination of the application. Ideally a single revised biodiversity metric should have been submitted so the net gain is clear in all three elements of the metric.

### **Ecology: 23 November 2021**

Objection, further information required.

The scheme will need to demonstrate that a net gain in biodiversity will be achieved within the development plans in line with the NPPF (2021). A Biodiversity Metric calculation should be undertaken to quantify habitat losses and inform appropriate levels of mitigation in order for the proposals to deliver a 10% net gain for biodiversity. This should be submitted for approval prior to determination to inform decision making.

Providing the biodiversity metric can demonstrate net gains for biodiversity, planning conditions will be required to ensure that protected species and sensitive ecological receptors are protected and enhanced through the construction and operational phases of the development.

- Additional information has been submitted in support of the application following our previous comments (9 June 2021) including an Ecological Impact Assessment report (27 August 2021, Tyler Grange) and Watercourse Landscaping Plan (Drwg 1809350-1310 Rev P1). The report follows the Preliminary Ecological Appraisal report previously submitted (12 February 2021, Tyler Grange).
- The updated EcIA report details the results of a bat emergence survey of the former car showroom building and an updated extended Phase 1 habitat survey undertaken on 4 August 2021.
- A bat emergence survey of the existing building was carried out on 4 August 2021 in suitable

weather conditions. No bats were seen emerging from the building during the survey. As such the proposed demolition work is not expected to have any impact on a bat roost.

- However, as bats can be found in buildings when no evidence has previously been found, we recommend that standard precautionary measures are taken and detailed within a Construction Environmental Management Plan (CEMP). If the proposed demolition work has not taken place within 12 months, an updated bat survey may be required in line with the recommendations of the report.
- There is suitable nesting bird habitat present including existing trees, shrub and the existing building.
- The area adjacent to the River Misbourne which was previously classified as amenity grassland was reclassified to tall ruderal vegetation. Species present included creeping thistle, yarrow, ivy and ragwort. Ornamental planting was present including non-native species such as cotoneaster sp. A mature willow tree was present within the north eastern corner of the site.
- Potential impacts arising from the development include potential for pollution of the river within the construction phase. Other potential impacts include impacts of proposed external lighting scheme on bat foraging/commuting. Mitigation measures outlined in table 3.1 include the design of a sensitive external lighting scheme for bats (during construction and within the development) and implementation of standard pollution prevention methods during construction. Full details of mitigation measures will be required to be submitted prior to any site clearance works commencing and detailed in a CEMP. A Landscape and Ecological Management Plan (LEMP) will also be required to detail habitat creation, management and enhancement measures within the design of the development. Appropriately located bird and bat boxes should be included within the LEMP.
- The report states that the proposals include native planting of trees and enhancement of the habitats along the River Misbourne, which is within the Central Chilterns Chalk Rivers Biodiversity Opportunity Area (BOA). The River Misbourne reaches the criteria of a UK
- Habitat of Principal Importance listed under the NERC Act Section 41.

#### Biodiversity Net Gain

- The scheme will need to demonstrate that a net gain in biodiversity will be achieved within the development plans in line with the NPPF (2021). Some habitat creation and enhancement recommendations have been made in the updated EclA, however these will need to be demonstrated as part of the application (e.g. on the proposed landscaping plans or an updated Site Layout Plan) as it is not clear if a 10% biodiversity net gain will be achieved within the plans, in line with emerging local policy and the Environment Act (2021).
- Calculations demonstrating a 10% net gain must be provided through the use of a biodiversity metric calculator and submitted for approval prior to determination. For further information please see the Biodiversity Net Gain guidance below.
- The EclA report makes recommendations for native shrub planting around the river edges to provide a natural buffer strip. The Watercourse Landscaping Plan shows soft landscaping which is slightly larger in area than the existing habitat south of the river, but details of the species and habitat management proposed will need to be clarified on the proposed landscaping plans or Site Layout Plan, in line with Chiltern District Policy GC12.
- Habitat enhancements on-site should include enhancement of habitats along the River Misbourne, and other habitat creation measures could include a planting mixed native boundary hedgerows rather than a close boarded fence, and incorporation of a green roof on the new building. This will improve opportunities for biodiversity and provide food and shelter for invertebrates, birds, hedgehogs and other wildlife.
- Creation of a natural buffer zone of at least 8m from the river bank within the proposed layout

is recommended if possible to do so within the design of the layout. Buffer zones to rivers are recommended to improve ecological quality of the river and reduce run-off.

- If it is not possible to demonstrate a biodiversity net gain on-site, an off-site biodiversity offsetting scheme should be secured via a suitable planning condition/obligation, in line with the emerging Biodiversity Supplementary Planning Document (SPD).
- Providing the biodiversity metric can demonstrate net gains for biodiversity, planning conditions will be required to ensure that protected species and sensitive ecological receptors are protected and enhanced through the construction and operational phases of the development. Draft conditions could include those listed below.

### **Ecology: 9<sup>th</sup> June 2021**

#### Further Information Required

The application is supported by a Preliminary Ecological Appraisal (PEA) and a Preliminary Roost Assessment (PRA) (Tyler Grange, 21<sup>st</sup> February 2021).

A minimum of one Bat activity survey and a detailed habitat assessment of the area nearest the River Misbourne are required. Both surveys must be carried out prior to determination and will be accompanied by appropriate mitigation and recommendations in the report.

The application site falls within the Central Chilterns Chalk Rivers Biodiversity Opportunity Area. Buckinghamshire's Biodiversity Opportunity Areas (BOAs) identify habitat creation and restoration priorities for different parts of the county using a targeted landscape-scale approach. Development proposed within, or adjacent to a BOA is required to identify constraints and opportunities for biodiversity enhancement. The design and layout of the development should help achieve the aims of the BOA and development which would prevent the aims of a BOA from being achieved will not be permitted. A biodiversity survey and report needs to be provided prior to determination of the application to demonstrate the enhancements required.

For the section of the river which passes through the site an updated survey needs to be undertaken in an optimal time of the year to establish which plants are within the boundary and make recommendations for an appropriate buffer of native species planting to enhance and protect the section from activity on site.

It is considered that there is a reasonable likelihood of protected species (bats) being affected by this development. Protected species are a material consideration of the planning process and it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted (ODPM, 2005/06). Therefore, further surveys are required prior to determination in order to establish the presence or otherwise of bat roosts and the requirement for a Protected Species mitigation licence from Natural England.

The results of the bat activity survey(s), together with an appropriate bat mitigation plan, if needed, must be submitted to the local planning authority for approval.

The River Misbourne falls within the Central Chilterns Chalk Rivers Biodiversity Opportunity Area. Further details are required to show how the development will achieve the aims of the BOA.

The results of the detailed habitat survey, together with an appropriate native species buffer planting plan, must be submitted to the local planning authority for approval. The Site Layout as

Proposed Drawing No 180935-1300 P2 shows four proposed trees. The species are not specified. No other landscape proposals appear to be submitted. We would recommend that the applicant demonstrates an increase in opportunities for biodiversity on the site in line with NPPF (2019) and Policy GC4 of the Adopted Local Plan and preferably a hedged boundary rather than a close boarded fence. This will improve opportunities for biodiversity at the edges of the site, provide a safer commuting corridor for wildlife and provide food and shelter for invertebrates, birds, hedgehogs and other wildlife. Details of ecological enhancement measures and safeguarding of protected habitats and species can be secured via a suitably worded planning conditions when further information is submitted.

### **Buckinghamshire Council as the Lead Local Flood Authority: 17<sup>th</sup> January 2024**

Further to the meeting between the applicant design team and representatives from JBA Consulting on behalf of the Lead Local Flood Authority dated 7th Nov 2023, Buckinghamshire Council, as the Lead Local Flood Authority (LLFA) has reviewed the information provided in the following documents:

- Surface Water Conveyance Technical Note 4 (11862w0010a, 11.12.2023, Craddys)
- Surface Water Conveyance Technical Note 3 (11862w0009a, 01.09.2023, Craddys)
- Surface Water Conveyance Technical Note 2 (11862w0007a, 23.03.2023, Craddys)
- Surface Water Conveyance Technical Note (11862w0006a, 24.11.2022, Craddys)
- Flood Risk Sequential Test (11862w0004a, 03.11.2022, Craddys)
- Response to LLFA Comments 2 (11862w0005, 08.03.2022, Craddys)
- Technical Note on Flood Modelling Exercise in Response to LLFA Comments (11862w0003, 17<sup>th</sup> November 2021, Craddys)
- Response to LLFA Comments (11862w0004, 17th November 2021, Craddys)
- Former Jaguar Garage, London Road West, Amersham – Sheet 4 of 4 (05/20 Revision B, 09/11/2021, Berry Geomatics)
- Former Jaguar Garage, London Road West, Amersham – Sheet 2 of 2 (05/20 Revision B, 09/11/2021, Berry Geomatics)
- Flood Risk Assessment and Drainage Strategy (11862w0002b, August 2021, Craddys)
- Response to Environment Agency and LLFA Comments (4504N, 18th August 2021, Planning Potential)
- Design and Access Statement (180935-925, March 2021, Kendall Kingscott)

The LLFA can now confirm it has no objection to the proposed development subject to planning conditions being placed on any planning approval for the detailed design regarding the following matters:

- Surface Water Flood Risk Mitigation (Provision of conveyance culverts beneath the proposed building to replicate existing surface water overland flow routes);
- Surface Water Drainage Scheme; and
- Surface Water Drainage Maintenance Plan (to include all components of the pumped on-site drainage system in addition to the conveyance culverts located beneath the building, grated open channels and the outfall structure plus associated flap valves/non return valves etc...)

### **Flood Risk**

Based on the various assessments and technical notes submitted by the Applicant, as listed above, it has been shown that the proposed development site is located within an area at risk of both fluvial and pluvial sources of flooding that have complex interactions, which have implications on the design of required flood mitigation measures required to ensure the site is safe in flood risk terms over the lifetime of the development.

In terms of fluvial flood risks associated with the River Misbourne (designated as Main River), under the Floods and Water Management Act 2010, the EA are the relevant authority responsible for this form of flooding. Therefore, the LLFA defers to the Environment Agency in regard to the adequacy of the mitigation measures proposed for the management of fluvial flooding impacts.

The following LLFA response specifically focuses on the details submitted in regard to the operational performance of the surface water drainage scheme and the surface water flood risk mitigation measures included within the scheme to ensure that any increase in surface water flood risk both on site or off-site are appropriately managed over the lifetime of the scheme in accordance with requirements paragraph 173 and 175 of the National Planning Policy Framework(NPPF) (December 2023).

### Surface Water Flood Risk

The Risk of Flooding from Surface Water (RoFSW) provided by the Environment Agency shows that the site lies in an area at risk from surface water flooding during low, medium and high-risk scenarios. An online version of this mapping data is available to view through the Environment Agency's Long term flood risk information mapping.

In order to provide site specific details for the assessment of surface water flood risks both to, and from the development in line with the requirements of NPPF (Dec 2023) Paragraph 173, the applicant undertook 1D-2D TUFLOW surface water flood modelling. Refer to Craddy's Doc. Ref. 11862w0003 (dated 17/11/21), 11862w0004 (dated 17/11/21) and 11862w0005 (08/03/22).

Following the LLFA's review of submitted details in regard to the model build, assumed input data and outputs from the pre and post development (unmitigated) surface water flood modelling, concerns were raised in regard to the predicted increases in flood depths off-site, as outlined within the response dated 28th April 2022, which is contrary to paragraph 173 ad 175 of the NPPF (Dec 2023).

Subsequently, the applicant submitted further details in the form of a Surface Water Conveyance Technical Note (Craddy Doc. Ref. 11862w0006a, dated 24/11/22). This submission outlined the surface water flooding mitigation proposals developed and tested using an updated version of the TUFLOW 1D-2D model previously developed.

The proposed surface water mitigation scheme, as presented within the above referenced technical note, consists of the installation of a series of parallel conveyance culverts (2m wide x 0.5m high) beneath the proposed Aldi Store building, designed to maintain existing surface water overland flow routes from the north west of the site to the eastern car parking area, and the surrounding area to the east towards the River Misbourne as per the current situation.

The three proposed conveyance culverts are shown as being linked at the upstream and downstream end by a concrete 'U' channel with open grate covers located along the north western and eastern site boundaries of the site. The modelling results presented indicated that the proposed mitigation resulted in a tangible reduction in surface water flooding in the northwest and northeast of the site.

Indicative details of the proposed surface water flooding mitigation scheme are outlined in Craddy Drawing 11862-CDY-XX-XX-DR-D-Ss\_50\_35\_00-0076-S2-P02 'Overland Surface Water Flows Conveyance Scheme Layout' and Drg.11862-CDY-XX-XX-DR-D-Ss\_50\_35\_00-0076-S2-P02, included

within Appendix B and C of Surface Water Conveyance Technical Note 1 (Doc. Ref. 11862w0006a, dated 24/11/22).

Further to submission of the initial proposals in the technical note listed above, the LLFA response dated 12th January 2023 raised a series of queries and requests for additional information to clarify the modelling approach and the operation of the surface water flooding mitigation scheme. Surface Water Conveyance Technical Note 2 (Doc. Ref.11862w0007a, dated 23/03/23) provided responses to the points raised in the LLFA letter dated 12th January, and included minor amendments to the Surface water flooding mitigation scheme which were included within Appendix C, and referenced as; Craddys 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' Subsequently, further correspondence has been submitted by the LLFA dated 5th May 2023 and 17<sup>th</sup> October 2023, requesting additional information and clarifications in regard to the design and function of the scheme, as well as the impacts of interactions between fluvial river and surface water flooding sources on the performance and effectiveness of the mitigation proposals. In response to the LLFA letter dated 5th May 2023, Craddys submitted a further Surface Water Conveyance Technical Note 3 (Doc. Ref.11862w0009a, dated 01/09/23) responding to each of the points raised in the LLFA letter, dated 5th May. Subsequent correspondence from the LLFA, dated 17th October 2023, was followed up by a meeting convened on the 7<sup>th</sup> November 2023, attended by the Designer, Agent and LLFA. Craddys Surface Water Technical Note 4 (Doc. Ref. 11862w0010a, dated 11.12.2023) was submitted following the meeting convened on the 7<sup>th</sup> November to address an agreed list of residual actions circulated via email on the 20th November 2023.

The LLFA note that following review of the submitted details, it is now accepted that subject to the implementation of the proposed surface water mitigation scheme, the development should not result in any material increase in flood risk to third parties, in line with the requirements set out within paragraph 173 of the NPPF (Dec 2023). Further detailed design information regarding the surface water flooding mitigation scheme is required, which the LLFA recommend is secured via condition as set out within the section below.

#### Groundwater Flood Risk

The Groundwater Flood Map (Jeremy Benn Associates, 2016), shows the groundwater level in the area of the proposed development to be at within 0.025m of the ground surface for a 1 in 100 year return period. This means that there is a risk of groundwater flooding to both surface and subsurface assets. Groundwater may emerge at significant rates and has the capacity to flow overland and/or pond within any topographic low spots.

As outlined within the FRA, during site investigation works ground water levels were encountered in the majority of borehole locations at depths ranging between 1-1.5mbgl. It is noted that during post SI groundwater level monitoring, the highest recorded groundwater level recorded over the winter period between December 2020 and March 2021 was 0.3m bgl, which indicates that there is a risk of groundwater emergence at surface.

It is noted that the scheme does not include a full basement construction and it is understood that all SuDS features will be installed with impermeable liners to prevent/minimise infiltration. Given the presence of shallow groundwater it is also noted that floatation will also need to be considered within the detailed design of both the drainage design and surface water flood mitigation scheme. However, given that the proposed development will have raised finished floor levels above the 1

in 100 plus climate change event, the impacts of groundwater flooding at the site are not considered to be significant and can be managed over the lifetime of the development.

### Surface water drainage

The proposed approach to the management of surface water runoff from the site is outlined within Section 8 of the submitted FRA (Craddys Doc. ref. 11862w0002b, August 2021).

Given the presence of shallow groundwater encountered across the site, the use of infiltration-based SuDS features has been discounted. The River Misbourne crosses the north eastern portion of the site, and has been identified as an appropriate destination for site run off.

The site is a previously developed brownfield site, which includes significant areas of hardstanding that are noted as being positively drained. Currently there is no discharge directly to the River Misbourne, and given the flood risk issues within the environs of the site, it is proposed to limit post development run off as closely as possible to greenfield rates to ensure there is no increase in flood risk downstream.

Following the application of the ICoP SuDS method, it noted that the greenfield QBAR rate is less than 0.5l/s which is likely due to the permeable nature of the site underlying geology. In order to reduce the risk of blockage the applicant has proposed to limit discharges to 2l/s, which is considered acceptable by the LLFA.

As noted within section 8.7 of the FRA, the site falls in a southerly direction, with the lowest site level located in the southeastern corner. The bed level within the open channel section of the River Misbourne, where it is proposed to locate the site drainage outfall, is 150mm above the lowest site level, which means that an on-site gravity drainage system, provided with appropriate cover to accommodate loading from vehicular traffic, will not be possible.

Therefore, it is proposed that surface water is collected via a below ground positive gravity system to the south of the site, where a private storm pump station will pump the development run off back to the north, with the rising main located just inside the eastern site boundary, to a break chamber upstream of the proposed headwall outfall on the River Misbourne.

The use of a pumped outfall for the on-site drainage system is noted as being the least favoured option from a sustainability/carbon perspective. It is accepted that the applicant has used reasonable endeavours to investigate the viability of delivering a gravity discharge solution to the River Misbourne, which has included assessment of an option of securing an gravity outfall route via third party land. However, given the technical and logistical constraints associated with undertaking works under agreement on third party land, the LLFA accepts that a pumped solution is the only viable option in this instance.

It is proposed to utilise the pump as a flow control, limiting discharge to a restricted rate of 2l/s for all storm events. WinDES calculations included within Appendix F of the FRA (Doc. Ref. 11862w0002b, August 2021) indicate that the attenuation storage required based on proposed restricted discharge rate (2l/s) is approximately 420cu.m for the design 1 in 100 + CC (+40%) storm event.

It is noted that the applicant has considered the utilisation of open attenuation, conveyance Swale features, filter drains and bioretention systems (e.g., tree pits). However, it is cited within the FRA that there is insufficient space within the proposed development to accommodate these types of above ground SuDS features while maintaining an acceptable number of car parking spaces and



vehicle manoeuvring space.

Given the above, the required attenuation volume calculated for the site is provided within below ground modular storage tank with permeable paving included where possible. It is noted that the use of permeable paving has been restricted to areas of the car parking that are unlikely to receive HGV trafficking. It is noted that the use of permeable paving is further constrained by TW requirements in terms of sewer easements, whereby permeable paving will not be acceptable.

Whilst it is acknowledged that the use of a pumped outfall will reduce the impacts of high river levels submerging and restricting discharges from the site, the introduction of a surface water pumping station does introduce residual risks in the event of pump failure and/or blockage given the size of rising main required to limit discharges to the proposed allowable discharge rate of 2l/s.

As noted within the FRA, to minimise the risk of blockage at the pump station, the drainage scheme will incorporate trapped gullies, trapped outlets on linear drainage channels, silt traps and an interceptor/separator, which will assist in removing potential items that could potentially cause a blockage at the pump. It is also noted within the FRA that in order to manage the residual pumping station failure, dual pumps will be provided, operating on a duty and standby basis, thereby allowing for a degree of redundancy in the system in the event of a blockage or failure of one of the pumps. It is also noted that the pumping station will also be fitted with an alarm, that can be linked with the Building Information Management systems.

It is expected that information relating to the maintenance and operation of the pumping station will be included within the drainage and maintenance plan that the LLFA has recommended is secured via condition.

Based on the submitted details, it is accepted by the LLFA that a viable means of managing flood risks from fluvial and pluvial sources of flood risk can be delivered subject to condition(s) being placed on the approval of the application, should this be granted by the LPA.

Buckinghamshire Council as the Lead Local Flood Authority: 5<sup>th</sup> May 2023

The LLFA objects to the proposed development as no further assessment has been undertaken. In accordance with our previous response, further assessment of residual and combined risks, including consideration of interactions with the River Misbourne, need to be considered by the applicant.

#### Surface Water Hydraulic Modelling

Assessment and proposals have been submitted in the first Surface Water Conveyance Technical Note (11862w0006a, 24.11.2022, Craddys). As outlined in the document, the applicant is proposing to install conveyance culverts beneath the proposed building to replicate existing surface water flood risk to the site and surrounding area. However, insufficient assessment has been provided to demonstrate robustness of the proposals. LLFA recommendations are covered in more detail under the Advice to Applicant heading.

As clearly stated in previous responses an increase to flood risk offsite is not acceptable and does not comply with paragraph 167 of the National Planning Policy Framework (2021). It must be demonstrated that the proposed development does not increase flood risk offsite.

#### Additional Comments

The LLFA are unable to provide further comments on this planning application, including on the proposed surface water drainage scheme until the matter of increasing surface water flooding offsite has been resolved.

#### **Buckinghamshire Council as the Lead Local Flood Authority: 12<sup>th</sup> January 2023**

The LLFA objects to the proposed development as the surface water hydraulic modelling shows an increase in flooding offsite. Further assessment of residual and combined risks, including consideration of interactions with the River Misbourne, need to be considered by the applicant.

#### Surface Water Hydraulic Modelling

Additional assessment and proposals have been submitted in the Surface Water Conveyance Technical Note (11862w0006a, 24.11.2022, Craddys). As outlined in the document, the applicant is proposing to install conveyance culverts beneath the proposed building to replicate existing surface water flood risk to the site and surrounding area. However, insufficient assessment has been provided to demonstrate robustness of the proposals. LLFA recommendations are covered in more detail under the Advice to Applicant heading. We also note that the submitted PDF document is blurred and difficult to read in places, particularly the mapping appendices. This needs to be resubmitted in a clear format along with responses to applicant questions. As clearly stated in previous responses an increase to flood risk offsite is not acceptable and does not comply with paragraph 167 of the National Planning Policy Framework (2021). It must be demonstrated that the proposed development does not increase flood risk offsite.

#### Additional Comments

The LLFA are unable to provide further comments on this planning application, including on the proposed surface water drainage scheme until the matter of increasing surface water flooding offsite has been resolved.

#### **Buckinghamshire Council as the Lead Local Flood Authority: 28<sup>th</sup> April 2022**

The LLFA objects to the proposed development as the surface water hydraulic modelling shows an increase in flooding offsite.

#### Surface Water Hydraulic Modelling

As requested, the surface water hydraulic modelling has been updated to provide additional information (Response to LLFA Comments 2, 11862w0005, 08.03.2022, Craddys), however the updated information does not address the LLFAs concerns. Outputs of the modelling exercise show that there is an increase in flood depths to the west of the site, for the 1 in 100 year event an increase in depth of up to 0.1m has been shown. The LLFA have identified the areas at increased risk as a mixture of residential and commercial as well as stretches of London Road West.

Within the Response to LLFA Comments document it is stated 'It is therefore considered that although there may be minor increases in flood depths off-site, these do not have appreciable effect on flood risk off-site', at present the LLFA do not agree with this statement as no evidence has been presented to support this conclusion.

As clearly stated in previous responses an increase to flood risk offsite is not acceptable and does not comply with paragraph 167 of the National Planning Policy Framework (2021). It must be

demonstrated that the proposed development does not increase flood risk offsite.

#### Additional Comments

The LLFA are unable to provide further comments on this planning application, including on the proposed surface water drainage scheme until the matter of increasing surface water flooding offsite has been resolved.

#### **Buckinghamshire Council as the Lead Local Flood Authority: 14<sup>th</sup> January 2022**

The LLFA requests further information prior to the determination of this application. Surface Water

#### Hydraulic Modelling

Following the LLFAs consultee response (dated 30th September 2021), a surface water hydraulic modelling exercise has been undertaken to demonstrate the impact of the proposed development upon the existing surface water flooding. It has been stated that the information presented within the modelling report (Technical Note on Flood Modelling Exercise in Response to LLFA Comments, 11862w0003, 17th November 2021, Craddys) demonstrates that the proposed development will have a negligible off-site impact. The LLFA however are of the opinion that insufficient information has been presented within the technical note to support this conclusion.

#### Catchment Area

The area and extent of the catchment used within the model has not been specified and therefore the LLFA require this information. The area and a map showing the extent of the catchment used for the surface water model must be provided, this is required to ensure that the appropriate catchment has been represented.

#### Manning's n Value

Section 4.8 of the technical note states that a Manning's n value of 0.025 was inputted into the model. The LLFA query the use of only one Manning's n value for the whole of the catchment, as it will not be representative of all land uses. The LLFA requires a justification for this input and the applicant should be aware that the model may have to be re-run with more representative Manning's n values across the catchment.

#### Cell Size

Within section 4.10 of the technical note, it is stated that a cell size of 6m was chosen to reduce the complexity of the model and runtimes. The LLFA have concerns regarding the chosen cell size as a size of 6m will mean that resolution and details will be lost, and the model will not be an accurate representation of the surface water flooding. The cell size is usually influenced by the area of the catchment and the LiDAR used, the technical note does not specify the resolution of the LiDAR data, and this detail is required.

#### Storm Duration

The rainfall data inputted into the model was the 1 in 100 year 60 minute summer storm, no justification has been provided for why this rainfall event was chosen for the model analysis and this is required. It is also not clear if other storm events, such as the 1 in 30 year event were also run, again these details are required.

#### Output Categories

To make it easier to understand the impact of surface water flooding to the site and the

surrounding area, the categories shown for the model outputs need to be broken down. Due to the large variance within the categories, for example 0.301m to 0.9m, it is difficult to understand how the depth of surface water flooding differs between the pre and post development scenarios. The categories shown on the flood depth difference map also need to be broken down, particularly the category shown in red, there is a large difference between a depth increase of 0.101m and 0.766m and showing these values as the same colour may be ambiguous. The LLFA also suggest reviewing the colours used to represent the categories, particularly the grey colour, on the depth difference map.

#### Post Development Surface Water Flooding

The LLFA has concerns with the surface water flooding shown by the model for the post development scenario, the screenshots within Section 6 and Appendix C of the technical note show that there is an increase in surface water flood depth outside of the development site. An increase in surface water flood depth can be seen to the north and east of the site (shown in pink), an increase to flood risk off site is not acceptable and does not comply with paragraph 167 of the National Planning Policy Framework (2021). It must be demonstrated that the proposed development does not increase flood risk offsite.

The model output also shows an increase in surface water flood depths to the access of the site. As discussed above, due to the course nature of the depth categories shown the depth of flooding to the access of the site is not known, the outputs show the flooding could be between 0.301m and 0.9m in depth, with a post development increase of between 0.101m and 0.766m. Therefore, there are access concerns, the depth of the flooding to this area must be provided and the LPA may wish for applicant to demonstrate safe access and egress, more information can be found in the informative below.

#### Additional Comments

The LLFA are also concerned with the cumulative impact if a surface water flooding event and a fluvial flood event coincide at the same time. The LLFA require the applicant to undertake an assessment to demonstrate the impact of this scenario on the proposed site and surrounding areas.

#### Information Required:

- Demonstration that the proposed development will not increase flood risk
- Area and map of catchment used in model
- Justification of Manning's n value
- Resolution of LiDAR data used and justification for using a cell size of 6m
- Justification of rainfall input of 1 in 100 year 60 minute summer storm
- Clarification of other storm events modelled
- Update to the flood depth categories
- Assessment to demonstrate the cumulative impacts of a surface water and fluvial water flood event coinciding on the proposed site and surrounding areas.

#### **Buckinghamshire Council as the Lead Local Flood Authority: 30<sup>th</sup> September 2021**

Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has reviewed the information provided in the following documents:

- Flood Risk Assessment and Drainage Strategy (11862w0002b, August 2021, Craddys)
- Response to Environment Agency and LLFA Comments (4504N, 18th August 2021, Planning Potential)

- Design and Access Statement (180935-925, March 2021, Kendall Kingscott)

The LLFA recommends refusal of the above proposals due to being at risk of flooding from multiple sources and the inadequate assessment of the surface water flood risk within the Flood Risk Assessment.

#### Surface Water Flood Risk

As discussed in the LLFAs previous consultee response (dated 4th June 2021) the Flood Map for Surface Water (FMfSW) provided by the Environment Agency shows that the site lies in an area of high risk of surface water flooding (meaning there is greater than 3.3% likelihood of flooding occurring in a given year) with anticipated depths of up to 0.9m. For the medium surface water flood risk event there are anticipated depths of up to 1.2m and depths of over 1.2m for the whole site are anticipated for the low surface water flood risk event. The mapping shows that surface water flood risk is generated offsite from the north and west and flows through to site to east and south towards the River Misbourne.

The updated Flood Risk Assessment and Drainage Strategy (11862w0002b, August 2021, Craddys) has not adequately addressed the risk of surface water flooding to the site. Section 6 of the flood risk assessment discusses flood compensation; however, this proposed compensation relates only to fluvial flooding, not surface water flooding.

A drawing has also been proposed showing the proposed post development flow routes of the surface water flooding (Flood Compensation Proposed Levels, 11862-0060 revision B, 10.08.2021, Craddys). It has been shown that the flow route generated from the north of the site will flow around the building to the south east corner of the site. The drawing also shows that it is anticipated that the flow route from the west of the site will be conveyed between the building and the site boundary, however, no evidence has been provided that this scenario will occur and the LLFA remains concerned that the proposed building will cause surface water to back up and increase flood risk elsewhere, which is contrary to paragraph 167 of the National Planning Policy Framework (2021). The applicant is therefore required to undertake surface water modelling to demonstrate flood depths, volumes and velocities both onsite and off, and that the proposed building will not cause the surface water flooding to back up increasing flood risk off site.

#### Records of Flooding

The LLFA hold records of flooding for the site and the surrounding area. A Section 19 Investigation for Old Amersham was completed by the LLFA for flooding that occurred in January and February 2014 (17th October 2014, Buckinghamshire County Council).

Photographic evidence presented within the report shows that the development site was flooded in January 2014. The flooding during this event was attributed to fluvial flooding.

Multiple records of surface water flooding are also presented in the Chiltern and South Bucks Strategic Flood Risk Assessment (B127F002-L1-SFRA Revision 03, December 2018, Jacobs), three records of flooding are shown close to the development site in Figure 15 (B127F002-CDC- SBDC-SFRA- FIG-15, 05/10/2018, Jacobs).

It should be noted that the records of flooding and Section 19 investigation have not been discussed within the Flood Risk Assessment for the site.

## Surface Water Drainage

Additional information regarding the surface water drainage scheme has been provided.

## Surface Water Pumping Station

A justification has been provided for the inclusion of a surface water pumping station, it has been stated that the level of the watercourse to the east of the site has been assumed as higher than the lowest proposed ground level and therefore a pump is necessary. Evidence to prove that the watercourse is higher has not been provided and this information is requested. In the event that the watercourse is lower than the site and a gravity connection can be achieved then the surface water drainage scheme must be updated to accommodate this. The applicant has confirmed that the proposed pumping station will be a dual pump with an alarm which will be maintained by the applicant.

## Sustainable Drainage Components

It is disappointing that additional SuDS components including tree pits, bio-retention areas and active rainwater harvesting have been discounted, meaning that the scheme does not provide any amenity or biodiversity benefits. It is understood that there are constraints on site, however it should be noted that by considering SuDS at the beginning of the design process, the applicant can more readily achieve the four pillars of SuDS.

Permeable paving has been proposed for the car parking areas; however, it is noted that within the Drainage Layout (11862-0050 Revision B, 11.08.2021, Craddys) that permeable paving has only been proposed in the northern section of site and not the southern. The LLFA require an explanation of why permeable paving has not been proposed in all parking areas.

## Layout

The Drainage Layout (11862-0050 Revision B, 11.08.2021, Craddys) appears to show the geo-cellular storage tank as being an offline component. If this component is offline then the LLFA query the need for the permeable paving to the north of the site to be connected to the rest of the system as it appears that this section will be directed to the south of the site just to be pumped back to the north of the site, rather than utilising gravity and being connected directly in the river. Confirmation of the justification for this method is required.

## Water Quality Assessment

The applicant must demonstrate their compliance with the water quality assessment criteria (Section 26, CIRIA SuDS Manual, 2015) to ensure that pollution is adequately managed. Often a combination of various SuDS components are required to meet the criteria.

## Calculations Exceedance

The MicroDrainage calculations for the 1 in 100 year plus 40% climate change event have been updated to show that the system will contain the 1 in 100 year flood event plus 40% climate change allowance without flooding. For rainfall events over the 1 in 100 plus 40% climate change allowance event, a drawing showing the direction of exceedance flows must be provided.

## Submerged Outfall

Calculations to demonstrate how the surface water drainage system would function in the event of a submerged outfall must be provided.

## Floatation Calculations

Groundwater level monitoring has been completed, which demonstrates high groundwater levels, up to 0.34m below ground level, floatation calculations are therefore required.

## Maintenance

A maintenance schedule for the surface water drainage system needs to be provided. It should include the maintenance tasks which are required, the persons responsible for undertaking maintenance and frequency by which these will be undertaken.

Buckinghamshire Council as the Lead Local Flood Authority: 4<sup>th</sup> June 2021

Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has reviewed the information provided in the following documents:

- Flood Risk Assessment and Drainage Strategy (11862w0002, March 2021, Craddys)
- Design and Access Statement (180935-925, March 2021, Kendall Kingscott)

The LLFA recommends refusal of the above proposals due to being at risk of flooding from multiple sources and the inadequate assessment of the flood risk within the Flood Risk Assessment.

## Flood Risk

### Surface Water Flood Risk

The Flood Map for Surface Water (FMfSW) provided by the Environment Agency shows that the site lies in an area of high risk of surface water flooding (meaning there is greater than 3.3% likelihood of flooding occurring in a given year) with anticipated depths of up to 0.9m. For the medium surface water flood risk event there are anticipated depths of up to 1.2m and depths of over 1.2m for the whole site are anticipated for the low surface water flood risk event. The mapping shows that surface water flood risk is generated offsite from the north and west and flows through to site to east and south towards the River Misbourne. An online version of this mapping data is available to view through the Environment Agency's Long term flood risk information mapping.

### Location of Proposed Development

It is understood that there is an existing building on site which is located along the eastern boundary, however the proposed building will be located along the western boundary. As explained above the surface water flooding is generated offsite from the north and west of the site, the LLFA therefore have concerns that location of the proposed building will displace surface water and cause it to back up off site. This is not in compliance with paragraph 155 of the National Planning Policy Framework (February 2019) which states that flood risk must not be increased on or off site. No evidence has been presented to demonstrate the development will not increase flood risk offsite and therefore the applicant must demonstrate how the proposed building will ensure that surface water runoff is not displaced.

### Access and Egress

The Flood Map for Surface Water shows that the site and access road has a hazard rating of Significant meaning Dangerous for most people (Framework and Guidance for Assessing and Managing Flood Risk for New Development, FD2320/TR2). It should be noted that the location of the proposed building has a hazard rating of Extreme meaning 'Dangerous for all' (Framework and Guidance for Assessing and Managing Flood Risk for New Development, FD2320/TR2). Due to the risk of surface water flooding safe access and egress issues at this site are possible. It is recommended that an emergency flood plan is requested by the LPA, additional information can

be found within the informative below.

#### Taking a sequential approach

The Planning Policy Framework (paragraph 001, 2014) sets out that a sequential approach must be taken when locating development within site, whereby development must be located in the area of lowest flood risk.

#### Surface Water Flood Mitigation

Section 3.3 of the Flood Risk Assessment and Drainage Strategy (11862w0002, March 2021, Craddys) states that mitigation for surface water flood risk will be required, whilst mitigation and flood compensation measures have been proposed it appears that these measures are only for fluvial flooding rather than surface water. The applicant is required to demonstrate how the proposed development will mitigate surface water flooding and groundwater flooding.

#### Groundwater Flood Risk

The Groundwater Flood Map (Jeremy Benn Associates, 2016), shows the groundwater level in the area of the proposed development to be at within 0.025m of the ground surface for a 1 in 100 year return period. This means that there is a risk of groundwater flooding to both surface and subsurface assets. Groundwater may emerge at the ground surface and has the capacity to flow overland and/or pond within any topographic low spots.

#### Groundwater Monitoring

When completing ground investigations in November 2020 groundwater was encountered within the boreholes, levels ranged from 1m below ground level to 1.5m below ground level. The LLFA require further groundwater monitoring to be undertaken during the winter (from November until March) as groundwater fluctuates seasonally and groundwater recharge would have been beginning at the time when the ground investigations were undertaken.

#### Fluvial Flood and Reservoir Flood Risk

Whilst fluvial flood risk and reservoir flood risk is not within the LLFAs remit, it should be highlighted to the LPA that Environment Agency Flood Map for Planning shows that the development site lies within Flood Zone 2 with the southern section of the site also being within Flood Zone 3. Environment Agency's Long term flood risk information mapping also shows that the site is at risk of flooding in the event of a reservoir breach. It should also be noted that there is covered reservoir directly to the west of the site.

#### Sequential Test

Paragraph 157 of the National Planning Policy Framework (2019) requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. In this instance no evidence has been provided to indicate that this test has been carried out. The LLFA strongly encourage the LPA to request that a sequential test of the site is undertaken by the applicant. It is for the LPA to determine whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework. The EA can provide further guidance on undertaking a sequential test.

#### Records of Flooding

The LLFA hold records of flooding for the site and the surrounding area. A Section 19 Investigation for Old Amersham was completed by the LLFA for flooding that occurred in January and February 2014 (17th October 2014, Buckinghamshire County Council).



Photographic evidence presented within the report shows that the development site was flooded in January 2014. The flooding during this event was attributed to fluvial flooding. Multiple records of surface water flooding are also presented in the Chiltern and South Bucks Strategic Flood Risk Assessment (B127F002-L1-SFRA Revision 03, December 2018, Jacobs), three records of flooding are shown close to the development site in Figure 15 (B127F002-CDC- SBDC-SFRA- FIG-15, 05/10/2018, Jacobs).

#### Surface Water Drainage

As stated above ground investigations have encountered high groundwater levels and therefore infiltration as method of surface water disposal has been discounted. The LLFA are in agreement that infiltration is not viable and therefore will not require infiltration rate testing to be completed. The applicant has followed the drainage hierarchy (Paragraph 080, Planning Practice Guidance) and is proposing to discharge to the River Misbourne in the north-east corner of the site at a rate of 2l/s. It should be noted that to make a connection to this watercourse, consent may be required from the Environment Agency, further details are provided in an informative below.

Permeable paving within the parking spaces, along with a geo-cellular storage tank have been proposed to attenuate the surface water runoff generated by the site. Due to the topography of the site the tank has been located within the southern section of the site; this means that the applicant has proposed a surface water pumping station to discharge to the River Misbourne. The LLFA strongly discourages the use of surface water pumping stations.

#### Surface Water Pumping Station

The LLFA has assumed that the surface water pumping station has been proposed so that third party land does not have to be crossed to achieve a gravity connection to the River Misbourne. Within the Flood Risk Assessment and Drainage Strategy a gravity connection to the river does not appear to have been considered and therefore the LLFA encourages the applicant to investigate a gravity connection via third party land. It should be noted that written in-principle permission from all relevant third party landowners to achieve and maintain the connection for the lifetime of the development must be demonstrated.

In the event that permission to cross third party land cannot be obtained and therefore the only way to connect to the river is via a surface water pumping station it should be noted that paragraph 163 of the National Planning Policy Framework (NPPF) requires that planning applications demonstrate that any residual risk, such as pump failure, can be safely managed. Information regarding pump maintenance and details of exceedance routes (volume, depth and direction) in the event of failure, blockage or a rainfall event that exceeds the provided storage must be provided.

#### Sustainable Drainage Components

As stated above permeable paving and a geo-cellular storage tank have been proposed to manage surface water runoff generated by the development. No above ground SuDS have been proposed meaning that no biodiversity or amenity benefits will be provided as part of the surface water drainage scheme. Small above ground SuDS components such as tree pits and bio-retention areas can be incorporated into the scheme to ensure that all four pillars of SuDS are being met.

The LLFA promotes the water reuse and considers active rainwater harvesting to sit at the top of the drainage hierarchy. Active rainwater harvesting allows rainwater to be collected and used for non-potable water purposes, such as toilet flushing, helping reduce dependency on potable water

usage and act as an effective way of managing surface water. The LLFA, therefore, strongly encourages surface water reuse and encourages the applicant to investigate rainwater harvesting.

It must be demonstrated that biodiversity and amenity benefits have been considered by providing an assessment of all the SuDS components as listed in the CIRIA SuDS Manual (C753), particularly those mentioned above (tree pits, bio-retention areas and active rainwater harvesting) and provide justification for exclusion if necessary.

#### Layout

The Drainage Layout (11862-0050 Revision A, 18.03.2021, Craddys) appears to show the geo-cellular storage tank as being an offline component. If this component is off-line then the LLFA query the need for the permeable paving to the north of the site to be connected to the rest of the system as it appears that this section will be directed to the south of the site just to be pumped back to the north of the site, rather than utilising gravity and being connected directly in the river. Confirmation of the justification for this method is required.

#### Water Quality Assessment

The applicant must demonstrate their compliance with the water quality assessment criteria (Section 26, CIRIA SuDS Manual, 2015) to ensure that pollution is adequately managed. Often a combination of various SuDS components are required to meet the criteria.

#### Calculations Exceedance

The MicroDrainage calculations for the 1 in 100 year plus 40% climate change event show that the system will flood, the volume of this flooding however has not been provided. Whilst it is stipulated within S8 of the Non-Statutory Technical Standards for Sustainable Drainage Systems (Defra, 2015) that flooding of a surface water system may occur for the 1 in 100 year event, the LLFA is extremely concerned what would happen if the system flooding coincided with a fluvial or surface water flood event from off site. To mitigate this risk the surface water drainage system should be able to contain the 1 in 100 year flood event plus 40% climate change allowance without flooding.

#### Submerged Outfall

Calculations to demonstrate how the surface water drainage system would function in the event of a submerged outfall must be provided.

#### Floatation Calculations

It should be noted that due to the anticipated high groundwater, floatation calculations will be required. These calculations should be either informed by observed groundwater levels (over the winter period) or calculated based on groundwater being at surface level.

#### Maintenance

A maintenance schedule for the surface water drainage system needs to be provided. It should include the maintenance tasks which are required, the persons responsible for undertaking maintenance and frequency by which these will be undertaken.

#### **Environmental Health (Noise and Odour) dated 1<sup>st</sup> March 2023**

No objection, subject to conditions. Demolition and Construction

Demolition of the existing buildings on site and construction of the development is proposed, as a result of this Environmental Health provide the following informative to the applicant to

address matters of noise and dust impact to the local amenity during the demolition and construction phases.

Informative on Noise and dust control from demolition and construction

The applicant should take all relevant precautions to minimise the potential for disturbance to the occupiers of neighbouring properties in terms of noise and dust during the demolition and construction phases of the development.

Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative.

This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

This is an advisory scheme. Should the applicant not adopt this specific scheme then Environmental Health recommend a similar scheme be considered to achieve the same effect as described above.

Site operational hours for works that generate noise over the boundary of the premises:

Monday to Friday - 8am until 6pm

Saturday - 8am until 1pm

Sunday, Bank Holidays and Public Holidays – No noisy works

Outside of these times, no noisy equipment should be used that would be audible to nearby residents.

NB. The granting of planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

### **Environmental Health (Contaminated land) dated 19<sup>th</sup> December 2021**

The Council's historical mapping shows that the site was vacant during the 1920s, a garage is shown on site on the map for the 1955-1974 epoch, The Bungalow is shown in the south west of the site, the layout shown on the map for the 1970s is similar to the layout shown on the raster map, the layout shown on the map for the 1990s is the same as the layout shown on the raster map.

Online historical mapping indicates that the site remained undeveloped until the map published in 1960, three buildings are shown on site during this period.

Our records indicate that there was once a petrol filling station on site. The site appears to have last been used for car sales. There are other sites in close proximity to the site that have had a previous potentially contaminative use.

The site has had a previous potentially contaminative use. An assessment of the risks associated with the site is required.

Based on this, a contaminated land condition is recommended on this and any subsequent applications for the site.

#### **Environment Agency – dated 29<sup>th</sup> February 2024**

##### Environment Agency Position

We have reviewed the additional information provided and are now in a position to remove our previous objection.

#### **Environment Agency – dated 29<sup>th</sup> December 2023**

##### Environment Agency Position

We're pleased to see a river condition assessment (RCA) has been undertaken to inform the baseline and post intervention conditions of the reach of the river Misbourne within the development following our previous objection. However, we maintain our objection to the proposed development due to the lack of confidence in the data provided for the RCA.

##### Objection

Whilst we're happy with the progress made, the RCA report has not included the raw data recorded in the Modular River Physical (MoRPh) field survey, which lowers our confidence in the data provided.

#### **Environment Agency – dated 3 February 2023**

##### Environment Agency Position

We previously had two objections to this planning application, the first was due to the submission of an inadequate FRA and the second was due to impact on a priority habitat. The applicant has submitted enough information to overcome the first objection however we maintain our objection on the second and require further work to be completed in order for it be overcome.

##### Reason

The applicant has submitted plans which show an increase in soft landscaping within the 8 metre buffer zone of the River Misbourne. This increase is welcomed however the full 8 metre setback, which would normally be expected for globally rare chalk rivers like the River Misbourne, designated priority habitat under the UK Biodiversity Action Plan and Section 41 of the NERC Act, has not been provided.

As previously advised, we expect the applicant to achieve a minimum of 10% biodiversity net gain (BNG) on this site having considered and provided for all habitat types including the river. Within the calculations provided, the habitat units and hedgerow units show a significant increase, whilst the river metric shows no change. Therefore, the assessment doesn't meet the requirements of our previous objection, where we specifically asked to see an increase in river units. The report suggests that an increase in on-site river units is not possible. If all on-site improvement options have been explored, then the developer should consider options to improve the river off-site to meet the BNG requirements.

## **Environment Agency - dated 23<sup>rd</sup> November 2023**

### Environment Agency position

We previously had two objections to this planning application, the first was due to inadequate FRA and the second was due to impact on a priority habitat. The applicant has submitted enough information to overcome the first objection however further work is needed to overcome the second objection. Please see objection below as well as information on how to overcome it.

### Reason:

The applicant has submitted plans which show an increase in soft landscaping within 8m of the River Misbourne. This increase is welcomed however the full 8m of setback, which would normally be expected for Chalk Streams like the River Misbourne, a priority habitat under the UK Biodiversity Action Plan (BAP) has not been provided. If suitable justification can be provided we would expect the applicant to achieve a minimum of 10% Biodiversity Net Gain. This is in line with emerging Buckinghamshire Council Local Plan. Biodiversity Net Gain is required by Buckinghamshire Core Strategy (2011) Policy CS24, which states:

The Council will aim to conserve and enhance biodiversity within the District. In particular:

- the Council will work with its partners to protect and enhance legally protected species and all sites and networks of habitats of international, national, regional or local importance for wildlife or geology.
- development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. This will be in accordance with the Buckinghamshire Biodiversity Action Plan as well as the aims of the Biodiversity Opportunity Areas and the Chiltern AONB Management Plan.
- where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest.
- where, in exceptional circumstances, development outweighs any adverse effect upon the biodiversity of the site and there are no reasonable alternative sites available, replacement habitat of higher quality will be provided through mitigation and/or compensation to achieve a net gain in biodiversity.”

This objection is also supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

### Overcoming this objection:

The applicant should provide justification for not providing 8m setback from the main river. If suitable justification can be provided the applicant will need to provide calculations which show how 10% net gain will be achieved. We would expect to see an overview of these calculations that state what the baseline is, the habitat types that will be enhanced, and what the overall net gain will be on the site. The applicant should submit evidence that shows this development can achieve a measurable biodiversity net gain using the latest Defra Metric calculations.

We are particularly interested in the rivers and streams aspect of this biodiversity net gain

calculation. The River Misbourne is a globally rare chalk stream priority habitat with high ecological value. Opportunities to enhance this habitat should be sought in line with the Central Chiltern Chalk Rivers Biodiversity Opportunity Area identified by the Buckinghamshire and Milton Keynes Natural Environment Partnership. Suggested improvements include re-naturalising any existing reinforced river banks, establishing vegetated buffer zones using native species, creating wetland habitats and creating backwater and bay features.

Environment Agency: Dated 4<sup>th</sup> June 2021

As part of this consultation we have reviewed the following document and associated appendices:

Flood Risk Assessment and Drainage Strategy, prepared by Craddy's, ref 11862w0002 Rev A, dated 18 March 2021.

#### Environment Agency Position

Based on the information submitted to date, we object to this application as submitted and recommend that planning permission is refused.

#### Objection 1: Inadequate Flood Risk Assessment

In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

The site lies within Flood Zones 3a and 2, which is land defined by the planning practice guidance as having a high and medium probability of flooding, respectively.

However, the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance.

This objection is comprised of two strands (A and B). Reasons

A: Finished Floor Levels not set at an appropriate level

The submitted FRA fails to demonstrate that the proposed development will have finished floor levels 300mm above the 1% annual probability (1 in 100 year) plus an allowance for climate change flood level, which would prevent internal flooding and ensure the safety of the development's users.

Sections 4.2 & 5.1 & Table 2 of the FRA refer to the 1 in 100 +35% Climate Change flood level as 87.90mAOD, taken from a node point. However, the 2D nodes within the product 4 data supplied shows that the 1 in 100 + 35% Climate Change flood level reaches 88.19mAOD within the area of the proposed building.

The proposed Finished Floor Level (FFL) of the building is currently set at 88.30mAOD;, which would not be acceptable. FFLs must be set at a minimum of 88.49mAOD (300mm above the 1 in 100 + 35% Climate Change flood level of 88.19mAOD).

In the absence of acceptable FFLs, we would not consider this proposal to be safe for its lifetime from flooding. It is therefore contrary to Paragraph 155 of the National Planning Policy Framework (NPPF) and Policy CS4 of the Core Strategy for Chiltern District (2011).

#### B: Inadequate flood storage compensation provided

We are pleased to see that compensation on a volume-for-volume and level-for-level basis is being proposed.

However, the compensation provided is not sufficient and the proposed development is therefore expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding elsewhere. As a result of inappropriate use of predicted flood level and FFL data being used in the calculations (as per part A of this objection), these proposals do not currently provide adequate flood storage compensation.

Without adequate floodplain storage compensation, this application does not comply with the requirements of Paragraph 163 of the NPPF and Policy CS4 of the Core Strategy for Chiltern District (2011) for new developments to not increase flood risk elsewhere.

#### Overcoming our Objection

##### A: Finished Flood Levels not set at an appropriate level

The applicant should submit further evidence to demonstrate that the proposal will not pose a risk to life and property. This can be achieved through demonstrating that raised FFLs, as outlined previously, can be provided to prevent internal flooding of the development and damage to people and property. FFLs must be a minimum of 300mm above the 1 in 100 + 35% Climate Change flood level of 88.19m AOD, which is 88.49m AOD.

##### B: Inadequate flood storage compensation provided

In order to provide adequate flood storage compensation, the applicant should use the 2D node flood levels to ensure the flood levels across the site are being used in the compensation calculations, as mentioned above, to ensure all loss of the floodplain is accurately accounted for.

#### Objection 2: Development within 8 metres of a chalk river priority habitat

The proposed development would cause unacceptable damage to the River Misbourne, a chalk river and designated priority habitat under the UK Biodiversity Action Plan (BAP).

#### Reasons

The submitted planning application and associated documents indicate a negative impact on the semi-natural habitat within the riparian zone of the River Misbourne.

In particular, the proposed development has not included a minimum 8 metre buffer zone adjacent to the watercourse for the benefit of biodiversity.

Where the Misbourne runs in an open channel in the north east of the site, an 8m buffer zone should be provided on the south bank of the Misbourne, this is currently encroached upon by car parking spaces.

Based on the information submitted with this application, there is a significant risk that the proposed development may prevent the recovery of Chalk Rivers, a priority habitat. A suitable riparian zone is essential to a functioning chalk river. It provides significant habitat to multiple species associated with Chalk Rivers and has the additional benefit of filtering water before entering the watercourse.

By not providing a sufficient natural buffer zone, runoff into the river may not be sufficiently filtered, leading to a potential deterioration in water quality and therefore in ecological status of the internationally rare chalk stream habitat.

This objection is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. This objection is also in line with Policy GC12 - Protection of river character – Rivers Chess and Misbourne of the Chiltern District Local Plan (2011)

#### Overcoming our objection

To overcome our objection, the applicant should revise their proposals to demonstrate the inclusion of an undeveloped 8m buffer zone from the top bank of the Misbourne. The buffer zone should be designed and managed for the benefit of biodiversity, e.g. by planting of locally appropriate species native to the UK. The buffer zone should not be undisturbed by development and protected; for example, there should be no fencing, footpaths or other development nor any formal landscaping in the buffer zone. The applicant must also submit details demonstrating how the buffer zone will be protected during development and managed over the longer term, as part of a detailed management plan.

#### **Heritage Officer dated: 7<sup>th</sup> December 2021**

This is my second response on this application and follows previous comments dated 31/07/2021.

At the time of my previously comments I had not received the Heritage Statement that accompanies this application.

The site affects the setting of two Grade II listed buildings which are located opposite the site on the north side of London Road West. The existing use of the site is a car sales room and forecourt.

The existing building on the site is set back from the road frontage with a large forecourt area for the display of cars. The site is a key gateway at the entrance to the town and at the current time is unwelcoming, lacks any sense of place and is visually unattractive and unsympathetic to the local character and the surrounding built environment.

The proposal seeks approval for the construction of a new Aldi food store set back from the road largely surrounded by parking. The new store has a GIA of approximately 1893m<sup>2</sup> over two storeys (1431m<sup>2</sup> ground floor and 460m<sup>2</sup> first floor). The first floor would provide warehouse space, and staff accommodation.

The car park would provide a total of 101 customer spaces and would be located to the front, side and rear of the store. The proposed scheme utilises one of the existing access points off of London Road West. A pedestrian footpath is proposed along the front of the site, with a pedestrian access adjacent to the vehicular entrance.

The design of the food store is that of a simple two storey block with a flat roof. The second storey is positioned such that the higher elevations are at the southern end of the site, with a reduction in scale towards the site entrance and neighbouring properties. Full height shop front glazing is provided 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. This glazing wraps around the northeastern corner of the building to define the entrance. This is further highlighted by a simple cantilevered canopy that also shelters the trolley bay and customers



entering and exiting the building. High level ribbon windows run along the eastern elevation to provide some daylight into the retail area. The facades would consist of white render on a small red brick plinth. The cantilevered canopy would be finished in a pressed metal and be polyester powder coated.

Historically the site formed part of the agricultural land to the south of London Road West and to the west of the River Misbourne. However, the site has been developed since the late-20th century and in use as a car show room with associated hardstanding. The development of the site formed part of the residential and commercial expansion to the east of the settlement of Amersham which occurred from the mid-20th century. I concur with the Heritage Statement submitted to support this application that this settlement expansion, including the uses of the existing site, has degraded the appreciation of the former open agricultural landscape which would have extended to the south of London Road West and which the listed buildings would have overlooked marking the eastern extent of the settlement and historically signifying the gateway to the town.

I concur that the current site does not form part of the significance of the listed buildings, since the open agricultural landscape character once associated with the buildings was lost at the time of the settlement expansion and the development of the site.

The site does however form an important part of the setting of the listed buildings and one which I consider is negatively affected by the existing open car display forecourt which is an intrusive feature. Historic England defines setting as 'the surroundings in which an asset is experienced, and all heritage assets have a setting, irrespective of the form in which they survive'.

The proposed supermarket would have a similar visual appearance to the existing car forecourt with a large open carpark to the front of the store with no screening. The supermarket would also create significant additional traffic generation and movement, thereby greater noise and disturbance. The proposed carpark would also require additional lighting which would create additional light spill. The proposed large sign on the front boundary would also be detrimental to the setting of the listed buildings.

As such I do not agree with the Heritage Statement that no harm would be caused to the setting of these designated heritage assets. Historic England's Good Practice Advice in Planning Note 3 (Second Edition) – The Setting of Heritage Assets, sets out a stage approach to assessing issues of setting. Step 4 explores ways to maximise enhancement and avoid/minimise harm to heritage assets. This step is not discussed in the Heritage Statement, since the arguments put forward by the applicant do not recognise the harm which I have identified in my assessment.

Paragraph 39 of Historic England's Planning Advice Note, states that 'Options for reducing the harm arising from development may include the repositioning of a development or its elements, changes to its design, the creation of effective long-term visual or acoustic screening, or management measures secured by planning conditions or legal agreements'. It continues 'For some developments affecting setting, the design of a development may not be capable of sufficient adjustment to avoid or significantly reduce the harm, for example where impacts are caused by fundamental issues such as the proximity, location, scale, prominence or noisiness of a development. In other cases, good design may reduce or remove the harm, or provide enhancement. Here the design quality may be an important consideration in determining the balance of harm and benefit.'

This national planning guidance also needs to be considered in light of the heritage requirements of the NPPF. Paragraph 197 states 'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets...; and c) the desirability of new development making a positive contribution to local character and distinctiveness'. Paragraph 206 also states 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'.

As such, in heritage terms I am seeking improvements to the existing proposals in order to reduce the impact of this proposal on the setting of these listed buildings. I would suggest that some additional landscaping is required in the form of hedgerow screening and enclosure by tree planting to the front boundary in order to lessen the impact of the car park and its light spill. I am also seeking the omission of the large advertisement on the front boundary since this is too prominent in the setting of the listed buildings and is considered unnecessary and superfluous given the advertisements on the supermarket.

As the applicants will be aware, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live. The NPPF also states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. It continues 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.'

For the reasons given above it is felt that in heritage terms:

The following further amendments are required to maximise enhancement and avoid/minimise harm to heritage asset before the application can be determined/fully assessed:

- additional landscaping in the form of hedgerow screening and enclosure by tree planting to the front boundary
- omission of the large advertisement on the front boundary

**Heritage Officer dated: 31<sup>st</sup> July 2021**

As the NPPF states, heritage assets are an irreplaceable resource and it is important to conserve them in a manner appropriate to their significance. In heritage terms this proposal does not conform to the requirements of the NPPF and as such this application should not be determined until the information required is submitted to the Local Planning for consideration.

Overall, this redevelopment proposal fails to take the opportunity to conserve and enhance the historic environment by providing a 'high quality, beautiful and sustainable building and place'. This redevelopment site is an opportunity to provide a better gateway entrance to the town and create a development which would better conserve and enhance the setting of the nearby listed buildings and the entrance approach to the conservation area. As such I am recommending that this scheme should be considered by a Design Review Panel.

The site affects the setting of two Grade II listed buildings which are located opposite the site on the north side of London Road West. The existing use of the site is a car sales room and forecourt.

The existing building on the site is set back from the road frontage with a large forecourt area for the display of cars. The site is a key gateway at the entrance to the town and at the current time is unwelcoming, lacks any sense of place and is visually unattractive and unsympathetic to the local character and the surrounding built environment.

The proposal seeks approval for the construction of a new Aldi food store set back from the road largely surrounded by parking. The new store has a GIA of approximately 1893m<sup>2</sup> over two storeys (1431m<sup>2</sup> ground floor and 460m<sup>2</sup> first floor). The first floor provides warehouse space, and staff accommodation.

The car park would provide a total of 101 customer spaces and would be located to the front, side and rear of the store. The proposed scheme utilises one of the existing access points off of London Road West. A pedestrian footpath is proposed along the front of the site, with a pedestrian access adjacent to the vehicular entrance.

The design of the food store is that of a simple two storey block with a flat roof. The second storey is positioned such that the higher elevations are at the southern end of the site, with a reduction in scale towards the site entrance and neighbouring properties. Full height shop front glazing is provided 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. This glazing wraps around the northeastern corner of the building to define the entrance. This is further highlighted by a simple cantilevered canopy that also shelters the trolley bay and customers entering and exiting the building. High level ribbon windows run along the eastern elevation to provide some daylight into the retail area. The facades would consist of white render on a small red brick plinth. The cantilevered canopy would be finished in a pressed metal and be polyester powder coated.

The Design & Access Statement that supports this application makes no reference to the listed buildings located directly opposite to the site and is inadequate in this regard. In addition, no Heritage Statement has been submitted to support this application as required by Paragraph 194 of the NPPF. Para 194 states '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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary'.

Hence this application fails to describe the significance of the heritage assets affected or make any assessment to understand the potential impact on their significance. As such, this application does not conform to the requirements of the NPPF and should not be determined until this information is submitted for the Local Planning to assess.

Achieving well-designed places is a fundamental requirement of the planning process. This is a highly sensitive site and in heritage and design terms, I question whether this proposal takes the opportunities available for improving the character and quality of the area and reflecting local heritage and design policies and government guidance on design (National Design Guide). The

issues as I see them are as follows:

i) Footprint and Site Planning

The site layout does not contribute to the street continuity and enclosure. The building should be located in close relationship to the street frontage in order to respect the street alignment, scale, enclosure and to provide active frontage. The car parking in the proposed scheme has been designed in a way to completely dominate the entrance to the site and the street frontage. Also the parking area is not considered as part of the green infrastructure for the site. In its layout and access arrangements the development is not convenient for those who travel by foot, cycle and bus. This layout needs to be fundamentally redesigned to discourage the use of the car and encourage modal shift. I am also concerned with the likely conflict of movement between service vehicles, cars and pedestrians within the site. Far more electric vehicle charging points are necessary.

ii) Active Frontages

There is an opportunity through redesign for the scale and grain of this large footprint building to be assimilated into the street scene by the elevational expression of structural bays and columns, The horizontal emphasis of the elevational design should be avoided, as this draws attention to the excessive width of the building. I am also concerned at the largescale use of white render since the predominate material is red brick.

iii) Roofscape and Massing

Large areas of flat roofs should be avoided since roofscape interest is important and this can be achieved through pitched roofs with narrow bay widths addressing the streetscene and natural ventilation/heat exchange cowls etc. Flat roofs are not a typical feature of buildings in the local area which display pitched roofs with red/orange tiles. Rainwater harvesting and the management of water run-off is a significant design consideration given the large area of roofs and surfaces, also the inclusion of sustainable measure in roof design and the use of renewables for energy are to be encouraged. If the large areas of proposed flat roof are to be considered acceptable then these in my view should be green roofs. It is also important to signify the frontage of the building and its entrance; this is sadly lacking in scale and massing in the current scheme where the two storey element of the store is pushed to the back of the site. This two storey element should be at the front of the building in order to create more presence to the building and make the entrance a feature of the design.

iv) Landscaping and Boundary Treatment

The proposed scheme is lacking any landscape which is unacceptable. Careful landscape design should be used to ensure appropriate boundary enclosure, create shade for building elevations and parked cars, to oxygenate the air quality, to screen and shelter spaces, to maintain and enhance biodiversity and to ensure sustainable drainage. I consider that tree planting is important both to enclose the front boundary frontage, breaking up large areas of parking areas and soften boundaries. Boundary treatments shown in the current application are unacceptable in quality and need to be considered in a holistic manner in any redesign.

To conclude, in heritage and design terms, I consider that this redevelopment proposal fails to take the opportunity to provide a 'high quality, beautiful and sustainable building and place' which is fundamental to what the planning and development process should achieve. It also fails to take the opportunity for providing a better gateway entrance to the town and creating a development which would better conserve and enhance the setting of the nearby listed building and the entrance approach to the conservation area. These matters are a requirement of the recently revised NPPF. As such I am recommending that this scheme should be considered by a Design Review Panel as set out in Para 133 of the NPPF.

## Archaeology Officer – dated 27<sup>th</sup> May 2021

Thank you for consulting the Buckinghamshire Council Archaeological Service on the above proposal. We maintain the local Historic Environment Record and provide expert advice on archaeology and related matters. As you will be aware, Paragraph 189 of the National Planning Policy Framework (NPPF) states that information held in the relevant historic environment record should be consulted and expert advice obtained where necessary. The NPPF recognises that the effect of an application on the significance of a heritage asset (including its setting) is a material planning consideration.

Paragraph 193 says that there should be great weight given to the conservation of designated heritage assets, whilst paragraph 194 extends this provision to non-designated heritage assets with an archaeological interest equivalent to that of scheduled monuments.

### Historic Environment Record (HER) information

We have consulted the Buckinghamshire Historic Environment Record (HER) and note that the following records are relevant:

HER reference	Designation Status*	Description
0852800000	PLN/COA	Amersham old town: Medieval and post-medieval settlement of Amersham, recorded in Domesday Book.
0959800000	HER	Bury End, Amersham: Possible ditches, pits and plough furrows identified during geophysical survey.
0037200000	PLN	BURY FARM, AMERSHAM: Remains of a possible second century Roman villa recorded in a sewer trench at Bury Farm and subsequent excavation trenching
0037100000	HER	LOWER END OF STATION ROAD: Roman metalwork found on Station Road

\* COA = conservation area; LB = listed building; RPG = registered historic park; SAM = scheduled monument; PLN = planning notification area (undesignated area of archaeological interest); HER = historic environment record

Note: some records relate to extensive areas such as historic landscapes, historic towns and villages or areas of high archaeological potential. For full HER information and a licence for commercial use please contact the Bucks HER Officer.

### Archaeological and related interests

We welcome the heritage desk-based assessment produced by Cotswold Archaeology included with the application documents; section 6.2 includes:

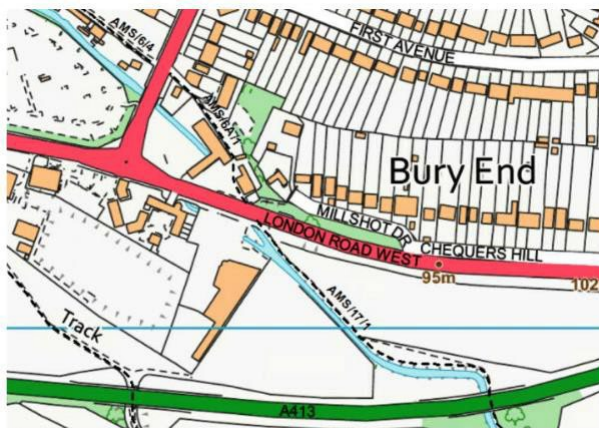
No significant known archaeological remains have been identified within the Site and the site has been subject to disturbance throughout the 20th century. However, there is some limited potential for archaeological features to survive at the Site within islands of undisturbed ground. There is potential for unstratified findspots of prehistoric date including Bronze Age and Roman findspots as well as evidence of medieval and post-medieval agricultural activity. Any archaeological remains are unlikely to be of the highest significance and therefore it is considered the potential archaeological resource would not require preservation in situ, nor would it preclude development.

We conclude that the proposed development may affect heritage assets of archaeological interest from a number of periods. Whilst we would expect archaeological trial trenching to be undertaken to inform the extent and significance of any buried archaeological remains this could be undertaken by condition.

If planning permission is granted for this application a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 199. With reference to the NPPF we therefore recommend that any consent granted for this development should be subject to a condition.

### **Buckinghamshire Council Rights of Way - dated 14<sup>th</sup> May 2021**

The local public footpath network in the vicinity of the site is illustrated in Plan 1. Footpaths AMS/6/4, AMS/6A/1 and AMS/17/1 combine to link between London Road West, Station Road and Church Street to the west. Footpath AMS/17/1 provides access into the local countryside for recreation.



Plan 1

The red edge clips Footpath AMS/17/1 and the vehicular access into the adjoining fields north-east of the site, but this right of way appears otherwise unaffected when comparing the Site Layout Plan with the existing situation.

There is a proposed roadside bitumen footway across the whole frontage and slightly beyond in an easterly direction, replacing the existing grass highway verge – I have highlighted this yellow in Extract 1. While this is for Highways Development Management to comment upon, it would be of potential benefit for existing residents wishing to access the local countryside in the direction I have indicated with an orange arrow. The two dropped kerbs, coloured green on the same plan, could also facilitate movements between Footpaths AMS/6A/1 and AMS/17/1 in a north-west to south-easterly direction, but I cannot comment on their positioning in terms of highway safety.



In summary, the proposed additional footways and dropped kerbs would appear to complement the existing use of and access to the surrounding rights of way network.

### **Representations**

16 Letters of objection were received in response to the application. Concerns are summarised as follows:

#### Objections

- Impact on the vitality of Amersham town centre
- Poor design
- Impact on heritage assets
- Concerns in relation to character and AONB
- Lack of landscaping
- Flood issues
- Traffic impacts
- Noise
- Pollution
- Impact of lighting
- Concerns of waste management
- Vehicular and pedestrian safety
- Increase in traffic and impact on local roads
- Too many supermarkets in the area
- Existing current infrastructure is unable to support further traffic generation
- Another supermarket is not required
- Poor material
- Lack of detail in submission
- Poor quality landscaping
- Poor thought regarding signage
- Unacceptable scale and design
- Supermarket does not fit in with the character of Old Amersham
- Impact of traffic emissions
- Visual impact of the proposed development
- No need for further supermarkets as there is a large Tesco nearby

Letters of objection include responses from the following:

**Amersham and District Residents Association** dated 21.06.21 and 20.02.24 Summary

Increase in traffic, specifically the Gore Hill/Tesco Roundabouts and Station Road Roundabout  
Design does not reflect the historic character of Amersham Old Town  
Lack of landscaping  
Light Pollution  
Reference to poor design and how other area/authorities have dealt with Aldi proposals  
Reference to the length of time of the determination of the application.

Letter from **Chiltern Conservations Board** dated 25<sup>th</sup> May 2023 Summary 'Holding Objection'  
Supports the responses from EA in relation to impact on River Misbourne  
Concerns in relation to the impact of the AONB

Impact in terms of the lack of biodiversity net gains

Letter on behalf of **Tesco** dated 26<sup>th</sup> January 2022 Summary

- Uncertainties and errors in the assessment of retail impacts
- Misapplication of the retail sequential test principles
- Impact on the setting of the AONB
- Inadequate Heritage Assessment

Letter of behalf of **Waitrose** dated 20<sup>th</sup> February 2023

Summary

- General disagreement with the assessment of retail impact information
- Concerns that the proportion of trade which will be drawn from stores in Amersham town centre is significantly understated
- The proportion of trade which will be drawn from the edge of centre Tesco has been overstated; and
- The proportion of trade which will be drawn from foodstores outside the Amersham area has also been overstated.
- No consideration of the role which different types of uses play in supporting the vitality and viability of centres.

Over 2,000 comments of support were received in response to the application. These are summarised as follows:

- Good reuse of a commercial site
- Better competition with other supermarkets
- More affordable supermarket
- Need for a reasonably priced supermarket in the area
- Better use of the site than car sales
- Little impact on Tesco as you cannot do a full shop in Aldi store
- Other Aldi stores are a distance away
- Would not impact residential area
- Would replace a run-down site
- A new budget supermarket would benefit the community
- Would support low income families in the area
- Site is well separated from the conservation area
- Existing buildings on site are of little merit



- Would be beneficial for the town of Amersham
- Greater choice of products
- Cheaper alternative
- Closer budget supermarket than High Wycombe or Hemel Hempstead
- Conveniently located site for a supermarket
- Other supermarkets are not good value for money
- Not everyone can afford M&S, Waitrose or Tesco.
- Would provide job opportunities
- New Aldi would be better environmental as it would reduce car trips to those located outside the area
- Not easy to get to other Aldi supermarkets without a car
- Reasonable price, choice and quality
- More competition is good for business.

Letter on behalf of **Amersham Society**

- General support for the principle of the application.
- Shared concerns with heritage officer regarding design issues.