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## Appeal Decision

Inquiry held on 8-9 and 12-16 and 20 December 2022

Site visit made on 15 December 2022

**by Stephen Wilkinson BA BPI DIP LA MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8th March 2023**

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**Appeal Ref: APP/X0415/W/22/3303868**

**Land between Lodge Lane and Burtons Lane, Little Chalfont, Amersham, HP4 4AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr D Cox against the decision of Buckinghamshire Council.
  - The application Ref PL/21/4632/OA, dated 30 November 2021, was refused by a notice dated 25 April 2022.
  - The development proposed is demolition of all existing buildings and the erection of residential dwellings including affordable housing, custom build (Use Class C3), retirement homes and care home (Use Class C2), new vehicular access point off Burton Lane, improvements to existing Lodge Lane access including works to Lodge Lane and Church Grove, new pedestrian and cycle bridge and associated highway works, a local centre including a community building (Use Classes E(a)(b)(e), F2(b), land safeguarded for educational use (Use Classes E(f) and F1(a), public open space and associated infrastructure (matters to be considered at this stage: Burtons Lane and Lodge Lane access).
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### Decision

1. The appeal is allowed and outline planning permission is granted for demolition of all existing buildings and the erection of residential dwellings, including affordable housing, custom build (Use Class C3), retirement homes and care home (Use Class C2), new vehicular access point off Burton Lane, improvements to existing Lodge Lane access including works to Lodge Lane and Church Grove, new pedestrian and cycle bridge and associated highway works, a local centre including a community building (Use Classes E(a)(b)(e), F2(b), land safeguarded for educational use (Use Classes E(f) and F1(a), public open space and associated infrastructure (matters to be considered at this stage: Burtons Lane and Lodge Lane access), on land between Lodge Lane and Burtons Lane, Little Chalfont, Amersham HP4 4AJ, in accordance with the terms of the application, Ref PL/21/4632/OA, dated 30 November 2021, subject to the conditions included in the schedule to this decision.

### Procedural Matters

2. The Development Plan includes the Saved Policies of the Chiltern District Local Plan (1997) including Adopted Alterations 2001 (the LP) and the Core Strategy for Chiltern District (2011) (the CS).
3. A joint draft Chiltern and South Bucks Local Plan was withdrawn following concerns from the Examining Inspector with regard to the duty to cooperate

with neighbouring authorities. Its policies carry no weight in this decision although the main parties consider that its background evidence is a material consideration. In my view, any weight is limited as it has not been formally tested.

4. The appeal was accompanied by a schedule of planning obligations under the provisions of Section 106 (S106) of the Town and Country Planning Act 1990 (as amended). This is provided in the form of a deed of agreement between the appellant and the Council and its provisions were discussed at the Inquiry. With the agreement of the parties, an engrossed version, dated 30 December 2020 was submitted shortly after the Inquiry closed.
5. The appeal is in outline, with only means of access to be determined at this stage. All other matters are reserved for future consideration. The application was accompanied by Parameter Plans, dealing with Land Use and Green Infrastructure, Building Heights, Access and Movement and Demolition. These plans were amended in advance of the Inquiry. Following discussion with the parties during the Inquiry, I am satisfied that the revisions do not prejudice the interest of any parties.
6. Given the scale of the proposed development, the appeal was accompanied by an Environmental Statement as required by Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. I am satisfied that the revised plans do not prejudice the EIA.

### **Main Issues**

7. The Council's Decision Notice sets out eleven reasons for refusal. Following the close of the Inquiry, having heard all the evidence, I am content that affordable housing provision is no longer a main issue. I have also refined the wording of the main issues relating to landscape, character and appearance.
8. The appeal site lies within the Green Belt. There was no dispute in this regard that the appeal scheme constitutes inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework). It also lies adjacent to, but outside the Chilterns Area of Outstanding Natural Beauty. With all that in mind, and having heard all the evidence to the Inquiry, I consider that the main issues in this case are:
  1. the effect of the proposal on openness and purposes of including land within the Green Belt;
  2. the effect of the scheme on the character and appearance of the area, including the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty and the Burtons Lane to Doggett's Wood Lane Area of Special Character;
  3. the effect of the proposal on highway safety;
  4. whether or not the proposal would lead to an unacceptable loss of protected species and protected habitats;
  5. whether or not the scheme includes the infrastructure necessary, directly required and related in scale and kind to the proposed development;

6. the effect of the development proposed on the Chilterns Beechwoods Special Area of Conservation and Ashridge Commons and Woods Site of Special Scientific Interest;
  7. whether or not the proposal would lead to an unacceptable loss of best and most versatile agricultural land;
  8. whether the appeal scheme would increase the risk of surface water flooding; and
  9. whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations such as to provide the very special circumstances required to justify development in the Green Belt.
9. In advance of the Inquiry, Statements of Common Ground (SoCGs) on planning, ecology, highways and housing land supply were agreed between the main parties, with technical notes agreed on flood risk and air quality. Accordingly, the parties through the SoCGs have indicated that the reasons for refusal relating to each of these matters have been addressed. The main parties also agreed that the issue of best and most versatile agricultural land is a matter for the planning balance. The S106 addresses other matters as well, including the amount of affordable housing.
10. However, these matters remain as main issues and I made it clear in my Inspector Note sent out before the start of the Inquiry that I was content to receive further comments on them during the Inquiry, particularly from interested parties. Accordingly, these issues are addressed in this decision although its primary focus is on the Green Belt, Landscape and Design (Issues 1, 2 and 9).

### **Reasons for the Decision**

11. The appeal site extends to some 29.7 hectares (ha), with its eastern half formerly occupied by Little Chalfont Golf Club which was closed several years ago. The club house and parking area, accessed from Lodge Lane, are still in place, with its fairways identified by incidental bands of landscaping and occasional tees. The western half of the site comprises open pasture. Based on the Agricultural Land Classification system, this is classified as Grade 3 agricultural land. Homestead Farm, a private dwelling, is set within a generous garden and located on the north western edge of the site. It is understood that the fields have not been used for many years for agricultural purposes. There are bands of Ancient Woodland at Stonydean Wood in the centre of the site, and Netherdown Spring Wood which runs along the southern edge of the site.
12. The appellant states that the design of the proposed scheme has been landscape led, involving a 'Re-imaging of Metroland'. Two residential development parcels would be located on the northern slope of the dry valley located north, east and west of Stonydean Wood. A primary school, retirement and care accommodation would be located towards the northern edge, with a centrally located community hub. A proposed pedestrian link at the northern end of the site would extend over the rail line, allowing direct access to the centre of Little Chalfont. Overall, around 12.5ha of the site would be developed.

13. The scheme would retain the belts of Ancient Woodland with landscape 'buffers', enhance biodiversity, introduce a Suitable Alternative Natural Greenspace (SANG) and would include play space and allotments/community orchard.
14. The Parameter plans identify that the residential areas would be of 2.5/3-storeys in height, with densities varying from 35-65 dwelling per hectare (dph). The mixed use central hub would be up to 3-storeys (16 metres) in height and the primary school 2-storeys. Access points from Burtons Lane and Lodge Lane would serve the development, although there would be no connection between the two. Instead, movement across the site would be reserved for pedestrians/cyclists.

### **Green Belt**

15. Although there is no definition of 'openness' within the National Planning Policy Framework (the Framework), the Government Planning Practice Guidance (PPG) refers to assessments of openness as being informed through consideration of spatial and volumetric aspects, the duration of the development and the degree of activity likely to be generated.<sup>1</sup>
16. The scale of development proposed would have spatial and visual impacts on the site when compared to the extent of the existing development, which comprises a club house, car park and a collection of buildings around Homestead Farm.
17. The site's context is determined by its relationship with surrounding development. The site is separated from Little Chalfont by the Metropolitan railway line, which broadly defines the settlement boundary. Although there is development to the south, including Honours Yard, a vehicle depot, and housing on Long Walk, these are included in the Green Belt. To the east, beyond Lodge Lane, the site is open to the Chilterns Area of Outstanding Natural Beauty (AONB) and to the west, along Burtons Lane, there is low density residential development which forms part of the Area of Special Character (ASC).
18. The site's allocation (SP BP6), within the withdrawn joint local plan carries no weight. However, I recognise that the Green Belt assessments which informed the allocation do carry significant weight. These assessments included the appeal site as part of larger sites.
19. Scores were recorded for Purposes a)-d) of the Green Belt, as defined by Paragraph 138 of the Framework. In turn these purposes are; a) checking the unrestricted sprawl of large built up areas, b) prevention of neighbouring towns merging into one another, c) assisting in safeguarding of the countryside from encroachment, d) preserving the setting and special character of historic towns and e) assisting in urban regeneration. Purpose e) was not assessed.
20. There is a consistent thread throughout each of the assessments that identifies that the northern part, within which the appeal site lies, contributes less to each of these Purposes when compared to the southern part. Low and moderate scores were recorded for Purposes b) and c) respectively. These are matters confirmed by my site visit.

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<sup>1</sup> Reference ID: 64-001-020190722

21. I find that large parts of the site have a semi urban context defined by its proximity to the busy rail line and surrounding residential areas, which extend along Burtons Lane, the inclusion of the existing golf clubhouse and car park and proximity of the Honours Yard depot. The eastern part of the site, which was the former golf course, reflects its recent use and cannot be regarded as 'countryside' as such.
22. Although the appeal scheme would result in development extending south towards Chorley Wood, its impacts would be limited as acknowledged by the Council<sup>2</sup>. One assessment identified that release of the parcel would not undermine the performance of the wider Green Belt<sup>3</sup>. This is consistent with my findings given the site's context. Extensive areas of Green Belt would still be retained between Little Chalfont and Chorley Wood.
23. Whilst the scheme partly involves development on agricultural land, the site's containment by existing housing along Burtons Lane on its west side, Lodge Lane to the east and the proposed SANG to the south beyond which is Long Walk would prevent encroachment into surrounding countryside.
24. Paragraph 148 of the Framework confirms that when considering planning applications, substantial weight should be given to any harm to the Green Belt. Although I regard the site's contribution to the Green Belt Purposes, as limited, it remains largely undeveloped and open. The appeal scheme would result in a loss of openness in both spatial and visual terms but this harm would be limited due to the site's existing context and strong boundaries.
25. For these reasons, I conclude that the appeal scheme conflicts with Policies GB2 of the LP, Policy CS1 of the CS and Paragraphs 137, 138, 147, 148, 149 and paragraph 150 of the Framework, which together and among other things seek to protect the Green Belt from development through concentrating development within existing settlements.

## **Character and appearance**

### *Landscape effects*

26. The site lies in Landscape Character Area (LCA) 18.3 Little Chalfont Rolling Farmland. This is characterised by rolling topography resulting from its varied geology and comprises arable farmland enclosed by boundary hedges with belts of Ancient Woodland with a scattered settlement pattern. Significantly, this description does not refer to dry valleys, although this is identified as a characteristic of the adjacent AONB.
27. The appeal site includes features consistent with LCA18.3. These include a rolling topography, with a 'plateau' at around 120m AOD<sup>4</sup> within its north section. This drops to the west towards Stonydean Wood, housing in Village Way and Loudhams Wood Lane, and to the east towards Lodge Lane. To the south, it drops to a shallow, dry chalk valley which extends along the southern edge of the appeal site. From the bottom of the dry valley, the site rises to include an area of former pasture that is almost entirely surrounded by woodland and hedgerow belts.

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<sup>2</sup> Mr Fannon XX

<sup>3</sup> CD8.5

<sup>4</sup> Above Ordnance Datum

28. The appeal site includes some features which distinguish it from the LCA, with areas of pasture rather than arable farmland, the 'landscaped' features of the former golf course, views of surrounding residential development and Honours Yard and the domestic curtilage of Homestead Farm. These features are consistent with the Council's landscape assessment which informed the now withdrawn plan and which identifies that the suburban edge of Little Chalfont filters into the site<sup>5</sup>.
29. Both the main parties agree that the site is not a valued landscape within the meaning of Paragraph 174a) of the Framework and the Guidelines for Landscape and Visual Assessment (GLVIA). Although this view is not shared by an interested party<sup>6</sup>, the concept of a valued landscape is not defined in the Framework. The leading court case<sup>7</sup> on what constitutes a valued landscape is the Stroud judgement, which deals with whether the countryside in question has demonstrable physical attributes (rather than just popularity) which would take the site beyond mere countryside. In other words, whether the attributes take the landscape beyond the 'ordinary' or 'everyday'. Whilst the main parties differ on the degree to which the appeal site includes features typical or representative of the Little Chalfont Rolling Farmland landscape, they do not raise the area to the level of a valued landscape in Framework terms. I have no reason to disagree.
30. For sites not identified as 'valued', landscape guidance<sup>8</sup> advises that their value may be derived from an assessment of characteristics which include natural and cultural heritage, landscape condition, distinctiveness, recreational and functional value.
31. The site does not represent a rare landscape for this part of the LCA, despite the presence of Ancient Woodland. It has no recreational value since the closure of the private golf course, and no footpaths traverse it. The site does have natural heritage features derived from its topography, including the dry valley and the belts of Ancient Woodland. The site does not include features of any cultural interest.
32. The presence of these natural features has to be balanced against the absence of other features to which the Guidance refers and those features which are uncharacteristic of the LCA18.3 which I have referred to above. For these reasons, I find that that the site has a medium landscape value.

#### *Character of the site*

33. The Landscape and Visual Impact Assessment submitted with the application (LVIA) identifies that the proposed development would alter the field pattern within the site and, through the creation of the development platforms, would alter the profile of its natural topography, leading to the loss of natural grassland. The new and widened access points on Burtons Lane and Lodge Lane would also alter the character of the site's boundaries.
34. The form of development proposed across the northern part of the site would represent an extension of Little Chalfont in an area largely free of development.

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<sup>5</sup> CD8.7 Landscape Assessment for GB options

<sup>6</sup> Michelle Bolger Landscape Architects

<sup>7</sup> Stroud District Council v SSCLG and Gladman Developments Ltd

<sup>8</sup> CD5.6 TGN 02/21 - the Landscape Institute 2021



These changes would be permanent and irreversible and would have a major adverse impact but would be restricted to just the northern part of the site.

35. However, these changes have to be balanced against other aspects of the appeal scheme. These include the protection and enhancement of the Ancient Woodland, the retention of the southern field, the creation of the SANG, recognised by Natural England, additional planting and Biodiversity Net Gain (BNG), calculated at around 20%. For these reasons, I conclude therefore that overall, the effects would be moderate adverse.

#### *Trees and Hedgerows*

36. The scheme would involve the loss of trees and hedgerows. The Council contends that the appellant's LVIA underplays the extent of this loss.
37. Across the site as a whole, there would be a loss of one Category A tree, 15 Category B and 53 Category C trees. Although a significant proportion of trees outside the belts of Ancient Woodland would be lost, these are primarily Category C and many are less than 10 metres in height making only a limited contribution to the character of the area at the present time. For these reasons, I find that their loss would not undermine the site's overall character. The landscape impact in this regard would be minor adverse.
38. Hedgerows form structural features both on the site's boundaries and within the site. Of the 13 hedgerows surveyed<sup>9</sup>, five would be completely removed whilst three would be partially removed. However, several of these make only a limited contribution to the site's landscape character, representing golf course features delineating fairways, its boundaries and the boundary of Homestead Farm.
39. Others though are structurally important including H8 and H13<sup>10</sup>. Although my attention was drawn to the age of Hedgerow H8, the plans originally identified that a significant length would be removed but this has been altered by the revised Parameter plan, resulting in a net hedgerow loss of around 20 metres required to enable the through pedestrian and cycle route. H13 would only be partially removed to enable the road access into the site from Burtons Lane.
40. The proposed scheme would involve significant areas of hedgerow planting and enhancement of existing features as part of the SANG. I am satisfied that the amount of retained and additional hedgerow planting would retain hedgerows as an important feature of this site.
41. The Council objects to the proposed replacement planting on the basis that even after 15 years it would not reach comparable levels of scale, species complexity or visual enclosure when compared to that existing. However, I find that these matters could be satisfactorily addressed through an appropriate species mix and spacing addressed by a planning condition. For these reasons, the landscape impact in this regard would result in only a minor adverse change.

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<sup>9</sup> CD1.18.5 Appx 12.7. I have used references from this study

<sup>10</sup> CD18.5 Vol1 Chapter 13

### *Dry Valley*

42. A defining principle adopted by the appellant for the scheme design is the retention of the dry valley<sup>11</sup>. All the parties at the Inquiry agreed that this is a sensitive receptor. I have no reason to disagree. It extends from just west of Burtons Lane, through the southern part of the site, and turns north east into the AONB, above which is the embanked rail line.
43. The LVIA does not define the extent of the dry valley required to be free of development to ensure that it remains a legible feature within the scheme. The valley does not have a consistent profile through the site, with the steepest part being the northern slope lying immediately east of Stonydean Wood. Beyond this point the contours broaden, most markedly to the east abutting Lodge Lane. However, the southern slope is more consistent in profile, allowing for clearer definition of the valley profile which would be retained free from development.
44. The Masterplan identifies that the western development parcel would not extend below the 115 metre contour, with only a finger of housing proposed below this height, located just west of Stonydean Wood. The eastern development parcel extends down to around the 107 metre contour. Due to the gentler gradient of land in this area of the site, the extent of land free from development lying above the contour increases in area. This would maintain the definition of the dry valley in the site when viewed from Lodge Lane.
45. Inquiry time was spent on comparing the extent of land free from development in the appeal scheme with that included in the site capacity study<sup>12</sup> for the housing allocation in the now withdrawn plan. However, comparison is unwarranted given that the draft allocation was for a completely different scheme from that before me, which included development on the southern slope on Honour's Yard and on what is now proposed to be the SANG. This would have potentially resulted in a different form of enclosure around the dry valley. That is not the situation in this scheme, where development is confined to just the northern slope.
46. The dry valley would remain as a legible natural feature through the site. Although the extent of land free from development would narrow by Stonydean Wood, the buffer areas retained free from development around the Ancient Woodland belts would allow views from both the proposed access points through the valley.
47. The valley's most sensitive point lies at its interface with the AONB, by the Lodge Lane access. Here, however, the extent of the dry valley retained free from development allows for an area of transition from the site to the AONB. The landscape impacts of the appeal scheme on this feature would be minor adverse.

### *Lodge Lane and the setting of the AONB*

48. Lodge Lane follows the profile of the dry valley, extending down from Long Walk before rising from beneath the rail bridge to the junction with Church Grove. It is of insufficient width for two-way traffic and does not include pedestrian footways and lighting. It lies between the site boundary and the

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<sup>11</sup> CD 1.11 Design and Access Statement

<sup>12</sup> CD7.3A



AONB, falling within its setting. Notwithstanding the presence of the rail bridge, the lane is a single entity, characterised by wooded embankments which increase in height and steepness north of the bridge. The lane's landscape character is defined by the extent of tree coverage and the tapestry of its understorey; these are characteristics recognised by the Conservation Board<sup>13</sup>.

49. The Conservation Board objects to the carriageway widening which it maintains, would have an urbanising effect leading to an adverse impact on the setting of the AONB.
50. The widened access point would involve the removal of trees and hedgerows. These include two B grade trees, with the remainder either C category or 'U' value, which do not make a significant contribution to the landscape character or qualities of the AONB. In any event, the tree cover that would be retained to both sides of the proposed access on this frontage means that there would be only minor effects on the setting of the AONB at this point.
51. More extensive works of around 240 metres in length are proposed for the lane north of the proposed access, involving widening of the carriageway by around 0.7 metres. This would necessitate the removal of about 1 metre width of embankment, including the removal of trees within Group W13, and their understorey, and the erection of a retaining wall of around 140 metres length<sup>14</sup>.
52. During the Inquiry I was presented with additional information on the anticipated loss of trees along this part of Lodge Lane<sup>15</sup> which identified that seven and not fourteen trees would be removed from Group W13. I understand the concerns of both the Council and the Conservation Board, but this is a well treed bank which benefits from mature trees located across its full extent. The loss of seven trees along the lowest levels of the bank would have a negligible adverse impact on the setting of the AONB at this point, given the number of trees on the western edge of the lane.
53. I recognise that the proposed retaining wall would initially have an urbanising effect but this would not prevent a newly planted understorey from growing over time.
54. There would be minor effects with no material harm to the setting of the AONB by Year 15 (Y15), arising from the proposed works to both the widened access and carriageway.

#### *Conclusions on landscape effects*

55. Overall, I find that the site has a medium landscape value, given that it includes features uncharacteristic of its LCA. It has a medium susceptibility to the appeal scheme, given that over 50% of the site would remain free from built development and its most distinctive landscape features, including belts of Ancient Woodland and boundary hedgerows, would be enhanced and protected. The proposed development would broadly respect the form of the dry valley.

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<sup>13</sup> Conservation Board letter 23 August 2022

<sup>14</sup> CD 1.22A

<sup>15</sup> CD7.22 Waterman Tree Note

56. In my view, by Y15, the proposed mitigation planting and retained landscape features would allow the integration of the proposed development leading to an overall moderate adverse impact.
57. Overall, the proposed works to Lodge Lane would not result in material harm to the distinctive profile of this lane and the setting of the AONB.

#### Visual effects

58. The Zone of Theoretical Visibility (ZTV) is drawn tightly around the perimeter of the site, reflecting its self-containment which results from its topography and extent of existing tree belts. This is confirmed by the LVIA, which identifies that beyond its immediate context, views of the appeal scheme would have a negligible effect.
59. I address the viewpoints and those receptors most affected, based on the accompanied site visit completed during the Inquiry. As a general point I acknowledge that the most significant effects would be experienced during construction, but I restrict my comments to its Y15 effects.

#### *Lodge Lane*

60. By Y15, the proposed works for the western edge of Lodge Lane would have had sufficient time to mature. The approach from either direction would be largely masked by both existing trees and mitigation planting. Accordingly, views would be limited for pedestrians with both cyclists and motorists having only glimpses of the eastern parcel.
61. To the south of the rail bridge, the signage, lighting and road markings associated with the new access would be visible, but only directly at the access point. At this point, clear views of the road and the eastern development parcel would be possible.
62. Although the Council assesses the impact on these views as being moderate to major adverse, I find that the effects on pedestrians, the most sensitive receptor would by Y15, be limited.

#### *AONB*

63. Walkers along footpath PROW LCF/11/1 through New Hanging Wood within the AONB, are sensitive receptors. From within the wood, the impact of the new access its road signage and lighting and the eastern parcel, would be largely masked by the depth and density of surrounding woodland. At this point, any impact on views would be negligible.

#### *Loudhams Wood Lane*

64. Receptors would be the occupiers of properties with rear windows facing towards the site. These properties are separated from the appeal site by a thick belt of mature vegetation.
65. The Parameter plans identify that new development along the western development parcel would be up to 2.5 storeys in height. The proposed height, together with the separation between the receptors and the development parcel, would be sufficient to minimise views, with any impact being minor adverse.

### *Burtons Lane*

66. Presently, there is an existing footway along the east side of Burtons Lane, adjacent to the western edge of the appeal site. The scheme would involve the removal of a significant tree and a length of boundary hedgerow to create the road access but development would be set behind a thick landscape belt on this boundary. These changes would afford northbound footway users direct views of the western development parcel, but only on the approach to the proposed access. Further south the retained hedgerows would restrict views into the site.
67. Walking south, whilst intermittent views of the development may be possible through the boundary hedge, the dominant view would be towards the retained dry valley and Loudhams Wood.
68. For these reasons, despite the sensitivity of pedestrians, the impact on views would be limited.

### *Village Way*

69. Receptors would be the occupiers of several properties at the end of the road, with rear windows facing towards the site. A thick tree belt extends across the boundary between their rear gardens and the appeal site. The appeal scheme includes residential development of around 2.5-3 storeys immediately to the rear, on rising land.
70. Despite the change in level between existing properties and the appeal site, and the height of the proposed dwellings, views would be limited due to the depth of existing screening. Furthermore, even were the proposed MUGA<sup>16</sup> to include floodlights, these would only be glimpsed. I conclude that the impact on views from the existing residential properties would be limited.

### *Dark Skies*

71. South of the existing urban edge of Little Chalfont, the appeal site represents an area of dark skies. The Conservation Board has raised an objection to the potential loss of dark skies and its impact on wildlife corridors.
72. I am satisfied, however, that the degree of natural enclosure around the site, together with the use of conditions controlling matters such as light spillage and intrusion, could sufficiently mitigate any wider harm in this regard.

### *Conclusions on visual effects*

73. The visual effects of the appeal scheme are largely contained within a ZTV of limited extent. The most sensitive receptors would be residents of surrounding properties with views of the scheme which, largely through a combination of topography and existing planting, would be limited. Footpath/footway users within the AONB would experience only limited adverse effects.

### *Burtons Lane Area of Special Character (ASC)*

74. The western part of the site lies adjacent to the Burtons Lane ASC identified in the South Bucks Townscape Study. This includes Green Suburban Roads or Woodland Roads. Common to each of these typologies are large detached

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<sup>16</sup> Multi Use Games Area

residential properties set in spacious plots along broad avenues of mature trees. These areas have densities of around 5 dph.

75. The Council's objection is twofold in respect of the scheme's impacts on the ASC. Firstly, notwithstanding the scheme's density, the objection relates to the proposed disposition<sup>17</sup> of development within the site. In particular, that the western parcel's set back from the frontage to Burtons Lane is excessive and that the separation distance between the western parcel and the rear of properties on Loudhams Wood Lane would undermine a strong perimeter block structure.
76. Secondly, the Council identifies the ASC as having a 'high landscape sensitivity', resulting in the appeal scheme having a moderate adverse impact on this area<sup>18</sup>.
77. In my view, the nature of development suggested by the Parameter plans allows for a break between the surrounding urban form and the character of what is proposed. Separation of the scheme from the frontage to Burtons Lane and from the rear of properties in Loudhams Wood Lane with additional landscaping, allows the scheme to sit as a new form of development without comparison to the ASC. In this way, its physical impact on the character of the ASC would be significantly reduced.
78. For these reasons whilst I recognise that the ASC has a degree of sensitivity, the disposition of the western parcel would respect this. I consider that the scheme would not adversely impact on the character or appearance of the ASC.

*Overall conclusions on character and appearance*

79. The Council states that the appeal scheme's character and appearance would conflict with several policies.
80. Policy CS22 seeks to protect the setting of, and views to and from the AONB. Although the Council refers to LP Policy LSQ1, this refers solely to development within the AONB and has only limited application to the proposed scheme which lies outside its boundaries. The proposed access works and the widening of Lodge Lane are limited in extent and would have only a limited effect on the setting of the AONB and would not undermine its landscape and scenic beauty.
81. Local Plan Policy GB30 seeks to protect the rural landscape and Policies GC4 and TW6 require the protection of hedgerows and that there should be no loss of trees. The Council identifies that the scheme would conflict with the site's natural features including hedgerows, trees and woodland. However, the areas of Ancient Woodland would be protected and, although there would be a loss of trees and hedgerows across the site, this would principally affect Category C or unclassified trees and could be off-set by mitigation planting. I acknowledge however, that the development would erode the site's natural landscape features in conflict with Policy GB30 of the LP, but this would be largely contained to just one area of the site.
82. That said, there would be no conflict with Policy CS32, as it would open the site up to public access, include a SANG and connect to the footpath network within

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<sup>17</sup> Mr Fannon PoE

<sup>18</sup> Ms Huijer PoE para 4.4.9.13

the local area. The scheme would therefore contribute to the area's green infrastructure.

83. To conclude, whilst I find that there would be no conflict with Policy LSQ1 and H4 and only limited conflict with Policies TW6, GC1, GC4 and GB30 of the LP and Policies CS22 and CS32 of the Core Strategy, the degree of impact on the site's overall character and appearance would be limited in extent.

### **Highway Safety**

84. The Council's original objection concerned the appellant's traffic modelling for junctions in the local area. Following receipt of new evidence, the main parties completed a Statement of Common Ground which identified that there were no outstanding areas of disagreement. However, a number of interested parties maintain objections which I address below.

#### *Lodge Lane*

85. During my site visits, the lane was only occasionally used by pedestrians, cyclists and vehicles, although I appreciate that these only provide a snapshot in time.
86. I recognise that its widening could lead to an increase in traffic which could travel at higher speeds than at present despite the retention of the existing 40mph speed limit. However, despite these changes the risks of greater conflict with pedestrians would be limited due to inclusion within the scheme of pedestrian/cycle access routes which lead to the centre of Little Chalfont and the rail station.
87. Whilst interested parties suggest that the design of the widening scheme may not fully adhere to the advice included in Manual for Streets, the County Council, as the Highway Authority with responsibility for highway safety, is satisfied with the proposed layout and does not object. I am satisfied that these matters were fully addressed by the Stage 1 RSA<sup>19</sup> and that there would be no material harm in this regard.

#### *Traffic Impact Analysis*

88. Other concerns relate to an apparent 'downward adjustment' in trip numbers for the morning peak, with the modelling assuming that large numbers of vehicles 'bypass' the centre of Little Chalfont. Furthermore, other assumptions appear to 'double discount' the number of 'local' trips to the proposed community hub within the site.
89. I recognise that the traffic modelling underwent successive iterations on the traffic movements around the Church Grove/Amersham Road/Stoney Lane junction. This resulted in traffic figures being revised and substituted with historic manual counts and then tested using various adjustments based on other modelling evidence. I am satisfied that the 'lost' figures have now been appropriately accounted for.
90. In respect of the size of the proposed store, the 1,000 square metres floorspace included in the appeal scheme include a range of uses from Ea), Eb) Ef) and F2b), covering retail, café/restaurant, medical services and meeting hall, and not just retail space as the interested party suggests. As a result, I

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<sup>19</sup> Road Safety Audit

am satisfied that concerns over a material increase in traffic coming to the site from outside the area to shop in the proposed store, are unlikely to arise.

#### *Capacity of Roughwood Lane*

91. I accept that there would be an increase in traffic arising from the appeal scheme on local roads. However, I do not accept that this could lead to an unacceptable increase on the volume of traffic using Roughwood Lane as a consequence of 'rat-running' to the A413 when the A404 is blocked. Traffic counts<sup>20</sup> identify that this lane has sufficient capacity to accommodate the additional traffic arising in such circumstances. I find that there would be no material harm in this regard, during times of stress on the strategic road network.

#### *Cycle route along the east side of Burtons Lane*

92. The Parish Council expressed concerns over whether there would be sufficient space along the east side of the Burtons Lane for the proposed pedestrian/cycle path.
93. The works required would extend for around 500 metres along the east side of Burtons Lane and would be contained within highway land, lie outside the boundary of the appeal site and do not require planning permission. The accompanied site visit identified that five trees would need to be removed, but that space of around 3 metres width could be developed, which would be sufficient for the shared path. The shallow drain along this side of the lane could be culverted to ensure sufficient space was created.
94. Although there would still be pinch points along the route, it could accommodate both pedestrians and cyclists safely. The route would provide direct access from the site to the centre of Little Chalfont. I am satisfied that these arrangements could deliver the shared space as suggested by the appellant. These matters would form part of a separate agreement negotiated under the Highway Act 1980.
95. In consideration of all these matters, I conclude that the appeal scheme does not conflict with Policies CS25 and CS26 and the Council's Highways Development Management Guidance,<sup>21</sup> which together and among other things seek ensure that the development of transport infrastructure keeps pace with growth.

#### ***Whether or not the proposal would lead to an unacceptable loss of protected species and protected habitats***

96. In advance of the Inquiry, the main parties agreed a SoCG relating to this matter. In light of that, the Council did not pursue during the Inquiry the related reason for refusal included in its decision. The SoCG identifies that protected species including Bats, Badgers, Reptiles including Slow Worms and Grass Snakes, common amphibians, breeding birds and a common assemblage of invertebrates are found across the site. These species are found in a range of common habitats including grassland, scrub, ruderal vegetation, woodland, native hedgerows and garden.

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<sup>20</sup> IDX5

<sup>21</sup> Buckinghamshire County Council Highways Development Management Guidance: Managing the transport and travel impact of new developments (July 2018)



97. Notwithstanding the outstanding concerns of one of the objectors, I am satisfied that the completed surveys included with the appeal for both protected species and habitats are sufficient to allow for an informed view on the likely impacts of the proposed development. I acknowledge concerns regarding the potential for bat roosts in trees on Lodge Lane. However, it is unknown at this stage whether a particular tree would be affected by the proposed widening scheme. Further surveys would be required in line with the Bat Conservation Trust's guidelines which could identify rarer bats if the appeal was to succeed. That could be secured by condition.
98. In respect of Great Crested Newts (GCN), whilst surveys were required for all water bodies within 500 metres of the site boundary, it would seem not all of these were surveyed. The interested party's report<sup>22</sup> acknowledges that these ponds would be 'below average' in terms of their potential as habitats for GCN and each lies at some distance from the site. Migration of GCN across a road, through residential properties and the rail line to the site, would therefore be unlikely.
99. The BNG calculation is derived from the extent of semi natural habitats to be retained along with those habitats of the highest ecological interest. This amounts to uplifts of around 29.68% in relation to habitat units and 42.13% for hedgerow units. Although the interested party took issue with the calculations adopted by the appellant, it was acknowledged that only a marginally different score results.
100. Although enabling legislation was enacted in November 2021, there is no legal requirement to secure BNG until the Government issues guidance for a 10% biodiversity net gain. Nevertheless, the S106 includes the proposed mitigation measures as a benefit of the scheme.
101. For these reasons, I conclude that the appeal scheme does not conflict with CS Policy CS24 which seeks to conserve and enhance biodiversity.

### ***Infrastructure***

102. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 57 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.
103. The completed S106 requires that 40% of the dwellings proposed are secured as affordable housing units, with an appropriate mix in line with the Council's local housing needs. Provision would be phased, linked to occupation of the market housing and that first lets would be through the Bucks Home Choice Scheme. Other provisions include mortgage protection for First Homes. These arrangements are supported by Policies CS8 and CS10 of the CS.
104. Other covenants secure provision of the SANG and its management by a dedicated management company responsible for open space, the sustainable drainage scheme (SuDS) and communal areas, pursuant to CS Policies CS31 and CS32.

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<sup>22</sup> BIOSCAN

105. The S106 also includes financial contributions towards transport measures for housing and the retirement home, the car club (at £250.00 per dwelling and £1,000 for the retirement home) and a travel plan and monitoring fee of £5,000. These measures are supported by Policies CS24, CS25 of the CS and Saved Policies TR2 and TR5 of the LP, which seek the provision of a genuine choice of transport modes.
106. Arrangements for the procurement of a registered care home operator are secured by the Agreement, as are provisions to restrict occupation of the home to those who are aged 55 years and over, with financial contributions for a basic care package. These provisions are in line with Policy CS12 of the CS.
107. Other covenants require the provision of a LEAP, LAP and NEAP<sup>23</sup> within the site, and that the SANG should be at least 10ha in area. These provisions are appropriate given the scale of development proposed and are supported by Policy CS31 of the CS.
108. The Agreement includes the provision of land within the scheme for up to 15 self- and/or custom-build dwellings. Although there is no local policy support for such, it is supported by legislation<sup>24</sup> and Paragraph 62 of the Framework.
109. The scheme includes the safeguarding of land for a new primary school, the delivery of which would be tied to trigger points based on housing delivery. There is some doubt, as to whether this would proceed, or whether an existing local school would be extended to accommodate the identified need. Covenants included in the S106 include financial contributions towards education provision based on a formula for each dwelling, depending on their size. This is supported by CS Policies CS29 and CS31.
110. The S106 also includes the provision of land for a community building within the site, in accordance with CS Policy CS29. The Parish Council requested that instead, the money could be directed towards the refurbishment of the existing community hall in Little Chalfont<sup>25</sup>. Whatever the merits of that possibility, I can only consider the arrangement that is proposed as part of the appeal scheme.
111. The agreement includes a financial contribution of £3,000 towards signage/wayfinding to encourage access to the AONB, in line with Policy CS32 of the CS, as well as contributions towards the Chiltern Beechwoods SAC SAMM26, which I address later in this decision.
112. Other obligations secure employment opportunities for local people during the construction period. Although there is no locally adopted policy to support this, it is consistent with Paragraph 81 of the Framework which seeks, among other things, to support economic growth and activity.
113. The S106 includes the provision of infrastructure which is necessary, directly required and fairly and reasonably related in scale to this development. I am satisfied that each of these covenants fall within the provisions of Regulation 122 of the CIL Regulations and Paragraph 57 of the Framework.

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<sup>23</sup> Locally Equipped Area for Play, Local Area for Play, Neighbourhood Equipped Area for Play

<sup>24</sup> The Self Build and Custom Build Act 2017

<sup>25</sup> IDX 26

<sup>26</sup> Strategic Access Management and Monitoring Strategy for the Chiltern Beechwoods SAC

***Chilterns Beechwoods Special Area of Conservation (SAC) and Ashridge Commons and Woods Site of Special Scientific Interest (SSSI)***

114. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) as competent authority I am required to undertake an Appropriate Assessment of the development on the basis of its Likely Significant Effects on the Chiltern Beechwoods SAC as a European Site. The mitigation proposed to address these effects are the provision of SANG and Strategic Access Management and Monitoring.
115. Having regard to the submissions of Natural England and relevant planning policy, including the Council's Chiltern Beechwoods Special Protection Area Avoidance Strategy Supplementary Planning Document, I consider that the proposed measures would adequately mitigate the recreational effects of the proposed scheme, either alone or in combination with other plans and projects, so that there would be no adverse effect upon the integrity of the SAC and its SSSI. The mitigation would be secured and managed via the s106 Agreement.
116. These covenants are supported by Saved Policy NC1 of the LP. The provision of the SANG within the site, and its management plan, as included within the Agreement, are supported by CS Policy CS24.
117. I am satisfied that each of these covenants fall within the provisions of Regulation 122 of the CIL Regulations and Paragraph 57 of the Framework.
118. The Council's objection related to the accuracy of trip modelling for the appeal scheme and its implications for air quality. This has been resolved<sup>27</sup>.
119. Results from the updated traffic modelling identifies that at each of the receptor points results are predicted to be below the nitrogen dioxide (NO<sub>x</sub>) annual mean objective in 2026 and the same for particulate matter (related to the size of particles in the atmosphere). Both main parties agreed a Technical Note<sup>28</sup> on this matter and the Council did not pursue its original objection during the Inquiry.
120. Natural England was consulted as part of the appeal and confirmed that its only concern related to impacts on the pathway derived from recreational activities arising from the scheme on the SAC. Air quality has been discounted<sup>29</sup>. No substantiated evidence is before me to counter this view.
121. I am content, therefore that there would be no adverse impact on human health or biodiversity including on the Chiltern Beechwoods SAC.
122. In the absence of other evidence to the contrary, I am satisfied that the revised modelling fully addresses the Council's original objection. For this reason, I conclude that that the appeal scheme would not conflict with CS Policies CS25, CS26 and Saved Policy GC9 of the LP.

***Flood Risk***

123. The appeal site lies within Flood Zone 1 with a low risk of fluvial flooding, although it includes two flow routes. The route which follows a west-east direction through the site results in some ponding on its eastern edge. The

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<sup>27</sup> SoCG on Transport Matters

<sup>28</sup> CD1.43

<sup>29</sup> Environmental Statement

appeal scheme includes an infiltration based system, with run-off attenuated within basins located across the site. The critical issue is whether the appeal scheme would lead to an increase in flood risk beyond the site.

124. A Technical Note<sup>30</sup> submitted with the appeal addresses the substance of the Council's original objection, including updated modelling, infiltration rate testing, the location of the SUDS basins and surface water drainage calculations. In light of that Technical Note, the Council did not pursue its objections in this regard.
125. In the absence of any evidence to the contrary, I am content that the development would not lead to an increase in flooding off-site and find no conflict with Policy CS4 of the CS and its related guidance<sup>31</sup>.

### ***Best and Most Versatile (BMV) Land***

126. The appeal site comprises Grade 3 agricultural land, although no evidence has been presented on whether this falls predominantly within Grade 3a or 3b: Grade 3a land is classed as BMV agricultural land, whilst grade 3b is not.
127. I was advised, that across the local area, there are considerable tracts of Grade 3 land<sup>32</sup>. In the scheme of things therefore, the loss of around 14ha as a consequence of the development proposed would not, even were the whole site classed as BMV agricultural land, materially prejudice the supply of such land in the local area, which could adversely impact on the economics of food supply. That said, that the appeal scheme has the potential to result in the loss of BMV land, albeit limited in extent, falls to be considered as a disbenefit the scheme, and would be contrary to Policy CS4 of the CS and Paragraph 174b) of the Framework, which together and among other things seek to protect agricultural land from development.

### ***Other Considerations***

#### *Provision of market and affordable housing*

128. The parties agree that the Council<sup>33</sup> only has 2.5 years supply of housing land for the period 2021-2026. However, this is declining, and from the current year stands at 1.81 years supply (2022-27). This represents a chronic position.
129. In these circumstances, both the main parties afford the proposed provision of 215 units of market housing and 152 affordable housing, very substantial weight<sup>34</sup>.
130. The undersupply of housing has persisted for over a decade, resulting in an overall housing need in the Chilterns Area of 2,068 homes for the period 2016-2036, or around 104 dwellings each year.
131. For the last 15 years, the median and lower quartile levels of affordability within the District have been considerably higher in Buckinghamshire than the wider south-east. In respect of median house prices and lower quartile prices, the Little Chalfont ward has been significantly higher than for the rest of

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<sup>30</sup> Hydrock Technical Design Note 3 November 2022

<sup>31</sup> Sustainable Construction and Renewable Energy SPD 2015

<sup>32</sup> CD 1.18 EIA Main chapter

<sup>33</sup> The SoCG on housing land identifies that this is appropriately measured across the administrative area of the former Chiltern District

<sup>34</sup> Mr Fannon PoE

Buckinghamshire. A similar pattern is found for median private rents, which are higher across Buckinghamshire than the rest of the south-east.

132. During this same period, only 13% of housing completions within the Little Chalfont ward were defined as 'affordable', despite the policy requirement of 40% provision during most of this period. Within the last five years, there has been a 79% shortfall in the provision of affordable housing, compared to the HEDNA<sup>35</sup> 2016.
133. To address the extent of historical undersupply, the appellant estimates that around 180 new affordable dwellings are required each year. This compares to just 120 affordable dwellings included in extant permissions. These figures were not contested by the Council during the Inquiry.
134. The appeal scheme is policy compliant in terms of affordable housing provision and would make a significant contribution to addressing both market and affordable housing need. The suggested mix of units is in accordance with the Council's housing needs.
135. I acknowledge the Council's position that the most appropriate way to address these shortfalls would be through a plan-led approach. However, following the withdrawal of the joint plan, it is unclear when a new plan will be adopted, with officers indicating that this could be 2026. After this date, an application would still have to be determined. In contrast, the appellant anticipates that in the event of this appeal being allowed development could proceed in 2024<sup>36</sup>, with around 80% of the whole scheme being built out by 2029.
136. The Council has cast doubt on the scheme's 'deliverability', as defined by the Framework, due to the lack of information before the Inquiry on the Agreement in respect of the footbridge over the rail lines<sup>37</sup>. However, the Inquiry was informed that heads of terms have been agreed with London Transport,<sup>38</sup> and for this reason I am satisfied that it could be delivered in advance of the completion of the new local plan.
137. Finally, the Council has not advanced an argument to demonstrate that this level of housing need could be met through the recycling of derelict or urban land in line with Paragraph 138e) of the Framework.

#### *Custom and Self Build Housing*

138. Provision for this form of housing is included in statute<sup>39</sup>, which requires that Councils publish local registers of custom house builders who wish to acquire suitable land on which to build their own home. It requires that Authorities must give suitable permissions to allow a supply of serviced plots to meet demand. These requirements have been given greater impetus by the recommendations of the Bacon Report<sup>40</sup> and the Framework.
139. The parties differ on the degree of weight they each ascribe to the provision of the 15 units proposed, with the Council affording medium weight and the appellant substantial weight.

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<sup>35</sup> Housing and Economic Development Needs Assessment 2016

<sup>36</sup> Mr Kindred XX

<sup>37</sup> Mr Kindred EiC

<sup>38</sup> As advised by Mr Kindred for the appellant during the Inquiry

<sup>39</sup> Self Build and Custom Housebuilding Act 2015

<sup>40</sup> CD E41

140. The Council has no adopted or interim policy for this form of housing, despite the imperative accorded to its delivery by statute. I understand the Council's reservations on the use of the 'Build Store plot' web site, but it accepts that there is an unmet need of 347 units for the period 2016-2021 and it is agreed between the parties that the local connection test cannot be applied retrospectively.
141. Evidence<sup>41</sup> demonstrates that cumulatively across the Base Periods, the Council has continually failed to meet the demand for self-build homes identified in the Register. These figures were not contested by the Council. In these circumstances, the provision of 15 units would be a significant benefit, given the Government's commitment to this sector and the continued shortfall across the Council's area.
142. My attention was drawn to an appeal decision where an Inspector faced with a similar situation gave substantial weight to this matter<sup>42</sup>. I too afford this matter substantial weight in this appeal. Fifteen units would meet local demand and widen housing choice.

*Accommodation for the elderly and retired*

143. The appeal scheme includes a 100 bed retirement scheme and a 60 bed care home. Whilst the Council does not dispute that there is a need for this type of accommodation, its main concern relates to the excessive amount of accommodation proposed compared to local need, affordability and the likely care regime.
144. The appellant's evidence<sup>43</sup> identifies the scale of social care needs for the period 2020-2035 across the former Chiltern District. This identifies that the population aged over 65 years is projected to increase by around 18%, with a marked increase for the cohorts aged 85-89 years and 90+ years of around 45% and 60% respectively. Within this increase, the number of people who cannot perform at least one domestic task and one self-care task, thereby requiring some degree of support would increase significantly as well. This points to the level of need within the former Chiltern District area, which reflects the priority that this form of accommodation is accorded by national policy<sup>44</sup>.
145. In the context of these figures, the application of different modelling systems to identify demand for accommodation vary. However, a consistent picture emerges of the likely level of demand, based on the demographic modelling applied by the appellant. For the period 2020-2035, a projected need for 186 extra care housing units to rent, and 223 units for leasehold, is identified within the former Chiltern District area.
146. Both parties accept that up to 2025, around 276 units of accommodation are required<sup>45</sup>, although the Council indicates that its modelling for the new Authority area amounts to just 30 additional residential home and 228 nursing home beds by the year 2037.

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<sup>41</sup> Mr Moger PoE

<sup>42</sup> CD6.5

<sup>43</sup> Iain Warner PoE

<sup>44</sup> PPG Ref ID:63-001-20190626 identifies the need for this form of specialist accommodation as critical

<sup>45</sup> Mr Kindred PoE



147. Whilst I understand the Council's concerns regarding the lack of detail relating to the levels of care and its affordability, I am satisfied that the appeal scheme could make a considerable impact on addressing the under-supply of units based on the anticipated increase in population alone.
148. I am also mindful, given the chronic undersupply of housing land, that the provision of additional units of accommodation could release under occupied housing across the Council area.
149. Even though the appellant has not clarified the 'care regime' and the mix between rent and leasehold, there is an established need for both care and retirement accommodation in the local area. I afford this aspect of the proposal substantial weight.

#### *Economic benefits*

150. The appellant identifies direct and indirect economic benefits<sup>46</sup> which could be delivered by the appeal scheme. These include 470 construction jobs, resulting in around £46 million Gross Value Added (GVA) for each year during the construction period. A further £12 million could be derived from the additional spend arising from the new residents of the proposed scheme in local shops and services.
151. Whilst these measures would be related to the construction period, sustained economic advantages include 118 full time equivalent jobs from employment in the community hub, the retirement and care homes, and £5.2 million generated in GVA.
152. I recognise that these benefits are derived from the application of simple metrics, but I am in no doubt that significant economic advantages would arise from the delivery of the scheme.
153. Other benefits may arise from the provision of housing, particularly affordable housing, supporting the local economy by broadening the pool of local labour who could afford to work locally. This could address employers' concerns currently unable to attract local labour because of rising house prices.
154. Whilst the main economic benefits of this scheme would be considerable, they would be largely temporary, being derived from the construction period and would not meet the Council's local employment strategy which seeks high skilled and high value employment. However, in the context of the recent downturn in the national economy<sup>47</sup>, when considered together with the longer term employment provision on the site and the contribution that future residents would make to the economy through local expenditure, I afford the economic benefits moderate weight.

#### *Biodiversity Net Gain*

155. The scheme includes a significant BNG of around 20%.

#### *Open Space and Community benefits*

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<sup>46</sup> Ms Collins PoE

<sup>47</sup> Ms Collins PoE

156. The appellant identifies that Little Chalfont includes an under provision of community facilities and open space<sup>48</sup>. The appeal scheme includes an over-provision of open space and community benefits, reflecting both quantitative and qualitative improvements which could help address these shortfalls. In addition, the provision of pedestrian routes through the site would allow public access from the station and town centre to the AONB.
157. Whilst I acknowledge the importance of these measures, given the wealth of accessible countryside around the town, these advantages can only be accorded limited weight.

### **Planning Balance and Overall Conclusion**

158. The appeal scheme constitutes inappropriate development which is, by definition, harmful to the Green Belt. To this must be added further harm as a consequence of the appeal scheme through loss of openness of the Green Belt and harm to its Purposes included in Paragraph 138b) and c) of the Framework, limited harm to the setting of the AONB, some, albeit limited harm in terms of the character and appearance of the area generally, and limited harm through the loss of BMV land. Paragraph 148 of the Framework confirms that any harm to the Green Belt is to be given substantial weight.
159. Inappropriate development in the Green Belt should not be approved other than in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As set out above, there are substantial benefits arising from the scheme. These include the provision of a choice of housing which includes market, affordable, retirement and care and custom/self-build homes at a time when there is pressing need, not least as a consequence of the Council's chronic five year housing land supply. These meet the social objectives of the Framework. The extent of housing need is so large that it could not be addressed through the reuse of urban land.
160. The economic objectives of the Framework would be achieved by the scheme. Although much of the economic benefit would be temporary, arising during the construction period, there would be sustained employment in the services and facilities on the site, together with increased spend in local shops and services. In accordance with Paragraph 81 of the Framework, these benefits attract significant weight.
161. The environmental benefits of the Framework would be achieved through the large contribution of BNG and, to some extent, through the provision of the SANG. The extent of the BNG attracts substantial weight. Although provided as mitigation, the SANG would be available for use by existing local residents and a limited benefit may accrue in this regard. I also consider that the provision of other benefits related to open space and community space above the policy requirements, and footpaths and cycle routes through the site, attract limited weight.
162. Taken together, these other considerations are considerable and clearly outweigh the identified harm to the Green Belt and other harm, such as to amount to the very special circumstances needed to justify the development.

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<sup>48</sup> Mr Kindred PoE table 9.3

163. In the absence of a five year supply of housing land, the most important policies for determining this appeal are out of date and the so-called tilted balance, as set out in Framework paragraph 11d)ii), is engaged. In other words, permission should be granted unless the presumption in favour of sustainable development can be displaced. That is not to say, however, that any conflict with relevant policies should be disregarded. That will depend on their consistency, or otherwise, with the policies in the Framework.
164. The fact that policies are deemed out-of-date does not mean that they carry no weight. To carry weight policies must be consistent with the Framework, as explained in Paragraph 219 which, amongst other things, states that the closer that local policies are to those in the Framework, the greater the weight that may be given to them. As such it is perfectly possible for policies which are deemed out-of-date for reason of an inadequate land supply to still carry significant weight.
165. The most important policies relate to the outstanding matters of Green Belt and landscape impacts. I share the parties' views that LP Policy H4 is not applicable in this instance, given the site's location beyond the boundaries of the ASC.
166. Policy CS1 sets out a settlement strategy focussing new development within existing settlements. That accords with the broad principles of sustainable development which underpins the Framework. However, this strategy is predicated on a housing allocation dating from 1997 which is no longer relevant. Given this context, I accord the appeal scheme's conflict with the policy only moderate weight.
167. Policy GB2, which reiterates the presumption against inappropriate development in the Green Belt, was drafted before the adoption of the current Framework. It is central to the main issue in this appeal. However, it does not refer to the 'very special circumstances' which could allow inappropriate development in the Green Belt. For this reason, I accord the appeal scheme's conflict with the policy only limited weight.
168. I regard LP Policy LSQ1 and Policy CS22 as broadly consistent with Paragraph 176 of the Framework. I find that Policy LSQ1 is, however not directly related to the issues before me.
169. I find no conflict between the appeal scheme and Policy CS32 as it would make a significant contribution to GI in this part of the Borough. Policy GC4 is more restrictive than Paragraph 131 of the Framework on the protection of trees. Accordingly, it is not entirely consistent with the Framework. As such, I place only moderate weight on the scheme's conflict with this policy.
170. Policy GB30 requires development to adhere to the scenic beauty of its wider context. This is a Green Belt policy but seeks to introduce landscape considerations. This fudges the issue between a well-established national policy and landscape considerations. Accordingly, I accord the conflict of the appeal scheme and this policy limited weight. Policy TW6 seeks to resist the loss of woodland. It goes beyond Paragraph 131 of the Framework and I accord the conflict between the appeal scheme and the policy moderate weight.
171. LP Policy GC1 sets out detailed parameters required to achieve good design and is similar in intent to Policy CS20. I regard these as broadly consistent with

Paragraph 130 of the Framework and accord the appeal scheme's conflict with these policies significant weight.

172. In summary, I find no conflict between the scheme and Policies LSQ1, CS32 and H4. I accord only limited weight to the conflict with Policies GB2 and GB30 and CS22 with moderate weight accorded to conflicts with Policies CS1, CS20, GC1, GC4, and TW6.

### *Planning Balance*

173. The determining issue in this appeal is the conflict between the Green Belt and housing development. Whilst I accord substantial weight to any harm to the Green Belt, the site does not strongly meet the Green Belt purposes. Although there would be spatial harm to openness from the scheme, its visual effects would be largely contained. The conflict with Policies GB2 and CS1 would be limited given their inconsistencies with the Framework.
174. The site has a medium landscape value and although there would be a high magnitude of change on part of the site, this can be balanced against the retention of its natural character on the remainder including the protection and enhancement of the belts of Ancient Woodland. The legibility of the dry valley would not be unduly compromised. Although there is conflict with landscape policies GC4, CS20, TW6 and GB30 the landscape harm arising from the scheme would be of a minor/moderate adverse scale.
175. The loss of around 15ha of Grade 3 agricultural land can be balanced against the prevalence of agricultural land in the local area which would not be affected by these proposals.
176. Whilst I accord significant weight to the design policies GC1 and CS20, the degree of harm on the ASC would be limited.
177. Whilst the scheme would conflict with Policy CS22, the harm arising from the proposed works to Lodge Lane and the widened access into the site lie outside the AONB and would be limited in extent and localised. These works would not undermine its setting and scenic beauty.
178. Set against these limited harms to both the Green Belt and landscape, the scheme would deliver a choice of housing addressing a chronic and deteriorating undersupply. These are substantial benefits which in themselves clearly outweigh the substantial harm arising from its location in the Green Belt.
179. The Council advances a case against the scheme that the permanence of the Green Belt should be protected from death by a 'thousand cuts'. This argument requires balance against the absence of any Green Belt review, despite the Council's commitment included in its adopted local plan. This matter has been compounded by the withdrawn joint local plan<sup>49</sup>. Whilst the emerging plan is a new opportunity to address this matter its adoption is several years away in contrast to the delivery timescale of this scheme.

### *Conclusions*

180. The appeal scheme would make a substantial contribution to addressing the Authority's chronic under supply of housing land in a location which allows

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<sup>49</sup> IDX17

access to services by walking and cycling. Other considerations, for example, its economic and environmental benefits are important matters in support of the scheme.

181. When considered overall, whilst I accord substantial weight to the harm arising to the Green Belt through inappropriateness and other harm, this is clearly outweighed by the very special circumstances of this scheme.
182. Overall, I conclude that the benefits of the appeal scheme would significantly and demonstrably outweigh the harm identified when assessed against the policies of the Development Plan, when taken as a whole. As such the proposed development benefits from the Framework's presumption in favour of sustainable development.
183. Accordingly, the appeal is allowed and planning permission is granted.
184. I recognise that this outcome will be disappointing to those opposing the development. However, the views of local people, very important though they are, must be balanced against other considerations, including national and local planning policy. In coming to my conclusions on the various issues that have been raised, I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the development plan, the National Planning Policy Framework and other material considerations. On balance though, the evidence in this case leads me to the view that the appeal should succeed.

### **Conditions**

185. I have considered the suggested conditions in light of the related discussion at the Inquiry and the advice in both the Framework and the Government's Planning Practice Guidance. The conditions and wording set out in the schedule at Annex D below reflect that discussion, although I have amended a number to make them more concise, precise and enforceable. In a number of instances, I have not included the suggested list of overly prescriptive bullets on the basis that it would be a matter for the local planning authority, in the first instance, to come to a view as whether the submitted details were sufficient to achieve the stated reason for the condition. The numbers referred to below relate to the corresponding condition in the schedule.
186. In addition to the standard conditions relating to outline schemes (1-3), it is necessary, in order to provide certainty, to identify the plans to which the decision relates, but only insofar as they relate to the matter of access. (4). The application was accompanied by an Environmental Statement, based on certain parameters. The Environmental Statement, and those parameters, informed the evidence to the Inquiry. In order to ensure that the development would not give rise to environmental or other impacts any greater than those already assessed within the Environmental Statement and other evidence, conditions are necessary to secure compliance with those parameters/quantum of development. (5-9).
187. Conditions 10-32 are necessarily worded as either pre-reserved matters, or pre-commencement/reserved matters stage conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measures which could be used to protect legitimate interests.

188. The scale of the development scheme requires the submission of a phasing plan to ensure that key aspects of the scheme are carried out in a logical and timely manner in order to secure delivery of planned outputs and to minimise adverse effects on local residents and infrastructure. (10) Similarly a Masterplan and Design Code is required with the aim of securing high quality development, pursuant to Local Plan Policy GC1 and Core Strategy Policies CS4 and CS20. (11) A strategic landscaping plan is also required in order to ensure a strategic and comprehensive approach to the landscaping of the site, in accordance with Local Plan Policies GC1, GC4 and NC1 and Core Strategy Policies CS4, CS20, CS24 and CS32. (12)
189. Given the potential archaeological interest of the site, as identified in the appellant's Historic Environment Assessment, further on-site evaluation is required, pursuant to Local Plan Policy AS2 and Core Strategy Policy CS4. (13)
190. The following conditions are necessary in the interest of highway safety, pursuant to Local Plan Policies TR2 and TR3 and Core Strategy Policies CS4, CS25 and CS26: (14, 16, 35, 36, 37, 38)
191. In line with policy objectives to promote more sustainable modes of travel (Local Plan Policies TR2 and TR3 and Core Strategy Policies CS4, CS25 and CS26) and in the interest of pedestrian and cyclist safety, it is necessary to secure the intended footway and cycleway links. (15)
192. Details of refuse storage and recycling facilities are necessary in the interest of residential amenity, in accordance with Core Strategy Policies CS4, CS25 and CS26. (17)
193. Pursuant to Core Strategy Policies CS4, CS5, CS26 and CS31, a detailed Energy and Sustainability Strategy for the development is required in order to reduce domestic energy consumption and CO2 emissions. (18) The same policies justify a condition relating to specified water efficiency measures. (19)
194. It is necessary to ensure the provision of a range of housing that meets different accessibility needs in accordance with the requirements of Core Strategy Policy CS20. (20)
195. A Construction Environment Management Plan (CEMP) is necessary in order to minimise the impacts of construction on local residents, local businesses and those travelling through the area, and to protect the environment, pursuant to Local Plan Policy GC7 and Core Strategy Policy CS4. I have incorporated suggested conditions relating to the management of construction traffic, construction accesses and construction waste into the CEMP requirements. Given the dark sky location of the site, I have added a requirement for site lighting details during construction. (21)
196. A Construction Ecological Management Plan is necessary to minimise environmental impacts during the construction period, in accordance with Core Strategy Policies CS4 and CS24. (22)
197. Conditions are required to safeguard ecological and arboricultural interests, increase biodiversity and in the interests of visual amenity, pursuant to Local Plan Policies GC4, NC1 and TW6 and Core Strategy Policies CS4, CS20, CS24 and CS32. (23, 25, 28, 29, 31, 32, 40, 43)



198. Given the proximity of the eastern part of the site to the rail line, surveys are required in relation to both noise and vibration in order to assess any mitigation requirements that might be necessary to provide acceptable living conditions for future occupiers. (24)
199. In accordance with Local Plan Policy GC9, conditions are necessary to ensure that any site contamination, or the potential for such, is detected and remediated accordingly and that any risks from contamination are properly dealt with to protect the health of future occupiers and to prevent pollution of the environment. (26, 33, 34)
200. In accordance with Local Plan Policy CS4, details of a sustainable surface water drainage scheme are required, together with details for ongoing management which are essential to ensure that the scheme continues to perform as intended, in order to avoid pollution and to prevent increased risk from flooding. (27)
201. The scheme includes an area of land to be safeguarded for playing pitches. It is necessary to ensure that the land is properly drained so that it is suitable for the intended purpose. (30)
202. In order to ensure necessary connectivity with Little Chalfont in the interest of accessibility and sustainability, it is necessary to prevent occupation of development within the eastern part of the site until the proposed pedestrian/cycle bridge over the railway line has been completed and made available for use. (39). I have combined and simplified the two suggested conditions in this regard.
203. The identified benefits of the scheme include the provision of retirement homes and a care home to meet an identified local need. That consideration contributed to the very special circumstances in this case, which justify development in the Green Belt. In order to ensure that the identified need is met, it is necessary to ensure that the accommodation is not used for other purposes. (41)
204. It is also necessary to ensure that the local centre is only used for purposes falling within specific use classes in the interests of both highway safety and in terms of creating a sustainable community. (42)
205. In the interest of highway safety, it is necessary to ensure that, once provided, the visibility splays at the junction of the site accesses with the existing highway network are kept clear of obstruction. (44)
206. I have not imposed the suggested condition requiring the submission of a landscaping scheme, since landscaping is one the reserved matters and any scheme would, by virtue of one of the other conditions, need to comply with a strategic landscape plan to be submitted. Neither have I imposed the condition requiring electric vehicle parking spaces, since it would duplicate the provisions of Section S of the Building Regulations.

*Stephen Wilkinson*

INSPECTOR

## **Annex A**

### **APPEARANCES**

#### FOR THE LOCAL PLANNING AUTHORITY:

Mr S. Bird, King's Counsel for the Authority	Instructed by Ms Katherine Stubbs, Solicitor to Buckinghamshire Council
He called	
Ms N. Huijer BA, Dip LA, CMLI	Landscape Architect
Mr J. Fannon MRUP, MSc, MRTPI	Planning Consultant
Ms K. Stubbs	Solicitor to the Council
Mr C Duncan	Highways

#### FOR THE APPELLANT:

Mr S. White, King's Counsel for the appellant, and Mr M Fraser, Counsel for the appellant	Instructed by Ms Alison Tero of CBRE
He called	
Mr A Kindred MSc BA (Hons)MRTPI	Director CBRE
Ms R Taylor BA (Hons) MSc, Dip Arch, RIBA	Partner, JTP
Mr M D Chard BA(Hons), Dip (Hons), MAUD, CMLI	Landscape Director, Barton Wilmore now Stantec
James Stacey BA (Hons), DipTP, MRTPI	Managing Director, Tetlow King
Iain Warner BSc (Hons) DipTP	Director, Tetlow King
Andy Moger BA(Hons) MA MRPTI	Director, Tetlow King
Ms M Collins BA (Hons)	Director, Hatch Regeneris
Ms S Herbert	Senior Associate, Town Legal

Ms A Tero BA(Hons) MA	Executive Director, CBRE – Planning
Mr P Bell BEng (Hons) MCIT, MILT, MCIHT	Managing Director, Motion – Highways
Jacob Hepworth Bell BSc (Hons), MIEEnvSc, MCIEEM	Director Ecology Solutions

**INTERESTED PERSONS:**

Mr C Ingram Parish Councillor	Speaking for Little Chalfont Parish Council and the Community Association
Mr B Gallagher Parish Councillor	Speaking for Little Chalfont Parish Council and the Community Association
Mr M Parker	Resident
Mr K Haedjer	Resident

**Annex B**

**Documents handed up during the Inquiry**

<b>Document Reference</b>	<b>Document Title</b>
IDX – Inquiry Documents	
IDX1	Opening Statement (Appellant)
IDX2	Opening Statement (Council)
IDX3	Parish Council and Resident Association Verbal Presentation – Interested Party
IDX4	Mr Haider Verbal Presentation – Interested Parties
IDX4.1	Mr Haider Verbal Presentation – Interested Parties (Appeal Decision Land East of Bredon Road, Mitton).
IDX5	Mr Bell Written Response to Mr Haider (Interested Party)
IDX6	Minor Parameter Plan Changes (Annotated Version)
IDX7	Billericay Appeal Decision (9 December 2022)
IDX8	Ms Huijer (Council) Response to Waterman Tree Note (CD7.22)
IDX9	Barton Willmore (Appellant) Response to Ms Huijer Note
IDX10	Mr Harris (Appellant) Response to Ms Huijer
IDX11	Mr Haider Response to Mr Bell (12.12.2022)
IDX12	Roundtable on Needs Agenda
IDX13	Additional note from Little Chalfont Parish Council and Community Association on highway matters, dated 12 December
IDX14	Contour Overlay Plan
IDX15	Ms Taylor PowerPoint Presentation dated 14 December
IDX16	Inspector’s Site Visit Route and Itinerary

IDX17	Letter on the Examination of the Chiltern and South Bucks Local Plan dated 7 May 2020
IDX18	Mr Parker (Interested Party) email on Highways dated 11 December
IDX19	Mr Parker (Interested Party) email on withdrawn site allocation SP BP6 dated 13 December
IDX20	GLVIA Extract
IDX21	Mr Bell response to Mr Haider dated 14 December
IDX22	Mr Bell response to Little Chalfont Parish Council and Community Association on Highways Matters dated 15 December
IDX23	Figure LT1C Overlay Plan dated 16 December
IDX24	Agreed technical note on the Indicative Phasing Plan and Environmental Impact Assessment dated 15 December (Waterman) (Appellant)
IDX25	Agreed Green Belt note dated 19 December
IDX26	S106 proposal from Parish Council and LCCA dated 15 December
IDX27	GLVIA extract pages 30 – 40
IDX28	Mr Bell response to LC PC and LCCA Roughwood Lane note dated 20 December
IDX29	Roughwood Lane Note by LC PC and LCCA dated 19 December
IDX30	Beaconsfield Appeal decision dated 20 December
IDX31	Cllr Ingham email on Church Grove dated 18 December
IDX32	Mr Bell response to Cllr Ingham email on Church Grove dated 19 December
IDX33	Mr Chard note dated 20 December
IDX34	Brown v Ealing LBC dated 23 March 2018
IDX35	Peel Investments North Ltd [2021] P.T.S.R. 298
IDX36	Council Closing Statement
IDX37	Appellant Closing Statement

### **Documents presented after the Inquiry closed**

Completed S106 Agreement, dated 30 December 2022

### **Annex C**

#### **Schedule of Conditions**

##### **RESERVED MATTERS**

1. Details of appearance, landscaping, layout, and scale (hereinafter called the Reserved Matters) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development hereby permitted shall be carried out in accordance with the approved details.
2. Applications for the approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the Reserved Matters to be approved.

## **PLANS**

4. Unless required otherwise by any of the conditions below, development shall be carried out in accordance with the details shown on the following approved plans, but only insofar as they relate to access:

Burtons Lane Access	Drawing 140207-34 Rev C
Lodge Lane Access	Drawing 140207-40 Rev A
Highways Plan – Lodge Lane	140207-41
Highways Plan – Lodge Lane	140207-42

## **DEVELOPMENT PARAMETERS/QUANTUM OF DEVELOPMENT**

5. Applications for the approval of the Reserved Matters shall accord with the following approved plans:

Parameter Plan: Land Use and Green Infrastructure	Drawing 00973E_PP01 Rev P2
Parameter Plan: Building Heights	Drawing 00973E_PP02 Rev P2
Parameter Plan: Access and Movement	Drawing 00973E_PP03 Rev P2
Parameter Plan: Demolition	Drawing 00973E_SO3 Rev P1
Development Parcels	Drawing 140207-61

6. The number of Use Class C3 dwellings to be constructed on the site shall not exceed 380.
7. The number of retirement homes (Use Class C2) hereby permitted shall not exceed 100 units of accommodation.
8. The care home (Use Class C2) hereby permitted shall not exceed 60 bed spaces.
9. The local centre hereby permitted shall not permitted shall not exceed a gross external floorspace of 1,000sqm and shall include no more than 250sqm (gross external area) of retail floorspace as defined by Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order).

## **PRE-RESERVED MATTERS**

### **Phasing**

10. Prior to the submission of any Reserved Matters application, and notwithstanding the details shown on Drawing Number 00973E\_SO3 Rev P2), an updated phasing plan shall be submitted to the local planning authority identifying the phasing for the construction of the development across the whole site. No development shall commence until the local planning authority has approved in writing the phasing plan and the

development shall thereafter be constructed in accordance with the approved phasing plan. The phasing plan may be updated or amended through time to time with the approval in writing of the local planning authority.

### **Masterplan and Design Code**

11. Prior to the submission of any Reserved Matters application, and notwithstanding the submitted details, a detailed masterplan and design code covering the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, any Reserved Matters application pursuant to Condition 1 for any phase of development shall comply with the principles established by the approved masterplan and design code.

### **Strategic Landscaping**

12. Prior to the submission of any Reserved Matters application, a Strategic Landscaping Plan covering the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Landscaping Plan shall be in accordance with the submitted SANG and Biodiversity Management Plan (reference 10667M.SBMP.vf October 2022) and Biodiversity Net Gain report (reference 10677M.BNGReport.vf October 2022) demonstrating that a minimum of 20% Biodiversity Net Gain can be achieved across the site. Thereafter, any Reserved Matters application for any phase of development shall comply with the principles established by the approved Strategic Landscaping Plan.

### **Archaeological Evaluation**

13. Prior to the submission of any Reserved Matters application, an archaeological evaluation of the site shall have been undertaken in the form of trial trenching in accordance with a written scheme of investigation which has previously been submitted to and approved in writing by the local planning authority. Where significant archaeological remains are confirmed, no Reserved Matters applications shall be submitted until an appropriate methodology for their preservation in situ has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

## **RESERVED MATTERS STAGE**

### **Estate Roads**

14. The details to be submitted pursuant to Condition 1 for each phase, shall demonstrate the development being served by means of adoptable estate roads. No dwelling or unit hereby permitted shall be occupied until the estate roads which provide access to it from the existing highway have been laid out and constructed in accordance with details have been submitted to and approved in writing by the local planning authority.



### **Walking/Cycling Route Phasing**

15. The details to be submitted pursuant to Condition 1 shall include an internal walking/cycling route phasing scheme. Development shall be carried out in accordance with the approved scheme, which shall include:
- a) links from the proposed pedestrian and cycle access from Oakington Avenue via the pedestrian and cycle bridge;
  - b) new pedestrian and cycle access onto Burtons Lane; and
  - c) a public right of way connection at the eastern side of the site onto Lodge Lane.

### **Parking/Garaging etc**

16. The details to be submitted pursuant to Condition 1 for each phase shall include a scheme for vehicle parking, garaging, and manoeuvring; cycle parking; and, where appropriate, space for loading/unloading and servicing for the local centre, in accordance with Buckinghamshire Council's Buckinghamshire Countywide Parking Guidance policy document. Development shall be carried out in accordance with the approved details and made available for use prior to occupation of the development that it would serve. Once provided, those areas / facilities shall not thereafter be used for any other purpose.

### **Refuse Storage**

17. The details to be submitted pursuant to Condition 1 for each phase shall include a scheme for refuse storage and recycling facilities. Development shall be carried out in accordance with the approved details and made available for use prior to occupation or first use of the development that it would serve. Once provided, the facilities shall be retained thereafter.

### **Energy and Sustainability**

18. The details to be submitted pursuant to Condition 1 for each phase shall be accompanied by a detailed Energy and Sustainability Strategy for the relevant phase of the development. The Strategy shall include measures to reduce carbon emissions through the use of low-carbon and/or renewable technologies; other measures to ensure the implementation of sustainable design and construction principles; and details to demonstrate that adequately sized grid connections can be provided to meet the energy demand of the development. Development shall be carried out fully in accordance with the approved details for the relevant phase and the low-carbon/renewable technology shall be retained thereafter.
19. The dwellings hereby permitted shall be designed and constructed to meet a water efficiency standard of no more than 100 litres per person per day in accordance with Table 5.1 of the Sustainability and Energy Statement (16 November 2021).

### **Accessible/Adaptable Accommodation**

20. A minimum of 10% of the market residential units in any phase shall be designed to provide accessible and adaptable accommodation that meets the requirements of M4(2) of Part M of Schedule 1 of the Building Regulations 2010 (including any statutory replacement or amendment) and 1% of the market residential units in any phase shall be designed to meet the requirements of M4(3) of Part M of the same Schedule. Once provided, these units shall be retained as such thereafter.

## **PRE-COMMENCEMENT**

### **Construction Management**

21. No development shall commence on any phase until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved CEMP at all times. The CEMP shall include, but is not limited to:

- a) site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles, including use of a banksman; and provision for the loading/unloading of plant and materials within the site;
- b) site specific measures to control and monitor impacts arising in relation to noise and vibration (including working hours and details of all piling and power floating activities as appropriate), and dust and fumes;
- b) arrangements by which the developer shall maintain communication with local stakeholders in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP;
- c) a construction waste management plan that identifies the main waste materials expected to be generated by the development during demolition and construction, including vegetation, together with measures for dealing with such materials so as to minimise waste and to maximise re-use and recycling;
- d) location of access/exit points on the site for construction traffic;
- e) construction and delivery hours;
- f) arrangements for any site lighting, including security lighting, its location and hours of operation.

22. No development shall commence on any phase until a Construction Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved Construction Ecological Management Plan. The Construction Ecological Management Plan shall include, but is not restricted to:

- a) risk assessment of potentially damaging construction activities;

- b) identification of "biodiversity protection zones" including off-site receptors;
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction (may be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an Ecological Clerk of Works, or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs; and
- i) measures for removal of invasive species within the site.

### **Levels**

23. Prior to commencement of development in any phase, details of existing and proposed ground levels and finished floor levels, and cross-sections within the site, including any retaining walls, taken up to the site boundaries, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### **Noise and vibration**

24. No development shall commence within the Eastern Parcel (as defined on drawing number 140207-61) until details of an assessment of the effects of noise and vibration on the proposed residential accommodation within that Parcel arising from the adjacent railway line and employment uses, together with any identified measures necessary to ensure, among other things, that indoor ambient noise levels meet the recommendations in Table 4 of BS 8233:2014, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### **Tree Protection**

25. No development within any phase shall commence until a full Arboricultural Method Statement and Tree Protection Plan for that phase has been submitted to and approved in writing by the Local Planning Authority, which shall detail all work within the root protection areas of the retained trees within and around the site in relation to that phase. This statement shall also include details of protection measures for the trees during the development, and information about any excavation work, any changes in existing ground levels and any changes in surface treatments within the root protection areas of the trees, including plans and cross-sections where

necessary. Development shall be carried out in accordance with the approved details.

### **Contamination**

26.No development shall commence within any phase until a scheme to deal with the risks associated with contamination of that part of the site has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme, which shall include:

- i) a site investigation, based on the Preliminary Risk Assessment prepared by Waterman Infrastructure & Environment Ltd (Report ref. WIE15569-110-1-2-2-PRA) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- ii) the results of the site investigation and the detailed risk assessment referred to in i) and, based on these, an options appraisal and Remediation Strategy, giving full details of the remediation measures required and how they are to be undertaken; and
- iii) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.

### **Sustainable Drainage**

27.No development shall commence until a surface water drainage scheme for the site, based on the approved Flood Risk Assessment and Drainage Strategy (LCF-HYD-XX-XX-RP-D-5001 Issue P05, 26th November 2021, Hydrock) and Technical Design Note (08877-HYD-XX-XX-DR-D-7000, 3rd November 2022, Hydrock), and including a Surface Water Drainage Phasing Plan, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and no accommodation in a surface water drainage phase shall be occupied until all the Sustainable Drainage Systems (SuDS) and drainage components that would serve it have been implemented in full. The surface water drainage scheme shall include:

- A. details of basins to be located outside of areas of surface water flood risk as shown on drawing 08877-HYD-XX-XX-DR-FR-0007 P05 (Post-Development Maximum Surface Water Flood Depths – 1 in 100 year event plus + 40% Climate Change (03/11/2022, Hydrock));
- B. infiltration rate testing in accordance with BRE365, in the location of basins 2, 3 and 4 to the proposed effective depth of the infiltration feature;

- C. SuDS components as shown in LCF-HYD-XX-XX-DR-D-2200 P08 Drainage Strategy for Illustrative Masterplan Overview Plan (03/11/2022, Hydrock); and
- D. full construction details of all SuDS and drainage components in form of cross-sectional drawings and including:
- i) cover and invert levels of components;
  - ii) water levels for the 50% annual exceedance probability (AEP), 3.3% AEP and 1% AEP events, plus climate change events;
  - iii) details of lining materials where relevant;
  - iv) detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components;
  - v) calculations to demonstrate that the proposed drainage system can contain up to the 3.3% AEP storm event without flooding. Any onsite flooding between the 3.3% AEP and the 1% AEP event plus climate change should be safely contained on site.;
  - vi) water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components; and
  - vii) details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- E) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker or management company and any other arrangements to secure the operation of the scheme throughout its lifetime.

### **Ecology and Biodiversity**

28. Notwithstanding details already submitted, no development shall commence within the Eastern Parcel (as defined on Drawing 140207-61) until the results of an updated report on bat activity at Lodge Lane, following a survey undertaken in accordance with the Bat Conservation Trust (BCT) publication *Bat Surveys for Professional Ecologists: Good Practice Guidelines*, together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with any necessary mitigation measures.

29. No development within any phase shall commence until a long-term Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority.

The LEMPs shall be in accordance with the submitted SANG and Biodiversity Management Plan (reference 10667M.SBMP.vf October 2022), the Biodiversity Net Gain report (reference 10677M.BNGReport.vf October 2022) and the Strategic Landscaping Plan referred to in Condition 12.

### **Safeguarded land**

30.No development shall commence until a detailed assessment of the ground conditions (including drainage and topography) of the safeguarded land for educational use (playing pitches) as shown on the approved Land Use and Green Infrastructure and Parameter Plan (drawing number 00973E\_PP01 Rev P2), together with a scheme to address any related constraints and a timetable for implementation of such a scheme, has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved scheme.

### **Biodiversity Net Gain**

31.No development shall take place within any phase (including demolition, ground works and vegetation clearance) until a Biodiversity Net Gain Plan (BNG Plan) demonstrating how BNG will be achieved for that phase has been submitted to and approved in writing by the local planning authority. The BNG Plan shall accord with the requirements of Condition 12 and shall include, but is not limited to, the following:

- a) information about the steps taken, or to be taken, to minimise the adverse effect of the development on the biodiversity of the on-site habitat;
- b) the post-development biodiversity value of the on-site habitat; and
- c) any biodiversity credits purchased for the development.

32.No development shall take place (including demolition, ground works and vegetation clearance) until a Biodiversity Monitoring Strategy has been submitted to, and approved in writing by, the local planning authority, the purpose of which shall be to ensure that the proposed ecological avoidance, mitigation, compensation and enhancement measures for the site are successfully delivered and managed. The Strategy, which shall be implemented in accordance with the approved details, shall include:

- a) the aims and objectives of monitoring to match the stated purpose;
- b) identification of adequate baseline conditions prior to the start of development;
- c) appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;
- d) methods for data gathering and analysis;
- e) locations for monitoring;
- f) timing and duration of monitoring;
- g) responsible persons and lines of communication; and



- h) arrangements for review, and where appropriate, publication of results and outcomes.

Reports describing the results of the monitoring pursuant to Condition 31, shall be submitted to the local planning authority at intervals identified in the Biodiversity Monitoring Strategy. The reports shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented. The monitoring strategy will be implemented in accordance with the approved details.

## **PRE-OCCUPANCY CONDITIONS**

### **Contamination**

- 33.No part of the development hereby permitted shall be occupied or brought into use until a Verification Report that demonstrates completion of the works set out in the Remediation Strategy pursuant to Condition 26, and the effectiveness of any remediation carried out, together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils, has been submitted to and approved in writing by the Local Planning Authority. The approved monitoring and maintenance programme shall be implemented in accordance with the approved details.
- 34.In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

### **Highways**

- 35.No development within the Western Parcel (as defined on drawing number 140207-61) shall be occupied until:
- a) the new vehicular access to Burtons Lane has been sited and laid out in accordance with the approved drawings (140207-34 Rev C) and the Buckinghamshire Council Guidance note "Commercial Vehicular Access within the Public Highway";
  - b) the visibility splays shown on the approved drawings (140207-34 Rev C) have been provided on both sides of the vehicle access on Burtons Lane; and
  - c) the pedestrian and cycleway improvements on Burtons Lane to the junction with the A404 including realignment works (as shown in

drawings 140207-57 Rev B, and 140207-58 Rev B) have been laid out and constructed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

36.No development within the Eastern Parcel of the site defined on drawing number 140207-61 shall be occupied until:

a) the altered vehicular access to Lodge Lane has been sited and laid out in accordance with the approved drawings (140207-40 Rev A) and the Buckinghamshire Council Guidance note "Commercial Vehicular Access within the Public Highway"; and

b) visibility splays shown on the approved drawings (140207-40 Rev A) have been provided on both sides of the vehicle access on Lodge Lane.

37.No development within the Eastern Parcel of the site as defined on drawing number 140207-61 shall be occupied until the following highway improvements to Oakington Avenue/A404 (as shown on Drawing 140207-37 Rev F) have been laid out and constructed in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority showing:

a) realignment of the Oakington Avenue/A404 junction including pedestrian footway improvements between the proposed pedestrian and cycle bridge over the railway and Chalfont and Latimer railway station;

b) upgrade of existing zebra crossing to a Toucan crossing; and

c) two new bus stops on the A404.

38.No development on any part of the site shall be occupied until the Cokes Lane A404 highway improvement scheme has been delivered in general accordance with drawing 140207-30 Rev B.

39.No part of the development within the Eastern Parcel of the site (as shown on drawing number 140207-61) shall be occupied until the pedestrian and cycle bridge over the railway line has been provided and made available for use by pedestrians and cyclists for the lifetime of the development hereby permitted, together with the associated pedestrian and cycle connections and access onto Oakington Avenue (as shown on 140207-49).

## **Lighting**

40.No part of any phase shall be brought into use until a lighting design strategy for any buildings, features and areas to be lit within the relevant phase, has been submitted to, and approved in writing by the Local Planning Authority. No external lighting shall be installed other than in accordance with the approved strategy. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to access key areas of their territory, including foraging;

b) show how, when and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications); and

c) ensure that lighting in ecologically sensitive locations has a colour temperature of no more than 2700 Kelvin.

## **POST- OCCUPANCY/ONGOING CONDITIONS**

### **Future Use**

41. The retirement homes and care home hereby permitted shall be used for C2 purposes only and for no other purpose, including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

42. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent re-enactment thereof) the local centre hereby permitted shall only be used for purposes falling within the following Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose:

- Classes E(a) Display or retail sale of goods, other than hot food;
- E(b) Food and drink which is mostly consumed on the premises;
- E(e) Medical services not attached to the residence of the practitioner; and
- F2(b) Halls or meeting places for the principal use of the local community.

### **Trees**

43. With the exception of any pruning, tree surgery or felling specifically shown in the approved tree report (November 2021, Document Ref - WIE15569-107-R-2-2-1-AIA and November 2022, WIE15569-107.BN.1.1.2), or as shown on any landscaping scheme or Landscape and Ecology Management Plan, no tree, shrub or hedge shall be pruned, felled or removed without the prior written approval of the Local Planning Authority. If during construction of the development, or within a period of five years of its completion, any tree, shrub, hedge dies or becomes damaged, destroyed, diseased or dangerous, it shall be replaced during the following planting season by another healthy, tree, shrub or hedge as the case may be of a similar size and species, unless otherwise approved in writing by the Local Planning Authority. Thereafter any such replacement planting shall be maintained or further replaced as necessary for five years after replacement, unless otherwise approved in writing by the Local Planning Authority.

### Visibility Splays

44. Once provided pursuant to Conditions 35 and 36, the area contained within the visibility splays at the junction of the site accesses with the highway network shall thereafter be kept free of any obstruction exceeding 0.6m in height above the nearside channel level of the carriageway.

-----End of Schedule-----

### Annex D

#### Core Document List

Those identified in bold were revised following the Council's decision

CD.1.1	Site Location Plan	00973E S01
CD1.2	Indicative Density Plan	00973E S02
<b>CD1.2R</b>	<b>Indicative Density Plan</b>	<b>00973E S02 P2</b>
CD1.3	Indicative Phasing Plan	00973E S03
<b>CD1.3R</b>	<b>Indicative Phasing Plan</b>	<b>00973E S03 P2</b>
CD1.4	Block Plan	00973E S04
CD1.5	Land Use and Green Infrastructure Parameter Plan	00973E PP01
<b>CD1.5R</b>	<b>Land Use and Green Infrastructure Parameter Plan</b>	<b>00973E PP01 P2</b>
CD1.6	Heights Parameter Plan	00973E PP02
<b>CD1.6R</b>	<b>Building Heights Parameter Plan</b>	<b>00973E PP02 P2</b>

CD1.7	Access and Movement Parameter Plan	00973E PP03
<b>CD1.7R</b>	<b>Access and Movement Parameter Plan</b>	<b>00973E PP03 P2</b>
206.1 CD1.8	206.2 Demolition Parameter Plan	00973E PP04
CD1.9	Illustrative Masterplan	00973E MP01
<b>CD1.9R</b>	<b>Illustrative Masterplan</b>	<b>00973E MP01 P2</b>
CD1.10	Ecology and Trees Checklist	
CD1.11	206.3 Design and Access Statement	
CD1.12	Statement of Community Involvement	
CD1.13	Affordable Housing Form	
CD1.14	Affordable Housing Need Assessment	
CD1.15	Flood Risk Assessment + SUDS Strategy	
CD1.16	Hydraulic Model Assessment	
CD1.17	Utilities Assessment	
CD1.18	EIA	
CD1.18.1	Non-Technical Summary	
CD1.18.2	Environment Statement Addendum (ES Addendum)	WIE15569-111-R.1.1.1.ES Addendum
CD1.18.3	Preliminary Risk Assessment (ES Addendum)	WIE15569-110-1-3-1-PRA
CD1.18.4	ES Volume 2 Figures	
CD1.18.5	206.4 ES Volume 3 Appendices	

CD1.19	Built Heritage Statement	WIE15569-102-R-1-2-4-HEDBA
CD1.20	Land Contamination Assessment	206.5 WIE15569-110-1-2-2-PRA
CD1.21	Economic Benefits Statement	206.6
CD1.22	Tree Survey and Arboriculture Impact Assessment	WIE15569-107-R-2-2-1-AIA
CD1.22.A	Tree Survey and Arboriculture Impact Assessment (ES Addendum)	WIE15569-107-R-2-3-1-AIA
CD1.23	Transport Assessment and Drawings	
CD1.24	Travel Plan	
<b>CD1.24R</b>	<b>Travel Plan</b>	<b>October 2022</b>
CD1.25	Draft Construction Management Plan	
CD1.26	206.7 Planning Statement	
CD1.27	Energy and Sustainability Statement	
CD1.28	Waste and Recycling Strategy	
CD1.29	Geophysical Survey	
CD1.30	Lodge Lane Landscape Strategy	
CD1.31	Co-Ordinated Drainage Drawing	
CD1.32	Covering Letter	
CD1.33	Exceedance Flow Rates	
CD1.34	Illustrative Cut and Fill	
CD1.35	Illustrative Drainage Strategy	



<b>CD1.36</b>	<b>SANG Management Plan</b>	<b>October 2022</b>
<b>CD1.37</b>	<b>Lodge Lane Access</b>	<b>(140207-40A)</b>
<b>CD1.38</b>	<b>Burton Lane Access</b>	<b>(140207-34C)</b>
<b>CD1.39</b>	<b>Oakington Avenue</b>	<b>(14207-37F)</b>
<b>CD1.40</b>	<b>Burtons Lane Cycleway</b>	<b>(140207-57B)</b>
<b>CD1.41</b>	<b>Burtons Lane Cycleway</b>	<b>(140207-58B)</b>
<b>CD1.42</b>	<b>Ecology Solutions – Information for Habitats Regulation Assessment</b>	<b>November 2022, 10677M.HRA.vf</b>
<b>CD1.43</b>	<b>Air Quality Technical Note</b>	<b>December 2022 WIE15569-108- TN-1-1-3-AQ</b>
<b>CD1.44</b>	<b>Supplementary Local Junction Modelling Work</b>	<b>18<sup>th</sup> November 2022</b>
<b>CD1.45</b>	<b>Flood Risk Technical Design Note</b>	<b>3<sup>rd</sup> November 2022</b>
<b>CD1.46</b>	<b>EIA Statement of Conformity</b>	
<b>CD1.47</b>	<b>Off-Site Highways Plans</b>	
<b>CD1.48</b>	<b>Development Parcels</b>	<b>2<sup>nd</sup> November 2022</b>

CD2.1	Decision Notice (25 April 2022)
CD2.2	Officer Report to Planning Committee 21 April 2022
CD2.3	Update to officer Report (dated 20 April 2022)
CD2.4	Officer Report Appendix A – Consultation responses and Representations
CD2.5	Officer Report Appendix A Part 2 – Statutory Responses
CD2.6	Officer Report Appendix B – Site Location Plan
CD2.7	Officer Report Appendix C – HRA Appropriate Assessment
CD2.8	Officer Report Appendix D – Submitted Drawings.
CD2.9	CBRE Response to Officer Report

CD3.1	Appellant Statement of Case
CD3.2	Draft Statement of Common Ground
CD3.3	Council’s Statement of Case
CD3.4	Third Party Representations
CD3.4.1	Third Party Rep – Buckinghamshire NHS ICB
CD3.4.2	Third Party Rep – Little Chalfont Parish Council and Community Association
CD3.4.3	Third Party Rep – GM Wood
CD3.4.4	Third Party Rep – Kamran Haider
CD3.4.5	Third Party Rep – Kirsty Buhler
CD3.4.6	Third Party Rep – Kris Murali
CD3.4.7	Third Party Rep – BPA
CD3.4.8	Third Party Rep - M Buhler
CD3.4.9	Third Party Rep - Natural England
CD3.4.10	Third Party Rep – G Nolan
CD3.4.11	Third Party Rep – R Murphy
CD3.4.12	Third Party Rep - S Yershov

CD3.4.13	Third Party Rep - Chiltern Conservation Board
CD3.4.14	Third Party Rep – V Raman

CD4.1	Chiltern District Local Plan
CD4.2	Core Strategy for Chiltern District
CD4.3	Buckinghamshire Minerals and Waste Local Plan
CD4.4	Chiltern and South Bucks 5YHLS Update Statement 2022
CD4.5	Buckinghamshire Authority Monitoring Report 2020 - 2021
CD4.6	Buckinghamshire Housing and Economic Development Needs Assessment Update (2016)
CD4.7	Joint Chiltern & South Bucks Area 2019/20 Annual Monitoring Report
CD4.8	Chiltern Affordable Housing SPD (2012)
CD4.9	First Homes Interim Position Statement (2022)
CD4.10	Buckinghamshire Homelessness and Rough Sleeping Strategy 2022 to 2025
CD4.11	Buckinghamshire Council Corporate Plan 2020 to 2025, refreshed February 2022
CD4.12	Bucks Home Choice Allocation Policy, May 2014
CD4.13	Biodiversity Net Gain SPD (2022)
CD4.14	Buckinghamshire Self-Build and Custom Build End of Year Report 2020-2021
CD4.15	Local Transport Plan 4 2016 - 2036
CD4.16	Chiltern District Landscape Character Assessment (Land Use Consultants) October 2011

CD5.1	National Planning Policy Framework 2021
CD5.2	National Planning Practice Guidance 2021
CD5.3	National Design Guide 2021
CD5.4	Guidance Notes for Design Codes
CD5.5	Building for Healthy Life – Homes England 2020
CD5.6	Landscape Institute Technical Advice Note (TGN 02-21) 'Assessing Landscape Value Outside National Designations'
CD5.7	Institute of Lighting Professionals, Guidance Note (02/21) 'The Reduction of Obtrusive Light'
CD5.8	Department for Levelling Up Housing and Communities Right to Build Registers Monitoring Data for Chiltern
CD5.9	
CD5.10	BVTLEP Local Industrial Strategy
CD5.11	Buckinghamshire Thames Valley LEP (BTVLEP) Strategic Economic Plan 2016-2031
CD5.12	WPI Strategy for Homes for Later Living (February 2021)
CD5.13	Homes and Communities Agency (2015), 'Calculating Cost Per Job – Best Practice Note. Third Edition'
CD5.14	CAG Consultants (CAG) London Employment Sites Database
CD5.15	Bat Conservation Trust Best Practice Guidelines (2016)
CD5.16	HGBI Reptile Best Practice
CD5.17	Natural England Guidance Note on Badgers and Disturbance

CD5.18	English Nature Bat Mitigation Guidelines (2004)
CD5.19	DEFRA Metric User Guidance and Technical Supplement
CD5.20	DEFRA Policy Paper – ancient and native woodland and trees policy in England (2022)
CD5.21	“Bleak Houses: Tackling the Crisis of Family Homelessness in England”; Children’s Commissioner, August 2019
CD5.22	“Unlocking Social Housing: How to fix the rules that are holding back building”; Shelter, April 2022
CD5.23	“Denied the Right to a Safe Home – Exposing the Housing Emergency”; Shelter, May 2021
CD5.24	Buckinghamshire Thames Valley LEP Economic Recovery Plan
CD5.25	National Model Design Code (NMDC)
CD5.26	Cycle Infrastructure Design (LTN 1/20)
CD5.27	Landscape Institute Technical Guidance Note 06/19: Visual Representation of Development Proposals.
CD5.28	Guides for Landscape and Visual Impact Assessment (GLVIA) 3rd Edition, 2013 (HARD COPY)

CD6.1	APP/X0415/A09/2107212/NWF – Little Chalfont Golf Course
CD6.2	[blank]
CD6.3	APP/X0415/W/20/3265964 – Land off High View, Chalfont St Giles
CD6.4	APP/X1925/W/21/3273701 – Land South of Heath Lane, Codicote
CD6.5	APP/B1930/W/20/3265925/ APP/C1950/W/20/3265926 – Roundhouse Farm, Land off Bullens Green Lane, Colney Heath
CD6.6	APP/W4705/V/18/3208020 – Land at Sun Lane and Ilkey Road, Burley-in-Wharfedale

CD6.7	APP/X0415/W/18/3202026 – Land to the rear of the Old Red Lion, High Street, Great Missenden
CD6.8	APP/X0415/W/19/3228107 – Little Chalfont Village Hall, Cokes Lane, Little Chalfont
CD6.9	APP/G5180/W/18/3206569 – Land to the rear of the former Dylon International Premises, Station Approach, Lower Sydenham
CD6.10	APP/D2320/W/20/3247136 – Land at Pear Tree Lane, Euxton, Chorley
CD6.11	APP/P0119/W/17/3191477 – Land east of Park Lane, Coalpit Heath, South Gloucestershire
CD6.12	APP/G2435/W/18/3214451, APP/G2435/Q/18/3214498 – Land off Hepworth Road, Woodville
CD6.13	APP/A0665/W/14/2212671 (SoS Decision) – Land off Darnhall School Lane Winsford Cheshire
CD6.14	APP/H1840/W/19/3241879 – Corner Mead, Newland Lane, Droitwich Spa
CD6.15	APP/H1840/W/20/3255350 – Land at Church Lane, Whittington
CD6.16	APP/F2415/W/22/3296353, APP/F2415/W/22/3300240 – Land adjacent to Walton Hall, Chapel Lane, Walton
CD6.17	APP/C1570/W/22/3296426 – Land South of (East of Griffin Place) Radwinter Road, Swards End, Saffron Walden
CD6.18	APP/D3125/W/21/3274197 – Land to the rear of Brock Cottage, Brize Norton
CD6.19	APP/W0530/W/21/3282234 – Land at St Peters Street, Cambridgeshire
CD6.20	APP/V3120/W/20/3265465 – Land behind 31-33 The Causeway, Steventon
CD6.21	APP/N4205/W/22/3299644 – Land at and adjacent Hulton Park, Bolton
CD6.22	APP/N1730/W/20/3261194 – Fleet Police Station, Fleet
CD6.23	Inspector's Report into the Eastleigh Local Plan, February 2015
CD6.24	206.8 APP/K2420/A/13/2208318 – Sketchley House, Burbage
CD6.25	APP/B3410/W/20/3245077 – Aviation Lane, Burton-upon-Trent



CD6.26	APP/Q3115/W/19/3230827 – Oxford Brookes University, South Oxfordshire
CD6.27	APP/H1840/A/13/2199085 – Pulley Lane, Droitwich Spa
CD6.28	APP/M2270/W/21/3282908 – Highgate Hill and Copthall Avenue, Hawkhurst
CD6.29	APP/A2280/W/20/3259868 – Pump Lane, Rainham
CD6.30	APP/Y3940/W/21/3278256 – Jenner Lane, Malmesbury
CD6.31	Prideaux High Court Judgment [2013] EWHC 1054 (Admin)
CD6.32	APP/W2275/V/11/2158341 – Hermitage Quarry Appeal Decision
CD6.33	APP/K3605/W/20/3263347 – Homebase site, Walton on Thames
CD6.34	APP/P3610/W/21/3272074 - Epsom General Hospital Dorking Road
CD6.35	APP/Q3115/W/20/3265861 – Little Sparrows, Sonning Common
CD6.36	APP/H2265/W/18/3202040 – Land rear of 237-259 London Road, West Malling
CD6.37	APP/Q3115/W/19/3220425 – Land east of Reading Road, Lower Shiplake
CD6.38	APP/B1930/W/19/3235642 - Land rear of Burston Garden Centre, Chiswell Green
CD6.39	APP/V0510/W/21/3282241 – Bottisham Appeal Decision
CD6.40	APP/A0665/W/18/3203413 – Beechmoor Garden Centre, Great Boughton
CD6.41	APP/F0114/W/21/3268794 – Homebase site, Bath
CD6.42	APP/K3605/W/20/3257109 – Royal Cambrige Home, East Molesey
CD6.43	APP/G2245/W/21/3271595 – Kent & Surrey Golf Club, Edenbridge
CD6.44	APP/W0530/W/21/3280395 – Land between Haverhill Road and Hinton Way, Stapleford
CD6.45	[blank]
CD6.46	APP/V0510/W/21/3282241- 163-187 High Street, Bottisham

CD6.47	APP/P0240/W/21/3289401 – Land south of Arlesey Road, Stotfold
CD6.48	APP/L3815/W/16/3165228 - Oving Road, Chichester
CD6.49	Supreme Court in R (Samuel Smith Old Brewery (Tadcaster) and others) V North Yorkshire County Council [2020]
CD6.50	APP/R3650/W/21/3280136 - Land off Scotland Lane, Haslemere

CD7.1	Email on PPA
CD7.2	JTP Urban Design Response
CD7.3	Natural England Objection 05/04/22
CD7.4	Housing Officer's Response
CD7.5	Education Response
CD7.6	Environmental Health Officer Response
CD7.7	Chilterns Area AONB Management Plan (2019 – 2024)
CD7.8	Urban Design Officer Letter (March 2022)
CD7.9	Urban Design Officer Design Principle Comments (December 2019)
CD7.10	Planning Inspector Response to the Delivery Sites DPD
CD7.11	Planning Inspector Letter to Chiltern and South Bucks
CD7.12	Agenda Report Pack for Withdrawal
CD7.13	Meeting of the Growth, Infrastructure and Housing Select Committee
CD7.14	Little Chalfont Bat Briefing Note 2022 (Ecology Solutions)
CD7.15	Reptile Note 2022 (Ecology Solutions)
CD7.16	Great Crested Newt Note 2022 (Ecology Solutions)
CD7.17	Badger Note 2022 (Ecology Solutions)
CD7.18	Biodiversity Net Gain Report (Ecology Solutions)
CD7.19	Statement of Clarification – Ecology & Climate Change
CD7.20	Natural England Response (November 2022)
CD7.21	Highways Development Management Response (1 March 2022)
<b>CD7.22</b>	<b>Waterman Tree Note</b>
<b>CD7.23</b>	<b>Technical Note (TN12) Response to Buckinghamshire Highways</b>

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CD8.1	Withdrawn CSB Local Plan
CD8.2	ARUP Green Belt Study – Parcel 35 Assessment (2016)
<b>CD8.2a</b>	<b>Full Buckinghamshire/ Arup Green Belt Study (2016)</b>
CD8.3	Green Belt Development Options Appraisal (2016)
CD8.4	Green Belt Development Options Appraisal - Post Preferred Green Belt Options Consultation (November 2017)
CD8.5	Green Belt Assessment Part II (April 2019)
CD8.6	Exceptional Circumstances Document (2019)
CD8.7	Landscape Capacity Document – Terra Firma (2017)
CD8.7a	206.9 Landscape Capacity Document – Terra Firma (2017) – Proforma for Site SPBP6.
CD8.8	[blank]
CD8.9	Chiltern and South Bucks Economic Development Strategy (2017)
CD8.10	Chiltern and South Bucks Joint Open Space Study (2018)
CD8.11	Chiltern and South Bucks District Local Plan – Transport Topic Paper (2019)
CD8.12	Initial Masterplan Modelling Report, April 2018
CD8.13	Initial Masterplan Modelling Report, November 2018
CD8.14	Masterplan Option Modelling’ Report, July 2019
CD8.15	Chiltern and South Buckinghamshire Affordable Housing Topic Paper (2019)
CD8.16	Chiltern and South Bucks Townscape Character Study
CD8.17	Chiltern and South Bucks Housing and Economic Needs Assessment 2019

ID1	206.10 Planning Proof of Evidence – Appellant – Mr A Kindred
ID2	206.11 Planning & Design Proof of Evidence – Council – J Fannon
ID3	206.12 Little Chalfont Economic Benefits Assessment of Margaret Collins BA (Hons)
ID4	206.13 Older Persons Needs Assessment of Iain Warner BSc (Hons) DipTP MRTPI
ID5	Proof of Evidence in respect of Ecology and Nature Conservation – Jacob Hepworth Bell BSc (Hons), MIEEnvSc, MCIEEM (w/Appendices Part 1-4)
ID6	Lisa Toyne Landscape PoE – Appellant
ID6.1	Lisa Toyne PoE (Summary) – Appellant
ID7	JTP Design PoE – Appellant
ID8	Phill Bell Highways PoE – Appellant
ID9	Highways PoE – Council
ID10	Landscape PoE - Council
ID11	James Stacey – Affordable Housing Report – Appellant
ID12	Andy Moger – Custom and Self Build Need – Appellant
ID13	[BLANK]
ID14	Final Statement of Common Ground (Ecology)
ID15	Final Statement of Common Ground (Housing Need)
ID16	Statement of Common Ground (Highways)
ID17	Matthew Chard Landscape Rebuttal (Appellant)
ID18	John Fannon Rebuttal (Council) (Green Belt, Design, Planning)
ID19	Niki Huijer Rebuttal (Council) (Landscape)