

64. The properties to the west located on Kings Road have deeper back gardens than those on Stylecroft Road and High View. However, there is also a noticeable change in levels from the western boundary of the application site boundary down to the rear elevations of properties on Kings Road.
65. Notwithstanding this, it is considered that the location of the proposed dwellings within the application site would not give rise to any significant impacts for neighbouring living conditions. The proposed dwelling in Plot 6 would be of a two storey nature, but located at a 45-degree angle to the common boundary with 44 Kings Road. Officers consider that the separation distance of approximately 47 metres would be adequate in mitigating the impacts in terms of outlook and privacy.
66. Plot 7 in the proposed development would contain a bungalow, to the west is 46 Kings Road which is located further back in its plot compared to neighbouring dwellings in Kings Road. Despite this, a 31 metre separation distance would be maintained, and the single storey nature of the proposed dwelling in plot 7 would ensure that no unacceptable impacts in terms of residential amenity would result.
67. To the rear of 50 and 52 Kings Road, would be located a two storey maisonette. Similarly, due to the separation distances of 54 metres and the orientation of the proposed dwelling, it is considered that there would not be any undue harm on the residential amenities on these occupiers.
68. To the north east corner of the application site would be a two storey flat over garage unit (plot 22) and the two and half storey flatted building (plots 16 -21). It is noted that consultation responses have noted that this element is too high and would lead to impacts on neighbouring properties. The apartment building would be 6.2m in height to the eaves and a have a maximum ridge height of approximately 9.7m.
69. Plot 22 would be the closest to the common boundary with no.s 56 and 58 Kings Road, and would be located at a right angle to the boundary. A back to side distance of approximately 64 metres would be maintained and therefore it is considered that there would not be any significant impacts on neighbouring living conditions. The two and half storey building at plots 16 to 21 would be located further east within the development site, and would be approximately 77 metres away from the closest properties on Kings Road. When considering these separation distances, coupled with the fact that no flank windows would be proposed, it is considered that impacts in terms of neighbouring residential amenities and privacy would be satisfactory.
70. Properties on Gorelands Lane are located to the north of the application site, and these would be separated by a parcel of open land. The closest proposed property to the properties on Gorelands Lane would be the apartment development. However, a minimum distance to the rear elevations on Gorelands Lane would be approximately 172 metres. As such, it is considered that impacts in terms of residential amenity would be acceptable. While some open space is located to close to some of the properties given the separation distances it is not considered that there would be an unacceptable level of noise and disturbance that would significantly affect neighbouring living conditions.
71. It is noted that objections have been raised in terms of the potential impacts of the applicant to develop the land between the application site and properties on Gorelands Lane. However, the application can only be assessed on the scheme submitted. This is therefore not a relevant material consideration in the determination of the application.
72. The proposed access to serve the development would utilise the existing carriageway of High View which runs between 3 and 4 High View and stops short of the existing open field. It is It is considered that the vehicular movements associated with 42 dwellings located in the cul-de-sac would not warrant a reason for refusal on disturbance grounds to neighbouring properties, due to low speeds and based on the levels of vehicular movements that would take place throughout the day. Within the development, there will be parking courts and accesses (spurs) close to the boundaries with properties on Kings Road and Stylecroft Road; while some of these will be adjacent to rear gardens and as such there will be movements of vehicles associated with parking and turning as well as any noise made by people, it is considered that as the gardens of these properties are relatively deep that there would not be any unacceptable impacts upon living conditions within neighbour's homes or to the more private amenity space within a garden, typically

immediately adjacent to a house. In addition, had the application been recommended for approval then a condition would have been recommended to control the external lighting in the appropriate locations. While there will be a general change to actual and perceived noise and disturbance arising from new dwellings the areas of open space that would serve the development would be a sufficient distance from existing neighbouring dwellings and while some existing neighbours would have gardens of the new properties abutting their amenity space, it is not considered that this would result in any significant impacts that would be harmful.

Parking/highways implications

73. The Council's parking standards are set out in Local Plan Policy TR16 and are based on the floorspace of dwellings (two spaces for dwellings with a floor space of less than 120 square metres and three spaces for dwellings with a floor space of more than 120 square metres).

74. All of the proposed 42 residential dwellings on site would have floor areas of between 50sqm and 106sqm. As such, there would be a requirement to provide two car parking spaces per dwelling in line with the Local policy requirements. In total, there would 114 car parking spaces across the site with 84 allocated to the 42 dwellings. Therefore, the development would exceed the requirements of the parking standards as stipulated by Local Plan Policy TR16. The remainder of the car parking spaces would be unallocated for the purposes of visitor parking. In this location, it is considered that, on balance, that this level of parking would be acceptable.

75. In terms of the parking layouts, concerns have been raised in representations from the community in relation to the use of tandem parking in some areas within the proposed scheme. The areas where tandem spaces do occur would be allocated to a specific property and as such under the control of a household. In terms of the parking space dimensions, these have been reviewed by the Highway Authority which has confirmed that the size and dimension of the spaces would be acceptable.

76. In summary, it is considered that the proposed development would have an acceptable impact in terms of parking provision in terms of the amount, location, arrangement and size of spaces so as to not lead to any unacceptable impacts on highway safety and convenience. The level of parking is acceptable and sufficient to encourage a modal shift to reduce the number of motor vehicle trips.

77. The Highway Authority have also provided comments on the proposed road within the site, which would include the continuation of the existing High View access road northwards into the site. Officers note that proposed access would measure 5.5m for the entirety of the site with pedestrian footways provided on both sides of the access measuring 2m in width. As such, this arrangement is considered acceptable to allow for the simultaneous two-way flow of vehicles alongside pedestrians/cyclists in this location.

78. In addition, swept-path analyses have been provided, which demonstrate that a 10.32m length refuse vehicle could travel through the site, turning and leaving the site in a forward gear. The Highway Authority consider that a vehicle of these dimensions would be able to manoeuvre through the site efficiently without overrunning verges/ kerbs on the spine road.

79. Part of the proposed extension of the High View access road, would also result in changes to the existing turning head which serves nos 1 and 3 High View and no. 4 High View. This would allow changes to the footpath to ensure easier passage for pedestrians. It is noted that representations have been submitted question the impact of these changes would have on Highway safety. Swept path analysis have been submitted to demonstrate that access from these driveways would still remain possible without detriment to the surrounding Highway, which the Highways Authority have raised no objection to as acceptable visibility splays would still be achievable. As such it is considered that there would not compromise highway safety and convenience.

Impact on the Local Road Network

80. A number of consultation responses have raised concerns that the proposed development would exacerbate traffic problems in the local area. Traffic modelling has been presented within the submitted Transport Assessment which focus on traffic movements and junction capacity. The Highway Authority has

assessed the impact of the development on the surrounding highway network and note that the modelling would not unduly impact on the capacity of the highway network and therefore no off-site mitigation is required.

81. While the impact on the highway network would be acceptable off-site improvements to encourage walking, cycling and use of bus services to encourage a modal shift away from trips in private motor vehicles. While the Highway Authority has requested developer contributions towards the bus improvements, it is considered that all off-site improvements could have been controlled by condition had the application been recommended for approval. This is because such off-site works would be on the public highway and therefore the Council has control over implementation of these improvements.

82. A Travel Plan has also been suggested to further encourage a modal shift in transport terms. This would further help to promote sustainable travel and while a S106 legal agreement has not been put forward to secure a monitoring fee for the Council this would not warrant a reason for refusal. The Travel Plan itself could have been secured by condition had the application been recommended for approval.

Sustainable Transport

83. Objections have been raised in regards to the fact that the development site is not in a sustainable location and that existing transport and local pathways are unsuitable to support the proposed development. The application site is in close proximity to Chalfont St. Giles village centre which hosts a range of local services. In addition, Chalfont St. Giles is served by local buses 105 which links Hemel Hempstead, Chesham, Amersham, Gerrards Cross and Uxbridge and 580 which links High Wycombe, Beaconsfield, Jordans, Gerrards Cross and Uxbridge.

84. In addition to the Highway considerations previously discussed, Core Strategy Policy CS26 relates to requirements of new development to make suitable connections with existing footways, local facilities and public transport and to integrate with local public transport services and also where appropriate provide direct routes protected from traffic congestion, interchange, stops and waiting areas. Natural Environment Policy 1 of the Neighbourhood Plan also supports opportunities for sustainable travel.

85. The Transport Assessment submitted with the application deals with the pedestrian links. Whilst the current roads of Stylecroft Road and Kings Road are paved and provide sufficient pedestrian access to bus stops and Chalfont St. Giles centre, there are a number of public footpaths which would supplement the existing pedestrian routes. These routes are identified as CSG41/1, 2 and 3 which link London Road, Ashwells Way, Kings Road, Stylecroft Road and proceed eastward into adjacent countryside. The applicant proposes to provide a link into the footpath network at the southern edge of the site. A number of representations made by the community have questioned the suitability of these routes for future occupiers of the proposed development. However, there is no evidence to suggest that these routes would not be used, as they are for the existing residents of this part of Chalfont St. Giles. The routes are existing and therefore, the Council could not sustain a reason for refusal on these grounds.

86. The Transport Assessment submitted with the application makes reference to the connectivity that the footpaths would make in relation to the proposed development, but also notes the shortfalls in relation to lighting and that in some places poorly surfaced and there are notable gradients in places.

87. The Council's Strategic Access Officer has reviewed the material and notes that the footpaths be a reasonably attractive choice for pedestrians during daylight hours and also highlights the needs for some improvements to the paths in places. The Access Officer suggests that the public footpath could positively contribute to the sustainability of the site with some minor improvements. Particularly, if the section between Stylecroft and Kings Road (CSG/41/2) had the benefit from a sealed, bitumen surface and pedestrian dropped kerb at Kings Road.

88. In addition to the above, the Access Officer notes the proposed pedestrian access from the application site linking to the footpath network is a positive addition to the application, enabling easy access by new residents to local recreational opportunities for fresh air and exercise. Overall any improvements to the highway and footpath network could be secured by a condition.

89. As part of the sustainable transport strategy for the development, the applicant has provided a Travel Plan for the site which sets out measures to encourage a future shift from car use to other means.

90. Some of the measures within the Travel Plan include resident information packs on local transport, improvements to pedestrian connections, discounted bus travel and promotion of cycling and walking. The measures have been reviewed by the Council's Transport Strategy Team who have not raised any objection, but have noted some improvements that could be made before they are fully satisfied.

91. Had the application been recommended for approval the mechanisms for the sustainable travel strategy for this development are considered in paragraphs 81 and 82 of this report.

Energy

92. In terms of Energy, sustainability principles are set out in Policy CS4 and refer to the use of renewable energy wherever required by Policy CS5 of the Core Strategy. Policy CS5 states that in developments of more than 10 dwellings, the Council will require that at least 10% of their energy requirements are met from decentralised and renewable or low-carbon sources.

93. The application has been accompanied by an Energy Statement which addresses Policy C5. The aim is for the proposed buildings to comply with Part L of the Building Regulations and all of the main building elements are expected to be designed to provide a thermally efficient building envelope which achieves an improvement on the minimum requirements set out within Part L. The use of insulated cavity walls, roof, floors and openings aims to provide a comfortable environment within the development to enable a reduce the building's reliance on the main heating system. Due to the early stages of the development the precise energy figures are not yet known. However, had the application been acceptable in all other regards, this could have been dealt with by way of a planning condition.

Ecology and biodiversity

94. Policy CS24 of the Core Strategy states that the Council will aim to conserve and enhance biodiversity. In this respect it states that 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. Where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest. This is consistent with paragraphs 170 and 175 of the NPPF which aims to conserve and enhance biodiversity.

95. A number of representations raised by the community have been in relation to the protected species on site, notably Badgers, Great Crested Newts and Bats. Reference has also been made to many species of birds which are on the RSPB endangered species list. The representations also question the reliability of the ecological evidence submitted by the applicant.

96. The applicant has provided a preliminary ecology survey, together with the relevant Bat, Great Crested Newt and Badger surveys. The results of these surveys have been reviewed by the Council's Ecologist who has questioned the reliability and scope of surveys. Firstly, in relation to Bats, the Ecologist notes that the site has been given a moderate to high suitability in regards to foraging bats. However, it is not clear why the survey effort has been downgraded to low, with the required surveys reduced. Whilst it is acknowledged that the boundary feature to the east will be maintained, the character of the site will change, which is considered to have impacts on foraging bats which utilise the boundary features.

97. The Council's Ecologist has also raised in concerns in regards to the presence of Great Crested Newts. During the course of the application consultation responses were received from neighbouring properties to the application site that a number of water bodies present in existing rear gardens had not been surveyed prior to the submission of the planning application. As such, without the survey results from these nearby water bodies, it is not possible to determine the impact of the proposal on protected species such as Great Crested Newts.

98. Similarly, insufficient information has been received in relation to badgers. Survey information provided with the application identified an outlier sett. Representations from the Bucks Badger Group identified further active outlier setts. As such, in the absence of further surveys it is not possible to identify the harm of the proposed development on protected species.

99. In this case, both bats and Great Crested Newts are on the list of 'European Protected Species' and as such are protected by the Conservation of Habitats and Species Regulations 2017. Badgers are not on that list but are nevertheless are a 'Protected Species'. There is insufficient evidence presented by the applicant to determine the impact on these Protected Species.

100. It should also be noted that the applicant has failed to comply with the requirements of paragraph 175 of the NPPF because the mitigation hierarchy has not been followed; in the first instance because of the biodiversity importance of the site, the impact should be avoided.

101. As noted in the Preliminary Ecological Appraisal by focus Ecology Ltd (dated November 2019), the evidence of the ecological baseline had not been established at that point. Indeed, the Preliminary Ecological Appraisal stated at paragraph 9 "Once the development proposals are confirmed, and notwithstanding the results of further survey work, a detailed Ecological Mitigation & Enhancement Strategy should be written and agreed with the Local Planning Authority. The strategy will ensure that the future development of this site retains existing features and habitats of ecological value, minimises the impact upon protected/notable species and maximises the potential of retained habitats to enhance biodiversity and contribute towards local and national biodiversity targets." Reports by focus Ecology Ltd regarding bats and Great Crested Newts are dated November 2019. A letter addressed to the applicant from focus Ecology Ltd in June 2019 referred to badgers.

102. As is clear from the Design and Access Statement the ecological work, albeit deficient, was undertaken after the layout had been largely established. However, based on the mitigation hierarchy set out in the NPPF and as also from the applicant's own Preliminary Ecological Appraisal, the correct approach has not been followed. Instead, the applicant did not consider 'avoidance' of important biodiversity. As set out above, there are Protected Species present on this site including 'European Protected Species'. In addition, as noted by the Council's Ecologist "...The scheme requires the removal of grassland habitat and trees, representing a reduction in functional ecological land, for species including badger and wild birds known to be present. I don't consider that this impact has been adequately evaluated and addressed, either for this phase of the development or the whole site." Furthermore, it should be noted that Natural England set out in it's consultation response of 17 March 2020 that it supported the Council's Consultant Ecologist in terms of 'Ecological Impact'.

103. A Local Planning Authority can refuse permission if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species. This is the case with this application and having full baseline information would have then informed the proposed development based on the mitigation hierarchy in the NPPF. In addition, the Council's Ecologist has advised that the Preliminary Ecological Appraisal refers to the recreational impact from this development on 'Shrubs Wood Biological Notification Site', however, the impact has not been assessed by the applicant; Shrubs Wood lies just 160m to the North East of the application site.

104. Paragraph 175 d) notwithstanding that this development will not conserve biodiversity which is of prime importance, enhancements are proposed. However, it is unlikely that the development will not be able to provide enhancements that will achieve 'measure net gains as required by this paragraph of the NPPF.

105. As such, the proposals fail to meet the requirements of the National Planning Policy Framework, Circular 06/2005 and the Conservation of Habitats and Species Regulations 2017. The proposal would therefore be contrary to policy CS24 of the Chiltern District Core Strategy (2011). In determining the application, the Council has paid regard to appropriate legislation including The Natural Environment and Rural Communities Act 2006.

Archaeology

106. The application site is not within an archaeological notification area. However, the application has been accompanied by an Archaeological Desk Top Study due to the fact that nearby sites are known to have records of archaeological significance.

107. The archaeological report submitted with the application suggests that further ground investigation works would need to be undertaken before any development takes place, to ensure that due consideration has been given to any potential items of archaeological significance. The Council's Archaeologist has reviewed the study and agrees with the findings and have suggested pre-commencement conditions should be attached to any permission.

108. The County Archaeological team have also noted the importance of the hedgerow boundary on the eastern edge of the site. This hedgerow, together with the trees, have been earmarked for retention as part of the proposed scheme and therefore there is not a requirement to carry out any further assessment to determine the precise importance of the hedgerow based on the Hedgerow Regulations.

Surface water drainage

109. The application is accompanied by supporting information in relation to the drainage strategy for the proposed development. The Lead Local Flood Authority (LLFA) have reviewed the submitted documentation in relation to the drainage strategy for the application site and had initially noted concerns with the deep borehole drainage methods proposed.

110. While no objection had been raised in relation to the principle of deep bore hole method proposed to manage surface water runoff, the LLFA originally raised concerns in relation to the buffer zone around the deep bore holes, as the 5m buffer proposed by the applicant was not considered sufficient.

111. The LLFA also note that further geotechnical investigations should take place to ensure that a larger buffer is not required for the deep bore hole drainage solution proposed to ensure its structural integrity and that of the nearby structures and homes. However, further clarification was sought from the applicant in relation to the location of the boreholes, and it was confirmed these would be located over 15m from the nearest structures. As such, the LLFA raised no objections to the drainage method proposed, recognising that the distance should be sufficient between the boreholes and structures, although the preference would be for at least 20m had the applicant been willing to carry out those further geotechnical investigations. The LLFA recognised that as the siting of structures and buildings would be fixed that it would not be possible to re-site these elements of the development once a decision had been made, if further geotechnical investigations had been carried out post-decision had the application been recommended for approval.

112. In terms of the drainage attenuation it is proposed to be geo-cellular storage units which would be located beneath the private, rear garden of plots 1 to 3. The bore holes will also be sited within private gardens. The LLFA has highlighted that this arrangement would not be ideal as it would be expected that the drainage feature to be located in an accessible area to ensure lifetime maintenance of the surface water attenuation feature. However, on this occasion, the LLFA note that the nature of the scheme whereby the applicant, being the RP of the affordable housing, would have control of the land in perpetuity.

113. It is noted in paragraph 5.31 of the applicant's Flood Risk Assessment that Paradigm Development Services Ltd will have rights of access onto properties which are described as being similar to those held by Statutory Undertakers who are able to enter onto land. The ability for Paradigm Development Services Ltd to carry out maintenance and future replacement of the drainage mitigation is welcome. However, it is necessary for the Local Planning Authority to be satisfied that there will be an easement over the affected land and rights to carry out works within a private garden(s).

114. This is essential, to enable such rights to pass onto successor management companies, or RSLs that may purchase any of the affected property and land. Further, through any 'Rights to Acquire', new 'owners' of the land will also need to be bound by these easement requirements. This cannot be achieved by a condition but instead a s106 legal agreement as it relates to easements and the need to bind successor third parties; the LLFA support the need for this aspect to be dealt with in this way.

115. In the absence of a legal agreement to secure the on-going management and maintenance of the drainage mitigation, it cannot be guaranteed that this part of the development would adequately function and as a result could result in increased flood risk. As drainage and flood risk are fundamental to a consideration of the planning merits of the proposed development at this stage, it is considered that their maintenance arrangements could not be adequately controlled via the attachment of conditions. Therefore the proposed drainage scheme would be contrary to Policy CS4 of the Chiltern District Core Strategy (2011) and paragraphs 163 and 165c) of the NPPF which requires maintenance arrangements for Sustainable Drainage Systems of an acceptable standard over the lifetime of the development.

Infrastructure

116. It is noted that a number of consultation responses have raised concerns in relation to the impact of the development on local services such as doctors surgeries and schools. Core Strategy Policy CS31 relates to the provision of infrastructure. The Policy states that certain infrastructure requirements may arise as a consequence of development and it seeks to ensure that this is satisfactorily addressed as part of the planning application process.

117. The application is accompanied by an Education Impact Assessment. In this respect, the School Place Planning Commissioning Partner at Buckinghamshire Council Local Education Authority (LEA) has provided comments with regard to the education implications of this development. It is confirmed that a financial contribution to provide additional primary and secondary school facilities would not be required.

118. The education officer has confirmed that there is spare capacity at existing primary schools within the area. It is recognised that while the local catchment secondary school (Chalfonts Community College) is close to capacity it has sufficient capacity to accommodate a relatively small scheme such as that proposed without the need for expansion works.

119. Similarly, the applicant has provided a Health Impact Assessment in respect of the potential impact of the proposed development on health provision. The Buckinghamshire Clinical Commission Group has provided comments on the application. Whilst they acknowledge that the occupants of the proposed dwellings have the potential to add to current patient numbers at local surgeries, no request has been made to secure a financial contribution for local services. The Buckinghamshire Clinical Commission Group were re-consulted during the course of the application owing to concerns regarding potential pressure on Health Service facilities. However, it has been confirmed that the proposed development would not be liable for any contribution to local services to mitigate the impact. As such, no objection is raised to the development in regards to Core Strategy Policy CS31.

120. In addition to the above the Council has adopted Community Infrastructure Levy (CIL). All residential developments would be liable for CIL contributions. However, development that incorporates social housing is entitled to mandatory relief from CIL on the social housing element of the development. Had the development been acceptable in all other regards, the applicant would have been entitled to apply for CIL relief providing that the relevant person/organisation is the owner of the land and have submitted the relevant claim and received the Council's determination, prior to commencing the chargeable development.

Other Matters

121. A number of consultation responses highlight that the proposed application is not supported by the Parish Council, local MP and that there have been significant numbers of letters against the proposal. While this is noted, any representations raising material planning matters have been considered in the determination of the application. The number of objection letters itself, nor the fact the proposal is not supported by Parish/MPs, is not material to the determination of the proposals.

122. Representations have also raised the cumulative impact that the current proposal will have on the area. In addition, it has been highlighted that the proposal would set a precedent for other similar developments. Relevant and material cumulative impacts have been addressed in the application such as traffic generation. In terms of precedent, any other similar applications that may be made across

Buckinghamshire would be considered on their own merits based on the relevant Development Plan and material considerations at the time.

123. It is noted that comments have stated that the proposal is for profit and financial gain and that if allowed the proposal would impact on local house values. However, considerations such as these are not material planning considerations and therefore cannot be taken into account when assessing the proposal.

124. In terms of local financial considerations, it is not considered that any which should be afforded much weight in decision making.

Very Special Circumstances & Planning Balance

125. The proposals would be inappropriate development that would, by definition, harm the openness of the Green Belt but also harm the actual spatial and visual aspects of openness. The harm would be very significant. Also, there would be significant harm to the purposes of the Green Belt in terms of the unrestricted sprawl of large built up areas and assisting in safeguarding the countryside from encroachment. There would be some harm in the prevention of neighbouring towns merging into another. In accordance with the NPPF, substantial weight is given to the harm identified to the Green Belt.

126. It is also considered the proposed development would result in 'other harm'; to biodiversity and flood risk.

127. In terms of the impact on biodiversity, the harm will be very significant. This significance has been established because the development would harm protected species including those of European significance which have the highest level of protection. Furthermore, the lack of any assessment on the Biodiversity Notification Area which is 160m from the site is a constituent part of the identification of the harm, as well as the failure of the applicant to follow the mitigation hierarchy as required by the NPPF. Furthermore, notwithstanding the importance of conservation, it is also highly unlikely that the development could provide 'measurable net gains' for biodiversity.

128. The above sections on surface water runoff in this report have also identified shortfalls in the proposed drainage scheme for the proposed developed and concerns have been raised in relation to the maintenance of the surface water drainage attenuation and to ensure that it is fit for purpose for the lifetime of the development. The absence of a satisfactory drainage scheme is fundamental to ensure that surface water and flood risk does not unduly impact on future occupiers of the development and existing neighbouring properties. Flooding will damage properties, can be highly dangerous for people and place unacceptable pressures on emergency services. In light of the seriousness and dangers of flood risk, the harm would be very significant. Significant weight is given to the harm.

129. The applicant has not set out a specific case for Very Special Circumstances because it considers the development to be appropriate development in the Green Belt. However, the applicant has put forward a number of benefits arising from the development because, in the applicant's opinion, paragraph 11 of the NPPF is engaged.

130. The benefits put forward by the applicant are:
- Boosting the supply of housing
 - Increasing Chiltern's deficient supply of housing
 - Providing homes for an identified need
 - Housing Mix and Tenure to reflect local need
 - Social benefits
 - Ecological Enhancement
 - Pedestrian Enhancements

131. The applicant highlights the fact that the proposal would address the fact there is an undersupply of housing. It is acknowledged that 42 dwellings would assist with housing supply in this part of Buckinghamshire, although compared to overall need is quite low. In addition, unmet demand for housing

need is unlikely to clearly outweigh harm to Green Belt and any other harm. As such, the benefit to housing supply is limited and as such minor weight is given to this.

132. The applicant has also highlighted that the proposed development would provide an identified need in local affordable housing, together with an identified housing mix. However, as previously highlighted in the above report, there are concerns in relation to the data provided as part of the housing need survey, specifically in terms of the use of scaled up figures. Therefore, the local need appears to have been overstated. Affordable housing schemes of this nature must be of an appropriate 'scale' / 'limited' and be no greater than for local needs in order to be acceptable; given the conflict with Green Belt policy, the benefit of meeting some local need but at the wrong scale, is a minor benefit which is afforded low weight.

133. The applicant has highlighted that the proposed scheme would ensure that housing is provided to variety of residents and would result in positive impacts upon the social mix of the community. The dwellings would help to create a mixed and balanced community. Under the 'social objective' in the NPPF, there is an expectation that development will provide strong, vibrant and healthy communities. As such, this benefit is of minor significance because of policy requirements. This benefit is afforded low weight.

134. Ecological Enhancements are welcomed but the Council's Ecologist considers that 'measurable net gains' for biodiversity have been achieved. The proposals will not provide sufficient valuable and functional habitat for wildlife. The benefit is of minor significance. The benefit is afforded low weight.

135. It is acknowledged that the applicant has agreed to carry out a number of pedestrian improvements to adjacent and nearby public footpaths, these have also been welcomed by the Council's Strategic Access Officer. These improvements are required to make the development acceptable from a sustainable travel perspective. However, there will be some improvement for the wider community. The benefit is of minor significance. The benefit is afforded low weight.

136. The introduction of 42 dwellings would contribute to the economy in terms of construction jobs and supplier benefits. However, these would be short term. New households would introduce expenditure into the local economy. But these benefits would be generic and would arise with any development. The benefit is of minor significance. The benefit is afforded low weight.

137. Taking all the above factors into account, it is considered that the benefits put forward by the applicant, either individually or in combination, do not outweigh the harm identified. Consequently, the Very Special Circumstances to justify the development do not exist.

138. Although the proposal accords with many of the current development plan policies, it would be in conflict with the development plan taken as a whole given the conflict with policies regarding the protection of the Green Belt and development in the countryside. While housing policies are out of date on 5 year housing supply grounds, in accordance with paragraph 11d)1) the application of Policies in the NPPF that protect the Green Belt provide a clear reason for refusing the proposed development. The presumption in favour of sustainable development does not apply. There are no other material considerations in this case that indicate a decision other than in accordance with the Development Plan and NPPF.

139. As such, it is recommended that planning permission be refused.

Working with the applicant

140. Buckinghamshire Council take a positive and proactive approach to development proposals focused on solutions. Buckinghamshire Council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

141. In this case, the applicant sought pre-application advice and the application proposal was consistent with that advice. Whilst minor changes were made during the course of the application, it was not

considered that any of these changes would have reasonably overcome the concerns over the principle of the development, so the application was recommended for refusal on the basis of the submitted plans.

The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998 and the Equality Act 2010.

RECOMMENDATION: Refuse permission

For the following reasons:-

1. The application site is located within the Green Belt where there is strict control over development. One of the exceptions to the construction of new buildings in the Green Belt is for affordable housing for local communities; affordable housing schemes of this nature must be of an acceptable 'scale' and provide for local needs to be an appropriate form of development in the Green Belt. In this case, an established local need has not been clearly justified and the proposal being for 42 dwellings cannot be considered to be 'small scale' and 'limited' to meet the requirements of Policy CS9 of the Core Strategy or paragraph 145 f) of the National Planning Policy Framework 2019 respectively. As such, the proposed development is considered to be 'inappropriate development' which is, by definition, harmful to the Green Belt. This is very significant harm. In addition, the proposed development would introduce 42 new dwellings onto land which is currently open and undeveloped, that would harm very significantly both the spatial and visual aspects of the Green Belt. Furthermore, there would be significant harm to the purposes of the Green Belt in terms of the unrestricted sprawl of large built up areas and safeguarding the countryside from encroachment. There would also be some harm in the prevention of neighbouring towns merging into another. In accordance with the NPPF, substantial weight is given to the harm identified to the Green Belt. The Very Special Circumstances to justify the development do not exist to outweigh the harm to the Green Belt and the other harm identified in the subsequent reasons for refusal. The proposal is therefore contrary to Policy GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 ('the Local Plan'), Policy CS9 of the Core Strategy for Chiltern District (Adopted November 2011) ('the Core Strategy'), Housing Policy 1 of the Chalfont St. Giles Neighbourhood Plan 2019 ('the Neighbourhood Plan) and paragraphs 133, 134, 143, 144 and 145 of the National Planning Policy Framework 2019 ('the NPPF').
2. In terms of the impact on biodiversity, the harm will be potentially very significant. This significance has been established because of the lack of evidence provided in the planning application to demonstrate that the development would not harm protected species including those of European significance, which have the highest level of protection. Furthermore, the lack of any assessment on the Biodiversity Notification Area of 'Shrubs Wood' which is 160m from the site is a constituent part of the identification of this potential harm, as well as the failure of the applicant to follow the mitigation hierarchy as required by paragraph 175 of the NPPF. Furthermore, notwithstanding the importance of conservation, it is also highly unlikely that the development could provide 'measurable net gains' for biodiversity. As such, the proposal is contrary to Policy CS24 of the Core Strategy, paragraphs 8, 170 and 175 of the NPPF, Circular 06/2005 'Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System', and The Conservation of Habitats and Species Regulations 2017.
3. The proposed development fails to demonstrate that a suitable drainage strategy for the site can be achieved. It is considered that the proposal to incorporate surface water attenuation features across plots 1 to 3 of the development could create a legacy of flood risk problems due to significant parts of the attenuation being located within the private control of different properties which could compromise the ability to coordinate maintenance. Therefore, it is considered that the design and layout fails to demonstrate that surface water flows could be suitably controlled within the site for the lifetime of the development. If flooding were to occur this could damage properties, be highly dangerous for people and place unacceptable pressures on emergency services. In light of the seriousness and dangers of flood risk, the harm would be very significant. As such, the proposal is

contrary to the requirements of policy CS4 of the Core Strategy and paragraphs 163 and 165c) of the NPPF.