

LAND SOUTH EAST OF LITTLE CHALFONT

Biddulph (Buckinghamshire) Ltd

**Planning Statement (including Draft Heads of
Terms)**

November 2021

CONTENTS

1.0	Introduction.....	2
2.0	The Site and Planning History	4
3.0	Scope of the Outline Planning Application	8
4.0	Local Plan Promotion, Pre-Application and Consultation.....	13
5.0	Development Plan and Material Considerations.....	15
6.0	Relevant Housing Indicators	17
7.0	Green Belt Assessment – Purpose and Harm	23
8.0	Green Belt – Very Special Circumstances	33
9.0	Design and Technical Considerations	50
10.0	Overall Planning Balance.....	60

1.0 Introduction

INTRODUCTION

- 1.1 This Planning Statement has been prepared by CBRE Ltd on behalf of Biddulph (Buckinghamshire) Ltd ('the Applicant' hereafter) to accompany the submission of an outline planning application for the site known as Land South East of Little Chalfont (hereafter 'the site').
- 1.2 The site is located within the administrative boundary of the unitary authority of Buckinghamshire Council (BC). Prior to the creation of the unitary authority, the site was located within the former Chiltern District Council.
- 1.3 The site was included as part of a much larger site within the now withdrawn Chiltern and South Bucks Local Plan. The Chiltern and South Bucks Local Plan was submitted for examination by the Planning Inspectorate and included the proposed residential led allocation of the site for 700 units along with supporting mixed uses.
- 1.4 The decision to withdraw the Chiltern and South Bucks Local Plan and press ahead with a New Buckinghamshire Plan has left a significant void in how the short and medium term unmet needs of this area of Buckinghamshire will be met without an up-to-date development plan. We understand that adoption on a new Buckinghamshire Local Plan is not intended until the end of 2025 at the earliest.
- 1.5 As discussed further within this Planning Statement, the Chilterns area is heavily constrained, significantly reducing the ability for any meaningful windfall development to plug the large gap created following the withdrawal of the Local Plan.
- 1.6 The site will have a very substantial positive impact upon the ability of the Chilterns area to meet the acute unmet affordable housing need in the area and contribute to housing supply more broadly, notably through the provision of specialist need provision in the form of elderly care and custom build housing. The scheme will also provide much needed high quality accessible open space in an area of quantitative deficiency.
- 1.7 This planning application seeks approval for:

“Outline application for the 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 Burtons Lane, improvements to existing Lodge Lane access including works to Lodge Lane and Church Grove, new pedestrian and cycle access at Oakington Avenue including construction of 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).”

SCOPE OF SUBMISSION

- 1.8 The documents submitted in support of the planning application submission reflect the requirements in the Local Validation List for BC.
- 1.9 The planning submission has been made online via the Planning Portal and hard copies have been made available to the Council for public viewing.

1.0 Introduction

STRUCTURE OF PLANNING STATEMENT

- 1.10 This Planning Statement includes an assessment of the relevant planning policies and material considerations against which the proposals should be considered. It is structured in the following manner:
- Section 2.0 describes the relevant Planning History of the site and the Local Plan context.
 - Section 3.0 sets out the scope of the application. This includes a description of the EIA Scoping, Parameter Plans, Proposed Land Uses, Phasing Plan/ indicative Construction Times, and an indicative Housing Mix.
 - Section 4.0 provides an overview on the Pre-Application and Consultation Process.
 - Section 5.0 outlines relevant development plan context for the site.
 - Section 6.0 provides an overview of the relevant housing context for the proposals, including the acute affordable housing needs.
 - Section 7.0 provides an assessment of the relevant Green Belt considerations associated with the site against Green Belt purposes as set out in the NPPF and any harm created to the Green Belt arising from the proposals.
 - Section 8.0 includes an assessment of the significant very special circumstances that exist in favour of the proposal which clearly and demonstrably outweigh the harm identified in Section 7.0.
 - Section 9.0 provides an assessment of the Design and Technical considerations for the site.
 - Section 10.0 provides a conclusion to the Planning Statement, including Very Special Circumstances (VSC) that exist to justify granting permission for the proposed development.

2.0 The Site and Planning History

- 2.1 Section 2.0 of the Planning Statement provides a description of the site and outlines the relevant planning history for the site and the surrounding area.

SITE CONTEXT

The Site

- 2.2 The site comprises two key parcels. A significant part of the site is a former golf course on the eastern part of the site and the western parcel is Homestead Farm which is a residential property with associated outbuildings. The land is bound by Lodge Lane to the east and Burtons Lane to the west. The site covers an area of approximately 29 hectares (ha). The site is located to the South East of Little Chalfont.
- 2.3 The historic use of the site as a golf course ended in 2010; since then, permission has been granted for residential use on part of the site and the open space remains private. The site is predominantly made up of grassland from this former use with small sections comprising of paddocks, areas of ancient woodland and storage buildings. Built form comprises the former clubhouse building and the hardstanding associated with the former car park. Homestead Farm is not an active farm but a private residential property.
- 2.4 The site also includes two bungalows at 13 and 15 Oakington Avenue, to the north of the site.
- 2.5 The site can be easily accessed by numerous forms of sustainable modes of transport. Chalfont & Latimer railway station is situated approximately 500m North-West from the centre of the site, with regular services departing throughout the day to London and other parts of Buckinghamshire. A full description of the accessibility of the site and its local connections is included in the Design and Access Statement.
- 2.6 The site has good access to the wider primary road network via the A404 and is easily accessible to both the M25 and M40 motorways.



Figure 1

2.0 The Site and Planning History

- 2.7 As seen in **Figure 1**, the site is surrounded by existing development. The southern boundary of the site is demarcated by an established tree boundary with an existing employment site located beyond the boundary to the south-east of the site and beyond by the properties on Long Walk. The metropolitan railway line runs along the northern boundary of the site beyond which is Oakington Avenue. To the west is Village Way, Loudhams Wood Land and Burtons Lane which include residential development.
- 2.8 The site is located within Little Chalfont which is located in the administrative area of Buckinghamshire. Little Chalfont has a population of around 7,000 people and closely borders the town of Amersham to the west.
- 2.9 The site lies adjacent to open countryside to the east beyond Lodge Lane, with easy pedestrian access to the Chiltern Hills Area of Outstanding Natural Beauty (AONB), which includes the Chess Valley to the North.

RELEVANT PLANNING APPLICATION HISTORY

The Site

- 2.10 A desk-based search of Buckinghamshire Council's online planning database has been conducted in the preparation of this Planning Statement. Records present a limited planning history for the site since it became vacant as a golf course in 2010.
- 2.11 The most pertinent applications submitted on site relate to an initial change of use application submitted in 2009. The application (ref: CH/2009/0194/FA) was for the following description of development:
- "Change of use of existing clubhouse to form detached residential dwelling with excavation of land to the rear to create light wells to north elevation, served by existing vehicular access and change of use of remaining land for equestrian use."*
- 2.12 The Applicant was refused planning permission for the above description of development on the 8 June 2009. Following the refusal, the Applicant lodged an Appeal notice under ref: APP/X0415/A/09/2107212. The Planning Inspector allowed the appeal and granted planning permission for the submitted description of development on the 4th November 2009.
- 2.13 There are no significant planning applications or permissions associated with the Homestead Land.

The Surrounding Area

Donkey Field

- 2.14 On 5 February 2014, 500m North-West from the site, planning application ref. CH/2013/1245/FA was approved - subject to conditions - for the following description of development:
- "Development of site to provide 45 units comprising 14 dwellings and 5 buildings containing a total of 31 flats, all served by new access from Burtons Lane, with associated car parking, garaging, bin stores and landscaping"*.
- 2.15 This permission has been implemented.

2.0 The Site and Planning History

City Gate Chalfont Showroom

- 2.16 Situated just north of Donkey Field, 574m North-West of the site, is the site of the former City Gate Chalfont Showroom.
- 2.17 Planning permission was granted on 28 February 2018 for the following description of development in this location:

“Demolition and redevelopment of site to provide a part four storey, part three storey building comprising 2 Use Class B1/A1 office/retail units and 10 flats with cycle store, associated parking and landscaping, and alterations to existing vehicular access.”

- 2.18 This planning permission has not yet been implemented.

Land Adjacent to City Gate

- 2.19 Located on the land directly adjacent to the western elevation of the City Gate Chalfont Showroom is the approved scheme CH/2015/1270/FA.
- 2.20 The following description of development was approved on 15 July 2016.

“Redevelopment of site, construction of three storey building comprising ground floor commercial unit (for use Class A1 or use Class A2) with eight first and second floor apartments.”

- 2.21 This permission has been implemented. Chalfont Wellness occupy the ground floor commercial unit of the scheme.

Lodge Farm

- 2.22 Situated 757m South East of the site, Lodge Farm recently secured planning permission for the following description of development under application ref. PL/20/1223/FA:

“Erection of 5 dwellings following demolition of existing buildings. Refurbishment of an existing farmhouse, including conservatory extension and loft conversion.”

- 2.23 Conditional permission was granted on 11 August 2020. The Case Officer concluded that the proposal would constitute appropriate development in the Green Belt and AONB.

Little Chalfont Parish Hall

- 2.24 Located 850m North West of the site is the Little Chalfont Parish Hall. On 13 June 2018, a planning application was submitted which proposed the following description of development:

“Demolition of existing buildings, erection of two-storey community centre, alteration to existing access, formation of new vehicular access and provision of cycle parking, car park, bin stores, boundary treatment and landscaping.”

- 2.25 The council refused to grant planning permission on 06 November 2018, on the grounds that the scheme would cause harm to the Green Belt and AONB. An appeal was subsequently made by Little Chalfont Parish Council following the refusal.
- 2.26 The Planning Inspector dismissed the appeal on 04 June 2020 (APP/X0415/W/19/3228107) on the grounds that the benefits arising from the development did not outweigh the harm to the Green Belt and Ancient Woodland.

2.0 The Site and Planning History

Gypsy and Traveller Site – Lodge Lane

- 2.27 An application under ref. PL/20/4158/FA was refused planning permission for the following description of development:

“Change of use of land for the provision of 3 Gypsy/Traveller pitches comprising the siting of 3 mobile homes, 3 touring caravans, and the erection of 3 utility buildings.”

- 2.28 The application was refused because it was deemed inappropriate development within the Green Belt and AONB. This application followed two previous refusals for a change of use from the existing land to Gypsy/Traveller pitches (PL/20/1771/FA and PL/18/4115/FA).
- 2.29 The proposed pitches would have been located 1.1km South East of the Site on Lodge Lane.

Baytree Cottage – Homestead Farm

- 2.30 Situated adjacent to the South East boundary of the site, Baytree Cottage on Lodge Lane was refused prior-approval for the change of use of an agricultural building to 2 dwellings under application ref. PL/21/0845/PNAD.
- 2.31 The council refused the application because it was unable to determine the barn as being solely in agricultural use on the 20th March 2013. As such, the proposal did not comply with criteria Q.1(a) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and was refused Prior Approval.

3.0 Scope of the Outline Planning Application

- 3.1 Section 3.0 of this Planning Statement sets out the scope of the outline planning application and a summary of the proposals.
- 3.2 This application seeks approval for:
- “Outline application for the 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 Burtons Lane, improvements to existing Lodge Lane access including works to Lodge Lane, new pedestrian and cycle access at Oakington Avenue including construction of new pedestrian and cycle bridge, 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 (matter to be considered at this stage: Burtons Lane and Lodge Lane Access).”*
- 3.3 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), this application is in outline with the exception of the access to Lodge Lane and Burtons Lane and the demolition of 8 buildings in respect of which detailed consent is sought.
- 3.4 An indicative masterplan is submitted as part of the application to demonstrate one way in which the proposed development could come forward across the site. The application solely seeks permission for the submitted parameter plans at this stage for land use and green infrastructure, access and movement, building heights and demolition. Details of appearance, landscaping, layout, scale and access (other than identified in the description of development) will be subject to Reserved Matters Applications (RMAs).
- 3.5 It is intended that the ‘detail’ will be dealt with through the submission of RMAs pursuant to the outline planning permission for each phase or sub-phase of development, as set out within the indicative Phasing Plan submitted with the application.

Environment Impact Assessment (EIA)

- 3.6 The procedures for carrying out EIA for a proposed development within the terrestrial environment are set out within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development is not Schedule 1 development, for which EIA would be mandatory; however, it is of a type listed within the descriptions of development contained within Schedule 2, falling under category 10(b) urban development projects.
- 3.7 A development is considered to be Schedule 2 development if any part of it lies within a ‘sensitive area’ or if it meets or exceeds the relevant thresholds and criteria for that category of development, as detailed in the EIA Regulations 2017. For category 10(b) urban development projects, these are as follows:
- i. The development includes more than 1 hectare of urban development which is not dwelling-house development; or
 - ii. The development includes more than 150 dwellings; or
 - iii. The overall area of the development exceeds 5 hectares.
- 3.8 The development would exceed all the category 10(b) thresholds as it comprises: more than 1 hectare of ‘non-dwelling-house’ urban development; more than 150 dwellings; and, an overall site area greater than 5 hectares. As such, the proposals are considered Schedule 2 development and would fall within the scope of the EIA Regulations 2017.

3.0 Scope of the Outline Planning Application

3.9 Schedule 2 developments are only ‘EIA development’ where they have the potential to give rise to likely significant effects on the environment by factors such as their nature, size and location. In the interest of undertaking a robust assessment of the likely environmental effects (positive and negative), the Applicant committed to voluntarily undertaking an EIA and submitting an Environmental Statement (ES) alongside the outline planning application.

Scoping Opinion

3.10 The Applicant submitted an EIA Scoping request in accordance with Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 to BC under planning reference: PL/21/3073/EIASO on 29 July 2021.

3.11 At the time of submission the final version of the Scoping Opinion has not been received, however, significant engagement with Officers had been held on the contents of the EIA.

Demolition of Existing Buildings

3.12 The proposals comprise the demolition of eight buildings. The demolition parameter plan which accompanies this submission shows the locations of the buildings to be demolished. Some of the buildings on site are now unusable, inefficient and in a poor state of repair.

Proposed Land Uses

Residential (Class C3)

3.13 The proposals involve the delivery of up to 380 residential units (C3) across the site, including a balance of housing sizes creating a mixed and balanced neighbourhood.

3.14 The schedule of accommodation below sets out the indicative residential mix of a range of unit sizes (1-5 bedrooms) that have been tested as part of the planning application. The mix of typologies and unit sizes will ensure the residential development reflects the character of the site and surrounding area, as well as the needs of the local area.

3.15 The development proposes a policy compliant level of 40% affordable housing. It is proposed that 70% will be provided as social and affordable rent and the remainder as intermediate affordable accommodation, which could include the provision for first homes. It is proposed that the affordable homes will be distributed evenly across the site. The delivery and phasing of the affordable housing will be secured through the Section 106 Agreement.

3.16 An illustrative masterplan accompanies the application to demonstrate one way in which the proposed scheme could come forward. The indicative unit mix proposed are summarised in **Table 1** for both private and affordable housing:

ACCOMMODATION SUMMARY	PRIVATE HOUSING ¹		AFFORDABLE HOUSING	
	UNITS	% MIX	UNITS	% MIX
1-bed flat (2 person)	13	6%	3	2%
2-bed flat (4 person)	37	16%	31	20%
2-bed house	35	15%	51	34%

¹ It is assumed the 15 units will be developed as Custom Housing.

3.0 Scope of the Outline Planning Application

3-bed house	91	40%	44	29%
4-bed house	50	22%	23	15%
5-bed house	2	1%	0	0%
Total	228 Units		152 Units	

Table 1: Indicative Housing Mix

- 3.17 The unit sizes across all tenures will adhere to the nationally described space standards, with 10% of homes categorised as accessible and adaptable dwellings (M4(2)) and 5% of homes will be wheelchair user dwellings (M4(3)).

Retirement Village and Care Home

- 3.18 The outline component of the planning application includes a proposed retirement village which will provide up to 100 units (Use Class C2). Similar to the residential, an indicative mix of the retirement village has been identified of 10% 1-bed homes, 80% 2-bed homes and 10% 3-bed homes.
- 3.19 A separate new care home (Use Class C2) is also proposed which will provide up to 60 beds.
- 3.20 Both of these land uses for different community groups will deliver socio-economic benefits in terms of housing for older persons and generate permanent on-site employment opportunities. The socio-economic benefits report accompanying this planning application sets out the full extent of the associated benefits for both of these land uses.

Community Hub

- 3.21 Following the consultation period, some respondents felt that there was an under-provision of community facilities for young people in the Little Chalfont area. A new Community Hub to be delivered by the proposed development will provide young people with a much needed inside venue to use, especially when the weather is bad. Older residents also expressed a desire for an inside space to meet and socialise.
- 3.22 Flexible uses (Use Classes E(a)(b)(e), F2(b)) for the community building are proposed to allow a range of uses to potentially come forward. These include retail, community and health uses. The indicative land use schedule accompanying this application states that the proposed community hub could deliver up to 1,000m² of community floorspace. It is assumed that any retail provision would be limited in size (i.e. not the full 1,000m² allowance) to avoid competing with the existing centre.
- 3.23 This land-use will generate a number of permanent employment generating opportunities for the Little Chalfont area, reinforcing the significant public benefits of the scheme.

Primary School

- 3.24 It is proposed that an area of 1.4 ha will be safeguarded for a new 1FE Primary School or Primary School Expansion with Nursery, to be delivered on site should the Council determine if there is a requirement. In the alternative, an expansion of Little Chalfont School may be considered as the most appropriate option to increase capacity. Under this alternative scenario the education land that is safeguarded on the site could then be used for enhanced sports and playing provision associated with the school.

3.0 Scope of the Outline Planning Application

Access and Movement

- 3.25 The application is only seeking detailed consent for accesses to Lodge Lane and Burtons Lane. Details of the internal road layout will be included within RMAs, however the Access and Movement parameter plan shows the main access roads for all modes of transport and the secondary access roads for walking and cycling. Indicative proposed internal accessibility arrangements are also illustratively shown on the parameter plan.
- 3.26 Currently, the site's main access point is via Lodge Lane, which was the former access point to the site during its operation as a golf course. This planning application seeks to retain this access point and create a new main access point on Burtons Lane to the west. These two main access points will comprise the detailed element of this planning application.
- 3.27 These access points are served internally by a Primary Road corridor and strategic cycleway. Buses travelling to the site can travel from east to west through this internal road network.
- 3.28 Two further secondary access points are shown for footways/cycleways at the north-eastern corner of the site via Burtons Lane, and to the north of the site via Oakington Avenue. These secondary access points are situated to provide efficient access to the village centre and railway by foot or cycle.
- 3.29 The proposed internal access and movement arrangements have been carefully configured to appropriately respond to the setting of the existing Woodland and Parkland. The majority of the internal network prioritises the movement of pedestrians and cycles through the site, providing a network of green links and walking and cycling routes.

Landscaping and Open Space

- 3.30 Little Chalfont Park is located adjacent to the Chilterns AONB. Consideration of the setting of this AONB has underpinned the design and evolution of the proposed development and green infrastructure strategy.
- 3.31 The proposed landscape strategy encompasses the whole site and promotes a neighbourhood that encourages life outdoors amongst the landscape. The built form is purposefully located adjacent to the natural landscape features to encourage interaction between nature, open space and the residents.
- 3.32 As such, the Land Use and Green Infrastructure parameter plan demonstrates a strategy which promotes and enhances the existing woodland, with the Valley Park, Central Woodland and Rewilding areas natural in character with an emphasis on biodiversity enhancement. To help bring these natural features to the residents, an array of walking routes and nature trails are proposed across the site.
- 3.33 Recreational features proposed within the Land Use and Green Infrastructure Plan show seven indicative play areas, including a combination of NEAP, LEAPS and LAPS. The proposal also shows the provision of a Multi-Use Games Area (MUGA) in the northern part of the site, next to the secondary entrance at Oakington Avenue.

Phasing Plan

- 3.34 The indicative phasing plan submitted as part of this planning application proposes four development phases. It is intended that these will form the basis of the approach to CIL Phasing.
- 3.35 These are summarised below under each respective heading:

3.0 Scope of the Outline Planning Application

Phase 0 – Enabling Works

- 3.36 The indicative timescales for this phase of development are between 2022-23. The enabling works proposed include the protection and retention of the existing trees and landscape. Once this has been achieved, demolition of the existing buildings across the site will commence, with remediation, cut & fill shortly following.
- 3.37 Following the above, works will commence to construct the haul road and the main access points across the site, between Burtons Lane and Lodge Lane.

Phase 1

- 3.38 This phase of development is proposed to fall in 2023-2024. This phase will include the installation of services, footpaths and secondary access points, including the Oakington Avenue access. The final finishing and surfacing of the roads will also be undertaken alongside the associated movement infrastructure and landscape strategy.
- 3.39 Works to develop the built form will commence with the construction of approximately 140 residential homes, and the Care Home.

Phase 2

- 3.40 The indicative timescales for phase 2 are between 2024-25. Further works to the footpaths and access points will be undertaken along with the final finishing of the surface roads.
- 3.41 Approximately 130 residential units will be constructed during Phase 2, in addition to the community and mixed-use elements of the proposal as well as the independent living (retirement village) accommodation.

Phase 3

- 3.42 Proposed to run between 2025-2026, this phase of the development will finalise the installation of services, footpaths, access points and the surfacing of roads. A further 110 residential units will be built along with the associated movement infrastructure and landscape strategy.

4.0 Local Plan Promotion, Pre-Application and Consultation

WITHDRAWN LOCAL PLAN

- 4.1 Prior to BC becoming a unitary planning authority on 1 April 2020, Buckinghamshire was made up of the following authority areas:
 - Chiltern;
 - Aylesbury Vale;
 - South Bucks; and
 - Wycombe.
- 4.2 Chiltern and South Bucks Councils undertook an exercise to create their own joint Local Plan, with the Draft Chiltern and South Bucks Local Plan (Draft Local Plan) to cover the period from 2016-2036.
- 4.3 Following the creation of Buckinghamshire Unitary Authority, on 21st October 2020, the Council voted to withdraw the Draft Local Plan. The withdrawal of the Draft Local Plan was in the context of significant concerns raised by the Inspector at Examination in respect of compliance with the statutory Duty to Cooperate in relation to Slough’s unmet needs and whether or not the Draft Plan had done enough to consider the unmet housing needs of this area.

Site Allocation

- 4.4 The site has been historically promoted through the former Draft Local Plan since 2015. The site benefited from a draft allocation policy in the draft Local Plan and formed part of a wider allocation (SP BP6), which comprised the site, and land along the southern boundary of the site bordering Long Walk.
- 4.5 Draft Policy SP BP6 stated that the site should be residential-led for approximately 700 homes, with a primary school as part of a multi-functioning community hub.
- 4.6 Following the withdrawal of the Local Plan, the Applicant has revised the scheme to have a reduced site area. Comparing Figure 2 and Figure 3 shows the extent to which the site has decreased since Policy SP BP6 was withdrawn. This was informed following pre-application discussions with BC in respect of landscape impacts and the presence of the dry-valley.



Figure 2 and 3 – Proposed Local Plan Allocation Boundary and Application Boundary

- 4.7 A full overview of the work undertaken during the pre-application process is included in Section 4 of the submitted Design and Access Statement.

4.0 Local Plan Promotion, Pre-Application and Consultation

- 4.8 As noted, the site previously formed part of the now withdrawn Draft Local Plan. The site's inclusion as part of this process resulted in a number of meetings behind held with the Council to advise and consider the design of the scheme. This included a number of design workshop sessions held with Officers during 2019, including a session held at JTP's Studios. Meetings were also held with Buckinghamshire County Council (in their capacity as Highways Authority) to review the junction assessment work and discuss potential mitigation measures for the scheme and to review options for the retaining wall required along Lodge Lane.
- 4.9 In January 2020 this culminated in agreement with Officers on a broad series of Design Principles that should underpin the masterplan approach to the site. These agreed Design Principles have remained as key elements of the submitted masterplan.
- 4.10 Further detailed meetings were held in 2020 to consider the approach to education as well as a standalone landscape meeting. This included meetings with the Education Authority.
- 4.11 Following BC's decision to withdraw the Draft Local Plan pre-application engagement on the scheme ceased, with Officers declining to engage in further pre-application discussions post-January 2021.
- 4.12 In wanting to ensure that the scheme continued to include external critique, an independent design review process was set up by the Applicant with Tibbalds (Urban Design and Architecture Practice) for them to review the scheme and provide comments on it. Further details of this independent design review process can be found in the Design and Access Statement.
- 4.13 A series of community visioning and workshop sessions took place to seek to understand aspirations for the Little Chalfont area and to understand opportunities to influence the emerging masterplan. Full details of this are included in the Statement of Community Involvement.

5.0 Development Plan and Material Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. This section outlines the relevant Development Plan policies and material considerations which the proposals for the site will be assessed against.

STATUTORY DEVELOPMENT PLAN

- 5.2 The adopted Development Plan for the site comprises:
- Chiltern Core Strategy (November 2011)
 - Saved Policies from Chiltern Local Plan (September 1997)
 - Minerals and Waste Development Plan (Buckinghamshire County Council) (2019)
- 5.3 An assessment of the relevant planning policies of the Development Plan that are relevant to the consideration of this application is included in Section 9 of this Planning Statement.

Policy Designations

- 5.4 The adopted Development Plan for the site identifies the following designations which are relevant to the application site:
- Green Belt
 - Ancient Woodland
 - Tree Protection Order (TPO/1984/005)
 - Townscape Character – ‘Woodland Roads & Suburban’
 - Area of Critical Drainage / Surface Water Flooding Area
 - BPA Pipeline Buffer
 - Bovingdon Technical Radar Zone
- 5.5 The site is adjacent to the Chiltern Area of Outstanding Natural Beauty (AONB), however is not located within it. The site is also located adjacent to Public Rights of Way (LCF/11/1).

MATERIAL CONSIDERATIONS

National Planning Policy Framework (2021)

- 5.6 The most recent version of the National Planning Policy Framework (NPPF) was published in July 2021. The presumption in favour of sustainable development is at the core of the NPPF and states that local planning authorities should approach decisions on proposed development in a positive and creative way.
- 5.7 Paragraph 11 of the NPPF, reinforces that development proposals which accord with an up-to-date development should be approved without delay. Part d of paragraph 11 states that when the most important policies for determining applications are out-of-date, permission should be granted unless:
- (i) *“The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

5.0 Development Plan and Material Considerations

- (ii) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

5.8 The most recent publication of the 5YLS for the Chiltern area indicates a housing land supply of 4.18 years. For the reasons summarised in Section 6 of this Planning Statement below, it is considered that this housing land supply figure is in fact lower still (see Section 6). However, even on BC’s figures, which are themselves below 5 years, Footnote 8 of the NPPF states that the presumption in favour of sustainable development in Paragraph 11 of the NPPF is relevant (subject to the relevant sub-paragraphs being engaged – see Section 10).

Planning Practice Guidance

5.9 The NPPF is also supported by Planning Practice Guidance (PPG), created 6 March 2014. This guidance is periodically updated and provides additional national guidance on a range of pertinent planning issues.

Supplementary Planning Documents

5.10 In addition to the adopted Development Plan Documents, the proposal should have regard to the Supplementary Planning Documents (SPDs) relevant to the Chiltern area of Buckinghamshire Council.

Affordable Housing SPD (February 2012)

5.11 The Affordable Housing SPD has been prepared to provide guidance on how to implement the affordable housing policies (CS8, CS10, CS11) within the adopted Chiltern Core Strategy. The Affordable Housing SPD provides further information and guidance about the size and tenure of affordable housing provision required from larger developments, as well as setting a level for financial contributions for affordable housing from small housing sites.

Residential Extensions and Householder Development SPD (September 2013)

5.12 The Residential Extension and Householder SPD provides design guidance to householders on principles of good design when extending residential properties and other householder developments. The SPD supplements Policy CS20 (Design and Environmental Quality) of the Adopted Core Strategy.

Sustainable Construction and Renewable Energy SPD (February 2015)

5.13 This SPD provides interpretation on adopted Core Strategy policies CS4 'Ensuring Development is Sustainable', and CS5 'Encouraging Renewable Energy' and how the requirements in these policies can be achieved. The SPD also provides advice to assist those submitting planning applications in understanding the techniques and building practices available to improve the sustainability performance of buildings.

Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Strategy SPD (November 2020)

5.14 This SPD provides guidance on how planning applications will be assessed within the Burnham Beeches Special Area of Conservation. It is supported by a range of evidence base documents including HRA Screening Reports, Hydrology Reports and Statement of Representations.

6.0 Relevant Housing Indicators

- 6.1 Within Section 6 we summarise the key housing context relevant to this planning application, including the national imperative to deliver housing.

NATIONAL OBJECTIVE TO DELIVER HOUSING

- 6.2 Paragraph 60 of the NPPF (2021) confirms that it is an overriding objective of the Government’s national planning policy to significantly boost the supply of housing.
- 6.3 The introduction of the first iteration of the NPPF in 2012 brought about a radical shift in national planning policy in respect of focusing on meeting unmet housing need. This interpretation of national policy has been confirmed by the High Court in the case of *Gallagher Estates Ltd & Lioncourt Homes Ltd v Solihull Metropolitan Borough Council* [2014] EWHC 1283 (Admin) (CD5.1). At paragraph 97, Mr Justice Hickinbottom explains:

“However, this fails to acknowledge the major policy changes in relation to housing supply brought into play by the NPPF. As I have emphasised, in terms of housing strategy, unlike its predecessor (which required a balancing exercise involving all material considerations, including need, demand and relevant policy factors), the NPPF requires plan-makers to focus on full objectively assessed need for housing, and to meet that need unless (and only to the extent that) other policy factors within the NPPF dictate otherwise. That, too, requires a balancing exercise – to see whether other policy factors significantly and demonstrably outweigh the benefits of such housing provision – but that is a very different exercise from that required pre-NPPF. The change of emphasis in the NPPF clearly identified that paragraph 47 should on occasions, yield different results from earlier policy scheme; and it is clear that it may do so.”

- 6.4 The recent Written Ministerial Statement from Chris Pincher MP in January 2021² further reiterates the overriding policy imperative of the Government to deliver housing:

“The country needs more, better and greener homes in the right places. This Government’s ambition is to deliver 300,000 homes per year by the mid 2020s and one million homes over this Parliament.”

HOUSING DELIVERY IN CHILTERN (BUCKINGHAMSHIRE)

Five Year Land Supply

- 6.5 Paragraph 74 of the NPPF sets out a requirement for local planning authorities to demonstrate a five-year supply of housing against their housing requirement. An excerpt of paragraph 73 (July 2021) is set out below:

“.....Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.....”

- 6.6 Based on the most recently published household projection data and median house price/workplace earning (for Buckinghamshire) the need arising from the standard methodology for the Chiltern area is 349 homes per annum.
- 6.7 At present, a 5% buffer figure should be applied (366 homes) to this pursuant to paragraph 74 of the NPPF, however, as noted below, it is assumed that this could shortly be a 20% buffer

² <https://questions-statements.parliament.uk/written-statements/detail/2021-01-19/hcws720>

6.0 Relevant Housing Indicators

figure as a consequence of the performance of BC for the purposes of the Housing Delivery Test.

- 6.8 The PPG (Housing Supply and Delivery) provides much more detailed guidance on five year housing land supply, including in relation to the housing requirement. Of particular relevance is the following guidance in relation to new local planning authorities which result from local government reorganisation:

“How is 5 year housing land supply calculated in new local planning authorities which result from a local government reorganisation?”

Planning policies adopted by predecessor authorities will remain part of the development plan for their area upon reorganisation, until they are replaced by adopted successor authority policies or until the fifth anniversary of reorganisation.

Where a newly formed local planning authority is covered by strategic housing requirement policies adopted by predecessor authorities, these policies can continue to be used as the housing requirement for calculating the 5 year housing land supply in the areas they apply where these are less than 5 years old, or they are older but have been reviewed within the last 5 years and found not to need updating.”

- 6.9 The Buckinghamshire Five Year Housing Land Position Statement (April 2020) also confirms that the local housing need figure for the Chiltern Area will be used as the basis for calculating the 5YLS until such time that the Buckinghamshire Local Plan is adopted.
- 6.10 An updated Five-Year Housing Land Supply (5YHLS) Position Statement has not been published by the Council at the time of this review. September 2020 provides the most recent update of the Chiltern 5YLS. This stated that the Council has a current housing land supply of 4.18 years.
- 6.11 We have undertaken an initial, review of some of the major sites that are assumed by BC to be deliverable over the next five years. Our assessment is included below of these relevant planning permissions.

Assessment of Major Sites in Supply

- 6.12 Newland Park (CH/2014/1964/FA) was granted planning permission on 29 July 2016 for redevelopment to provide 309 dwellings and associated sport facilities. A subsequent Section 73 application (PL/20/4128/VRC) was validated on 18th December 2020 and is pending with BC to allow the eastern access only to be brought in use during the construction phase. BC’s 5YHLS Statement by Aecom (September 2020) identifies the delivery of 50 dwellings per annum for each year and states that technical start on site has been made following pre commencement conditions discharge. Several pre commencement conditions attached to the permission have been discharged.
- 6.13 A subsequent full planning application (PL/21/0464/FA) was validated on 19th February 2021 and is pending with the Council. The full planning application is partially retrospective, for the temporary use of land for filming purposes for a 12-month period to December 2021. The Planning Statement supporting the temporary planning application states that the planning permission for the 309 dwellings has not yet been implemented.
- 6.14 The Section 73 application states that works on site started on 24 January 2019 and, therefore, CBRE assumes that the original 2016 permission remains extant. However, the temporary planning permission for filming purposes is until December 2021. As such, it is therefore considered that the delivery of housing under this permission has been substantially delayed. On this basis, CBRE consider an amended trajectory of 50 units per annum

6.0 Relevant Housing Indicators

commencing in 2022/23 totalling 200 units within the 5YHLS is more appropriate. Overall, this is a **reduction of 50 units** from the supply identified in the 5YHLS statement, with no units forecast to be delivered in 2021/22.

- 6.15 This is considered to be a very conservative estimate on the basis of the site having not delivered anything following approval of the original permission over five years ago.

Pollards Wood

- 6.16 Pollards Wood (PL/18/2570/PNO) was granted prior approval on 6 August 2018 for a change of use from office to 83 residential units. The site was identified for delivering 83 units in 2021/22. The site is an office used by GE Healthcare and their website continues to identify the site as one of their offices within the UK. CBRE understands³ that GE Healthcare have reaffirmed its commitment to stay in their Pollard Wood Offices. CBRE considers that the prior approval permission lapsed on 6 August 2021 in the absence of the works relating to the permission not being completed during this period, and therefore it has discounted the site from the Council's 5YHLS.

Site of Former 90 Asheridge Road

- 6.17 Planning permission (CH/2016/1770/FA) was granted on 19 September 2017 for 142 residential units and business space. The Council's 2020 Aecom 5YHLS Statement identified a phased trajectory noting a delay due to COVID-19.
- 6.18 All pre-commencement conditions have been discharged, with a pending application (PL/20/2698/CONDA) pursuant to the pre-commencement obligations within the Section 106 Agreement. It is not clear if the permission has been implemented within the expiration date of the consent. In the absence of this information, an amended trajectory with no delivery in 2021/22, and phased delivery of 23, 47, 47 and 23 respectively starting in 2022/23 is considered appropriate.

Former Chesham Hospital

- 6.19 Planning permission (CH/2011/1972/FA) was granted on 11 March 2015 for an 80 bed care home (66 dwelling equivalent). It is unclear from the planning history which condition(s) have been discharged and if the permission has been implemented. The draft Housing and Economic Land Availability Assessment (HELAA) (January 2020) states *"The developer has confirmed via email in January 2020 that the intention for the care home development to take place over the next 2-3 years, based on a revised application which is to be submitted shortly."*
- 6.20 A pre-application request was received on the site on 27 March 2018, with no further applications submitted. On this basis, CBRE considers the site does not meet the criteria of a deliverable site and the 66 dwellings should be removed from BC's 5YHLS.

Buildings 2 and 3, Chalfont Park

- 6.21 Prior approval (PL/19/2350/PNO) was originally granted at Chalfont Park for 64 units on 28 August 2019. Prior to the change in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), to Class O, a subsequent prior approval application (PL/21/3019/PNO) was submitted and approved on 13 September 2021 for 58 units. A reduction of 6 units to the 5YHLS has therefore been applied.

³ Refer to Harewood Downs Residents Association Newsletter - 2021

6.0 Relevant Housing Indicators

34 Germain Street

- 6.22 Prior approval (PL/20/0417/PNO) was originally granted at 34 Germain Street for 30 units on 30 March 2020. A subsequent prior approval application (PL/21/1255/PNO) was approved on 22 May 2021 for 16 units. The covering letter submitted as part of the revised prior approval application referred to revised plans for the site following the previous approval, therefore the 5YHLS delivery should be reduced by 14 units.

Woodbrook, 73 Penn Road

- 6.23 Planning permission (CH/2017/1284/FA) was granted on 10 January 2018 for the conversion to eight dwellings. On review of the online planning database, no pre-commencement conditions have been discharged and therefore it is considered the planning permission lapsed on 10 January 2021. Accordingly, CBRE considers the removal of 7 net dwellings should be applied to the 5YHLS.

Pratt House, Quill Hall Lane

- 6.24 Planning permission (CH/2017/0604/FA) was granted on 8 September 2017 for 7 residential care units, equating to a housing land supply contribution of 4 units. No conditions attached to the planning permission have been discharged and therefore it is considered the consent lapsed on 8 September 2020. CBRE considers the removal of 4 net dwellings should be applied to the 5YHLS.

Hall Court, Churchfield Road

- 6.25 The ground floor of Hall Court (PL/18/4571/PNO) was granted prior approval on 28 January 2019 for a change of use from office to 6 units. The site was identified for delivering 6 units in 2021/22. The prior approval permission included a pre-commencement condition which according to the Council’s website has not been discharged. Accordingly, CBRE considers the prior approval permission lapsed on 28 January 2022 in the absence of the works relating to the permission not being completed, and therefore has discounted the site from BC’s 5YHLS.

Completed Sites and Sites Granted Planning Permission Since April 2020

- 6.26 A total of 172 units were listed in the September 2020 5YLS as being ‘under construction’ and delivering completions in 2020/2021 and thus for the purpose of our assessment are assumed to have now been completed and have been discounted from future supply.

Summary

- 6.27 **Table 2** below provides our initial assessment of the 5YLS position in Chiltern.
- 6.28 The Table below includes an assessment of the supply position with a base date of April 2021. It is based on the April 2020 as its starting point:

Table 2 – Assumed Housing Supply as of April 2021

HOUSING NEED	PUBLISHED APRIL 2020 ASSUMPTIONS	CBRE POSITION
Deliverable Sites 5+	1,133	Less 246
Small Sites Supply (1-4)	311	Less 172 ⁴
Small Sites Lapse Rate	-31	
Windfall	94	
Adjustments		

⁴ As per Paragraph 6.26

6.0 Relevant Housing Indicators

New Permissions Granted from April 2020 – April 2021	167	
Lapse Rate for New Permissions	-17	

Table 3 – Indicate Assessment of 5YLS (5% and 20%)

HOUSING NEED	FIVE YEAR TARGET	FIVE YEAR SUPPLY	FIVE YEAR LAND POSITION
With 5% Buffer (366 DPA)	1,830	1,239	3.3 Years
With 20% Buffer (418 DPA)	2,090	1,239	2.9 Years

- 6.29 Newlands Park has not delivered a single unit following the grant of planning permission over five years ago. We are aware of a covenant on the relevant land associated with the permission that may explain the significant delay in bringing this site forward for development. If Newlands Park was to be discounted completely this would result in a 5YLS figure of 2.8 Years (5% buffer) and 2.4 (20% buffer).
- 6.30 The above constitutes our initial, indicative assessment of the 5YLS position and identifies a number of over-estimations by the Council for assumed delivery. We assume that more updated 5YLS information will be published during the determination of this application and the applicant hereby reserves the right to comment and review this further information in due course.

Housing Delivery Test

- 6.31 The publication of the Housing Delivery Test (HDT) Results (2020) confirms that Chiltern delivered 89% of its required housing over the preceeding 3-year period. This included just 130 homes during the period for 2019/2020. We understand that the HDT measure for 2021 will be on the basis of the new Buckinghamshire Authority.

Affordable Housing Need

- 6.32 Tetlow King have been appointed to produce an Affordable Housing Statement which is included as part of this submission.
- 6.33 At the local level, the latest assessment of affordable housing need is in the Chiltern and South Buckinghamshire Housing and Economic Needs Assessment 2019 (“HENA”), which found a net need for 104 affordable dwellings per annum over the twenty years between 2016/17 and 2035/36.
- 6.34 In the context of this need figure, an average of just 35 affordable dwellings have been delivered per annum since adoption of the Core Strategy in 2011/12. However, the stock is being depleted by the Right to Buy, with an average of 6 dwellings per annum being lost in the Chiltern area since 2011/12.
- 6.35 According to the latest published data, in the monitoring year from 2019/2020 10 affordable homes were delivered in the Chiltern Area.
- 6.36 The latest annual monitoring report for the area of Chiltern and South Bucks, published in April 2020⁵ confirms that there were 512 people on the Chiltern (only) housing registers, with

⁵ 2018/2019 AMR – Published Sept 2020

6.0 Relevant Housing Indicators

the average wait for a 3-bedroom house with social tenancy in Chiltern and South Bucks being 12-26 months.

- 6.37 We understand that around one year later this has risen to 690 households⁶.
- 6.38 The significant historic under-provision of affordable housing is also evident from acute indicators of housing need across both Chiltern and South Bucks districts, including rising homelessness and temporary accommodation, and long waiting times for families on the Councils' waiting lists to access affordable homes (Paragraph 110, Affordable Housing Topic Paper – December 2019).
- 6.39 Overall, since the base date of the HENA in 2016/17, net affordable housing delivery has not met the identified needs and therefore a net shortfall of 322 affordable dwellings has accrued.
- 6.40 If this acute shortfall is to be cleared in the next five years 2020/21 to 2024/25, a total of 168 affordable dwellings per annum will need to be delivered to clear the shortfall and meet the annually arising need or a total of 840 affordable dwellings over the five years in full. The published housing land supply for the Chiltern area indicates a potential supply of just 232 affordable dwellings from qualifying sites over this period 2020/21 to 2024/25.

Affordability Indicators

- 6.41 Affordability indicators show that there is an affordability crisis in the Chiltern area. Analysis of key indicators demonstrate that:
- There were 548 households on the housing register in March 2020, rising to 690 in July 2021;
 - The lower quartile affordability ratio stands at 15.29, the fifth-worst ratio of any authority area outside London;
 - Average prices in the Chiltern area are 67% higher than the regional average and more than double the national average, with prices even higher in the Little Chalfont area;
 - the household income required for an 80% mortgage on an average house is a staggering £144,128;
 - Lower quartile private sector rents are £280 per month higher than the regional average and have grown at a faster rate than the regional and national average; and
 - The tenure split in the Chiltern area is dominated by owner occupation, with a correspondingly smaller canopied sector and few shared ownership homes.
- 6.42 Each of these above indicators shows a bleak situation for any household in housing need, or which aspire to home ownership. In particular, the indicators show that home ownership is likely to be unachievable for households without access to significant capital or inherited wealth.

⁶ See Paragraph 6.1 as agreed in the SoCG on APP/X0415/W/21/3274200

7.0 Green Belt Assessment – Purpose and Harm

LITTLE CHALFONT POLICY ASSESSMENT – GREEN BELT

Development Plan Position

- 7.1 Saved Policy GB2 of the Chiltern Local Plan (1997) sets out the general approach to Green Belt applications within the Chiltern Area. When read alongside the supporting text, Saved Policy GB2 is considered as being in broad conformity with the Green Belt section of NPPF (2021) with supporting paragraph 4.18 stating:

‘PPG2 (Revised) states that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. In such cases it is an applicant who has to demonstrate the very special circumstances to justify why inappropriate development should be permitted in the Green Belt. The Council will consider each proposal on its merits but will only be minded to approve such development where the very special circumstances outweigh any harm that would occur to the Green Belt and any other harm which would occur to interests of acknowledged importance.’

- 7.2 However, it is noted that considered alone Policy GB2 is not in conformity with the NPPF (this has recently been confirmed through the Appeal Decision at Land at High View). There are no specific policies in the Core Strategy (2011) dealing with very special circumstances.
- 7.3 Policy CS1 of the Core Strategy (2011) states *‘The spatial strategy for Chiltern District aims to protect the Chilterns Area of Outstanding Natural Beauty and Green Belt by focusing new development between 2006 and 2026 on land within existing settlements not covered by those designations.’*
- 7.4 Policy CS1 includes a focus for development to not be located in the AONB or Green Belt, however, it does not represent a blanket protection. In addition, Policy CS1 need to be considered against the age of the housing target from which it was originally justified.

Inappropriate Development and Approach to Very Special Circumstances

- 7.5 It is acknowledged that, applying the NPPF, the proposals would represent inappropriate development in the Green Belt. The proposals are not included within the exclusions set out in Saved Policy GB2 (or other ‘GB’ policies) nor are they included within the list of exceptions set out in Paragraph 149 of the NPPF (2021).
- 7.6 Accordingly, the proposals should not be approved except in very special circumstances as set out in Paragraph 147 and 148 of the NPPF (2021).
- 7.7 The general approach to assessment of very special circumstances in the context of Paragraph 147 and 148 of the NPPF (2021) has been explained in the recent case of Sefton MBC v S of S [2021] EWHC 1082 (Admin) at paragraphs 31-34 in particular.
- 7.8 First, the court made it clear that the exercise required is one of planning judgment. At paragraph 34 HH Judge Eyre QC indicated:

“When paragraphs 143 and 144⁷ are read together they can be seen as explaining that very special circumstances are needed before inappropriate development in the Green Belt can be permitted. In setting out that explanation they emphasise the seriousness of harm to the Green Belt in order to ensure that the decision maker understands and has in mind the nature of the very special circumstances requirement. They require the decision maker to have real regard to the importance of the Green

⁷ In the case the judge was referring to the now updated paragraph numbers.

7.0 Green Belt Assessment – Purpose and Harm

Belt and the seriousness of any harm to it. They do not, however, require a particular mathematical exercise nor do they require substantial weight to be allocated to each element of harm as a mathematical exercise with each tranche of substantial weight then to be added to a balance. The exercise of planning judgement is not to be an artificially sequenced two-stage process but a single exercise of judgement to assess whether there are very special circumstances which justify the grant of permission notwithstanding the particular importance of the Green Belt”

7.9 It is acknowledged that any harm to the Green Belt should be given substantial weight as mandated by Paragraph 148 of the Framework. Before the VSC balance can be undertaken it is necessary to understand the nature of the harm to the openness of the Green Belt and purposes of including land in it set out at Paragraph 138 of the Framework, having regard to the contribution the site makes to those purposes in its current state.

7.10 Paragraph 137 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. What is meant by the term “openness” is not defined in the NPPF.

7.11 The PPG provides some assistance advising that:

“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the Courts have identified a number of matters which may need to be taken into account in making this assessment. They include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.”*

7.12 The most recent court decision of relevance is that of the Supreme Court in R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] UKSC 3, in which Lord Carnwath states at paragraph 39:

“..... As explained in my discussions of the authorities, the matters relevant to openness in any particular case are a matter of planning judgement, not law.”

7.13 It is also well established and recognised that what constitutes ‘very special circumstances’ is a matter of planning judgment and the definition of very special circumstances does not require the matters in themselves to be rare or uncommon [Whychavon DC v S of S [2008] EWCA Civ 692].

7.14 In light of the above context in this section consideration is given to:

- The effect of the proposals on the openness and purposes of the Green Belt;
- Any other harm resulting from the proposals;
- Whether the definitional harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the proposed development.

7.0 Green Belt Assessment – Purpose and Harm

CONSIDERATION OF GREEN BELT HARM

Definitional Harm

- 7.15 The proposals would represent inappropriate development in the Green Belt. This definitional harm to the Green Belt carries substantial weight applying paragraph 148 of the NPPF.

Harm to Green Belt Purposes

- 7.16 As set out previously, the site (including land immediately to the north of Long Walk) was included as site allocation SP BP6 in the now withdrawn Draft Chiltern and South Bucks Local Plan. This proposed the release of the site from the Green Belt and its allocation for 700 dwellings.
- 7.17 The draft allocation was supported by a range of Green Belt evidence that remains relevant following the withdrawal of the Draft Local Plan. It is a body of work conducted by external consultants appointed by the Council and working independently to the Council.
- 7.18 Whilst withdrawn, the evidence base (notably the Green Belt evidence) remains a material consideration in the assessment of the site. This has been confirmed by Leading Counsel. We also note that the Council continue to use the ARUP Green Belt study in its ongoing decision making. Of note, recently in the case of 20 Narcot Lane (REF: PL/20/0186/FA) in October 2020, paragraph 76 of the Officer Report stated:

‘In addition, there is insufficient justification as to why this site was chosen, as opposed to a site that is not located in the Green Belt or that has been considered for Green Belt release as part of the Council’s Green Belt assessment.’

- 7.19 Reference to the ARUP Green Belt study is made as recently as 22nd February 2021 in the Council’s Statement of Case in respect of the appeal at Land off High View (PL/19/4421/FA).
- 7.20 We note that the Council’s Closing Submission in the Land off High View (published 24th September 2021) continues to rely on the ARUP Green Belt evidence. The Inspectors Decision on this case also refers to the work produced by ARUP.

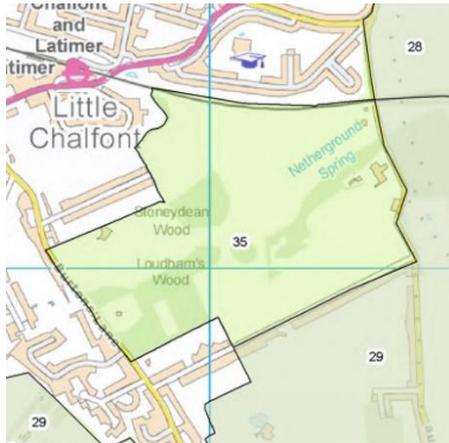
ARUP Green Belt Assessment Part I (2016)

- 7.21 The scope for this review was to consider all Green Belt land, as defined in the [then] current adopted Local Plans for the four Buckinghamshire districts as well as non-Green Belt land that might be considered for inclusion in the Green Belt. The starting point for assessing land against the NPPF purposes was to identify strategic land parcels or ‘General Areas’ for appraisal.
- 7.22 The site was assessed under General Area 35.

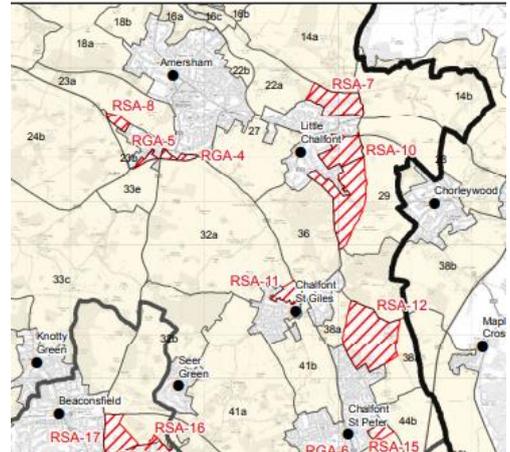
Site	Green Belt Score					TOTAL SCORE	Overall Contribution
	Purpose 1a	Purpose 1b	Purpose 2	Purpose 3	Purpose 4		
General Area 35	Fail	0	1	3	0	4	Medium

Source: Green Belt Assessment Part I

7.0 Green Belt Assessment – Purpose and Harm



General Area 35



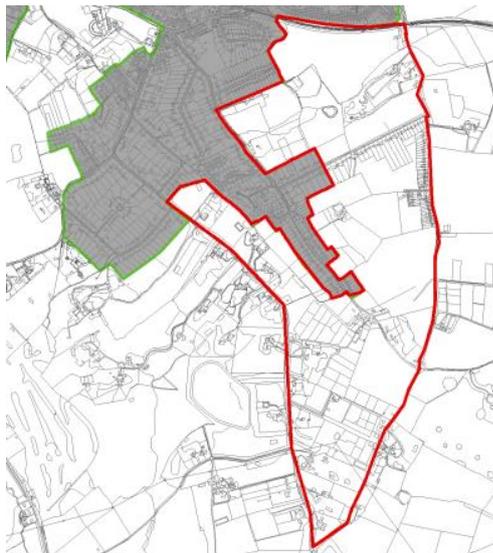
RSA-10

7.23 The Green Belt Review (2016) concluded by identifying land that should be considered further as part of a Stage II assessment. As shown in the Map above this included RSA10 which includes the site as well as General Area 29, contiguous and located to the south of General Area 35.

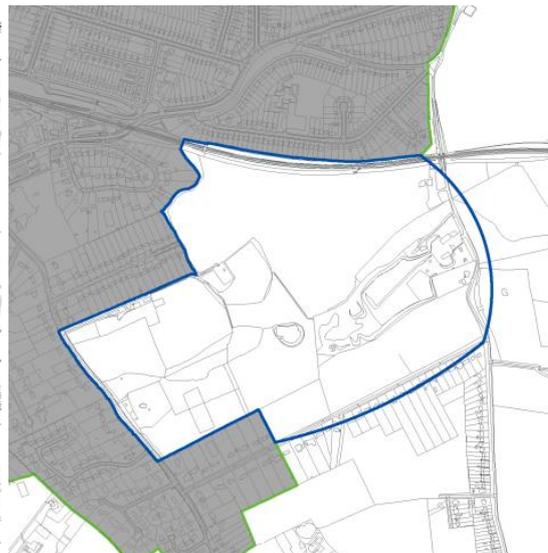
7.24 As part of the assessment of RSA10 it was noted that ‘General Area 35 is surrounded on three sides by built-form and is characterised by enclosed spaces, paddocks and a former golf course which diminish its rurality and its relationship with the wider countryside.’

Green Belt Development Options Appraisal (October 2016)

7.25 The Green Belt Development Options Appraisal (October 2016) included an assessment of RSA10 (see site 1.08) and a smaller parcel of land (see site 2.10).



Site 1.08



Site 2.10

7.26 The Options Appraisal identified that site 1.08 should not be released from the Green Belt owing to the contribution made to the southern portion of the site. Instead, a smaller area (site 2.10) was recommended for release (this includes the site).

7.0 Green Belt Assessment – Purpose and Harm

Green Belt Development Options Appraisal - Post Preferred Green Belt Options Consultation (November 2017)

7.27 This report produced following the consultation in October 2016 on the Green Belt Development Options recommended the following, in respect of the site:

‘Remove from the Green Belt and include as mixed use residential-led development to secure at least 700 dwellings (including an appropriate proportion of affordable units), specialist accommodation for elderly people, Gypsy and Traveller pitches, self-build and custom-build opportunities and associated uses, open spaces and infrastructure through a comprehensive development in accordance with an approved development brief.’

Green Belt Assessment Part II (April 2019)

7.28 A follow-up to the Green Belt Assessment Part I was produced in April (2019). This included a further assessment for RSA10 (identified in Part I) which included General Area 35 and 29.

Site	Green Belt Score					TOTAL SCORE	Overall Contribution
	Purpose 1a	Purpose 1b	Purpose 2	Purpose 3	Purpose 4		
Site 1.08	Fail	0	3	2	0	5	Moderate

7.29 The overall summary for Site 1.08 was:

*‘Overall, Green Belt Area 1.08 performs moderately against Green Belt Purposes, preventing neighbouring settlements from merging (Purpose 2). Area 1.08 performs relatively weakly in contributing to the openness of the countryside (Purpose 3). **The northern part of Area 1.08 performs less strongly against Purposes 2 and 3 than the southern part.** Area 1.08 is neither at the edge of a distinct large built up area (Purpose 1) or abutting an identified historic settlement core (Purpose 4), and does not contribute to these Green Belt Purposes. Green Belt Area 1.08 contributes to wider Green Belt objectives. The release of Area 1.08 would not inherently undermine the performance of the wider Green Belt (the remaining part of Part One Parcel 29 and Parcel 36 to the west), but these areas would perform more strongly against Purpose 2. The boundary would be strong/acceptable in NPPF terms.’*

Green Belt Exceptional Circumstances Report (May 2019)

7.30 Within this Report the smaller area (2.10) than the larger area considered in the Green Belt Stage II Report, was considered. This confirmed that:

‘Overall, the Area [35] performs moderately against one purpose of the Green Belt. The site can make a very significant contribution to meeting the development needs of the Districts in a highly sustainable location within 700 metres of Chalfont & Latimer Railway Station and close to the village local centre. The impacts on the Green Belt can be mitigated and a firm and defensible boundary either exists or can be provided. The benefits of the release of the site and its subsequent development clearly outweigh the dis-benefits. Exceptional circumstances therefore exist for the release of this site from the Green Belt.’

7.31 More broadly, the Council concluded that Exceptional Circumstances existed due to (inter alia):

- The acuteness/intensity of the need for new homes, employment and retail provision;
- The inherent constraints on supply/availability of land prima facie suitable for sustainable development;

7.0 Green Belt Assessment – Purpose and Harm

- Making as much use as possible of suitable brownfield sites and underutilised land;
- Consideration of the consequent difficulties in achieving sustainable development without impinging on Green Belt.

Comparison with Sites in the Withdrawn Chiltern and South Bucks Plan

7.32 **Table 3** below provides a summary of the Green Belt scores for the sites that were in the Draft Local Plan (Chiltern Only).

Table 4 – Green Belt Assessment

Site	Green Belt Score					TOTAL SCORE
	Purpose 1a	Purpose 1b	Purpose 2	Purpose 3	Purpose 4	
BP2 - Chesham	Pass	3	1	2	0	6
BP3 – Holmer Green	Pass	1	0	2	0	3
BP4 – London Road West	Pass	1	0	3	3	7
BP5 - South East of Whielden Street	Pass	1	0	2	3	6
BP6 – Little Chalfont	Fail	0	1	3	0	4
BP7 – Chalfont St Peter North East	Pass	3	1	2	0	6
BP8 – Chalfont St Peter South East	Pass	1	1	2	1	5

- 7.33 As seen from **Table 4**, the site at Little Chalfont is the only site not to meet Purpose 1a (to check the unrestricted sprawl of large built-up areas). This is significant when considered against Paragraph 137 of the NPPF (2021) which confirms that the fundamental aim of the Green Belt is to prevent urban sprawl. The site is confirmed to serve no purpose against this criterion, whilst all other sites meet this criterion.
- 7.34 It should be also noted that BP4 (London Road West) and BP5 (South East of Whielden Street) were recommended for deletion from the draft Plan by the Chiltern AONB Board in their Regulation 19 response due to impact on the AONB, further limiting the suitability of alternative Green Belt sites. In respect of BP6 (Little Chalfont) the Chiltern AONB Board supported the principle of the allocation albeit at a reduced quantum of ‘547 – 638’. The revised proposals for the site reflect a quantum of development that is consistent with the previous response of the Chiltern AONB Board.

7.0 Green Belt Assessment – Purpose and Harm

Overall Conclusion on Green Belt Purposes

- 7.35 The relative contribution that the site makes to the purposes of including land within the Green Belt has been considered at length during the preparation of the now withdrawn Draft Local Plan. Whilst the draft local plan has now been withdrawn, the evidence base that underpins this remains a relevant material consideration and has been consistently used and referred to by the Council in their processing of development management duties post the withdrawal of the local plan.
- 7.36 Accordingly, and on the Council's own evidence base, it is considered that the overall contribution of the site to Green Belt purposes is assessed as moderate.

Harm by Virtue of the Development

- 7.37 Paragraph 148 of the NPPF (2021) confirms that **substantial weight** should be given to any harm to the Green Belt. Within the overall balancing exercise it is important to consider the level of harm that would result from the proposals.
- 7.38 The existing site includes built form and existing hardstanding, it is not a site that is devoid of built form. However, it is acknowledged that the proposals will result in a permanent physical change in the character of the Green Belt in this location. Whilst in a visual sense views of the proposal are likely to be limited (see details below) it is acknowledged that in a spatial sense there will be physical development on areas of the site which currently have an absence of built form.
- 7.39 However, the spatial changes should be considered in the context of the percentage of the site that would remain open. Under the proposals within the application, approximately 41% of the site would remain public open space with a further 12% retained woodland areas. The percentage of a Green Belt site that would remain open post completion of a development is relevant in considering the impact of a proposal on openness (see Para 17 of appeal reference APP/X1925/W/21/3273701⁸). Therefore, consideration of the spatial change in the character of the Green Belt will vary between the northern areas of the site and the southern parts of the site.
- 7.40 We have appointed Barton Willmore (Landscape) to undertake modelling of the masterplan from a landscape and visual perspective. The illustrative masterplan for the site accommodates the following in response to the existing landscape and visual attributes of the site:
- Retention of existing Ancient Woodland on the site, set within a 30m landscape buffer free from development;
 - Retention of the remainder of other existing woodland on the site, set within a 15 - 20m landscape buffer, again free from development; and retention of other substantial native/indigenous/naturalistic vegetation; with both positively integrated into the masterplan;
 - Retention of a key characteristic of the adjoining Chiltern AONB, that is the dry valley running east to west through the site, as the key feature, combined and integrated with retained woodland forming the basis for the Landscape and Green Infrastructure Framework for the development, accommodating a substantial swathe of green open space running through the site;

⁸ <https://www.north-herts.gov.uk/virtual-public-inquiry-introduction-and-background>

7.0 Green Belt Assessment – Purpose and Harm

- Location and scale of built form in response to landform and settlement context of the site, with higher density development located adjoining the existing settlement edge, and stepped development plateaux to reflect varying topography across the site;
 - Consideration of overall height of development in relation to surrounding topography and woodland cover to ensure that the built form remains below, and is screened by the wooded skyline.
- 7.41 The key existing noteworthy landscape features on the site are therefore retained and enhanced, set within a comprehensive Landscape and Green Infrastructure Framework. Loss of landscape features would be limited to amenity grassland and ornamental planting associated with the former Golf Course.
- 7.42 It is acknowledged that the retaining wall required as part of the highways works required to Lodge Lane could result in some harm to the character of this route. As shown in the Design and Access Statement, a range of sensitive options of limited magnitude are being considered for this intervention to ensure that the required mitigation can be delivered sensitively. Such is the location of existing trees that the proposed works will not result in major tree clearance such that the character of the canopy will be unaffected. Furthermore, no work is proposed to the eastern boundary of Lodge Lane which represents the boundary with the AONB.
- 7.43 The key component of the landscape character of the site and of the wider landscape, that of dry valleys, along with existing woodland, has been also been retained, and forms the basis for the accessible open space structure within the site, which, combined with the replacement of ornamental features associated with the former formal Golf Course with more characteristic, natural features, would provide an enhancement to, and an increased appreciation of this characteristic landscape feature.
- 7.44 Furthermore, any development on the site would be set within the context of existing residential development immediately adjoining the site to the west and south, and to the railway line and immediately adjoining residential development to the north of the site; and development would extend no further east than existing residential development to the north and south of the site. Development on the site would therefore constitute infilling and consolidation of the existing settlement pattern, extending no further into the Green Belt than the existing Green Belt Boundary to the north and south of the Site, and with Lodge Lane remaining a robust and defensible boundary to the Chilterns AONB.
- 7.45 The potential visibility of development on the site has also been considered from the outset, with the objective of minimising visual effects of the adjoining Green Belt and Chilterns AONB. Mapping of the potential Zone of Theoretical Visibility (ZTV) was undertaken (**refer to ES**) to identify the potential areas from which the development could be visible, in particular from the Green Belt and the Chilterns AONB to the north-east, east and south-east of the site.
- 7.46 The mapping was based on existing ground levels across the site (incorporating the levels needed following the work of Hydrock), the potential maximum height of development, and set within the model of existing landform, vegetation and built form. This exercise identified areas from which development could be potentially visible, and informed a selection of locations from which accurate verified wireline montages were prepared to illustrate the visibility of development on the site in views from the Green Belt and Chilterns AONB. The methodology for the preparation of the accurate wirelines is set out in the accompanying documents, but in summary, the model of proposed development is based on the maximum extent and height of built form as set out in preliminary parameter plans, with development parcels set at assumed levels Above Ordnance Datum (AOD) based on general principles of

7.0 Green Belt Assessment – Purpose and Harm

cut and fill modelling, to illustrate the potential worse-case scenario and therefore most extensive potential visibility of the development.

- 7.47 The preliminary ZTV mapping illustrates that the potential extent of the visibility of development on the site from the surrounding Green Belt and Chilterns AONB would be very limited. The accurate verified wireline montages were then prepared and illustrate where views of development on the site could potentially be seen; these views are limited to glimpses of a very small part of the uppermost parts of the tallest components of the development, forming a very small inconspicuous component in a much wider view.
- 7.48 Any glimpses of the development on the site would be barely perceptible and inconspicuous, seen at distance, being set beyond existing surrounding woodland, and set against the backdrop of wooded hills.
- 7.49 Any glimpses of upper parts of the development would not punctuate the existing wooded skyline. The existing settlement edge of Little Chalfont, to the north of the site, and on the boundary of the Green Belt, is more visible than views of development on the site would be. Therefore, where there are potential glimpses of the development on the site, the overall composition of views would remain unchanged, with the broad swathe of open landscape remaining dominant in the fore to middle ground, set against the backdrop of wooded hills. As such, there would be no significant visual effects arising from the development of the site, in either views from the Chilterns AONB or the Green Belt.
- 7.50 Therefore, in summary, it is considered that there would be no significant adverse effects on landscape features or landscape character, and no significant effect on views beyond the site. Furthermore, the characteristic openness, both physical and visual or perceptual, of the Green Belt to the east of the site would be maintained, and the key characteristics of the Chiltern AONB that underpin the special qualities of the Chiltern AONB would be retained.
- 7.51 In a spatial sense, the impact of the development on the sense on the openness of the Green Belt is varies between the north and south. Overall, the impact on openness on the site is considered to be moderate when the site is considered holistically. In a visual sense the harm is assessed as limited. Table 4 from the ARUP assessment considers that the site makes no contribution to preventing large areas from urban sprawl.
- 7.52 In accordance with the NPPF, harm by virtue of development constituting a permanent change, is recognised as being given substantial weight.

Other Harm Resulting from the Proposals

- 7.53 Section 9 sets out the technical assessment of the wider planning considerations associated with the development of the site. As detailed within Section 9, no significant 'additional' harm unrelated to the issue of Green Belt designation is identified as a consequence of the proposal.
- 7.54 It is acknowledged that there will be a temporary degree of harm to residential amenity during the construction process, this is identified in the Environmental Statement. The Environmental Statement also indicates moderate adverse impacts on landscape features and views during the demolition and construction process. However, such harm will be transient in nature and through appropriate mitigation can be significantly reduced. A limited level of harm is acknowledged in respect of this.
- 7.55 The proposed widening of Lodge Lane will require the creation of a retaining structure along part of this route. As detailed within the Design and Access Statement, significant efforts have

7.0 Green Belt Assessment – Purpose and Harm

been made to reduce the impact of this through appropriate greening, however, some harm is acknowledge albeit this will diminish as replacement tree planting matures.

- 7.56 The Environmental Statement identifies some limited/negligible adverse impact on PRoW LCF/1/11 and views from local roads following the completion of the development. However, as a result of the development there will be additional routes through the site to connect the train station to the wider AONB. In addition, through the Draft Heads of Terms it is proposed that a contribution will be made to assist in signage and wayfinding in the AONB, overall helping to improve the quality and functionality of PRoWs.

8.0 Green Belt – Very Special Circumstances

- 8.1 Having considered through Section 7 the contribution that the site makes to Green Belt purposes and the harm resulting from the proposals to the Green Belt, we now consider the very significant material considerations weighing in favour of the proposals.
- 8.2 These are set out in detail below and include, in summary:
- Lack of Suitable Alternative Sites/Strategy to Meet Need
 - Unmet Housing Need
 - Acute Unmet Affordable Housing Need
 - Provision of Custom Build Housing
 - Provision of Housing for the Elderly
 - Meeting Local Space Needs and Biodiversity Net Gain
 - Significant Economic Benefits Associated with the Scheme
 - Provision of much needed Community Infrastructure

1. LACK OF SUITABLE ALTERNATIVE SITES/STRATEGY TO MEET NEED

- 8.3 The starting point in understanding alternative sites is the need to ensure that any assessment of alternative sites focuses on the full extent of the proposals (rather than seeking to break it up into constituent parts). This is firmly established in Paragraph 66 of the judgement in *Smech Properties Ltd, R (on the application of) v Runnymede Borough Council & Ors* [2015] EWHC 823 (Admin) (25 March 2015).⁹
- 8.4 The co-location of a range of uses (as opposed to promoting development by disaggregation) offers the opportunity to positively create a true mixed and balanced community through a comprehensive approach to development. It also offers the opportunity to provide infrastructure and open space that may not be readily deliverable through reliance on small windfall development.
- 8.5 The creation of mixed-use communities is consistent with the principles embedded within the NHS Healthy New Towns Strategy. Moreover, Paragraph 9 of the NPPF (2021) is clear that *‘Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.’*
- 8.6 In addition, developing at this collective scale provides a critical mass to allow the viability of key infrastructure provision that would otherwise not be realised if the development was delivered as individual uses on disparate sites.

Alternative Site Consideration

- 8.7 Having established the scale of the site, when considering the case for VSC, it is important to first consider whether or not the proposals (when taken as a whole) could be met utilising land that is not in the Green Belt. The approach that we have taken to this assessment is as follows:
- Define the area of search;

⁹ <https://www.bailii.org/ew/cases/EWHC/Admin/2015/823.html>

8.0 Green Belt – Very Special Circumstances

- Review the Brownfield Land Register and Extant Permissions;
- Consider the Employment context;
- Review the ARUP (2016) Green Belt assessment and alternative Green Belt sites;
- Absence of alternative strategy to meet needs.

Defining the Area of Search

- 8.8 In terms of defining the area of search, Reference ID: 2a-039-20201216 of the Planning Practice Guidance (updated in December 2020) confirms that *‘planning policies adopted by predecessor authorities will remain part of the development plan for their area upon reorganisation, until they are replaced by adopted successor authority policies or until the fifth anniversary of reorganisation.’* Furthermore, it is noted, *‘in the interim, authorities are reliant on strategic housing requirement policies set out in the development plans of the predecessor local authorities when decision-making, such as when determining the housing requirement for their 5-year housing land supply.’*
- 8.9 With this in mind, any housing generated by the proposals would contribute to the Chiltern Area of the newly formed Buckinghamshire Unitary Authority. Ahead of any substantive work commencing on formulating a first draft of the new Buckinghamshire Local Plan, it would not be appropriate to consider alternative sites in the former South Bucks, Wycombe or Aylesbury areas, as any housing delivered in these alternative areas would not address the specific housing needs of the Chiltern Area. Moreover, the currently adopted development plan for the area is the Chiltern Core Strategy (2011) and the Saved Policies of the Local Plan (1997). As such, the area of focus for alternative sites has been restricted to the Chiltern Area of Buckinghamshire.
- 8.10 Policy CS1 of the Core Strategy (2011) identifies that Chesham; Amersham/Amersham-on-the-Hill; Chalfont St Peter and Little Chalfont will be the main focus for development. The area covered by the former Chiltern District Council area is highly constrained in terms of opportunities to meet growth needs without development in the Green Belt. Whilst referring to the area of Chiltern and South Bucks more broadly, the Council’s Exceptional Circumstances Paper (2019) states:
- ‘There has historically been little available land for development in Chiltern and South Bucks due to:*
- 87.6% of the Plan area being part of the Metropolitan Green Belt;
 - 42.5% being in the Chiltern Area of Outstanding Natural Beauty;
 - Numerous other protected areas such as scheduled monuments, Ancient Woodlands, Sites of Special Scientific Interest, historic gardens, conservation areas and listed buildings;
 - Areas protected for other purposes such as in the Colne Valley Regional Park and Burnham Beeches SAC;
 - areas at risk of flooding; and
 - Minerals Safeguarding Areas.
- 8.11 Paragraph 3.14 of the Council’s Exceptional Circumstances Paper (2019) continues to state *‘The towns and villages are tightly constrained by the Green Belt with no scope for expansion within their settlement boundaries. In addition, a number of villages are “washed over” by the*

8.0 Green Belt – Very Special Circumstances

Green Belt. This significantly limits our ability to meet our objectively assessed needs without some incursion into the Green Belt.'

Brownfield Register & Extant Planning Permissions

- 8.12 In terms of potential supply, the Brownfield Land Register published in January 2021 does not include sites of appropriate scale that could accommodate the development proposals and further reinforces the lack of suitable available and alternative brownfield sites to accommodate the development. The largest site on the list without planning permission has a nominal capacity of 40 homes. Of the 26 sites on the list that do not have planning permission only three of these sites are greater than 1 hectare in extent. We are aware that the land around Little Chalfont Station (CD0439 and CD0152) has been submitted and assessed by the Council as having capacity for 65 units but is not the subject of a planning application.
- 8.13 Nine of the sites on the Brownfield Register are also in the Green Belt. This includes the following:
- CD0109 – Coat Depot and Adjacent Land, Lycrome Road (0.52 hectares)
 - CD0130 – Epilepsy Society Site (4.6 Hectares)
 - CD0134 – Land at Middlegrove Farm (1.9 Hectares)
 - CD0459 – Woodlands Farm (1.48 Hectares)
 - CD0460 – Tunfield Farm (0.83 Hectares)
 - CD0463 – Hill Farm Industrial Estate (0.79 Hectares)
 - CD0465 – Land at Burtons Timber Yard (0.34 Hectares)
 - CD0466 – Land at Old Amersham Farm (0.58 Hectares)
- 8.14 All of the sites are considerably smaller than that required to accommodate the proposals or any meaningful development. In addition, a number are located outside of the core development locations as established in the Chiltern Core Strategy (2011) (see Policy CS1 and CS2) and/or are not well located to promote sustainable development.
- 8.15 We are unaware of any significant planning applications that are due to be submitted for the Chiltern area.

Employment Land

- 8.16 We are unaware of significant reserves of employment land existing in the former Chiltern District Council area, such that there is likely to be ready supply of brownfield land from this source. Paragraph 12.5 of the Chiltern Core Strategy (2011) establishes a clear context for this in stating that *'Recent work for Buckinghamshire CC indicates a concern about loss of employment land to housing in Chiltern District, and suggests that potential employment demand could justify a position that no further employment land is lost to housing.'*
- 8.17 More recently, the Council's current defence of the appeal at Global Infusion Court¹⁰ provides evidence of the demand that exists for local employment sites to be protected in order to meet local needs.
- 8.18 The Annual Monitoring Report (2019/2020) also highlights that for the Chiltern area approximately 16,000 sqm of office space was lost through the approval of office to

¹⁰ APP/X0415/W/21/3274200

8.0 Green Belt – Very Special Circumstances

residential conversions, further placing pressure on existing employment land. The Chiltern and South Bucks Economic Development Strategy (2019 – 2026) also confirms the need to ensure a supply of employment site against significant pressure for their redevelopment for residential use.

- 8.19 Buckinghamshire has historically had a significant reliance on office to residential conversions to meet its 5YLS. We understand from the 9th November 2021 Cabinet that Buckinghamshire had the second highest rates of prior notification approvals of all authorities in England. The Cabinet paper removes permitted development rights for office to residential development and thus is likely to limit the supply going forward.

Green Belt Assessment

- 8.20 As seen from **Table 4**, of the assessment undertaken for suitable Green Belt release sites in Chiltern, the site at Little Chalfont Golf Course performed the joint lowest with respect to the harm being created to Green Belt purposes. The site also represents one of the most sustainable, with respect to its proximity to Chalfont and Latimer Station.

Absence of an Identified Strategy to Meet Need

- 8.21 The Chiltern Local Plan was adopted in September 1997 and the Core Strategy in (2011), significantly predating the current Framework and even the 2012 version of the Framework.
- 8.22 Whilst the coverage of up-to-date Local Plans across the country is at around 91%, the Chiltern Area remains in the 9% of LPAs not to have an up-to-date Local Plan.
- 8.23 The lack of an up-to-date local plan and, importantly, the lack of a prospect for an up-to-date Local Plan being adopted in the short term are relevant considerations in the assessment of VSC¹¹. Simply stated, in the context of the constraints that exist within the area there is no credible position for the housing needs being met through a plan-led system. We understand that the earliest that the Buckinghamshire Local Plan would be adopted is 2025.

Summary of Alternatives

- 8.24 The constraints of the Chiltern Area of Buckinghamshire Council lead to there being no suitable non-Green Belt sites that are available and could reasonably accommodate the development (or a development of similar scale). The approach undertaken to alternatives is firmly established in Paragraph 66 of the judgment of *Smech Properties Ltd, R (on the application of) v Runnymede Borough Council & Ors* [2015] EWHC 823 (Admin) (25 March 2015).¹²
- 8.25 The ARUP Green Belt Review (2016) provides an appropriate objective assessment through which to assess the site against alternatives. This assessment confirms the site as contributing the least to the five Green Belt purposes, of all the sites considered.
- 8.26 Within the recent Secretary of State call-in decision involving a Green Belt site on the edge of the Yorkshire Dales (Burley)¹³, As set out in Paragraph 656 of the Inspector's Report significant weight is afforded to the lack of alternative sites to support the development. As stated:

¹¹ See Colney Heath Decision

¹² <https://www.bailii.org/ew/cases/EWHC/Admin/2015/823.html>

¹³ APP/W4705/V/18/3208020 – 3rd March 2021.

8.0 Green Belt – Very Special Circumstances

'It is also of note that all parties, including objectors, agree that there is no other identified site which could make such a significant contribution towards the LPCS target of 700 dwellings for Burley-in-Wharfedale. On the basis of the assessment carried out by the applicant, with which the Council agrees, none of the identified SHLAA sites could reasonably provide for 500 dwellings – either alone or in combination – and no other realistic sites have been identified.'

- 8.27 For context, Burley's population at 7,500 is comparable to that of Little Chalfont.
- 8.28 The above passage is useful in highlighting that the exercise of considering alternative sites is not just an exercise for its own purpose, but one that forms part of the wider consideration of the VSC case.
- 8.29 Consistent with the view reached in Burley, **significant weight** must be attributed to the lack of alternative, non-Green Belt sites available in the short to medium term that could meet the identified need.

2. HOUSING NEED

- 8.30 There are a range of recent Secretary of State called in and Recovered Decisions involving Green Belt land and the application of Paragraph 148 of the NPPF (2021) that reaffirm the Government's overarching objective to significantly boosting the supply of housing. They all demonstrate the application in planning decisions of the national imperative to increase the supply of housing nationally. In the case of a draft allocation for a Green Belt site in Burley-in-Wharfedale from March 2021 the proposals for market housing attracted **very substantial weight**, given the poor housing land supply position. In the circumstances of that case supply was at 2.06 years with the Inspector concluding this to be "dire". Similar conclusions were also reached in Colney Heath¹⁴.
- 8.31 Within the Buckinghamshire (Chiltern Area) housing provision was awarded substantial weight for the provision of 42 affordable housing units¹⁵.
- 8.32 The scheme is proposed to include 380 new homes with 210 of these being family units (assumed to be 3bed+)¹⁶ which will make a significant contribution to meeting unmet need in the area and being broadly equivalent to one years' worth of housing supply (Chiltern 349 DPA under standard methodology). Most of the 3bed+ provision is provided by 3 bed homes. The provision of two bed units will also include a significant number (56%) of houses (rather than apartments).
- 8.33 Assuming the approval of an application by Summer 2022, it is assumed that housing completions on the site could occur as early as 2023.
- 8.34 As detailed in Section 6 the current 5YLS is considered to be between 2.9 and 3.3 years. Such are the constraints in the Chiltern area that it is anticipated that at the point that the application is determined supply may have fallen below 3 years.
- 8.35 The need to consider Green Belt land in order to meet the ongoing 5YLS need is confirmed through the Green Belt Exceptional Circumstances Paper (2019) in which it is stated 'Green

¹⁴

<https://static1.squarespace.com/static/5e7e22fea84d1844d8d7b678/t/60c838b35e9a3a0a98d39390/1623734452302/Appeal+Decision+-+3265925+%26+3265926.pdf>

¹⁵ APP/X0415/W/20/3265964

¹⁶ This follows the glossary definition in the London Plan in the absence of any locally set definition.

8.0 Green Belt – Very Special Circumstances

Belt sites provide the only option in terms of pulling additional sites into this five year period and beyond.'

- 8.36 Chiltern has historically been able to rely on Office to Residential conversions to help demonstrate deliverability. Almost one in four of the homes relied on to arrive at the September 2020 5YLS comprise office to residential conversions. Recent changes to the GDPO (2021) has resulted in the removal of Permitted Development Rights for the Change of Use from Office to Residential for sites over 1,500sqm therefore restricting future supply from this source.
- 8.37 The supply of housing in areas without a 5YLS is consistently afforded **significant weight** in decisions involving the Green Belt. The most recent Secretary of State decision¹⁷ at Holton Park (Bolton) involving residential development and Green Belt, afforded significant weight to the supply of housing against a 5YLS figure agreed as 3.5 – 3.7 years. Our initial assessment of the 5YLS for the Chiltern Area would indicate that true supply is closer to 3 years and may well be less following a detailed audit. In the case of Burley, **very substantial weight** was afforded against a supply of 2.06 years¹⁸.

Delivering a Genuine Mix of Housing

- 8.38 Our review of the Council's 5YLS Statement (November 2020) confirms that 56% of the dwellings to be delivered will be either one or two bedrooms. Moreover, of the 13 schemes in the 5YLS delivering more than 15 units, almost half (6 schemes) are office to residential conversions delivering apartment-based schemes of smaller units, with little or no amenity for residents.
- 8.39 The emphasis in the future supply on smaller units (and particular apartments rather than houses) is set against Paragraph 10.9 of the Core Strategy (2011 - 2026) which states '*Our evidence does not show a significant need for flat schemes and these will not be encouraged.*'
- 8.40 Against the constrained nature of the Chiltern Area, it is difficult to deliver the appropriate mix of family homes when the source of supply is primarily small-scale brownfield sites and office to residential conversions. The difficulties in meeting housing mix in the absence of larger sites is acknowledged in Paragraph 10.9 of the Core Strategy (2011) in which it states '*Experience to date has shown that delivering a mix of one, two and three bedroom dwellings can be difficult in small schemes where land is limited. However, on larger sites there is scope to have a wider mix of property sizes.*'
- 8.41 Figure 43 of the HEDNA (2019)¹⁹ confirms that for the private market mix 76% of need is for 3 and 4 bedroom properties, confirming that the need for larger family housing significantly outstrips the need for smaller units.
- 8.42 The contribution of larger sites was acknowledged in the Appeal allowed at Great Missenden (Chiltern District) in September 2018 with Paragraph 102 of the Inspector's Report²⁰ stating:

¹⁷

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/905485/20-09-30_DL+IR_Hulton_Park.pdf

¹⁸ See Paragraph 657 - APP/W4705/V/18/3208020 – March 3rd 2021.

¹⁹ <https://chiltern.gov.uk/planning/hedna>

²⁰ APP/X0415/W/18/3202026

8.0 Green Belt – Very Special Circumstances

In social terms, the proposed development would deliver 34 new homes of different tenures and sizes in a District which has a recent history of failing to deliver sufficient homes to meet housing need, thereby helping to improve the HLS position. Moreover, the provision of a mix and range of housing sizes would assist in creating a strong, vibrant and healthy community.

- 8.43 The scheme is proposed to include 480 new residential units with approximately 210 of these being family units (3bed+) which will make a significant contribution to meeting need in the area in being broadly equivalent to one years' worth of housing supply (Chiltern 343 DPA under standard methodology).
- 8.44 Demographic evidence (in terms of mid-year population estimates) points to a notable acuteness of need arising in the Little Chalfont area for family housing due to its local characteristics.
- 8.45 Analysis of the population change from the 2011 Census to the ONS Mid-Year Population Estimates (2019) show an 18% rise in the 0 -15 age structure in Little Chalfont. This is significantly above the Chiltern and South Bucks average (6%) and that of Buckinghamshire (10.3%). The growth in this age cohort is perhaps not unsurprising when the wider education opportunities in the Little Chalfont catchment area are considered. The Little Chalfont area is within a 2-mile catchment of 3 outstanding primary schools and a 3-mile radius of 3 outstanding secondary schools. Its location makes it an attractive location for families to locate to in order to move into school catchment areas (thus further driving a localised need for family housing).
- 8.46 As confirmed in the Great Missenden Appeal, the provision of a better range of housing sizes is a material benefit in the overall assessment of VSC.
- 8.47 The constraints in the Chiltern area such as Green Belt has resulted in a reliance on small windfall sites and office to residential development to meet needs. Whilst the availability of this source is declining, it has also resulted in a significant provision of flatted development (as opposed to much needed family housing).
- 8.48 The provision of a significant quantum of market homes to deliver a true and full mix and range of housing sizes should therefore be afforded **substantial weight** in the planning balance.

3. MEETING ACUTE AFFORDABLE HOUSING NEED

- 8.49 The vision for the Chiltern District as set out in the adopted Core Strategy (2011) is for, amongst other things, 'a place with enough affordable housing to meet local needs and maintain our services and communities.'
- 8.50 As detailed in Section 6, the Chiltern area is experiencing acute affordable housing need. Similar lengths of time for the provision of 3 bed affordable housing was considered in an appeal in Bromley²¹ involving Green Belt development. In the overall planning need case, this was afforded **very substantial weight**. In addition, in the recent case at Burley²², at Paragraph 657 **very substantial weight** was provided to the contribution of the proposals to meeting affordable housing needs. Like Little Chalfont, Burley was identified as one of the most unaffordable areas of the local authority area in question.

²¹ APP/G5180/W/18/3206569 – Decision Dated June 2019

²² APP/W4705/V/18/3208020 – Decision Issued 3rd March 2021.

8.0 Green Belt – Very Special Circumstances

- 8.51 The proposed development will help to meet the challenging affordable housing need in the Chiltern area.
- 8.52 The provision of up to 152 affordable dwellings from this scheme alone is substantial when taken in the context of identified needs, past delivery and the future supply of affordable housing:
- 152 affordable dwellings equate to almost 1.5 years' worth of the identified affordable housing need of 104 dwellings per annum in the Chiltern area, as set out in the HENA.
 - It is also more than 1.5 times the 94 net affordable dwellings that have been delivered in total in the Chiltern area since the start of the HENA period in 2016/17.
 - It is equivalent to almost two-thirds of the area's potential pipeline supply of affordable housing (of 232 affordable dwellings over the next five years).
- 8.53 The proposed affordable housing will achieve significant social benefits to households in affordable housing need, as well as those seeking to achieve home ownership who are currently prevented from doing so. It is important to remember these are real people in real housing need, now.
- 8.54 Looking forward, and following the withdrawal of the Draft Local Plan, it is highly unlikely that any meaningful contribution will be made to addressing the acuteness of unmet need. The supply in the 5YHLS, once again, is largely comprised of sites that are either below the threshold required to deliver affordable housing on site or they are schemes that have been permitted through the conversion of office accommodation. We estimate that around 333 homes from the planned supply are from office to residential applications alone. We understand that the Chilterns is in an area in which there is a shortage of small office accommodation, further highlighting the need to avoid the housing shortage being compensated for by removing much needed office supply.
- 8.55 As such, the provision of affordable housing in an area of acute need is considered to attract **very substantial weight** in the overall assessment of VSC.

4. CONTRIBUTING TO CUSTOM BUILD NEED

- 8.56 The Land Use and Green Infrastructure Parameter Plan identifies part of the site as being suitable for Custom Building Housing. Through the Self-build and Custom Housebuilding Act (2015), the Council has a duty to maintain a register and to provide a sufficient number of potential plots to satisfy the demand.
- 8.57 In a recent decision in Chalfont St Giles (Chiltern District), an Inspector²³ gave **substantial weight** to the provision of 3 self-build units in the context that the council had consistently not fulfilled this requirement in recent times. Similar conclusions were also reached in Colney Heath.
- 8.58 Due to the withdrawal of the Development Plan for the Chiltern Area there is no provision for the positive allocation or identification of custom and self-build plots.
- 8.59 As such, the provision of Custom Build plots within the scheme should be afforded **substantial weight** in the overall VSC planning balance.

²³ APP/X0415/W/20/3261392

8.0 Green Belt – Very Special Circumstances

5. MEETING THE NEEDS OF AN AGEING POPULATION

- 8.60 The June 2019 update to the Planning Practice Guidance provides further insight as to the Government's desire to address the housing issue presented by an ageing population:

'The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.'

- 8.61 Adopted Core Strategy Policy CS12 (Specialist Housing) states that 'within Amersham/Amersham-on-the-Hill, Little Chalfont, Chesham and Chalfont St Peter, the Council and its partners **will encourage the provision of extra-care homes**, specialist housing for the elderly and housing and supported living accommodation designed for people with disabilities including for those with dementia and mental health problems. In identifying sites and/or determining planning applications, regard will be had to the following factors:

- the need for a location within the built-up area of the towns, close to shops, health and community facilities;
- the potential for development to be self-contained;
- the availability of public transport to reduce travel requirements.'

- 8.62 Against the requirements of Policy CS12 the proposed elderly care uses (**Housing for Older People and Care Home**) are well located, with the proximity of the site to the local centre and train station helping to provide access to key local services for future residents whilst also ensuring that the site is well located to facilitate sustainable travel patterns for employees.

- 8.63 In addition, Policy CS27 of the Core Strategy (2011) states that the Council will work with its partners in the health and social care sector to ensure a co-ordinated approach to the delivery of appropriate health and social care facilities in the District.

- 8.64 The scheme will include circa 100 retirement living units ('Housing for Older People') as well as a 60-bed care home facility ('Care Home').

- 8.65 Recent Appeal Decisions, all involving proposed development in the Green Belt, have given **significant weight** to the elements of proposals provided to meet elderly care need. Such decisions include:

- Beechmoor Garden Centre, Whitchurch Road, Great Boughton, Chester CH3 5QD²⁴
- Land to the rear of 237-259 London Road, West Malling, Kent ME19 5AD²⁵

- 8.66 Common to both cases is the **significant weight** that is afforded to meeting this specialist need. In addition, in the case of Beechmoor Garden Centre decision, **significant weight** is also afforded to the ability of the provision of specialist care provision to reduce pressures on existing health services and to help contribute to the supply of homes by freeing up larger, market housing. This is discussed in more detail below.

²⁴ Appeal Ref: APP/A0665/W/18/3203413

²⁵ Appeal Ref: APP/H2265/W/18/3202040

8.0 Green Belt – Very Special Circumstances

Meeting General Need of an Ageing Population

- 8.67 According to Age UK, the number of people aged 85+ in England increased by almost a third over the last decade and will more than double over the next two decades. Further, by their late 80s, more than one in three people will have difficulties undertaking five or more tasks of daily living unaided.
- 8.68 Between 2016 and 2036, the growth in the older population in the Chiltern area is projected to be nearly the same as the total population growth, with the growth in persons aged 85 or over making up a larger proportion of this. The HEDNA acknowledged this is ‘*particularly important when establishing the types of housing required and the need for housing specifically for older people.*’
- 8.69 We have commissioned work by the Housing Lin to inform this report in terms of demand and supply. Housing Lin data is recognised by Government (see the PPG on assessing elderly need) and the housing with care sector as a leading ‘knowledge hub’ on specialist housing. It is also cited in the above West Malling appeal decision.
- 8.70 **Table 5** below projects the net demand for Specialist Housing within a 5 Mile catchment of Little Chalfont based on the information from Housing Lin.

Table 5 – Net Demand for Specialist Housing in Little Chalfont 5 Mile Catchment

	2025	2030	2035
Housing for Older People (Units)²⁶	138	303	460
<i>For Rent</i>	<i>34</i>	<i>76</i>	<i>115</i>
<i>For Sale</i>	<i>103</i>	<i>227</i>	<i>345</i>
Housing with Care (Units)²⁷	97	198	316
<i>For Rent</i>	<i>24</i>	<i>49</i>	<i>79</i>
<i>For Sale</i>	<i>73</i>	<i>148</i>	<i>237</i>
Care Homes (Bed Spaces)²⁸	96	159	246

Source: *Housing Lin SHOP@Model*

- 8.71 **Table 2** shows a clear need within the 5-mile radius of Little Chalfont for the type of care uses proposed as part of this application. The scheme will meet the “For Sale” need, of which there is greatest demand.

²⁶ **Housing for Older People** – (Age-exclusive housing for rent and for sale where residents must be over a certain age to qualify but little or no support is provided. Sometimes referred to as ‘sheltered housing’ where residents received support services such as an emergency alarm system, some communal facilities and a visiting site manager but staff do not provide care).

²⁷ **Housing with Care** – often referred to as ‘extra care housing’ when provided by housing associations and LAs and ‘assisted living’ by private sector providers. Housing with care is designed for older people, some with higher levels of care and support needs, where residents live in self-contained homes for rent and sale which typically have more communal facilities and access to domestic support and on-site 24/7 personal care.

²⁸ **Care Home** – a residential care setting where a number of older people live, usually in ensuite/single rooms, and have access to on-site care services. The term care homes covers any establishment providing accommodation with either (1) residential care – provides personal care services and (2) nursing care – provides personal care together with nursing care.

8.0 Green Belt – Very Special Circumstances

- 8.72 Of note from **Table 2** above, there is a significant need arising before 2025, i.e. before the adoption of the New Buckinghamshire Local Plan, further reinforcing the case for the application to be considered ahead of the New Local Plan.
- 8.73 In addition to there being a quantitative case locally to support the demand for facilities there is also a qualitative case.
- 8.74 Of those sites with a ‘HP’ postcode and within a 5-mile radius of Little Chalfont, there are 13 **Care Homes**. Of these 13 Care Homes almost half (5) have been assessed by the Care Quality Commission as requiring improvement. The Care Quality Commission (CQC) is an independent regulatory of health and adult social care in England. The CQC makes sure health and social care services provide people with safe, effective, compassionate, high-quality care.
- 8.75 The need for Care Homes to be ‘fit for purpose’ has been brought under increased focus with the recent covid-19 pandemic. The scheme will be developed in line with the latest guidance on Care Homes to ensure the provision of a ‘fit for purpose’ facility that performs highly in respect of the CQC assessment criteria.
- 8.76 The Community Board also notes that the Denham, Gerrards Cross and Chalfont areas have areas in which the risk of loneliness is amongst the highest and has the highest levels of dementia compared with other Community Boards in the County. The provision of a special care facility would help in meeting this need.

Contribution to the Housing Market

- 8.77 In the case of West Malling appeal decision, **significant weight** was given to the contribution that the development would make to general housing supply given the lack of a 5YHLS in the Borough, including through the likely consequential release on to the market of family housing as older residents relocate into the proposed development.
- 8.78 As the Government has recognised in paragraphs 4.42 to 4.44 of the White Paper ‘Fixing our broken housing market’, helping older people to move at the right time and in the right way can help their quality of life as well as freeing up more homes for other buyers. Under-occupied homes could then be released onto the market where they would be particularly attractive to those in younger age groups in need of larger houses to raise families (this is particularly the case in Little Chalfont given its attractiveness to families). The provision of specialist housing more suited to the needs of older persons is likely to encourage them to move and would make a valuable contribution to overall housing needs which should be weighed in the balance.
- 8.79 According to Valuation Office Agency (VOA) information, almost one third of the houses in Little Chalfont fall into the largest category of home, with a large stock of large family homes (4 Bed - 32.5%). The structure of the local housing market in Little Chalfont is coupled with 20.1% of the Little Chalfont population being over 65.
- 8.80 We know that Little Chalfont has a significantly above local average growth in 0-15 years. Coupled with what is known of the population age structure and, importantly, the proportion of larger family stock, we consider it likely that Little Chalfont will have higher rates of individuals living in oversized accommodated relative to need. We are also aware that the

8.0 Green Belt – Very Special Circumstances

summary of response to the Chiltern and South Bucks Local Plan included a number of respondents confirming the need for smaller homes to assist with downsizing²⁹.

- 8.81 Research by WPI Strategy for the Homes for Later Living Group estimates that for every older persons housing property sold, at least two moves further down the housing chain are generated freeing up homes at differing stages of the housing ladder for different demographics. On this basis, the proposed Development of 100 retirement units would free-up a further 200 units across Chiltern and the wider area. The report goes on to note that roughly two in every three retirement properties built releases a home suitable for a first-time buyer and therefore a scheme of this size could result in 66 first time buyer properties being released on to the market.

Health and Well Being Benefits

- 8.82 Within the West Malling appeal decision, it is noted that:

‘the development would be likely to provide health and well-being benefits including: the care package; monitoring of the residents’ well-being; facilities to encourage activity and mobility; and reduced isolation. The on-site support would be likely to reduce the need for residents to make use of primary health care services or social services as well as relieving pressure on hospital bedspaces.’

- 8.83 Data on ‘Delayed transfers of care’³⁰ offers further insights into the potential need for care homes and nursing homes. NHS England data suggests that local hospitals across Buckinghamshire are under greater pressure in terms bed occupancy and delayed transfers compared to the national average. Between April and June 2020, 90.4% of general and acute care hospital beds under the Buckinghamshire Healthcare NHS Trust were occupied overnight, compared to 62.7% nationally. When the quarter prior to the pandemic is considered, i.e. October to December 2019, on average 95.1% of Buckinghamshire general and acute care hospital beds were occupied overnight, compared to 92% nationally.³¹
- 8.84 In 2018/19, 11.5 transfers per 100,000 population were delayed per day in Buckinghamshire, which is higher than the national (10.4) average of delayed transfers.³²

Table 6: Delayed Transfer of Care

	Buckinghamshire	South East	England
Average daily rate of delayed transfer of care per 100,000 population (18+)	11.5	13.0	10.4

- 8.85 When the reason for delayed transfers is examined, 13% of Buckinghamshire delays in December 2019 were due to ‘awaiting residential home placement or availability’ and 11% due to ‘awaiting nursing home placement or availability’.
- 8.86 According to Homes for Later Living, each person living in a retirement home saves the NHS and social care services approximately £3,500 per year on account of homes being better

²⁹ Summary of Responses to Local Plan Initial (Regulation 18) Including Issues and Options Consultation (Volume 3)

³⁰ The number of patients in hospital because they could not be transferred

³¹ NHS England (2020): [Average daily number of available and occupied beds open overnight by sector](#)

³² NHS England (2020): Delayed Transfer of Care per 100,000 population (All delays) – 2018-2019

8.0 Green Belt – Very Special Circumstances

equipped to manage changing mobility needs, thus preventing fall-related injuries. The delivery of 100 retirement homes as part of the proposed Development would therefore save health services £350,000 per annum.

- 8.87 Amersham Hospital is the closest community hospital to Little Chalfont and provides services for outpatients, therapy and community-based services. The hospital has 75 beds and specifically provides care for older people. It was last inspected in 2014 by the Care Quality Commission and was rated overall as ‘requiring improvement’. Some of the key findings from the inspection were:
- A concern around staffing levels with a lack of sufficient numbers of suitably qualified, skilled and experienced staff to meet the needs of older people;
 - Not enough bath and shower facilities for patients on the older people’s wards;
 - Older patients living with dementia or a learning disability were not supported appropriately and there were discharge delays for those with complex needs.
- 8.88 The inspection report also noted that the number of patients whose length of stay was over 21 days (the department’s target) was exceeded for nine months of the year (April to December 2013) with those with complex needs taking longer. The delivery of the 60-bed care home and homes for older people would support a reduction in bed-blocking by older patients addressing some of the challenges that Buckinghamshire and the local hospital are facing.
- 8.89 The provision of the type of care envisaged on the site will offer an opportunity to introduce much needed supply into the system and reduce the prevalence of delayed transfers.
- 8.90 From the Council’s 5YLS statement we are unaware of any proposed significant provision for C2 uses to meet this unmet need. Overall, the provision of housing to meet the needs of an ageing population within the scheme should be afforded **significant weight** in the overall VSC planning balance.

6. ECONOMIC BENEFITS

- 8.91 An Economic Benefits Statement has been produced by Hatch Regeneris which sets out the economic benefits arising from the proposal.
- 8.92 This notes that the development will:
- Support 439 construction workers and £48 million in Gross Value Added (GVA) per annum over the four-year construction period.
 - Deliver 380 new residential homes, 40% of which will be affordable units.
 - Generate £11.5 million per annum in additional spend as a result of residents living in the new homes and retirement units
 - Support 118 gross FTE jobs on-site, adding £4.9 million in GVA to the economy each year. This is as a result of people working in the retirement units, care home and community facility.
 - Generate £754,100 gross revenue to Buckinghamshire Council each year in council tax.
- 8.93 The economic benefits arising from the proposal are afforded **significant weight** in the overall planning balance.

8.0 Green Belt – Very Special Circumstances

7. OPEN SPACE BENEFITS

- 8.94 Policy CS28 of the Chiltern Core Strategy (2011) states that where a need for improvements or new recreation and leisure facilities is identified the Council will work with partners to find ways of delivering these improvements.
- 8.95 The Chiltern and South Bucks Open Space Study (2018) provides the most up to date assessment of the open space needs in Chiltern. **Table 7** below sets this out.

Table 7 – Little Chalfont Open Space Needs

	Amenity Green Space (HA)		Natural and Semi Natural Green Space (HA)		Facilities for Children and Young People (HA)		Public Parks and Gardens (HA)	
	2018	2036	2018	2036	2018	2036	2018	2036
Little Chalfont	-1.42	-2.29	-2.14	-4.81	-1.20	-1.57	+13.69	+12.51

- 8.96 **Table 7** is collated on the basis of the following definitions from the study:
 - **Amenity Green Space** - Informal recreation spaces, communal green spaces in and around housing, and village greens.
 - **Natural and Semi Natural Green Space** - Woodland, scrub, grassland, wetlands, open and running water, and open access land.
 - **Facilities for Children and Young People** – as described.
 - **Public Parks and Gardens** – Formal green spaces including urban parks, country parks, forest parks and formal gardens.
- 8.97 The open space that is proposed as part of the proposals would address the deficiencies that are currently experienced in the Little Chalfont area and would go a significant way to meeting future deficiencies to 2036. The masterplan as currently envisaged would contain elements of amenity green space as well as natural and semi-natural green space and thus positively contribute to the identified deficiencies in **Table 7**. In addition, the proposals would include facilities for children and young people. The open space associated with the development would not be for the sole use by the development but would connect into the wider community so that the space would address existing local deficiencies.
- 8.98 The open space proposed as part of the scheme would be approximately 4.6 hectares in extent and thus significantly above the level of provision that would be required to serve the development itself, and would contribute to meeting an identified local deficiency (even once the new population from the development was included).
- 8.99 The Community Board of the local area identifies a slightly older age profile and a higher proportion of physically inactive adults compared with the county average and the provision of the open space within the scheme and the improved access to the AONB and open space provision generally should be considered as further benefits weighing in support of the proposals.
- 8.100 The need to ensure that open space needs of local communities is met is a key part of the NPPF (2021) with Paragraph 98 stating ‘access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.’

8.0 Green Belt – Very Special Circumstances

8.101 We also note the 2018 Open Space assessment highlighted a shortage of allotment provision in Little Chalfont. As shown on the Green Infrastructure and Land Use Parameter Plan space for allotment provision is included and will go some way in meeting identified shortfall.

Connections to the AONB

- 8.102 Policy CS22 of the Core Strategy (2011) states that ‘means of access to enable the enjoyment of the area [the AONB], other than by car, will be encouraged.’ Furthermore, Policy CS32 states that ‘together with its partners, the District Council will identify, protect and enhance strategic green infrastructure assets in the District. Where green infrastructure is brought forward alongside new development, or where development is deemed to sever existing assets, opportunities will be sought to connect provision to surrounding green infrastructure.’
- 8.103 The Chilterns Area AONB Management Plan (2019 - 2024) includes a range of measures and priority actions. This includes those extracted below:

Strategic Objectives

EO1 Secure national recognition and greater resources for the wealth of accessible recreational opportunities the Chilterns countryside offers to residents and visitors.

EO2 Ensure more high-quality opportunities for outdoor recreation, life-long learning and volunteering for all.

EO3 Ensure more people can enjoy healthier and happier lives by enjoying the Chilterns.

EO4 Make more people aware of what makes the Chilterns special and encourage them to help care for it and contribute to its protection. Inspire young people to build a lasting interest in the Chilterns.

EO5 Encourage greater use of the Chilterns countryside by those from surrounding urban communities who currently have little connection with the AONB.

Source: Chiltern AONB Management Plan (2019 – 2024)

- 8.104 Importantly, the development will provide new connections from the existing village into the wider AONB and public rights of way network. With the site currently in private ownership there is a lack of connection between the exiting settlement and the east. The creation of a large publicly accessible area through the masterplan, will assist in providing walking access to the countryside whilst delivering much needed local access to informal recreation space.
- 8.105 Consistent with Policy CS22, the creation of a route from the station, south-east into the AONB will assist in providing an alternative to the car in accessing and enjoying the AONB. It has been assumed in the Draft Heads of Terms that some sort of wayfinding/signage contribution will be provided to support this initiative.
- 8.106 The scope for open space and recreation to be considered as part of a VSC planning benefits package was considered, in an appeal in Bromley,³³ in a case that shares similarities with that at Little Chalfont. As concluded in that case:

³³ APP/G5180/W/18/3206569 (July, 2019)

8.0 Green Belt – Very Special Circumstances

*‘Although the immediate area is blessed with an extensive area of recreational land it is for the most part not publicly accessible. The public park, which would include a play area and an outdoor gym, would be a significant amenity for the wider community and a positive enhancement. Framework paragraph 141 encourages the seeking out of opportunities to provide access to areas for outdoor recreation, to enhance landscapes and biodiversity and to improve damaged land. In this context, **very significant weight** attaches to the recreational and environmental benefits that would be derived from this scheme.’*

- 8.107 The benefits from delivering significant open space as part of the proposals cannot be separated from developing at a scale greater than could realistically be delivered through reliance on windfall sites. The ability to meet open space needs would not be met and could not be met without utilising Green Belt land given the constrained nature of Little Chalfont.
- 8.108 It should also be noted that the delivery of open space on this will contribute to achieving XX in respect of biodiversity net gain, double that required as a mandatory basis.
- 8.109 On the basis of the identified need that the Council has identified for open space in the Little Chalfont area, in combination with the lack of a strategy to be able to meet this need, the provision of the variety, scale and form of open spaces associated with the application should be afforded **very significant weight** in the overall VSC planning balance.

8. COMMUNITY INFRASTRUCTURE PROVISION

Community Centre

- 8.110 Policy CS29 of the Core Strategy (2011) seeks to encourage the provision of community facilities in areas of the District where there is an identified need.
- 8.111 We are aware of a recent dismissed planning appeal made by Little Chalfont Parish Council in respect of proposals to redevelop the current Little Chalfont Village Hall (PL/18/2249/FA and APP/X0415/W/19/3228107). The site is located within Little Chalfont District Centre, a short distance away from the site.
- 8.112 More recently, we are aware of a planning application being refused in Chesham Bois with reference PL/20/0401/FA (located in neighbouring Amersham). This further highlights an apparent issue of qualitative need locally.
- 8.113 The scheme will include the provision of a 1,000 sqm community centre which could be used to meet the needs that have been identified locally. We welcome the opportunity to further quantify the existing need in Little Chalfont with the Council through the determination of the planning application.
- 8.114 On the basis of the currently available evidence of community needs in Little Chalfont we afford the provision of the community floorspace **moderate weight** in the overall VSC planning balance.

Conclusion on Very Special Circumstances

- 8.115 The Table below brings together Sections, 6, 7 and 8 to present an overall summary of the planning balance in respect of the assessment of ‘Very Special Circumstances.’ The presentation in the table below is not intended to mechanistically set out the balance as a mathematical equation but presents in broad terms the harm and benefits arising from the proposals.

8.0 Green Belt – Very Special Circumstances

Green Belt Very Special Circumstances Assessment

Assessment	Consideration	Notes	Weighting
Harm to the Green Belt	Definitional Harm	Yes	Substantial
	Impact on Openness (Para 137)	Moderate (Spatial) Limited (Visual)	Substantial
	Impact on Green Belt Purposes (Para 138)	Moderate	Substantial
Any Other Harm	Harm During Construction (Residential Amenity and Landscape Character)	Temporary in Duration	Limited/Moderate
	Harm to Local Views		Limited
Benefits Weighing in Support of the Proposals	Delivery of Market Housing		Substantial
	Delivery of Affordable Housing		Very Substantial
	Delivery of Custom Housing		Significant
	Lack of Alternative Site/ Strategy		Significant
	Meeting the Needs of an Ageing Population		Significant
	Meeting Open Space Need		Significant
	Delivering Economic Benefits		Significant

9.0 Design and Technical Considerations

DESIGN AND RELATED MATTERS

Provision of Affordable Housing (Policy CS8, CS10, CS11)

- 9.1 Policy CS8 states that the Council ‘will aim to achieve the following targets for the provision of affordable housing. In new developments which contain 15 dwellings or more, at least 40% of dwellings within the development shall be affordable.’
- 9.2 The scheme includes provision for a policy compliant level of 40% affordable housing. As stated in Section 6, this will make a significant contribution to the overall needs in the Chiltern area.
- 9.3 As set out in Policy CS10, the Council’s Strategy in relation to affordable housing is to seek a mix of a minimum of 70% rented and a maximum of 30% shared ownership (or other intermediate housing option). It is noted that this strategy will be reviewed from time to time within the Council’s Strategic Housing Framework, which will take into account national guidance and legislation and local circumstances. The appropriate mix in any particular development will be considered in the context of viability and local circumstances.
- 9.4 Through Policy CS11 the Council will seek and promote where 20 or more affordable dwellings are proposed 20% of those dwellings shall have three bedrooms with the remainder having one and two bedrooms.
- 9.5 It is noted that these are guidelines only and the Council will consider varying the percentages on a site by site basis depending on site specific issues or local housing needs.
- 9.6 The indicative mix upon which the illustrative masterplan is based include the following provision:

One Bed	Two Bed (Flat)	Two bed (House)	3 Bed (House)	4 Bed (House)
2%	20%	34%	29%	15%

- 9.7 The mix used in the illustrative masterplan is consistent with Policy CS11 with 20% of the provision being at least 3 bed units.
- 9.8 The illustrative masterplan does not seek to fix bedroom sizes for affordable housing which will ultimately be agreed through subsequent reserved matters application. We understand the most recently published information from the Housing Register for Chiltern indicates a significant rise in studio or one bed properties. There is scope for the detailed design of the apartments in the scheme to include greater provision for one bed flats subject to the prevailing demand at the time.

Amount and Distribution of Non-Residential Development (Policy CS3)

- 9.9 Policy CS3 states that new commercial development will be focused in the four main centres for growth. Little Chalfont is identified as one of the four main centres for growth and thus, in principle, a suitable location for non-residential development (without prejudice to the Green Belt).

Design and Landscape (Policy CS20, CS30, GC1, GC3, GC4)

- 9.10 Policy CS20 of the Core Strategy (2011) states that the Council will require that new development within the District is of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness.
- 9.11 Saved Policy GC1 (1997) sets out a further range of matters that will be considered as part of the assessment:

9.0 Design and Technical Considerations

- Scale of Development
 - Height of Development
 - Sitting and Relationship with Adjoining Buildings and Higwhays
 - Relationship of Development to its Site
 - Appearance of Car Parking and Servcie Areas
 - Building Materials
 - Designing Against Crime
 - Areas of Special Residential Character
- 9.12 Saved Policy GC4 (1997) states that in appropriate cases, planning applications should include landscaping proposals suitable for the development proposed and the characteristics of the site, including details of any service runs and/or changes in ground level. Wherever possible the additional landscaping should enhance existing features of wildlife interest and planting should use native trees, shrubs, herbs or grasses where appropriate for the site
- 9.13 The submitted Design and Access Statement by JTP sets out the contextual analysis that has been undertaken in order to inform the proposals and ensure that they appropriately respond to character cues in the surrounding area. This is not repeated here but sets out how consideration for the factors listed above, including how the masterplan has sought to design against crime.
- 9.14 The height of the buildings have been informed from the outset following an assessment of publically assessable views of the site from the wider area. This led to the establishment of a Zone of Theoretical Influence which has, in turn, informed the parameter plans on the site. This has ensured that the height of the development, whilst in keeping with the surroundings, does also not breach the height of the tree canopy in longer range views back into Little Chalfont.

Accessibility (Saved Policy GC14)

- 9.15 Saved Policy GC14 (1997) states that through the District the Council will require that all new buildings and associated development to which the public has access are provided with suitable external facilities for disabled people, insofar as it is in the circumstances both practicable and reasonable.
- 9.16 The masterplan has been progressed to ensure appropriate step-free access.

Residential Amenity (Saved Policy GC3)

- 9.17 Saved Policy GC3 (1997) states that in considering proposals for development throughout the District, the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties.
- 9.18 The site includes physical and existing buffers to the existing adjacent residential development, including the significant woodland or the train line to the north. Appropriate buffers are included in the masterplan to ensure that existing levels of amenity can be preserved and not significantly affected and that future residents can enjoy acceptable levels of amenity.
- 9.19 It is noted that the residential and cycle access to be created at Oakington Avenue will change the character of the remaining bungalows adjacent to this route. Through the detailed design of this space every effort will be made to ensure an appropriate planting regime to ensure the preservation of privacy and to avoid overlooking. It is anticipated that there would be a

9.0 Design and Technical Considerations

planning condition attached to any forthcoming planning permission to resolve this point. In the wider assessment of Very Special Circumstances some limited harm is associated with this.

Relationship to the Chilterns AONB (Policy CS22, Saved Policy LSQ1)

- 9.20 The site is located outside, but adjacent to, the Chilterns AONB. Upon reviewing Saved Policy LSQ1 it is assumed that the application of this policy relates to proposals within the AONB and thus is not relevant for consideration in the circumstances of this case.
- 9.21 Policy CS22 of the Core Strategy (2011) provides a broader set of considerations which have applicability to areas located both within and outside the AONB.

Policy Assessment of CS22 – Chiltern Area of Outstanding Natural Beauty

REQUIREMENT OF CS22	RESPONSE
All proposals must conserve and enhance the special landscape character, heritage, distinctiveness of the Chilterns AONB.	Proposals located outside of the AONB.
All proposals must protect the setting of the AONB and safeguard views into and out of the area.	As detailed in Chapter 13 of the Environmental Statement, such is the wooded and enclosed nature of the site that there is limited interaction between publicly accessible vantage points in the AONB and the site.
Schemes which facilitate the environmental, economic and social wellbeing of the AONB and its communities will generally be supported.	The Draft Heads of Terms include the provision of a contribution (to be agreed) to assist in the implementation of encouraging access to the AONB by more sustainable means.
Means of access to enable the enjoyment of the area, other than by car, will be encouraged.	The development of the site provides a link between the AONB and Chalfont and Latimer Train Station. Through the approach to the s106, there is an opportunity to provide wayfinding and signage from the station to the AONB and to further support initiatives that would encourage access to the AONB by non-car modes.
Applications for development will be assessed against the broad aims set out in the current Management Plan	Please refer to Chapter 13 of the Environmental Statement.
Development proposals must be in accordance with the Chilterns Buildings Design Guide and Technical Papers relating to materials.	This guidance is specifically related to developments located <u>within</u> the AONB.

Source: Adapted from Chiltern Core Strategy (2011)

TECHNICAL CONSIDERATIONS

Transport (Policy CS25, CS26, Saved Policy TR2 and TR3)

- 9.22 Policy CS25 sets out the general approach for how applications in the Chiltern Area will be considered with Policy CS26 providing more detailed consideration. Policy CS26 largely duplicates the assessment of TR2 and TR3 and individual assessments against these policies is not undertaken here.

Policy Assessment of CS26 – Transport in New Development

REQUIREMENT OF CS26	RESPONSE
Provide safe, convenient and attractive access on foot and by cycle, making suitable connections with existing footways, public footpaths, bridleways, restricted byways and cycle ways, local facilities and public transport so as to maximise opportunities to use these modes;	Please refer to the Transport Assessment prepared by Motion which indicates how safe and attractive access can be encouraged from the site.

9.0 Design and Technical Considerations

Ensure that the convenient use and enjoyment of existing public rights of way, such as footpaths and bridleways and restricted byways, are not affected by development;	The site is currently in private ownership and the development presents the opportunity to open up the site to permissive routes that will increase permeability within the local area, including between existing footpaths.
Integrate with local public transport services and also where appropriate provide direct routes protected from traffic congestion, interchange, stops and waiting areas;	The proposed revisions at Oakington Avenue will upgrade the existing provision in this area and provide a convenient access from the site.
Be appropriately located to the road network and provide satisfactory vehicular access(es) to and from the area of development so that the convenience, safety, and free flow of traffic using public highways (including pedestrians, riders and cyclists) are not adversely affected;	Please refer to the Transport Assessment produced by Motion which details pre-applications held with respect to the two principal vehicular access to the site.
Ensure that all vehicular traffic generated by future development does not materially increase traffic problems, for example, congestion and local air quality, taking account of off-site improvements or contributions towards them which may be secured;	Please refer to the Transport Assessment produced by Motion which sets out the mitigation considered necessary to mitigate the increase in traffic associated with the development. The matter of Air Quality is considered in Chapter 9. Negligible and insignificant effects are considered with respect to Air Quality.
Secure the preparation and implementation of measures which minimise and manage parking and travel demand, including as appropriate travel plans, parking management plans and car clubs;	The proposals included as part of the Draft Heads of Terms a Travel Plan and provision for a Car Club to operate on site.
Ensure that developments will be served by adequate infrastructure capacity in terms of water supply, foul drainage, waste water and sewage treatment, high speed broadband access and other utilities, without leading to problems for existing users.	Please refer to the Utilities Statement produced by Waterman.

Heritage (Saved Policy LB1, LB2)

- 9.23 Saved Policy LB1 and LB2 relate to the protection of heritage assets are considered as being broadly in accordance with the NPPF (2021).
- 9.24 A standalone Heritage Assessment has been submitted as part of this application and prepared by Waterman.
- 9.25 No designated heritage assets are located within the site. Only one non-designated monument of a now wooded 19th century quarry area, within the southern half of the site is recorded. A Historic Landscape Characterisation (HLC) area of an ancient woodland titled 'Stonydean Wood', is located within the centre of the site. This is the only HLC of any historic interest within the site.
- 9.26 Within the Study Area (assumed for the purpose of the ESO designated heritage assets and non-designated heritage assets are recorded.
- 9.27 Designated heritage assets include: 10 Listed Buildings (nine Grade II, one Grade II*), a Registered Park & Garden, and a Conservation Area. Non-designated heritage assets comprise of 25 monuments (buildings, roads, cemetery, settlement), archaeological findspots and lands.
- 9.28 No previous archaeological investigations have been recorded within the site. Within the Study Area two previous archaeological investigations are recorded. These include, one geophysical survey circa 310m south of the Site and one trial trench evaluation circa 1km north of the site. The absence of previous archaeological investigation within the site and lack

9.0 Design and Technical Considerations

of previous archaeological investigations within the Study Area contributes to the limitation and difficulty in determining the archaeological potential within the site and potential impacts to unknown buried heritage assets.

- 9.29 Overall, the assessment notes that the proposed development would have no impact on the setting of any built heritage assets within the area of search. This is ascertained on the basis that features within the existing landscape (residential properties, treelines, and woodlands) between the heritage assets and the site provide substantial visual obstruction and remove any intervisibility.
- 9.30 No potential impacts on known archaeological assets within the site is determined in this assessment, due to the retention of woodlands which cover the on-site known non-designated assets. Potential impacts on unknown buried archaeological remains (if present) are currently unknown due to the inability to provide a confident determination of the potential for such remains based on available evidence/information.
- 9.31 The report recommends that, to determine the presence/absence of remains more confidently and mitigate accordingly, an archaeological evaluation is required. This will initially be in the form of a commissioned geophysical survey which may require subsequent trial trenching works, depending on results. It is assumed that this would be progressed by way of planning condition.

Trees and Woodland (Saved Policy TW6, Saved Policy GC4)

- 9.32 Saved Policy TW6 states that planning permission for development which results in the loss of woodland will be refused. Woodland of good quality, or landscape significance, or amenity value will be expected to be retained even where this will restrict or prevent development.
- 9.33 Saved Policy GC4 states that existing established trees and hedgerows in sound condition and of good amenity and wildlife value - together with any other existing landscape features of the site which are an important part of its character, such as ponds, should be retained and should be shown on the submitted plans.
- 9.34 A standalone arboricultural assessment has been undertaken by Waterman. An initial tree survey of part of the Site was undertaken by Sylva Consultancy in August 2016 and this survey data was checked for accuracy through an on-site walkover survey by Waterman in April 2019.
- 9.35 The tree survey and the recommendations made in this report follow the principles of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations¹ (BS5837) and relevant planning policy.
- 9.36 A total of 159No. individual trees, groups of trees, woodlands and hedgerows pertinent to the site were recorded as part of the tree survey. Of these arboricultural features, 11No. were awarded a high A grade, 60No. a moderate B grade and 82No. were awarded a low C grade. The remaining 6No. were awarded a very low U grade and should be removed for reasons of sound arboricultural management irrespective of any development proposals.
- 9.37 A total of 69No. arboricultural features will be removed to facilitate the development. Of these, 1No. was awarded a high A grade, 15No. a moderate B grade and 49No. were awarded a low C grade. A further 4No. U grade trees will be removed for reasons of sound arboricultural management.
- 9.38 The assessment of tree loss is based on the proposed land use parameter plan. The masterplan incorporates opportunities for significant new planting of trees that will

9.0 Design and Technical Considerations

compensate for those lost. The vast majority of trees to be lost as part of the development are low grade.

- 9.39 The land use plan also incorporates buffers for the ancient woodland and other areas of woodland to ensure that development is not placed in root protection areas such that it could affect the integrity of these habitats.

Flood Risk (Saved Policy GC10, GC11)

- 9.40 Saved Policy GC10 states that the Council will not permit further development, intensification of existing development, or the raising of land levels in areas at risk from flooding as shown on the Proposals Map. The Council will not grant permission for development outside the floodplain which would increase the risk of flooding downstream due to additional surface water run-off. Exceptionally, if such development is to be permitted, it must include appropriate run-off attenuation measures.
- 9.41 Saved Policy GC11 states that throughout the District the Council will not permit any development with a requirement for the abstraction of water from a river, water table, aquifer or other ground-water source which will significantly reduce the flow of water to the detriment of water quality, wildlife and amenity.
- 9.42 Hydrock has been appointed to provide advice in respect of the masterplan on flood risk. Their report confirms that the site is in Flood Zone 1 and the majority of the site is at low flood risk from all sources.
- 9.43 However, there is a significant surface water flow pathway which follows the natural valley that runs from west to east through the site. The land within the flow path shown to be at 'medium' surface water risk (1 in 100 year probability) or greater is also considered to be at elevated risk from groundwater and sewer flooding.
- 9.44 The site is considered to pass the Sequential Test as it is within Flood Zone 1 but, in accordance with a sequential approach, it was recommended that any property or primary access roads are located outside of the area shown at 'medium' surface water risk. Areas of medium and high surface water risk will remain as open space or made into formalised swales, and areas of low risk should be allocated to roads.
- 9.45 The PPG confirms that when undertaking the Sequential Test a pragmatic approach on the availability of alternatives should be taken. As detailed in Section 8, given the constraints that exist within the Chilterns Area there is not considered to be a site of appropriate scale that could deliver housing in such proximity to sustainable travel. In addition, it should be noted that no development is proposed within the identified area.
- 9.46 Finished Floor Levels (FFLs) have also been raised by a minimum 300mm threshold from the 100-year plus climate change surface water flood level modelled in the detailed drainage strategy.
- 9.47 The proposed development is not considered to increase flood risk within the catchment through a loss of floodplain storage. The proposed surface and foul water drainage strategy will suitably manage flood risk and discharges surface water in the most sustainable manner as practicable.
- 9.48 Full details can be found in the submitted Flood Risk Statement, Hydraulic Modelling and Chapter 11 of the Environmental Statement.

9.0 Design and Technical Considerations

Biodiversity and Nature Conservation (Policy CS24, Saved Policy NC1)

- 9.49 Policy CS24 states that the Council will aim to conserve and enhance biodiversity within the District. The approach in Policy CS24 broadly follows that of its 'predecessor' Saved Policy NC1. In particular:
- the Council will work with its partners to protect and enhance legally protected species and all sites and networks of habitats of international, national, regional or local importance for wildlife or geology.
 - Development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. This will be in accordance with the Buckinghamshire Biodiversity Action Plan as well as the aims of the Biodiversity Opportunity Areas and the Chiltern AONB Management Plan.
 - Where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest.
 - Where, in exceptional circumstances, development outweighs any adverse effect upon the biodiversity of the site and there are no reasonable alternative sites available, replacement habitat of higher quality will be provided through mitigation and/or compensation to achieve a net gain in biodiversity.
- 9.50 The scheme will seek to achieve a Biodiversity Net Gain of at least 20% and is targeting 25%, this is over double the amount that is required by law. The Environmental Statement includes an assessment across a range of species and habitats on the site. With mitigation it is noted that there is the potential for indirect adverse impacts upon the identified Red Kite and one of the bat species at the site level only (i.e. impacts are not identified at the County Level).

Sustainable Development (Policy CS4)

- 9.51 Policy CS4 sets out a range of sustainable development principles that new development should have regard to. This is repeated below with an assessment of how the site performs against these indications.

Assessment of Policy CS4

POLICY CS4 CRITERIA	SCHEME ASSESSMENT
Locations which are easily accessible by public transport, walking and cycling and which are provided with fast broadband services to reduce reliance on the car;	The site is located a short distance from Chalfont and Latimer station and the illustrative masterplan proposed includes significant provision for cycle and pedestrian infrastructure to help encourage sustainable travel options.
Maximum use of previously developed land, achieving higher densities in accessible locations, making the best use of existing transport infrastructure and services;	As previously noted, there is a significant constraint on the availability of brownfield land in the Chiltern area. Of the available greenfield land for development, the site is one of the most accessible in being located a short distance to Chalfont and Latimer Station.
Safer access for all types of transport and pedestrians;	The proposals will achieve safe access for all types of transport and pedestrians.
Minimal disruption in terms of water, noise and light pollution in the wider environment;	Please refer to Page 25 of the Energy and Sustainability Statement which includes a summary of this.
Minimal impact on designated local Air Quality Management Areas (AQMA)	The site is not located within a designated AQMA.

9.0 Design and Technical Considerations

Waste management and resource efficiency, being located within existing recycling service networks or providing new recycling and waste management facilities within the development	The scheme is submitted for outline approval only, however it is located within an existing recycling services network and the layout of the masterplan has been developed to ensure suitable access for waste management.
Use of renewable energy technology sources wherever required under Policy CS5;	See full response below in Paragraph 9.41.
Use of water efficiency measures during construction projects and as part of new development to reduce consumption and ensure no detrimental impact on water quality;	Please refer to Page 20 of the Energy and Sustainability Strategy.
Maximum re-use of construction and demolition materials and the use of locally produced building materials wherever possible;	Please refer to Page 17 of the Energy and Sustainability Strategy.
Assessment of surface water drainage impacts and the inclusion of Sustainable Drainage Systems (SUDS) which consider all SUDS options and ground conditions, under advice set out in national policy. The design and consideration of SUDS in the Critical Drainage Areas should be given particular attention so that it will not increase the risk of flooding within the site and to adjoining land/ properties	Please refer to Paragraph 6.3 of the Energy and Sustainability Strategy.
Reduced risk of flooding in appropriate circumstances as a result of the new development; Preservation and enhancement of nature conservation interests and important features of the natural environment such as rivers, streams, river corridors, flood plains, trees, hedgerows, ensuring there is a net gain in the District's biodiversity resources by meeting the targets in the national and local Biodiversity Action Plans as required under Policy CS24 of this Strategy;	The scheme will delivery at least 20% in Biodiversity Net Gain and is targeting 25%. Flood Risk measures and mitigation are considered as part of the report produced by Hydrock that has been submitted as part of this application.
Protection and enhancement of the historic and cultural heritage of the District including significant assets of the historic environment such as archaeological sites, historic buildings and settlements, designated landscapes, commons, ancient woodlands and hedgerows.	The masterplan and submitted parameter plans for approval provide an appropriate landscape buffer to the ancient woodland located on the site and also protect the north/south dry valley on the site. A standalone Heritage Assessment has also be undertaken which has demonstrated that there is limited Built Heritage in the study area for the purpose of the Environmental Statement.
Remediation of contaminated land, including treatment of contaminated material in line with national policy advice	A desk-top land contamination assessment has been submitted with this planning application which confirms the presence of very minor, isolated areas of potential contamination. It is assumed that further work will be undertaken as part of a pre-commencement planning condition process.
Incorporation of cycle and vehicle parking appropriate to the needs of the site.	The scheme has been designed to promote active travel. The masterplan has been developed to ensure relevant compliance to the standards of Buckinghamshire and will be reviewed and refined during the reserved matters process.
Travel plans for any residential development of over eighty dwellings and for other development as defined by the local transport authority in its published document.	A Draft Travel Plan has been submitted for the residential development of the site and it is assumed that this will be secured through a suitably worded planning condition or planning obligation in the s106.
The creation of safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion	Please refer to the Design and Access Statement which includes clear details as to how the masterplan has been proposed to minimise design.

9.0 Design and Technical Considerations

Active contribution to the national targets for reducing CO ₂ emissions set out in paragraph 8.3 of the Core Strategy (2011)	The scheme will achieve as a minimum the reduction targets of the Core Strategy (see Page 12 of Energy Statement). As set out on Page 15 – 46% reduction is being targeted.
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Source: Policy CS4 (Chiltern Core Strategy, 2011)

Renewable Energy (Policy CS5)

- 9.52 Policy CS5 of the Chiltern Core Strategy (2011) states that ‘In developments of more than 10 dwellings or 1,000 square metres of non-residential floorspace, the Council will require that at least 10% of their energy requirements are from decentralised and renewable or low-carbon sources.’
- 9.53 As detailed on Page 14 of the Energy and Sustainability Strategy, PV panels will be used in the development with all homes accommodating 8m² and all flats accommodating 4m².

Noise (Saved Policy GC8)

- 9.54 Saved Policy GC8 states that the Council will not accept proposals for residential and other noise-sensitive development in areas which are, or are expected to become, subject to high noise levels and/or disturbing noise characteristics unless, in exceptional cases, conditions can be imposed in the granting of planning permission which would achieve mitigation of the effects of that noise and reduce it to acceptable levels within the application site.
- 9.55 The noise and vibration effects of the proposals have been established in accordance with the most relevant guidelines i.e. British Standard, and with the use of noise data via a comprehensive baseline noise survey at the ES Study Area (conducted in November 2019). Where specific details of the proposals are unknown, a qualitative assessment was undertaken based on standard noise and vibration criteria.
- 9.56 The works are likely to include activities that would be likely to increase noise levels and potentially cause vibration within and immediately adjacent to the ES Study Area. In particular, when activities are occurring closest to the site boundary, this could result in temporary adverse effects on occupants in surrounding residential properties.
- 9.57 However, it is considered that the implementation of noise and vibration control and management measures through the CEMP for the Works (to be secured by condition) would help to reduce noise disturbance to occupants of nearby existing and future residential properties. Such measures would include using low-noise machinery and equipment, enclosing, and screening machinery, using low-vibratory foundation methods and liaison with nearby potentially sensitive receptors about noisy works which are likely to be taking place.
- 9.58 In terms of operational effects, additional traffic from the proposals have the potential to increase noise levels on the local road network. An assessment has been conducted based on predicted traffic flows for the opening year of the completed development (2026); the assessment compared the predicted traffic noise levels with and without the Development traffic. Overall, the assessment indicated that changes to road traffic noise would be unlikely to have a significant adverse effect on existing residential sensitive receptors in the local area.
- 9.59 Any items of fixed building services plant installed as part of the development would have the potential to generate noise. Suitable noise level limits have therefore been proposed to ensure that noise from plant does not cause disturbance to existing receptors in the surrounding area or future occupants of the development.

Pollution (Saved Policy GC9)

9.0 Design and Technical Considerations

- 9.60 Throughout the District, the Council will not grant permission for any development likely to generate unacceptable levels of air, water or ground pollution or give rise to pollution problems resulting from the disturbance of contaminated land. The Council will also refuse any development that would be in close proximity to existing sources of pollution.
- 9.61 A standalone preliminary risk assessment has been carried out to understand any existing risks of ground contamination. The report highlights some small potential sources of contamination arising from the Homestead Farm buildings which occupied the site previously.
- 9.62 In order to mitigate these risks, detailed surveys are proposed including an asbestos surveys are proposed including an asbestos survey and geotechnical and geo-environmental intrusive ground investigations.

Loss of the Golf Club

- 9.63 The loss of the existing golf course has already been established through the implementation of APP/X0415/A/09/2107212. The Inspector’s Decision deals significantly with the matters of the loss of a community facility. It is not considered necessary to revisit this study as part of this application as the Golf Club has already been ‘lost’.

Draft Heads of Terms

- 9.64 It is proposed that a set of obligations is secured by way of a section 106 agreement where necessary to make the development acceptable in planning terms. It is anticipated that these will include obligations in respect of the following:
 - **Affordable Housing** – obligation to secure a policy compliant minimum 40% provision with a tenure split of 70% Affordable or Social Rented to 30% Intermediate Housing
 - **Signage and Wayfinding** – a contribution towards measures to encourage access to the AONB by sustainable means in accordance with the AONB Management Plan.
 - **Employment**– an obligation to advertise opportunities for employment in the construction of the development to local people and target them for employment within the construction phase.
 - **Landscape Management and Open Space** – an obligation to secure the long-term management and maintenance of the open space within the development
 - **Open Space** – an obligation that secures the phased delivery of the proposed Open Space within the Development.
 - **Education** – an obligation to safeguard land for the school within the site and transfer it to the LEA when called upon, together with a contribution towards the delivery of the proposed primary school.
 - **Off-site Highway Works** – an obligation to secure the delivery of any necessary off-site highway works.
 - **Travel Plan** – an obligation to secure the implementation of a Travel Plan.
 - **Car Club** – provisions to ensure that a opportunities are sought to include a Car Club Operator on site, including details of opportunities to encourage take up.
 - **Custom Build Housing** – an obligation to make a certain number of plots available for custom build housing within the Development.

10.0 Overall Planning Balance

- 10.1 The Council through the publication of its November 2020 5YLS has confirmed that it does not have a 5YLS (albeit the exact extent of the housing shortfall is disputed). As a consequence of this, footnote 8 confirms that the presumption in favour of sustainable development in paragraph 11d) of the NPPF is engaged in the consideration of this planning application

Test of 11(d)(i) - Do Policies in the Framework Provide a Clear Reason to Refuse the Development?

- 10.2 In the circumstances relevant to this application, the site's location within the Green Belt and ancient woodland are relevant 'footnote 7' considerations that must be satisfied. These are considered in turn below.

Paragraph 180c of the NPPF (2021) – Ancient Woodland

- 10.3 The existing site includes ancient woodland which is appropriately mitigated through the development with appropriate buffers being established to thereby avoid any loss or other adverse impacts arising to this irreplaceable habitat.

Paragraph 148 of the NPPF (2021) – Very Special Circumstances

- 10.4 It is accepted that the proposals constitute inappropriate development in the Green Belt, which is by definition harmful. It therefore needs to be assessed using the VSC balance at Paragraph 148 of the Framework.
- 10.5 Sections 7 and 8 of the Planning Statement set out the detail of the relevant considerations of the VSC test.
- 10.6 The Chilterns is an authority with significant constraints. The evidence work (notably the Exceptional Circumstances Paper 2019) confirms the significant levels of constraints that this part of Buckinghamshire faces.
- 10.7 Whilst withdrawn, the Green Belt releases proposed through the Draft Local Plan indicate the significant reliance on Green Belt land for any meaningful contribution to meeting significant unmet housing, employment and infrastructure needs.
- 10.8 As evident from the most recently published 5YLS statement, without development in the Green Belt the supply is reliant on a larger number of small sites and a large number of office to residential projects predominately delivering apartment living against a need for larger homes. Supply for this source will continue to dwindle and there exists no credible alternative strategy to meeting housing and other needs ahead of the adoption of the New Buckinghamshire Local plan which we understand is not likely to be adopted until 2025 at the earliest.
- 10.9 The significant body of work that has informed the Draft Local Plan remains relevant and material and shows the site as contributing only a moderate contribution to Green Belt purposes. Whilst it is acknowledged that there will be a physical change with development on the site, the significant buffers and topography of the surrounding land is likely to significantly limit the extent to which the site can be seen from publicly accessible points from the wider AONB and Green Belt.
- 10.10 Pursuant to paragraph 148 of the NPPF, substantial weight must be attributed to any harm created to the Green Belt, however, this Planning Statement has evidenced that any such harm is significantly and demonstrably outweighed by the very significant planning benefits of the proposals which are, in summary:
- The **significant weight** attributed to the demonstrable lack of alternative sites that could meet need ahead of the adopted of a New Local Plan;

10.0 Overall Planning Balance

- The **substantial weight** afforded to the provision of custom build plots, in an area that is currently not meeting need and does not currently have an up to date Development Plan strategy to be able to ensure that such needs are met in the short term;
- The **substantial weight** affordable afforded to general market housing provision in an area of identified need, including the additional market housing that is likely to be generated as a result of C2 uses being provided as part of the development;
- The **very substantial weight** afforded to the provision of affordable housing in an area of acute need.
- The **significant weight** attributed to the delivery of much needed specialist housing to support an ageing population, including the associated benefits of reduced pressure on local NHS services and the opportunities to presented to release further market housing;
- The **significant weight** attributed to the delivery of key open spaces in an area of identified need and in an area where without Green Belt release such needs could be met;
- The **collective significant weight** to the economic benefits arising from the proposal both during the construction process and on a permanent basis;
- The **moderate weight** associated with the provision of community infrastructure.

Overall Green Belt Very Special Circumstances Assessment

Assessment	Consideration	Notes	Weighting
Harm to the Green Belt	Definitional Harm	Yes	Substantial
	Impact on Openness (Para 137)	Moderate (Spatial) Limited (Visual)	Substantial
	Impact on Green Belt Purposes (Para 138)	Moderate	Substantial
Any Other Harm	Harm During Construction (Residential Amenity and Landscape Character)	Temporary in Duration	Limited/Moderate
	Harm to Local Views		Limited
Benefits Weighing in Support of the Proposals	Delivery of Market Housing		Substantial
	Delivery of Affordable Housing		Very Substantial
	Delivery of Custom Housing		Significant
	Lack of Alternative Site/ Strategy		Significant
	Meeting the Needs of an Ageing Population		Significant
	Meeting Open Space Need		Significant
	Delivering Economic Benefits		Significant

Consideration Under Section 38 (6)

10.11 As detailed in Section 5, weight has been attributed to Saved Policy GB2 of the Development Plan which confirms that inappropriate development in the Green Belt will only be acceptable in very special circumstances. It is acknowledged that Policy CS1 states that development will be focused on areas outside of the AONB and the Green Belt. However, this policy, for the

10.0 Overall Planning Balance

reasons presented is considered to hold limited weight. Moreover, the policy itself does not represent a blanket protection.

- 10.12 When the Development Plan is read as a whole, it includes provisions (notable through Policy GB2 and the supporting text) that development in the Green Belt may be acceptable where very special circumstances are demonstrated.
- 10.13 Following the conclusions that very special circumstances exist, then follows that the proposals are in accordance with the Development Plans taken as a whole.
- 10.14 Accordingly, for the reasons set out above, the application should be granted.

