

The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: 4315

23 July 2024

Dear Sirs,

APPEAL BY ST LEONARD'S PAROCHIAL CHURCH COUNCIL AT ST LEONARDS CHURCH HALL, GLEBE WAY, CHESHAM BOIS, BUCKINGHAMSHIRE, HP6 5ND – REDEVELOPMENT OF SITE TO CREATE A NEW MULTIFUNCTIONAL PARISH CENTRE WITH CAFÉ, DAY NURSERY BUILDING, REPLACEMENT RECTORY WITH DETACHED GARAGE, 2 OUTBUILDINGS TO PROVIDE PRAYER ROOM AND SUBSTATION/BIN AND BICYCLE STORE, ASSOCIATED PARKING AND LANDSCAPING (APPEAL REF. APP/X0415/W/24/3343635)

We refer to the Planning Appeal and consultation letter in respect of the above matter (attached at **Appendix 1**). On behalf of the Protect Chesham Bois Common and Surrounding Area Action Group (the Group), we confirm our **STRONG OBJECTION** to the appeal.

As set out in previous submissions to the Council, the Group has some 400 followers, individuals/households in Chesham Bois and the surrounding roads in Amersham. This level of opposition is also evidenced by over 400 objections submitted to the Council.

The Groups main concerns with the development relate to the location of the site, which is not appropriate for a 'Parish Centre' of the scale and intensity proposed, and the adverse impact it would have on the amenity of the area, including adjacent and nearby residential properties, and the Chesham Bois Conservation Area. Furthermore, it would prejudice highway safety and generate excessive traffic. It would also harm local biodiversity and ecology and cast additional unacceptable pressure on the Chilterns Beechwoods Special Area of Conservation (SAC).

In our strong opinion, the Council and previous Appeal Inspector (Appeal Ref. APP/X0415/W/21/3278072 attached at **Appendix 2**) failed to comprehensively assess the scale and impact of the development on the local area, and therefore reached the **wrong** decision by only refusing planning permission for a single reason; the potential impact of the proposal on the Chilterns Beechwoods SAC. In this letter, we will consider the conclusions drawn by Officer's at the Council and the previous Appeal Inspector and rebut them.



This letter should be read in conjunction with the previous objections submitted by the Group prepared by Carter Planning (attached at **Appendix 3**), and the many individual representations Group Members have made (which should be provided to you by the Council).

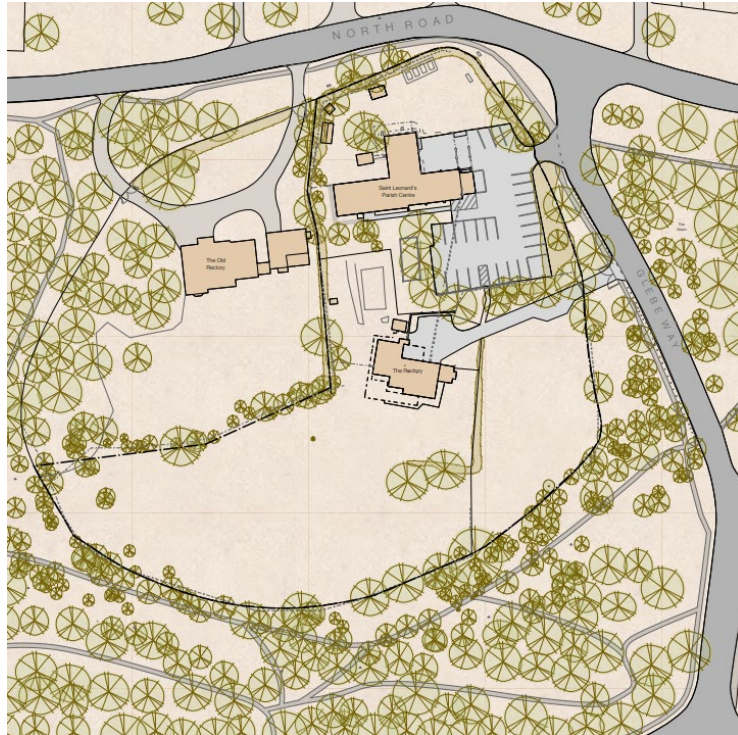
PROPOSAL & BACKGROUND

Planning permission is sought for the construction of a new multifunctional Parish Centre, including a 275 people 'Main Hall', a separate multi-purpose hall, with capacity for another 100 people, offices and meetings rooms, a church led café, a separate building for a children's day nursery, a new rectory, and parking for 114 cars. In total, the Group estimate there would be capacity for up to 400 people on site at one time.



Proposed block plan

The development would replace the existing Parish Hall which has a capacity of 80 to 100 people, the current Rectory, a large area of open green space, and just 29 parking spaces.



Existing block plan

The application proposes grand scale changes to the site and its function, the adverse effect of which on the local area and community would be significant and harmful. In our opinion, to describe the development as a 'Parish Centre' is misleading. In reality, it has the capacity to function as a regional facility, akin to a Convention Centre, attracting visitors and users from a wide geographical area, all congregating on the peaceful and historic Chesham Bois Common.

The current application follows a previous one (PL/20/0401/FA) which was refused by the Council in January 2021 and dismissed at Appeal in April 2022. The only change to the proposed scheme is the removal of the Keepers Cottage, which would have provided accommodation for a site manager / caretaker. The rest of the scheme is the same.

REASON FOR REFUSAL

The current application (PL/22/4074/FA) was refused by the Council on 11 January 2024 for the following reason:

- 1. The application site is located within the 12.6km Zone of Influence of the Chiltern Beechwoods Special Area of Conservation (SAC). The Council's published FAQs on the SAC identify that types of uses other than new homes could lead to a significant impact on the SAC, depending on their scale and location. In this case, it is considered that, given the scale and use of the proposed Parish Centre, there is insufficient evidence submitted in support of the proposal to conclude that its impacts, whether alone or in combination with other plans and projects, could be avoided or mitigated so that the integrity of the SAC would be preserved. Overall, there is insufficient evidence the proposal would preserve the*



integrity of the Chiltern Beechwoods SAC and consequently there would be conflict with Policy CS24 of the Core Strategy for Chiltern District - Adopted November 2011, Paragraph 186 of the NPPF (2023), and The Conservation of Habitats and Species Regulations 2017 (as amended).

In view of the above, the single reason for refusal was the potential adverse impact of the development on the Chilterns Beechwoods SAC.

While the Group agree with this reason, they wish to inform the Inspector that the previous application PL/20/0401/FA, which proposed the same redevelopment of the site minus the Keepers Cottage, was refused for four reasons, set out below:

- 1. By virtue of its scale, mass and external appearance, the proposed Parish Centre building would appear as a prominent and intrusive feature within the street scene, would appear out of keeping with nearby buildings and would fail to preserve or enhance the Chesham Bois Conservation Area. In addition, the Common is a prominent rural feature with its mature deciduous trees, grassed open areas and pond. It is a central focus for the conservation area and contributes to the rural character. The loss of open space, extensive car parking area and light spillage from the glazing in the proposed building and from cars using the facility would fail to preserve the feeling of rural tranquillity that is an important part of the character of the conservation area. This harm is not outweighed by any identified need for the community facilities proposed. The proposal is therefore considered to represent an overdevelopment of the site and is contrary to Policies GC1, CA1, CA2 and CSF1 of the Adopted Chiltern District Local Plan 1997 (including the Adopted Alterations May 2001 and July 2004) Consolidated September 2007 & November 2011, Policies CS20 and CS29 of the Core Strategy for Chiltern District (Adopted November 2011) and the guidance in the NPPF (2019).*
- 2. The proposed new Rectory building would be sited close to the boundaries with the adjoining streets and would be a prominent addition to the site, visible from North Road and Glebe Way. By virtue of its siting, it would appear overly prominent, intrusive and out of character with the surrounding pattern of development. The proposal would therefore neither preserve nor enhance the character or appearance of the conservation area and is contrary to Policies GC1, CA1 and CA2 of the Adopted Chiltern District Local Plan 1997 (including the Adopted Alterations May 2001 and July 2004) Consolidated September 2007 & November 2011, Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011) and the guidance in the NPPF (2019).*
- 3. The proposed car parking areas would result in vehicles manoeuvring in close proximity to the dwelling at the Old Rectory, which would result in disturbance to the occupiers of this neighbouring property. This would be exacerbated by light pollution from headlamps, noise from car doors and people in the car park. This would be detrimental to the residential amenities of this property. As such the proposal is contrary to Policy GC3 of the Adopted Chiltern District Local Plan 1997 (including the Adopted Alterations May 2001 and July 2004) Consolidated September 2007 & November 2011.*



4. *The proposed development would result in an intensification of use of an existing access at a point where visibility is substandard due to being blocked by parked cars along Glebe Way. This would lead to danger and inconvenience to people using it and to highway users in general. The development is therefore contrary to Policy TR2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011, Policy CS26 of the Core Strategy for Chiltern District (Adopted November 2011) and the guidance in the NPPF (2019).*

While the previous Inspector dismissed these reasons, the Group have serious concerns that his consideration of the proposed development failed to comprehensively assess the baseline of the existing Parish Hall when comparing it to the dramatic uplift in scale and harmful impacts of the proposed development.

THE DECISION MAKING PROCESS

The planning application was reported to Planning Committee twice. First on 17 October 2023, where it was deferred by Members for the following reason:

“To allow officers to consider further the implications of the proposed development on the integrity of the Chiltern Beechwoods Special Area of Conservation (SAC). The site lies within the Zone of Influence of the SAC and Members disagreed with Officers’ screening of the proposal that no likely significant effects would occur. They requested deferral of this planning application, subject to receipt of a satisfactory Appropriate Assessment for the site, considering potential usage against some different scenarios.”

On 9 January 2024 it was reported back to Planning Committee, after the Council had consulted with Natural England, and undertaken an Appropriate Assessment of the application to consider how it might affect the Chilterns Beechwoods SAC.

While Officer’s considered the development would not harm the Chilterns Beechwoods SAC, Members disagreed and refused the application on 9 January 2024. The Decision Notice was issued by the Council on 11 January 2024.

Legal Opinion from Iain Purvis KC

In December 2023 (before the Committee Meeting on 9 January 2024) the Group submitted a legal opinion from Iain Purvis KC to the Council relating to the consideration and determination of the application. The letter was sent in response to an email from Officer’s who wrote to the Group to advise they could not refuse the proposed development on the same grounds as the previous application (PL/20/0401/FA), given the four previous reasons were dismissed by the Inspector in the preceding appeal.

It is important to note that Officer’s reported this same message to Members at the Committee Meetings in October 2023 and January 2024. The Group believe Members were ‘hand-cuffed’ by this advice, and as such, were led to understand they could only refuse the application on the grounds of the harm it would potentially cause to the Chilterns Beechwoods SAC.



The letter from Iain Purvis is attached at **Appendix 4** and is not repeated here. However, we wish to draw the Inspectors attention to the following important statements:

It follows from all this that a Planning Authority, confronted with a new application, must consider an Inspector's decision on a similar earlier application as part of their overall consideration. However:

1. If the opposition to the new application includes new and relevant evidence or material which the previous Inspector did not consider, then the case is inherently distinguishable from the previous decision, and the significance of 'consistency' as a factor falls away.
2. The Planning Authority should not shy away from disagreeing with commentary in a decision of an Inspector on an earlier application if it regards the reasoning of the Inspector as wrong or it disagrees with it on reasonable grounds. To do so would fail to comply with its obligation to exercise its own independent judgment.
3. There is no guarantee that an Inspector on an appeal against a decision of a Planning Authority will go along with the reasoning of an earlier Inspector on a similar application, so it would be wrong for the Planning Authority to take its decision on that assumption.

So far as the question of costs is concerned, it would be intolerable for a Planning Authority approaching its duties in a lawful and reasonable way to be affected in its decision making process by a fear that an application for costs would be made by a disaffected party. This is why the legislation only provides for the award of costs where the Planning Authority has acted 'unreasonably'. It will be apparent from the above that it may be perfectly reasonable to uphold objections to a new application even on subject matter which appeared to have been considered acceptable by an Inspector on a previous case. This will be the case where the evidence is different or where the Planning Authority disagree with the reasoning of the Inspector on reasonable grounds. Both of those positions may be regarded as perfectly justifiable in this case.

In view of the above, it would have been reasonable for Members in this case to disagree with certain conclusions drawn by the Inspector in the previous appeal, provided their reasons for this were reasonable and clearly expressed. In the same respect, the Appeal Inspector for the current appeal can do the same.

In our opinion, Officer's at the Council and the previous Appeal Inspector have failed to grasp the true scale and impacts of the development on the area and affected residents. We would like to make the following comments on the previous Inspectors Appeal Decision and proposed development.

PLANNING OBJECTION

Heritage, Character and Appearance

In paragraph 11 of the previous Appeal Decision (attached at **Appendix 2**), the Inspector describes the setting of the site and surrounding area:

'11. The site is on land at the eastern end of Chesham Bois Common and sits within an extensive area of woodland with mature boundary features. Consequently, the site is heavily screened from public view. This also means that the site is visually distinct from the surrounding residential development along North Road, Bois Lane and South Road, which fronts onto Chesham Bois Common. Whilst there are some limited views of the existing buildings when looking towards the site from North Road, the general impression is still one of a heavily wooded appearance.'



In the paragraph above, the Inspector fails to acknowledge that the existing site, buildings and car park are also screened from public view because they are small scale and modest. As such, the existing trees and vegetation effectively screen them.



The existing Parish Hall

In contrast, the proposed development would dominate the site, covering it with new buildings, hardstanding (for up to 114 cars), and associated paraphernalia. It would have an adverse urbanising impact and would be completely out-of-keeping with the rural and tranquil woodland setting of The Common.

In our view, no amount of additional soft landscaping would effectively screen the proposed development from public view, and certainly not, the increase in on- and off-site activity (vehicle trips, noise, disturbance) it would generate (discussed further later).

The Chesham Bois Conservation Area Appraisal states that a ‘vital’ element of the Conservation Area is ‘the common, attractive woodland areas, fields, trees and hedges’ which ‘give a feeling of rural tranquillity...’. The importance of trees and open spaces is further emphasised in the extract below:



The Importance of Trees and Open Spaces

3.10 Woodlands, trees, hedges, grass verges and open spaces are fundamental to the special character of the Chesham Bois Conservation Area. The Common, which is owned by the Parish Council, is a prominent rural feature with its mature deciduous trees, well-kept grass areas and interesting wildlife pond. It is an essential part of the setting of houses in North Road and Manor Drive and is arguably the best known feature in Chesham Bois.

The Glebe, which has a slightly more formal appearance, with trees, mown grass and the war memorial, acts as a pleasant central focus for the Conservation Area. The semi-rural character of the northern part of the Conservation Area is mostly derived from its generous amount of open spaces, trees and hedges. The low density of development in this area complements this rural character. Front and side boundary hedges are important throughout the Conservation Area.

In our opinion, the proposal would be a gross overdevelopment of the site and would cause significant harm to character and appearance of the area, and rural tranquillity of the Conservation Area. Policy CS20 of the Core Strategy states the Council will require new developments to 'reflect' and 'respect' the character of the surrounding area and those features which contribute to local distinctiveness.

Likewise, Policy CA1 states planning permission will not be granted for new buildings in a Conservation Area which do not preserve or enhance the character or appearance of the Conservation Area with regard to siting, the established pattern of development, density, scale, bulk, height, design and external appearance.

For the reasons identified above, the proposed development would be clearly contrary to these policies.

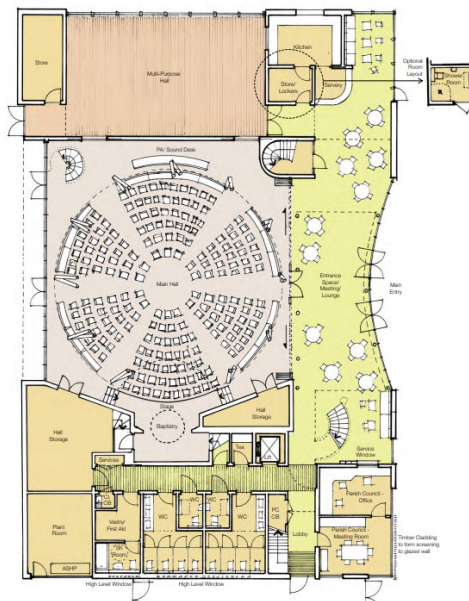
Scale and Increase in Activity

The existing scale and intensity of operations on site is modest and proportionate to its village setting. The Planning Statement submitted with the application advises that the existing Parish Hall has capacity for around 80 to 100 people with the current hours of operation on weekdays from 8am until 9pm, with occasional evening meetings running until 10/10.30pm.

The main hall is in use as a children's day nursery on weekdays, and in the afternoons, evenings, and Saturdays is used by a Dance School. As the facilities are shared, the users have allocated time slots, limiting the number of people on site and associated vehicle movements. The existing car park has just 29 spaces.



In contrast, the proposed scale and intensity of use would be **high**. The multifunctional Parish Centre would measure some 35 metres in width and 23 metres in depth and include a 275 people 'Main Hall', a separate multi-purpose hall, with capacity for another 100 people, offices and meetings rooms, a church led café, a separate building for a children's day nursery, a new rectory, and parking for 114 cars. In total, the Group estimate there would be capacity for up to 400 people on site at one time, **approximately four times the capacity of the existing building**.



Ground floor plan of the new Parish Centre showing the main hall, separate multi-purpose hall and church led café

The Group believe the proposed development would in fact be a Convention Centre for up to 400 people for commercial, religious, and social purposes. The Appellant has not provided any information to explain its commercial use, however, with church members in decline (discussed later), there is real concern the viability of the building can only be established by commercial activities attracting out of area attendees.

The proposed development would also generate significantly more traffic and vehicular activity, evidenced by the Transport Statement submitted with the application, which estimates the existing site to generate 75 two way trips a day, while the proposed development would produce 326 two way trips a day (increase of 251 two way trips per day, equating to more than 500 daily vehicle movements).

It is not clear from the Transport Statement whether vehicle trips associated with the proposed pre-school have been calculated and included. If not, the anticipated trip generation could be considerably greater.

Moreover, we would argue that existing vehicle trips to and from the site are spaced out more evenly and coincide with quieter traffic periods (weekday afternoons for example, when the



nursery closes). In contrast, the proposed development would involve people and cars arriving en masse to attend large-scale events and services at the building.

The use of the site would also change markedly. The new building would be used each Sunday for the 10.30am church family service, which the Appellant states is regularly attended by between 120 to 150 people. There is nothing of this scale on site currently.

In view of the above, we strongly rebut the previous Inspector's comments and analysis (below) of the existing baseline use, when justifying the proposed development:

'12. The existing parish centre occupies the northern part of the site and comprises a two storey building with facilities including offices for the parish council and parish church and space for a nursery and other community activities. There is a modest car park serving the parish centre and this is accessed off Glebe Way. The wide range of facilities on offer at the site means that activity levels would be noticeable throughout each day and evening of the week. Consequently, there is an established baseline of activity involving the comings and goings of people and vehicles, associated lighting and noise, altogether contributing to a character that is not of rural tranquillity.

(emphasis by Bell Cornwell)

We strongly disagree that the existing site offers a 'wide' range of facilities. While we acknowledge that some of the existing activities and comings and goings would be 'noticeable' they are just that, and nowhere near comparable to the scale and intensity of the proposed operations.

The Inspector goes on to state:

'15. Whilst the site may make a modest contribution to the setting of buildings within the conservation area through its wooded appearance, it is clear that it cannot be regarded as contributing to the feeling of rural tranquillity. This is because the existing baseline of activity creates a character with greater degrees of vibrance.

(emphasis by Bell Cornwell)

While the existing building has a greater 'vibrance' than surrounding residential properties the operations are still low scale. As such, the existing use of the site maintains the feeling of rural tranquillity, preserving this vital aspect of the Conservation Area. The proposed development would **not**.

When considering the impact of light spillage and noise, the Inspector also refers to the existing baseline of activity, stating:

'30. I note the Council's argument regarding light spillage from the larger glazed areas and light and noise would be generated by people and vehicles making use of the proposal's facilities. I am mindful that there is already a baseline of activity and therefore the site is not one of rural tranquillity. Consequently, the potential for harm to the character of the immediate area is significantly reduced. Furthermore, conditions can secure measures to help mitigate potential



disturbance by controlling operating hours, noise, and lighting within the grounds and from within the buildings themselves.'

As shown in the photographs below, the existing building has a limited number of openings, most of which are small and domestic in size. These limit noise and light escape from within it.



In stark contrast the proposed building would feature large openings and a glazed roof lantern (some 9.7 metres above ground level).



Proposed south elevation of the proposed Parish Centre

As such, the increased impact of noise and light spillage would be significant and harmful, not only to the tranquil setting of the Conservation Area, but also local ecology. In our view, drawing any comparisons between existing noise and light spillage to the proposed development is erroneous.

For the reasons set out above, we do not consider that any reasonable decision on the scale and impact the proposed development can be justified by the existing baseline use of the site. In our opinion, the previous Appeal Inspector over-estimated the existing baseline use, and under-estimated the proposed, when reaching his decision.



NEED FOR THE DEVELOPMENT

The Group wish to express their concerns that the need for the proposed development may have dropped since the original application was submitted in January 2020 (more than 4 years ago).

Indeed, despite being cited in the first reason for refusal on application PL/20/0401/FA, with the Council stating the harm caused by the development would '*not be outweighed by any identified need for the community facilities proposed*', there is no evidence in the previous Appeal Decision that the Inspector considered this.

We are informed by Group Members that the existing day nursery at the site closed in November 2023, demonstrating there are other local facilities already existing, and no need for the proposed pre-school. This also reduces the 'baseline use' of the existing site.

Furthermore, we understand the congregation of St Leonard's Church Members is in decline, standing at 171 members in March 2022, down to 144 members in March 2023, and 101 members in March this year. This evidence is taken from the Electoral Role Report, which provides other information confirming that 46 members were removed from the role due to:

- 39 worshipping elsewhere
- 1 moved away
- 6 deaths

The Vision and Use Statement submitted with the application explains that the 10.30am Sunday Service takes place at The Beacon School, Amersham (as it has outgrown the church), and attendance levels are approximately 100-120. **This is no longer correct.** We understand, Sunday Services at The Beacon School have ceased since the application was made and returned to St Leonard's Church, emphasising the fall in attendance numbers and that there is no longer a need for a premises larger than the existing church.

Notwithstanding the above, the Main Hall in the proposed Parish Centre would have seating for 275 people, more than **double** regular attendance reported by the Appellant in the Vision and Use Statement.

In view of the above, the Group believe they are correct in their assumptions that the proposed Parish Centre will in fact be a regional facility, attended by people from a much wider geographical area. The Common at Chesham Bois is **not** the appropriate location for such a grand scale facility.

The Group also have concerns that the proposed Main Hall would have the capacity for large conference style events, aside from use by the Church. Not to mention large wedding receptions and funeral wakes which the Vision and Use Statement alludes to.

The Group also wish to note that there are already 8 churches in Amersham and 3 new community buildings: Lifestyle Centre, Rectory Hill Scouts Hall, and Band Hall which have



substantially increased capacity since the previous Appeal Decision. As such, there is no local need for the proposed development.

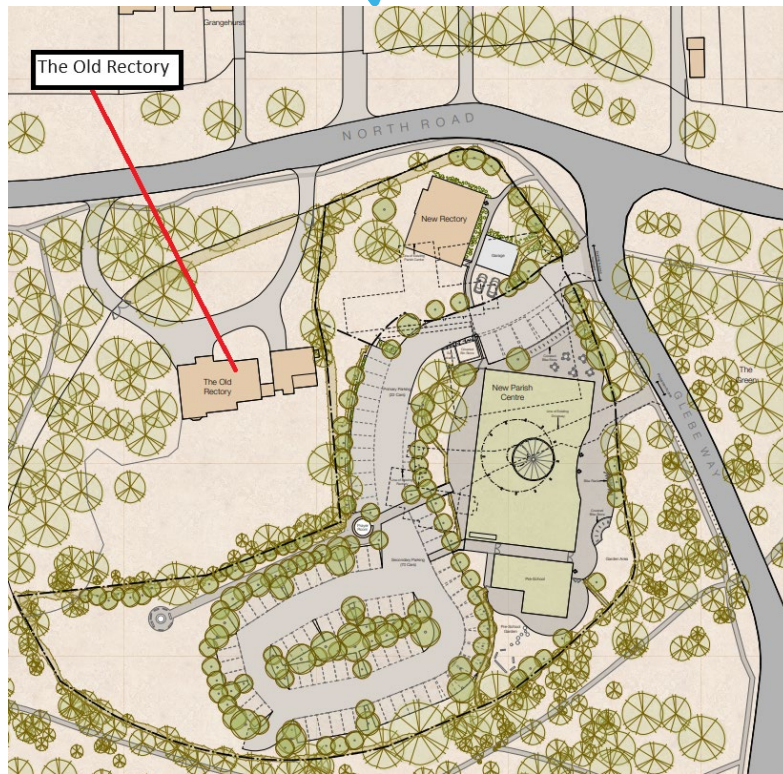


Rectory Hill Scout 'Jubilee' Hall, opened since the last Inspector's Decision
(<https://2aoh-scouts.org.uk/hall-bookings>)

For the reasons set out above, the Group assert that the scale and size of the proposed development far exceeds local need. They also fear that in fact the development would become a regional conference style facility, which is certainly **not** appropriate in the quiet village of Chesham Bois.

NEIGHBOUR IMPACT

The proposed development would have a significant harmful impact on the amenity of nearby residents, generating adverse noise, disturbance, and activity, most notably affecting the adjacent residential property The Old Rectory.



Proposed block plan showing the relationship with The Old Rectory

In our opinion, the previous Inspectors assessment of this impact was **wrong**:

'36. It has already been established that the baseline of activity at the site does not give rise to a feeling of rural tranquillity. Consequently, the potential for disturbance, including from lighting and noise generated by the movement of people and vehicles already exists to some degree. In practice, much of this potential disturbance is already mitigated by the mature boundary features surrounding the Old Rectory.'

37. Indeed, the existing movement of people and vehicles is in very close proximity to the eastern boundary of the Old Rectory, and no significant reports of complaints regarding this current relationship have been referred to in the evidence before me.'

The existing **low** scale use of the site preserves the feeling of rural tranquillity and does not adversely affect nearby residents. The trees and vegetation on the eastern boundary of The Old Rectory also provide an effective buffer to the current activities on site.

Contrary to the Inspector comments the existing movement of people and vehicles is **not** 'very close' to the eastern boundary of the Old Rectory, with the existing car parked set back on the Glebe Way side of the Parish Hall.

The Inspector goes on to state:

38. The proposal would deliver new buildings of a similar multifunctional use. Consequently, the activities and movement of people and vehicles would be of a similar nature. The new parish centre would be set back from the Old Rectory's eastern boundary and the majority of activity



would be concentrated further away as a result, representing an improvement over the siting of the existing parish centre.'

For the reasons previously set out in this letter, the proposed development would **not** have a 'similar' multifunctional use to the existing site. **Having capacity for up to 400 people and 114 parked vehicles.**

Likewise, the 'activities and movement of people and vehicles' would **not** be 'similar' to the existing use of the site. In our view, to draw such conclusions is erroneous.

Moreover, we believe the Inspector was **wrong** to conclude that activity from the proposed development would be 'concentrated further away' from The Old Rectory. To the contrary, the southern and eastern boundaries of The Old Rectory would be directly adjacent to the proposed car park, which together with North Road, would surround this property by vehicular activity on three of its four sides.

Currently, the southern boundary of The Old Rectory backs on to open grassland at the appeal site. The existing boundary treatment is a low iron post and rail fence, with some scattered trees and vegetation. As such, there is limited screening and privacy, as shown in the photograph below (taken 10 July 2024).



The residents at The Old Rectory have lived at the property for 40 years. In that time the relationship with the existing Parish Hall has never been problem. The proposed development would dramatically change this.

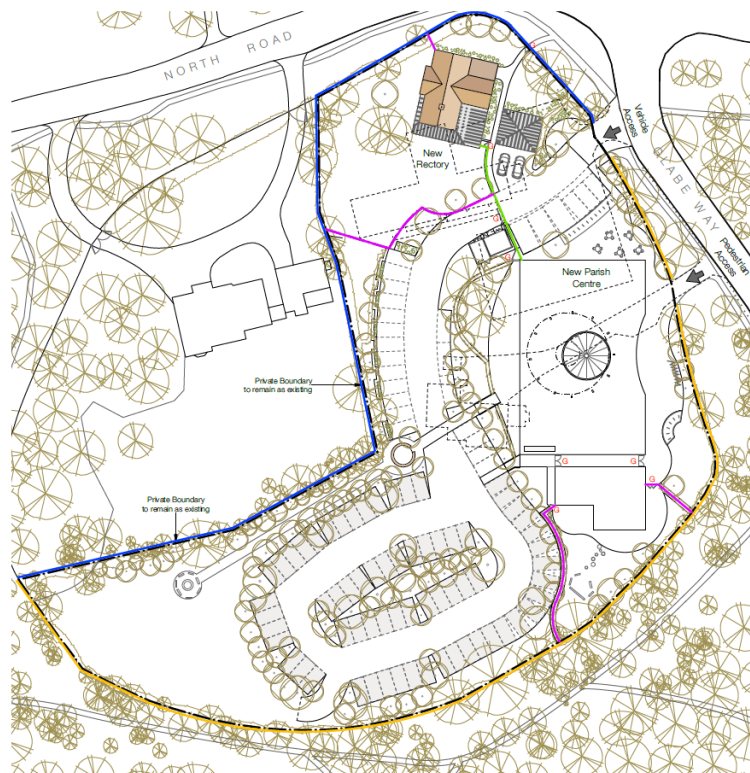
The disturbance and noise generated by the proposed car park and development as a whole, potentially up to 7 days a week, would destroy the residential amenity and privacy of this property. The impact from headlights, car doors slamming, and vehicle movements (etc) would be severe and completely unacceptable.



At paragraph 39 of the previous Appeal Decision the Inspector states:

'39. The car park would be adjacent to the eastern and southern boundaries of the Old Rectory. However, robust landscaping proposals would eliminate glimpses through existing mature boundary features, which in conjunction with hard landscaping such as fences and gabion walls would be effective in mitigating potential disturbance caused by vehicle headlights, among other things.'

The proposed Boundary Treatment Plan submitted with the application (extract below) shows no new boundary treatment is proposed on the southern boundary of The Old Rectory. The blue line on the plan is referred to as *'Existing Boundary and Planting to Remain as Existing'*.



Extract from proposed Boundary Treatment Plan

As such, the Inspectors comments above are **incorrect**. The proposed car park would be vastly bigger than the existing (114 spaces, opposed to 29), and the proposed activity would be sited on the boundary with this property, **not** further away.

For the reasons set out above, the proposed development would adversely affect the amenity of nearby residents, in particular those at The Old Rectory (Grade II listed property), contrary to Policy GC3 of the Local Plan.

HIGHWAY SAFETY & TRAFFIC

The Group remain very concerned about the proposed vehicle access and parking arrangements and excessive traffic. Their objections have been covered in detail by the previous



representations prepared and submitted on their behalf by Carter Planning (attached at **Appendix 3**). The objections raised by Carter Planning are not repeated in full here, but are summarised below:

- The Appellants are seeking to widen the existing site access and create sight lines on common land which is outside their control.
- The red line plan submitted with the application does not include the widened vehicle access or visibility sight lines.
- The Appellant does not have permission from the Parish Council, who own the common land, to implement the proposed access and visibility sight lines. The Transport Statement submitted with the application confirms this. **The previous Appeal Inspector proposed a Grampian condition for this. In our view, this is not acceptable.**
- Since the previous Appeal was determined on street parking on Glebe Way has been formalised. New on street bays have been created on the western side of the road. These would increase congestion and potentially block sight lines.
- Notwithstanding the above, the proposed vehicular access does not work. For example, access for refuse vehicles. The representations from Carter Planning (**Appendix 3**) include tracking plans which demonstrate this.
- No provision has been made for delivery vehicles to stand clear of the access route. This could result in delay and possibly congestion within the site and on Glebe Way with vehicles having to wait on the road to enter the site.
- The proposed access would struggle to provide suitable and sensible visibility splay arrangements as drawn.
- The traffic assessment submitted with the application is based on weekday peak hours only. The proposed development would be busiest at weekends. It is fundamental that a detailed assessment of the traffic impact and car parking demand is undertaken for a Sunday. **The previous Appeal Inspector did not have this information.**
- The proposed café use would generate an anticipated 113 two way vehicle movements per day. This has implications for the Chilterns Beechwoods SAC.
- The impact of the development on the immediate road network and highway safety could be severe.
- The traffic generation data that has been provided for is considered to be unreliable.
- The parking assumptions in the Transport Statement are unrealistic and unjustified, for example, that 150 persons travelling to the site will result in just 50 cars.



- The proposed amount of parking is inadequate for the quantum of development proposed.

In view of the above, the proposed development would be unacceptable on the grounds of highway safety and parking contrary to Policies CS26 of the Core Strategy and GC1, RTR11, TR2 and TR16 of the Local Plan.

BIODIVERSITY AND ECOLOGY

In December 2023 Chesham Bois Parish Council submitted an independent report to the Council (prepared by Future Nature WTC) which raised concerns about the lack of details in the ecology reports submitted with the application. This was followed up by a letter to the Bucks Council Ecology Officer on 3 January 2024 (attached at **Appendix 5**) raising the same.

The concerns raised include *‘the lack of buffer zones in the planning application to protect the habitat of the existing protected species in designated Priority Habitat areas around the boundary of the site’*.

We understand the Parish Council will be submitting further detailed representations on this matter to the Appeal.

The Group uphold the concerns raised by the Parish Council in respect of local biodiversity and ecology and the unacceptable impact the proposed development would cause.

IMPACT ON THE CHILTERN BEECHWOODS SAC

The site is located within the Chilterns Beechwoods SAC (SAC) 12.6km zone of influence. This was the sole reason for dismissing the Appeal in 2022, and the current application in January 2024.

Advice from Natural England is clear that net increases in pressure in the zone of influence would result in likely significant effects on the SAC. The appeal site is captured by the zone of influence and considerations relating to recreational impact are relevant to the proposal. Members at the Planning Committee on 9 January 2024 recognised this and refused the application as a result.

The Group firmly believe the proposed development would have “significant effect” under the Habitat Regulations on the SAC due to its size and the combination of elements proposed, including the Main Hall and café. They consider the Appropriate Assessment undertaken by Officer’s at the Council to be inadequate and are concerned that Natural England have not been made fully aware of the intensive commercial use of the site which is proposed. We refer the Inspector to the previous submission prepared by Carter Planning, submitted to the Council on 7 December 2023 (attached at **Appendix 3**), which covers these matters in detail.

As discussed previously in this letter, the scale of the proposed development would be excessive and it would not be a local facility, akin to regional conference centre. As such, the Group contest that visitors attending special services and events at the site, from further afield, could choose to combine their trip with an overnight stay or short break. In such circumstances, they may also plan to visit local sites of interest, which might include the SAC.



In conclusion, the proposed development would have significant effects, in combination with the existing pressures, on the SAC and would be contrary Policy CS24 of the Core Strategy, Paragraph 180 of the NPPF, and the Habitat Regulations.

CONCLUSION

In conclusion, for the reasons set out above, the appeal site is not an appropriate location for the proposed development and would have many negative and harmful impacts on the local area.

The Group believe that Officer's at the Council and the previous Inspector failed to objectively assess the scale and impact of the proposed development, and in doing reached the **wrong** decision. They are also concerned that too much weight has been apportioned to the current **low** scale use of the site.

In view of the above, the Group contest that it would be reasonable in this case for the new Inspector to disagree with the previous Appeal Decision and dismiss the appeal.

The Group respectfully request that the appointed Inspector consider the points raised in this letter and other representations submitted by Carter Planning on their behalf. They would like to add that they are not opposed to the redevelopment of the site 'in principle' but cannot support the proposals in their current excessive form.

It is our strong opinion that the proposed development is contrary to local and national planning policies on numerous grounds, not least the Conservation Area policy, and therefore the appeal must be **dismissed**.

Yours faithfully

BELL CORNWELL LLP

Andrew Boothby

ANDREW BOOTHBY

Associate

01494 326 277

aboothby@bell-cornwell.co.uk



APPENDIX 1 – APPEAL CONSULTATION LETTER FROM BUCKINGHAMSHIRE COUNCIL



Directorate for Planning, Growth and Sustainability

Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

planning.csb@buckinghamshire.gov.uk

01494 732950 | 01895 837210

www.buckinghamshire.gov.uk

Mr Colin Whipp
Manor Barn
North Road
Chesham Bois Amersham
Buckinghamshire
HP6 5NA

Officer: Melanie Beech
Email: planning.appeals.csb@buckinghamshire.gov.uk
Tel: 01494 732950 / 01895 837210
Ref: APP/X0415/W/24/3343635

25 June 2024

Dear Mr Whipp

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 78

Appeal reference:	APP/X0415/W/24/3343635
Appellant's name:	St Leonard's Parochial Church Council
Appeal start date:	25 June 2024
Application Reference:	PL/22/4074/FA
Application type:	Full Planning Permission
Location:	St Leonards Church Hall, Glebe Way, Chesham Bois, Buckinghamshire, HP6 5ND
Proposal:	Redevelopment of the site to create a new multifunctional Parish Centre with cafe, day nursery building, replacement rectory with detached garage, 2 outbuildings to provide prayer room and substation/bin and bicycle store, associated parking and landscaping

An appeal against **refusal** has been received in respect of the above application, as detailed in the appellant's grounds of appeal.

The appeal will be determined on the basis of written representations. The procedure to be followed is set out in Part 2 of the Town and Country Planning (Appeals)(Written Representations Procedure)(England) Regulations 2009.

We have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant. These will be considered by the Inspector when determining the appeal.

If you wish to make comments, or modify/withdraw any previous representations you have made, you can do so on the Planning Inspectorate's website at <https://acp.planninginspectorate.gov.uk>. Pana Kwabe (The Planning Inspectorate case officer) can be reached by telephone on 0303 444 5000. If you do not have access to the internet, you can send a copy to:

Pana Kwabe
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by the Planning Inspectorate by 30 July 2024. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. All representations must quote the appeal reference APP/X0415/W/24/3343635.

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal. Information provided in your representation will; be published on the Council's website. We will use our best endeavours to ensure that signatures, telephone numbers and personal email addresses are not published.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by 30 July 2024.

Using the Council's application reference, the planning application documents and appellant's grounds of appeal are available to view on the [Councils Public Access System](#). If you require access to a computer you may come to the Council Offices where there are facilities available. Your local library may also have available computers and internet access.

More information and guidance on taking part in appeals is available from the Planning Inspectorate's website, www.gov.uk/government/organisations/planning-inspectorate.

You can download a copy of the Planning Inspectorate's "Guide to taking part in planning appeals" booklet(s) at www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal. The guide explains who decides an appeal and what the rules are, how you can make your views known and what is considered.

When made, the decision will be published on the Planning Inspectorate's website and the Council's website.

Yours sincerely

Melanie Beech
Principal Planning Officer



APPENDIX 2 – APPEAL DECISION 2022

Appeal Decision

Site visit made on 1 March 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/X0415/W/21/3278072

St Leonard's Church Hall, Glebe Way, Chesham Bois HP6 5ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by St Leonard's Parochial Church Council against the decision of Buckinghamshire Council.
 - The application Ref PL/20/0401/FA, dated 31 January 2020, was refused by notice dated 15 January 2021.
 - The development proposed was originally described as redevelopment of the site to create a new multifunctional parish centre, a church led cafe, purpose built day nursery, replacement rectory, additional staff dwelling (keepers cottage) and associated parking and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal, Natural England issued new advice regarding significant recreational pressure upon Chilterns Beechwoods Special Area of Conservation (SAC) and that there could be implications for new housing within the 12.6km zone of influence. The 12.6km zone of influence includes land within Buckinghamshire Council (Aylesbury Vale and Chilterns Districts) and the site subject to this appeal. Parties were given an opportunity to comment on any potential implications and the matter has been treated as a main issue under the appeal.
3. The appellant identified a potential oversight in notifying the parish council. However, it is not clear whether this is in reference to informal notification and consultation conducted by the appellant or otherwise. Whatever the case may be, I have no reason to question whether the parish council have been formally notified of the original application or the appeal. Indeed, they have engaged fully throughout and have not been prejudiced during any of the proceedings.
4. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to give special regard to the desirability of preserving listed buildings and their setting pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. Notwithstanding the wording in the reasons for refusal, these statutory requirements have helped determine the main issues.
5. Parties were given an opportunity to comment on the revised National Planning Policy Framework (the Framework), and any comments pertinent to the appeal have been considered accordingly.

Main Issues

6. The main issues are the effect of the proposal on the:
- (a) integrity of Chilterns Beechwoods SAC;
 - (b) character and appearance of the area, including Chesham Bois Conservation Area and the setting of The Old Rectory and stables;
 - (c) living conditions of neighbouring occupiers; and
 - (d) highway safety.

Reasons

Chilterns Beechwoods SAC

7. The site is within Chilterns Beechwoods SAC's 12.6km zone of influence. Advice from Natural England¹ is clear in that net increases in residential development in the zone of influence would result in likely significant effects on the SAC. This is due to the fact that recreational impacts cannot be ruled out. Whilst I recognise the appellant's point that the site is towards the outer limits, it is still captured by the zone of influence and considerations relating to recreational impacts are still relevant to the proposal.
8. I am also mindful that the zone of influence has been drawn to capture the site despite the potential presence of other recreational opportunities elsewhere. Indeed, it may well be the case that future residents would utilise other recreational opportunities nearby, but there is no evidence to suggest that they would utilise these exclusively and avoid Chilterns Beechwoods SAC in its entirety. Therefore, likely significant effects would remain.
9. Consequently, it is clear that an appropriate assessment under the Habitats Regulations is required. In this context, whilst I recognise the difficult timing of the emerging advice from Natural England, there is insufficient evidence submitted in support of the proposal to conclude that its impacts, whether alone or in combination, could be avoided or mitigated² so that the integrity of the SAC would be preserved.
10. Overall, there is insufficient evidence the proposal would preserve the integrity of Chilterns Beechwoods SAC and consequently there would be conflict with Policy CS24 of the Chiltern District Core Strategy 2011, Paragraph 180 of the Framework, and the Habitats Regulations.

Character and Appearance

11. The site is on land at the eastern end of Chesham Bois Common and sits within an extensive area of woodland with mature boundary features. Consequently, the site is heavily screened from public view. This also means that the site is visually distinct from the surrounding residential development along North Road³, Bois Lane and South Road, which fronts onto Chesham Bois Common. Whilst there are some limited views of the existing buildings when looking towards the site from North Road, the general impression is still one of a heavily wooded appearance.

¹ in their capacity as the statutory nature conservation body under the Habitats Regulations

² such as contributions to strategic mitigation and secured by planning obligation

³ Areas of which are designated as an Established Residential Area of Special Character

12. The existing parish centre occupies the northern part of the site and comprises a two storey building with facilities including offices for the parish council and parish church and space for a nursery and other community activities. There is a modest car park serving the parish centre and this is accessed off Glebe Way. The wide range of facilities on offer at the site means that activity levels would be noticeable throughout each day and evening of the week. Consequently, there is an established baseline of activity involving the comings and goings of people and vehicles, associated lighting and noise, altogether contributing to a character that is not of rural tranquillity.
13. The existing rectory occupies the southern part of the site and comprises a two storey building and is in mixed use with a residential element and business element associated with the parish church. It is separated from the parish centre by established boundary features and benefits from its own access off of Glebe Way. An extensive garden area occupies the southern and western parts of the site and generates an appreciable degree of openness, albeit this is not perceptible from public land due to intervening screening.
14. Chesham Bois Conservation Area includes the site within its boundaries. Among other things, the conservation area derives some of its heritage significance⁴ from the common, attractive woodland areas, fields, trees, and hedges; all of which in combination give rise to a feeling of rural tranquillity across much of the conservation area. In addition, the conservation area also derives some of its heritage significance from the pleasing contrast between dense groups of small late 19th century terraced and semi-detached cottages and the larger detached houses which stand in substantial plots.
15. Whilst the site may make a modest contribution to the setting of buildings within the conservation area through its wooded appearance, it is clear that it cannot be regarded as contributing to the feeling of rural tranquillity. This is because the existing baseline of activity creates a character with greater degrees of vibrance.
16. It could be argued that some of the existing buildings provide neo arts & crafts design of reasonable quality, but they do not make an appreciable contribution to the special architectural interest of the conservation area. This assessment is reinforced by the fact that views into the site are heavily screened, and the buildings cannot be fully appreciated as part of the conservation area as a whole.
17. Grade II listed buildings of the Old Rectory and associated stables are located directly to the north west of the site and the majority of their heritage significance is derived from their special architectural interest. Mature boundary features separate the site and screen the majority of the Old Rectory and stables from view. Consequently, the architectural aspects of these buildings are mostly appreciated from within the grounds of the Old Rectory itself or from North Road. Historically, the Old Rectory included land⁵ that has since been ceded to the existing rectory and due to the presence of mature boundary features the historical association is not readily identifiable. Altogether, the site makes a limited contribution to the appearance of the listed buildings' setting.

⁴ Chesham Bois Conservation Area Appraisal 1995

⁵ Known as Glebe Land

18. In relation to the character of the listed buildings' setting, the situation is very similar to that already described in my assessment of the site's role as part of the conservation area, in that the character of the site is not one of rural tranquillity but one of appreciable vibrance and activity.
19. All of the existing buildings on the site would be demolished under the proposal. However, these are of limited architectural interest and heavily screened from public view so their loss would not be harmful in the round. Furthermore, the design of the buildings proposed would be of greater architectural interest and this would enhance the built form at the site.
20. The new parish centre is the largest building being delivered under the proposal. Whilst the size of the building's footprint is appreciable in extent, the height and roof profile of the building has been carefully designed into a draped canopy. This provides a more natural form and, alongside the use of sensitive materials and extensive glazing creating views through the building, would ensure it assimilates with the wooded appearance of the site and would not give rise to a sense of dominance or intrusion from adjacent public land.
21. I am also mindful of the consultation response provided by the Council's Principal Conservation & Listed Buildings Officer, where it is set out that the new building would contain a pleasing mixture of rectangular forms and where the planar timber clad walls would be relieved above by a sinuous and undulating monolithic low pitched roof form, covered in a living sedum and green roof material.
22. Notwithstanding the Council's argument that the size and form of the parish centre would not respond to the local area, in my view, the appearance of the building would better reflect the site's wooded context in comparison to the existing parish centre which, although representative of the century within which it was built, does not respond to the surrounding environment in the same way.
23. The building would take on a more contemporary appearance and depart from the traditional building designs that are apparent throughout the conservation area, but I am satisfied that the quality of design and the role of the building as a central component of the community, would deliver a high quality of design that embraces the woodland setting.
24. Indeed, guidance⁶ sets out that there is a place for contemporary and innovative architecture or more interesting designs which demonstrate adherence to the basic principle of being in harmony with their site and the surrounding buildings and countryside. Therefore, and altogether, it is reasonable to conclude that the new parish centre would enhance the conservation area's built form.
25. The other buildings proposed are much smaller by comparison and through the use of sensitive materials would generally be inconspicuous within the landscape, as would any associated paraphernalia, especially in the context of the mature boundary features of the site, whilst any views into the site through access points would be limited and fleeting.

⁶ 3.31 of Chilterns Buildings Design Guide 2010

26. Furthermore, the size of the site allows for generous set-backs and separation between buildings, which in conjunction with landscaping, helps maintain a degree of openness without giving rise to a feeling of overdevelopment.
27. Whilst I acknowledge that the new rectory would be sited close to the boundary with North Road I am satisfied that no harm would arise. This is based on the photomontages provided, where it is clear that the visual prominence of the new rectory would be similar to the existing parish centre and mitigated by additional tree planting. Furthermore, although the Council make contentions about a building line, the sporadic nature of buildings along this side of North Road means that an established building line is not readily apparent and therefore one cannot be breached.
28. The proposal would increase the car parking provision at the site. However, it is clear from the evidence before me that there are opportunities to restrict the use of tarmac and white line painting and secure an appropriate surface treatment that is more in keeping with the appearance of the conservation area. For example, securing the use of paving and other materials with greater heritage aesthetic, along with intervening landscaping, would help the larger car park better assimilate into the wooded context.
29. The car park would extend westwards in parallel with The Old Rectory and stables. However, the lack of direct association and screening provided by the mature boundary treatments on this part of the site would mitigate any harm to the setting of these listed buildings.
30. I note the Council's argument regarding light spillage from the larger glazed areas and light and noise would be generated by people and vehicles making use of the proposal's facilities. I am mindful that there is already a baseline of activity and therefore the site is not one of rural tranquillity. Consequently, the potential for harm to the character of the immediate area is significantly reduced. Furthermore, conditions can secure measures to help mitigate potential disturbance by controlling operating hours, noise, and lighting within the grounds and from within the buildings themselves.
31. Whilst the buildings generally preserve and enhance the character and appearance of the conservation area in their own right and in the existing context of the site, I am mindful of the fact that in broad terms the proposal is also supported by a robust landscaping scheme. This would reinforce the woodland appearance of the site and provide additional screening of the proposed buildings, from public land and from the grounds of the Old Rectory.
32. Altogether, the proposal would preserve and enhance the wooded appearance of the site without harming the rural tranquillity and character of the wider conservation area or the setting of the listed buildings adjacent. Furthermore, the loss of existing buildings on site, which make a limited contribution to the conservation area, would not be harmful, and the new parish centre would make a positive contribution to the conservation area.

33. Overall, the proposal would preserve and enhance the character and appearance of the area, including Chesham Bois Conservation Area and the setting of The Old Rectory and stables. In this context, an absence of harm means that an assessment against the public benefits is not required in this case. Accordingly, the proposal would not conflict with Policies GC1, CA1, CA2 and CSF1 of the Chiltern District Local Plan 1997 or Policies CS20 and CS29 of the Chiltern District Core Strategy 2011.
34. Among other things, these development plan policies reflect the statutory duties set out within Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require decision makers to give special regard to the desirability of preserving listed buildings and their setting and pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas, something I have given considerable importance and weight in my assessment.

Living Conditions

35. The Old Rectory is a large dwelling on a substantial plot with mature boundary features along its eastern boundary, which provide effective screening from the site. The Old Rectory has a large rear garden area, creating a setback which, in conjunction with mature boundary features along its southern boundary, provides effective screening from the existing rectory's garden area. Consequently, whilst there are glimpses through the mature boundary features along the southern boundary, the outlook of occupiers at the Old Rectory is largely self-contained.
36. It has already been established that the baseline of activity at the site does not give rise to a feeling of rural tranquillity. Consequently, the potential for disturbance, including from lighting and noise generated by the movement of people and vehicles already exists to some degree. In practice, much of this potential disturbance is already mitigated by the mature boundary features surrounding the Old Rectory.
37. Indeed, the existing movement of people and vehicles is in very close proximity to the eastern boundary of the Old Rectory, and no significant reports of complaints regarding this current relationship have been referred to in the evidence before me.
38. The proposal would deliver new buildings of a similar multifunctional use. Consequently, the activities and movement of people and vehicles would be of a similar nature. The new parish centre would be set back from the Old Rectory's eastern boundary and the majority of activity would be concentrated further away as a result, representing an improvement over the siting of the existing parish centre.
39. The car park would be adjacent to the eastern and southern boundaries of the Old Rectory. However, robust landscaping proposals would eliminate glimpses through existing mature boundary features, which in conjunction with hard landscaping such as fences and gabion walls would be effective in mitigating potential disturbance caused by vehicle headlights, among other things.

40. The car park would also be larger, but the majority of additional spaces would be set back to the south of the site. Consequently, in a similar scenario to the revised siting of the new parish centre, the majority of activity would be further away as a result and potential sources of disturbance such as the opening and closing of vehicle doors and vehicle manoeuvring would be limited by distance, intervening mature boundary features and hard landscaping.
41. Altogether, the existing baseline of activity at the site, in conjunction with sensitive siting and enhanced landscaping, would help control the effects of any modest intensification of the use. Furthermore, I am mindful that conditions can provide additional mitigation. For example, by controlling operating hours, noise, static lighting direction and intensity.
42. Overall, the proposal would not harm the living conditions of neighbouring occupiers and would not conflict with Policy GC3 of the Chiltern District Local Plan 1997.

Highway Safety

43. The existing parish centre access off of Glebe Way is only wide enough for a single vehicle. However, there is no evidence that the access does not safely accommodate the intensity of traffic generated by the existing use. For example, there is no evidence of accidents, indiscriminate parking along Glebe Way, or other such data to indicate that the existing access arrangements are unsafe.
44. Intensity of traffic would increase under the proposal. However, it is clear from the evidence before me that the existing access is to be widened so that two vehicles would be able to pass safely, whilst trip generation data suggests there is sufficient capacity on the highway network and parking provision on site to accommodate the additional vehicle movements. A travel plan could also be secured by condition to provide additional mitigation and encourage a shift to more sustainable forms of transportation.
45. The proposal's visibility splays could be achieved in perpetuity in accordance with Manual for Streets. These could be secured by Grampian style condition, and I am satisfied that there is a process to seek permission to undertake works on common land in order to overcome potential barriers to implementation and allow the condition to be complied with within the time limit of any planning permission.
46. The secondary access to the site which currently serves the existing rectory has limited movements. Consequently, whilst it would close to vehicles under the proposal, benefits relating to the reduction of vehicle conflicts and highway safety improvements would also be limited.
47. Overall, the proposal would not harm highway safety and would not conflict with Policy TR2 of the Chiltern District Local Plan 1997 or Policy CS26 of the Chiltern District Core Strategy 2011.

Other Matters

48. A significant number of interested parties made representations in response to the original application and to this appeal. Generally speaking, many of the matters raised relate to the main issues dealt with earlier in the decision. I comment below on other matters raised.

49. There is no evidence before me that community dissatisfaction in and of itself would make the proposal unviable or that this should be a factor weighed in the balance in this particular case.
50. The proposal is supported by an energy statement, among other things, and I am satisfied that those matters relating to climate change have been adequately addressed.
51. Whilst the wider common may be accessible to the public, and provides valuable open space in this context, it is clear that the site is private land without public access benefits.
52. Thames Valley Police made representations on design safety but there is no evidence that the area suffers from higher crime rates. Furthermore, there is a clear strategy for separating publicly accessible areas and those which can be kept private and secure.
53. On 9 November 2021, the Environment Act 2021 (c. 30) (the Act) received Royal Assent. The purpose of the Act is to make provision for targets, plans and policies with the intention of improving the natural environment, including provisions for a mandatory biodiversity net gain objective.
54. The objective is met when the biodiversity value attributed to the development exceeds the pre-development value of the onsite habitat by at least 10%.
55. However, it is clear that the Act is primary legislation and provisions relating to this objective require secondary legislation before coming into force and, in any event, biodiversity enhancements could be secured by condition.

Conclusion

56. Whilst the proposal would preserve and enhance the character and appearance of the area including Chesham Bois Conservation Area and the setting of The Old Rectory and stables and would also be acceptable in relation to living conditions and highway safety, there is insufficient evidence to conclude that it would preserve the integrity of the Chilterns Beechwoods SAC.
57. Given the international importance of these sites, harm in relation to such matters carries overriding weight under the appeal. As such, the proposal would conflict with the development plan as a whole. Furthermore, the Framework and the Habitats Regulations are clear that planning permission must not be granted given the circumstances that are present in this case and the appeal must be dismissed.

Liam Page

INSPECTOR



APPENDIX 3 – PREVIOUS SUBMISSIONS ON BEHALF OF THE GROUP BY CARTER PLANNING

Our Ref : MC1646/23

Date : 31st January 2023

The Head of Planning
Planning Department
Chiltern District Council
King George V Road
Amersham
Buckinghamshire
HP6 5AW

Carter Planning Limited
85 Alma Road
Windsor
Berkshire SL4 3EX

Tel:
Fax:
Email:
Web:

FAO Melanie Beech

By e-mail.

Dear Sirs,

Re: Planning Application Ref :PL/22/4074/FA

"Redevelopment of the site to create a new multifunctional Parish Centre with cafe, day nursery building, replacement rectory with detached garage, 2 outbuildings to provide prayer room and substation/bin and bicycle store, associated parking and landscaping etc"

The St Leonards Centre, Glebe Way, Chesham Bois, Buckinghamshire, HP6 5ND

As you know we represent 'Protect Chesham Bois Common and Surrounding Area Action Group'. This Group has 120 individuals/households in Chesham Bois and the surrounding roads in Amersham communicating by email and some 200 followers engaged on Facebook.

On behalf of the Group we submitted representations in respect of a similar development on this site dated 23rd March 2020 and also on 25th May 2020, and also to amendments that were made to that previous application in December 2021.

We are aware of the Inspector's appeal decision dated 29th April 2022 which dismissed the earlier scheme on this site.

We should also point out that a large number of our Members have submitted their individual representations and wish these to be considered as submitted. Our Members are concerned that the application appears to have been registered on the basis of much of the previous information supplied even though the proposal is different, and also to the fact that the documents and plans on your website are being updated irregularly which makes it difficult to establish our position. We explore this further below.

Nevertheless this letter can be taken as a formal objection on behalf of the Group to the above, latest, proposals on the various grounds set out below.

1. The Application

The previous application was for Planning Permission **and** an Application for Conservation Area Consent for Demolition (Ref:PL/20/0401/FA). This current application is **not** for Conservation Area Consent for demolition. That application for demolition should be made and considered at the same time as the planning application to enable those aspects to be considered as a whole (as they were with the previous dismissed appeal scheme).

As a result it is not clear whether the proposal has been advertised as a statutory requirement because of the significant effects on the Conservation Area. You will recall that the previous application was advertised but the significant amendments that were made subsequently were not.

2. Chilterns Beechwoods SAC

As you know the site is within Chilterns Beechwoods SAC's 12.6km zone of influence. This was the principal reason for dismissing the 2022 appeal.

Advice from Natural England is clear in that net increases in pressure in the zone of influence would result in likely significant effects on the SAC. The site is captured by the zone of influence and considerations relating to recreational impacts are relevant to the proposal.

The zone of influence has been drawn to capture the site and there is no evidence to suggest that persons drawn to the area would utilise other sites exclusively and avoid Chilterns Beechwoods SAC in its entirety. Therefore, likely significant effects would remain.

As the Inspector concluded *"Consequently, it is clear that an appropriate assessment under the Habitats Regulations is required. In this context, whilst I recognise the difficult timing of the emerging advice from Natural England, there is insufficient evidence submitted in support of the proposal to conclude that its impacts, whether alone or in combination, could be avoided or mitigated so that the integrity of the SAC would be preserved"*.

In dismissing the appeal the Inspector concluded:-

"10. Overall, there is insufficient evidence the proposal would preserve the integrity of Chilterns Beechwoods SAC and consequently there would be conflict with Policy CS24 of the Chiltern District Core Strategy 2011, Paragraph 180 of the Framework, and the Habitats Regulations".

That conclusion remains relevant.

Firstly the proposal would have "significant effects" under the Habitats Regulations because of the size and combination of elements, hall for worship, café, offices etc.

Your own document "Chiltern Beechwoods Special Area of Conservation from November 2022 is a new material consideration adopted since the appeal was decided.

The Council will carry out screening to decide whether there will be additional pressure on the Special Area of Conservation.

We would conclude that it does. This is an application for full planning permission. In principle this is not a local facility and it includes a hall for worship, and café etc. Your document makes it clear that "other" development which includes cafes as an example "depending on their scale and location could lead to a significant impact on the Special Area of Conservation". See Section 6 therein

The comments by your Ecology Officer, Agni-Louiza Arampoglou, dated 5th January 2023 are erroneous as they only address residential development. Your own Policy makes it clear that is an incorrect approach.

Secondly we are not aware that any mitigation has been submitted or agreed with the Council.

Indeed this would not seem possible at the present time since your document Chiltern Beechwoods Special Area of Conservation from November 2022 states that Gateway or Suitable Alternative Natural Greenspace is not available. Also the planning application form states that there have not been any discussions with the Council since the previous appeal was dismissed.

In conclusion the proposal has significant effects and there is insufficient evidence the proposal would preserve the integrity of Chilterns Beechwoods SAC and consequently there would be conflict with Policy CS24 of the Chiltern District Core Strategy 2011, Paragraph 180 of the Framework, and the Habitats Regulations.

3a. Access to the site - Ownership

The Appellants are seeking to widen the access and create sight lines on Common Land which is outside their control. The exact extent of the Common Land is shown on the tracking diagrams attached to this objection as hatched markings.

The red line plan remains as previously submitted with the red line including the widened access but not including the visibility sight lines.

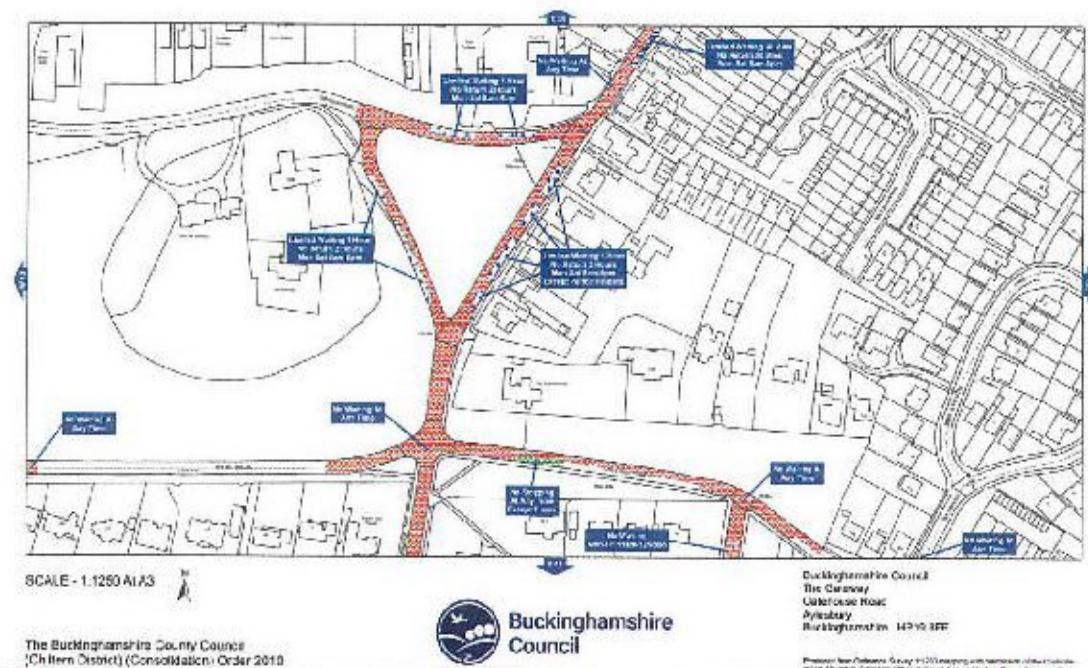
The Applicants previously made an application to the Commons Team at PINS under the Commons Act 2006, the National Trust Act 1971 and the Greater London Parks and Open Spaces Order 1967 to widen the access, a proposal to which we objected on behalf of the Group on 11th December 2020.

That Commons Act application was withdrawn on 25th February 2021 and therefore the Applicants cannot guarantee suitable, safe, access for the development.

3b. Access to the site – Technical Matters

This aspect is especially important as the access appears to be being widened on land outside the Applicants ownership as specified by the red line. You will recall that, with the previous application, the application points were not included within the red line

The application and access drawings still clearly show the access points to be outside the ownership and control of the Applicants which has implications for the sight lines and proposed access widening neither of which appear practical and therefore represent a highway danger. Again, see the tracking plans attached to this objection.



This confirms that the development is wholly reliant upon an access that may not be capable of being delivered in whole or in part.

Watermans appear also to accept the point made by Buckinghamshire Council that the development cannot take place without securing the visibility splays.

The Applicants will have to convince the Secretary of State on such matters as:

- How will the works help to protect, maintain or improve the common, having regard to all the interests in it?
- What options has the Applicant considered for achieving their aims, and why did they decide on this one?
- Were any options involving less (or no) works on common land considered? Why were these rejected, etc?

The Applicants will also have to consult commoners and other interested parties.

There can be no guarantee that the Secretary of State (SoS) will grant consent.

Section 39 of the Commons Act 2006 requires the SoS to have regard to :-

"(a) the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);

(b) the interests of the neighbourhood;

(c) the public interest;

(d) any other matter considered to be relevant.

(2) The reference in subsection (1)(c) to the public interest includes the public interest in—

(a) nature conservation;

(b) the conservation of the landscape;

(c) the protection of public rights of access to any area of land; and

(d) the protection of archaeological remains and features of historic interest".

You will recall that an application was made on 23rd December 2002 to extend the parking spaces that Guico's restaurant had formed, without consent, on the common opposite their premises. Application No 2002/2277/CH refers. Notwithstanding your Legal Officer's advice planning permission was granted on the 7th February 2003 with an informative note that suggested that the consent of the Secretary of State should be sought because the development affected registered Common Land. The Secretary of State decided that an inquiry was not necessary but these matters would be decided by an Inspector. The Inspector decided that the development was unacceptable demonstrating how important this aspect is to the planning application.

In addition to the access and sight lines ownership issue the proposed vehicular access does not work.

Your Waste Development Officer on 29 December 2022 stated:-

"I have looked at the plans and due consideration has been given to waste management and container provision aspects of the proposal. Waste collection point indicated on plans on and appropriate vehicular access".

However the access for refuse vehicles simply does not work and allow them to access the site. Even if the access is widened to 6 metres the tracking diagrams provided by Watermans in the Appendices to their document shows that a refuse vehicle cannot enter the site. This is because of the parking bays delineated in Glebe

Way. A refuse vehicle would need to be on the off side but cannot swing into the access.

Attached to this objection are our tracking plans which illustrate the difficulties of a refuse vehicle or other commercial vehicle entering this site. Whether the vehicle comes from the south or north on Glebe Way, or leaves in either direction this cannot be done without interference with cars or other vehicles entering or leaving the site or vehicles on the carriageway, because of the parked cars on Glebe Way or the road junction to the north. This aspect is further complicated by the Common Land land ownership which is also shown and the vegetation on either side of the access or across Glebe Way. This may have to be cut back but is outside the Applicants control.

The servicing provision has been improved and the swept path diagrams provided indicate how a 10.32m refuse vehicle will be able to turn within the parking layout. However, the turning area is remote from the bin storage area for the main building and there is a risk that collection operatives could consider it more convenient to reverse back out of the site onto Glebe Way (assuming they could enter the site).

No provision has been made for a delivery vehicle to stand clear of the access route and parking areas. This could result in delay and possibly congestion within the site when a delivery vehicle is stopped on the internal carriageway.

The servicing of the site will still be inadequate and substandard leading to highway congestion and dangers and would be contrary to the NPPF, to Core Strategy Policy CS26 and Local Plan Policy GC1.

The proposed access will struggle to provide suitable and sensible visibility splay arrangements as drawn. This will be impossible if the ownership of the proposed access widening lies outside the ownership of the Applicant. The proposed widened access is located close to the junction with North Road and this should be justified through an independent Stage 1 Road Safety Audit which should also consider the safety of vulnerable road users (principally pedestrians) that will be accessing the site as the TS emphasises that a high proportion of visitors will be pedestrians.

Until those requirements are met adequate, safe access cannot be provided to the site contrary to the adopted policies set out above.

4. Traffic Generation

The Watermans Report concentrates on the likely impact of the development will be more apparent during the typical morning and evening weekday peak hours. For the usual residential and employment generating land uses this statement is correct but the primary use of the development is as a place of worship whose most concentrated impact (in terms of traffic generation and car parking demand) will be on a weekend. It is fundamental that a detailed assessment of traffic impact and car parking demand is undertaken for a Sunday.

Previously the Applicants suggested that was no requirement to include the traffic generation from the café. This has now been included. The café is stated to be ancillary but this cannot be controlled and the TRICS figures are based on it being a separate use. The TRICS data identifies that the proposed café will generate up to

14 traffic movements in the PM peak period and this is unlikely to make a material difference to the overall "peak hour" traffic impact conclusions. This point is accepted but the TRICS data does show that the café will generate movements throughout the day with up to 113 movements predicted. This has implications for the Chiltern Beechwoods SAC.

Paragraph 111 of the NPPF i.e. that a development should not have an unacceptable impact on highway safety or that the residual cumulative impact should not be severe. The Waterman Report is silent on these tests. It is likely that the peak hour impact of the development as modelled using the TRICS data will not have a severe impact on the main road network however the impact on the immediate road network, particularly on a Sunday in terms of a concentration of vehicle activity before and after services and on parking conditions has not been properly assessed and could amount to an unacceptable impact on highway safety and a severe impact on road conditions.

The traffic generation data that has been provided for the "places of worship" land use for weekdays and Sundays is wholly unreliable. It is accepted that the use of TRICS to assess traffic generation is the industry-standard approach. However, the onus is on the practitioner to ensure that the data available are appropriate to the given circumstances and reflect what is likely to happen in traffic terms. For example, the TRICS data for Sunday morning suggests that the proposed 275 person hall for worship, would generate 38 traffic movements (2-way) at the peak hour between 0900 and 1000hrs. This becomes translated into the parking accumulation set out in Table 16. The data also suggest that there could be 2 "peaks" of 0900 – 1000 and 1000 – 1100hrs which is very unlikely as the majority of churches have a single mid-morning service. If the data are reliable then the service at the proposed centre (assuming a full congregation of 275 persons) would require a car occupancy of over 7 persons per vehicle or an exceptionally high degree of worshippers arriving by non-car modes. Given the lack of public transport on a Sunday and the low density of development in the vicinity, this is very unlikely. It is clear from a consideration of the 8 sites contained in the TRICS data that most of the places of worship that have been surveyed are in town centre or "edge of town centre" locations or areas where there is high residential development where there is a higher chance of persons using public transport or walking to a service. Several of the sites are in areas where there is available on-street parking which would accommodate parking demand if there wasn't adequate parking within the grounds of the hall for worship etc and which would mean that the traffic movements that were surveyed might not have included traffic that was generated by the hall for worship, but not at the site access (thereby suppressing the traffic generation rate).

Clearly, network traffic flows will be lower at the weekend but the actual traffic generation (in total and peaks) from the development could be significant from Church services and other activities (weddings/social events in either the Parish room or adjoining hall).

Further information is required in order to allow a proper assessment to be undertaken. This information should include details of existing traffic flows on the adjoining roads so that the development traffic can be set in context.

In the absence of adequate information it is concluded that the potential traffic generation will have an adverse impact on local roads and highway safety contrary to the advice in the NPPF and the specific requirements of Core Strategy Policy CS26 and Local Plan Policy TR2.

5. Parking

The Proposed Development will comprise the following elements split across the site:

A new Parish Centre with 1,035m² of floorspace over 2 storeys with 740.5m² being the total public area;

60m² of office (B1) usage which is composed of parish council offices and church offices;

A 134m² pre-school;

Replacement Rectory residential property; and

136m² café space in the entrance space of the Parish Centre.

The Transport Statement (TS) is as previously submitted. This does not reference the BCC Parking Guidance – September 2015. Currently, CDC has not adopted the BCC Parking Guidance and so the adopted parking standards are those within the 1997 Local Plan. The now withdrawn Draft Local Plan appeared to generally introduce BCC standards.

The Travel Survey conclusion states on page 39 :

“Extra car park capacity will be required as part of the development in order to prevent excessive parking off site. Given the expansion of the site and the aims to prevent on street parking, 114 parking spaces is sufficient to meet the likely peak demand. Particularly as some modal shift to more sustainable methods of travel is achievable.”

Parking requirements are:

Use	@ CDC standard	@ BCC standard
Replacement House	2	2
Parish hall	148	93
Office	5	3
Pre-school	2	5
cafe	34	14
TOTAL	191	117+

The BCC pre-school standard relates to the number of staff which is not stated in the TS.

The proposals have a shortfall over the CDC standards). The argument being put forward is that the CDC standards are very out of date and there is likely to be linked visits between the different uses. The date of the CDC standards is irrelevant and is overtaken by the advent of the BCC standards in 2015. The TS has chosen not to include the BCC standards which would provide a more favourable argument for the proposals. It is accepted that could be some overlap between the various uses and the peak times of parking demand will vary for each use as well, but this cannot be

controlled through the planning process unless distinct times of operation are stipulated within conditions (which then becomes an enforcement matter).

The claim in paragraph 6.10 that 63% of visitors will arrive as pedestrians is wholly unrealistic. It is based on a survey of current visitors and does not relate to the proposed development. The suggested peak usages shown in Figure 6.1 has no justification but it does demonstrate that the scale of the proposals open up the possibility (probability) of multiple users being on-site at any time.

The suggestion that a congregation of 150 persons will result in 50 cars is wholly unjustified. The parking standards and policies require that developments must not result in a detrimental impact to on street parking and highway safety (& amenities of local residents). As such, the parking provision must consider the likely worst case (other than one-off instances) and the provision of 117 spaces for a Sunday congregation of 150 persons will not ensure that overspill parking does not take place on nearby roads.

A questionnaire handed out on the public consultation meeting asking how people travelled to the meeting indicated 63% travelled by foot. However, the population that attended this meeting were local residents from the surrounding roads, not the same group of people that would be attending large meetings in the main hall and so this is not a representative sample and the conclusions are invalid. Many of the current church congregation come from outside the parish and travel by car. A survey was done of only 42 people attending the Beacon, parish centre and the church and 67% came by car (23 % travelling alone by car). This is already a large percentage, but it will be higher than this if people are coming from outside the area to fill a 275 seated hall.

Furthermore given that parking will be needed for a hall of this size, the conclusion should therefore be that the development itself must be smaller, in order that parking does not dominate the site in this sensitive Conservation Area, not that the Applicants should just reduce parking. The obvious effect of this will be more cars on adjacent roads causing local roads to be single lane, resulting in congestion, highway danger and increased pollution to the local roads.

It must be concluded that the proposed parking is inadequate for the quantum of development proposed. The site is not in a sustainable location. The result will be considerable on street parking in an area which is already under pressure to the detriment of highway safety. These matters are contrary to the adopted parking standards and to the NPPF and policies RTR11 and TR16 in the adopted Local Plan.

6. Character of the Area

The Inspector based his consideration of the character of the area on a brief and inadequate assessment of the locality. The appeal was conducted on the exchange of written statements rather than a hearing or inquiry to enable full examination of this aspect to take place. Indeed unusually the Inspector refers to this on many occasions in his decision letter:-

"Para 12..... "The wide range of facilities on offer at the site means that activity levels would be noticeable throughout each day and evening of the week. Consequently, there is an established baseline of activity involving the comings and goings of people and vehicles, associated lighting and noise, altogether contributing to a character that is not of rural tranquillity.

15. Whilst the site may make a modest contribution to the setting of buildings within the conservation area through its wooded appearance, it is clear that it cannot be regarded as contributing to the feeling of rural tranquillity. This is because the existing baseline of activity creates a character with greater degrees of vibrance.

18. In relation to the character of the listed buildings' setting, the situation is very similar to that already described in my assessment of the site's role as part of the conservation area, in that the character of the site is not one of rural tranquillity but one of appreciable vibrance and activity.

30. I note the Council's argument regarding light spillage from the larger glazed areas and light and noise would be generated by people and vehicles making use of the proposal's facilities. I am mindful that there is already a baseline of activity and therefore the site is not one of rural tranquillity.

32. Altogether, the proposal would preserve and enhance the wooded appearance of the site without harming the rural tranquillity and character of the wider conservation area or the setting of the listed buildings adjacent.

36. It has already been established that the baseline of activity at the site does not give rise to a feeling of rural tranquillity.

41. Altogether, the existing baseline of activity at the site, in conjunction with sensitive siting and enhanced landscaping, would help control the effects of any modest intensification of the use.

38. The proposal would deliver new buildings of a similar multifunctional use. Consequently, the activities and movement of people and vehicles would be of a similar nature".

In reality the Inspector spent about two hours at the site on a Monday. The site visit was conducted on Monday 1st March 2022 in the late morning. At that time the Rectory was occupied, the Parish Office was open and the play group was operating. A number of parents of the play group and visitors walk to the site. In relative terms this was not busy.

In contrast the level of activity proposed is very different. The development would operate seven days a week from 8am until 11 pm. It will provide a hall for worship,

and café which will serve a wide area (as the addresses on the letters from supporters demonstrate) and the floor area/traffic generation figures indicate that at least 117 cars need to be parked.

Para 4.2.3 of the Planning Statement states that *"The intention is also to expand the building for non-church activities during the week and also on Saturdays for the Chesham Bois community."* It is this aspect that particularly concerns local residents. This is a large scale commercial proposal in a quiet semi rural part of the Conservation Area not an urban town centre site for which there is simply no demand or need in a settlement such as Chesham Bois.

If the existing and proposed activity are fully assessed it must be concluded that the existing baseline activity is minimal but that what is proposed is excessive for a semi rural Conservation Area adjoined by narrow roads and houses.

The scheme is still dominated by car parking in sensitive location in the Conservation Area. A replacement parish centre is acceptable to all parties but this scheme goes way beyond that and proposes a large scale commercial development with very different effects from the existing.

7. The appearance of the site

Residents are concerned that the photographic information and street views supplied shows the site when the trees are in full leaf. Since the trees are deciduous the appearance of the site in winter is very different and more open than portrayed by the submitted documents or as seen by the Inspector.

Residents are also concerned that the submitted photomontages may be misleading as they portray buildings further from the road and lower than may actually be the case.

The original Heritage Assessment by Cotswold Archaeology was deficient in a number of ways and promulgated on the fact that the development could not be seen. A conclusion that we have always disputed. The quantum of development and the intensity of use being proposed including the increased parking on undeveloped land and the significantly larger D1 building etc will all have a negative impact on the landscape which cannot be mitigated over time by planting from all the various public views.

8. Pre Application Advice

The application confirms that there have been no further discussions with the Council since the previous appeal was dismissed. This is surprising given the concerns that were expressed by the Inspector.

9. Community Use

The Statement of Community Involvement is the original document dated 21st January 2020.

There has been no further engagement with local residents since that time. In particular there has not been any engagement since the scheme was substantially amended in August 2021 or in connection with the latest scheme.

The previous Inspector commented *"49. There is no evidence before me that community dissatisfaction in and of itself would make the proposal unviable or that this should be a factor weighed in the balance in this particular case"*.

However the Applicants have not demonstrated how this proposal benefits the local community on a balanced assessment (as opposed to the much wider area that the scheme is designed to serve).

10. Biodiversity

On 9 November 2021, the Environment Act 2021 (c. 30) (the Act) received Royal Assent. The purpose of the Act is to make provision for targets, plans and policies with the intention of improving the natural environment, including provisions for a mandatory biodiversity net gain objective. The objective is met when the biodiversity value attributed to the development exceeds the pre-development value of the onsite habitat by at least 10%.

However, the Act is primary legislation and provisions relating to this objective require secondary legislation before coming into force and that is likely to occur before this application is considered later this year. The Council will need to be satisfied that the adverse effects of the development are outweighed by the equivalent biodiversity replacement plus a gain of 10%.

The Council's Ecology Officer Agni, Louiza Arampoglou, requested on 5 January 2023 that a Biodiversity Net Gain Report (to include a copy of the complete Biodiversity Metric 3.1 in excel format and habitat condition assessment of the existing grassland) was required. This has not been supplied.

11. Ecology

a) Bats

The latest Arbtech Report again confirms that bats are still present on the site. Bats are a protected species.

An EPSL application to Natural England will be required to legally permit the proposed works.

The EPSL application requires that surveys have been undertaken within the most recent active bat season (May to September) and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission. The survey effort should include at least one survey between May and June when the detection rate of bat roosts is highest

The Applicants do not appear to have progressed this aspect with Natural England and there is no guarantee that a licence would be granted.

Also the Council's Ecologist is not satisfied with the mitigation proposed and this aspect currently is unacceptable to the Council.

b) Great crested newts

We are again surprised by the cursory nature of the great crested newt survey work especially given that the Preliminary Ecological Survey identified that "There was suitable habitat on site for great crested newts in their terrestrial phase;"

One pond was disregarded from the start so there is no evidence either way in that regard. The second was the subject only of an environmental DNA test and nothing further. Under the guidance from Natural England we would have expected a wider variety of survey methods and more frequent checks, not just one.

The recommendation of Preliminary Ecology Survey appears not to have been followed:-

Great crested newts and their resting places are fully protected under European legislation. There were two ponds within 500m of the site. The nearest pond (1) to site scored "good" and the furthest pond (2) scored "poor" in the HSI assessment. The woodland on site provided suitable terrestrial habitat for great crested newts as well as the wood and brash piles providing potential artificial hibernacula. The woodland on-site connects to the woodland on Chesham Bois Common where the ponds are situated and therefore there is a possibility that newts may commute across the site and use it for hibernation. Further consideration for great crested newts is recommended.

The surface water pond at the rear of the Old Rectory identified by the FRA 6.2 (and that alongside the proposed Hall) has been ignored.

As ponds exist within 300m of the site and were subject to eDNA survey the Newt Officer should be consulted on this application as these are another protected species that could be adversely affected.

In conclusion, in the case of all three protected species (including badger foraging) the Council must consider the likelihood of a Natural England licence being granted and in doing so consider the three tests. The Council will consider the 'Imperative Reasons of over-riding public interest' (IROPI), the 'no satisfactory alternative' and the 'favourable conservation status test'. Council Officer must satisfy themselves that "the action will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range". We do not consider the three tests have been met and insufficient information has been given regarding the provision of new habitats. We do not consider that the requirements of the NPPF and the Core Strategy have been met.

12. Supporting Documents.

As stated above residents are concerned that updates seem to be being made to the Council's website during processing of the application rather than at validation stage.

The Reports that have previously been produced to support the application refer variously to three and to two dwellings, whereas only a replacement dwelling is now proposed (for instance see Noise Report). Those reports have not been updated and still do not appear to address the development proposed.

The Noise Report by RF Environmental has not been updated since December 2019. The proposal is now for a replacement Rectory rather than the three dwellings originally assessed and should be updated accordingly since the effects of noise generation and transmission will be very different.

Similarly and more importantly the Transport Statement by HVJ has also not been updated since December 2019. This is also important since the travel and transportation considerations in the area have changed in the last three years and one would have expected up to date traffic generation and distributions figures to have been provided to enable the impact of the development to be assessed.

The Council need to be satisfied that it has sufficient up to date information to allow this latest application to be adequately assessed.

13. Noise and Disturbance

The Noise Report was based on three houses, is not up to date and has not been updated. Furthermore the Noise Report did not appear to address the noise and disturbance from the Church's commercial activities. No further information has been supplied.

Our greatest concern will be the introduction of cars into the rear of the site where there is no disturbance now. Although the Noise Report refers to activity after 22.00 when car doors, engines starting and manoeuvring can be expected to take place to the detriment of the amenities of the locality and The Old Rectory in particular in fact the rest of the documents state that activities every day of the week will cease at 23.00 so departing vehicles can be expected up to 23.30. This aspect will be made considerably worse by the additional cars to be parked at the rear, enclosing the Old Rectory on two sides with a road on the third.

In the light of the above where it is acknowledged that low sound levels currently prevail under BS8233:2014 and the WHO Guidelines there will be significant impacts on the amenities of The Old Rectory, the locality and the Conservation Area.

The conclusion in 5.21 of the Noise Report now appears untenable

- 5.21 Short-term impact noise, from door slams, of engines revving might be audible, however, it will be for a limited duration and, owing to the expected times restraints imposed on events, it will not lead to sleep disturbance.

The Noise Report is promulgated on a 22.00 close but the application seeks consent for 23.00 close every day of the week.

The proposed development is too large and its attendant activity excessive for the site. The scheme includes a hall, a second hall, various offices, Parish Council rooms, five meeting rooms and a cafe with, now a total of 117 car parking spaces. The scheme would provide unacceptable noise impacts on the Conservation Area and the locality as a whole and The Old Rectory in particular contrary to policies in the NPPF and Core Strategy.

Without Prejudice

Notwithstanding all the above objections, in the event that the Council consider granting planning permission then local residents would like to see conditions imposed along the lines as suggested in the Planning Officer's Report on the dismissed application dated January 2021.

In addition to conditions in respect of landscaping, tree protection, materials, energy conservation, biodiversity etc as previously drafted four conditions are especially important in the light of the above objections namely:-

1. No part of the development shall begin until all of the existing means of accesses into the site have been altered in accordance with the approved plans, and also constructed in accordance with the Buckinghamshire Council guide note "Industrial Vehicular Access Within the Public Highway".

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

2. No part of the development shall begin until visibility splays have been provided on both sides of the vehicular access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access to the south, and towards the Glebe Way/North Road junction to the north. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

3. The parish centre, prayer room and pre-school hereby approved shall only be used between the hours of 8:00 and 22:00 on any day of the week.

Reason: To protect the amenity of future occupants and existing neighbours, in accordance with Policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

4. The new parish centre hereby approved shall be designed to ensure during worship and during recreational events (including private events) the noise rating level measured at the boundary of the site shall not exceed 10 dB(A) below the lowest LA90,1hr day time (Day time 07.00 - 23.00 hours).

Reason: To protect the amenity of future occupants and existing neighbours, in accordance with Policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

Conclusions

Notwithstanding the partially updated information now supplied local residents still believe there is inadequate information on some aspects of which results in material harm.

Because of the failure to address the Beechwoods issue, and taken together with other detailed aspects set out above we must conclude that this application is still not acceptable and any advantages are outweighed by the considerable material harm to interests of acknowledged importance such that permission should be refused. Any benefits of the development are far outweighed by the detrimental effect this scheme will have on the area.

Should you require any further information please contact the undersigned. Please keep us informed of the progress of this application up to the consideration by the Planning Committee.

Yours sincerely,

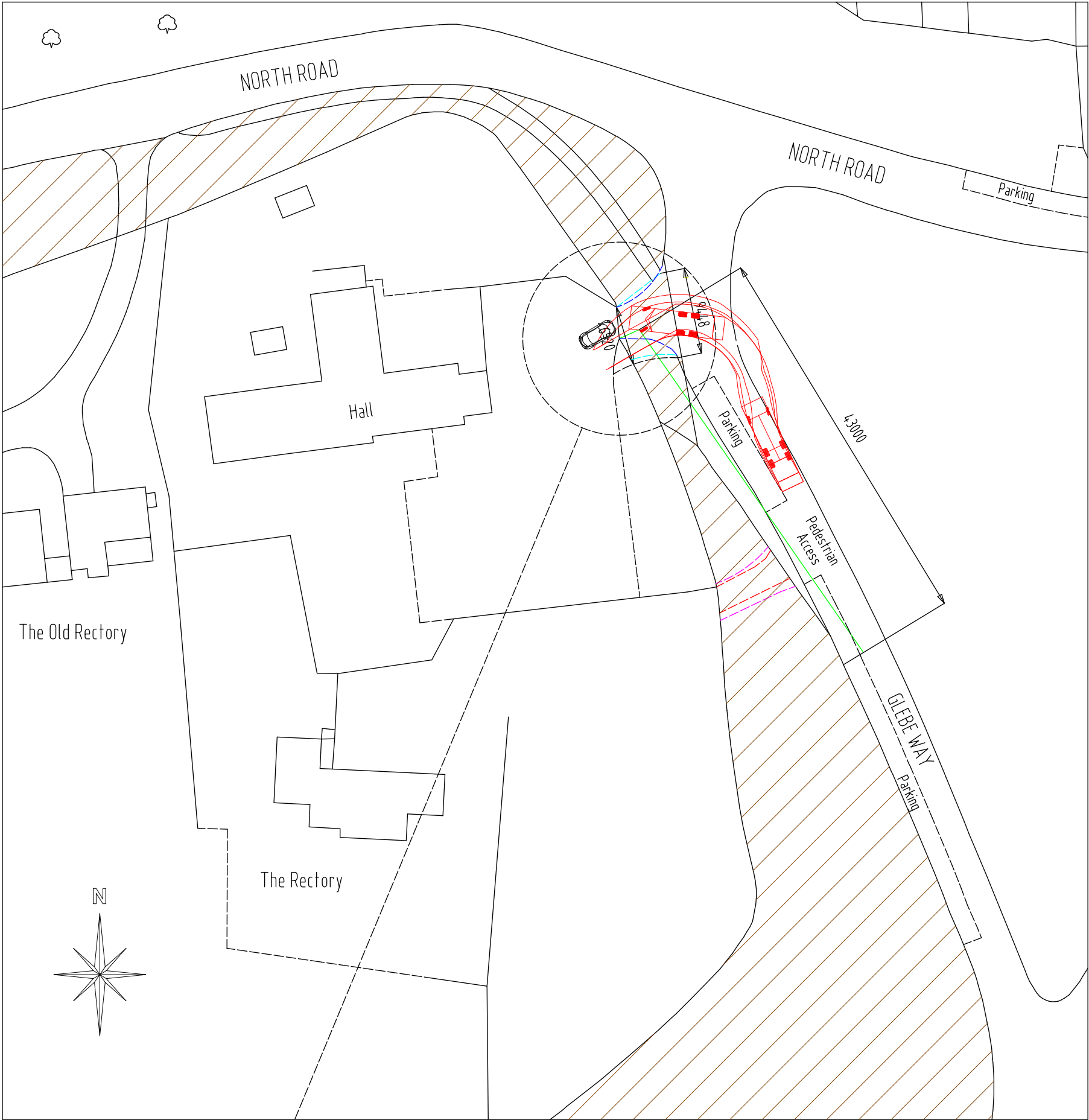


Mark Carter

for Carter Planning Ltd

On behalf of The Protect Chesham Bois Common and Surrounding Area Action Group

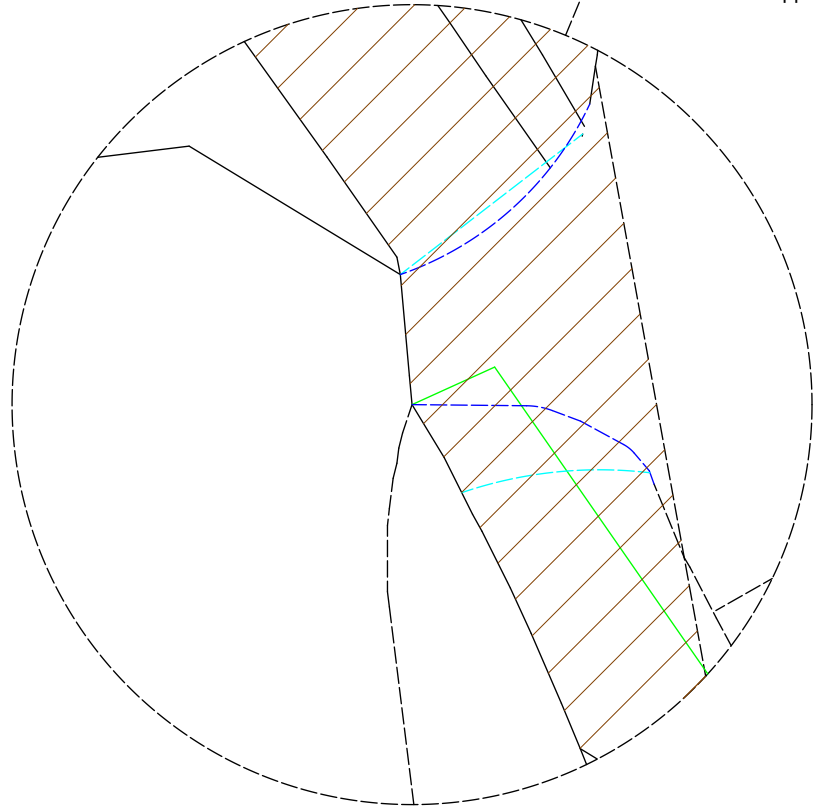
Encs : Tracking diagrams



Land at Chesham Bois Village Centre, Glebe Way, Chesham Bois, Amersham
Buckinghamshire HP6 5ND

Scale 1:500

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Scale 1:200

KEY

Green Line: Visibility splay (2.4m x 43m)

Hatched brown: Part of Title No. BM62898

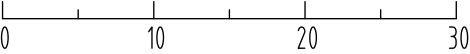
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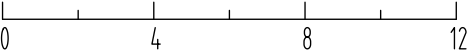
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SCALE IN METRES (1:200)



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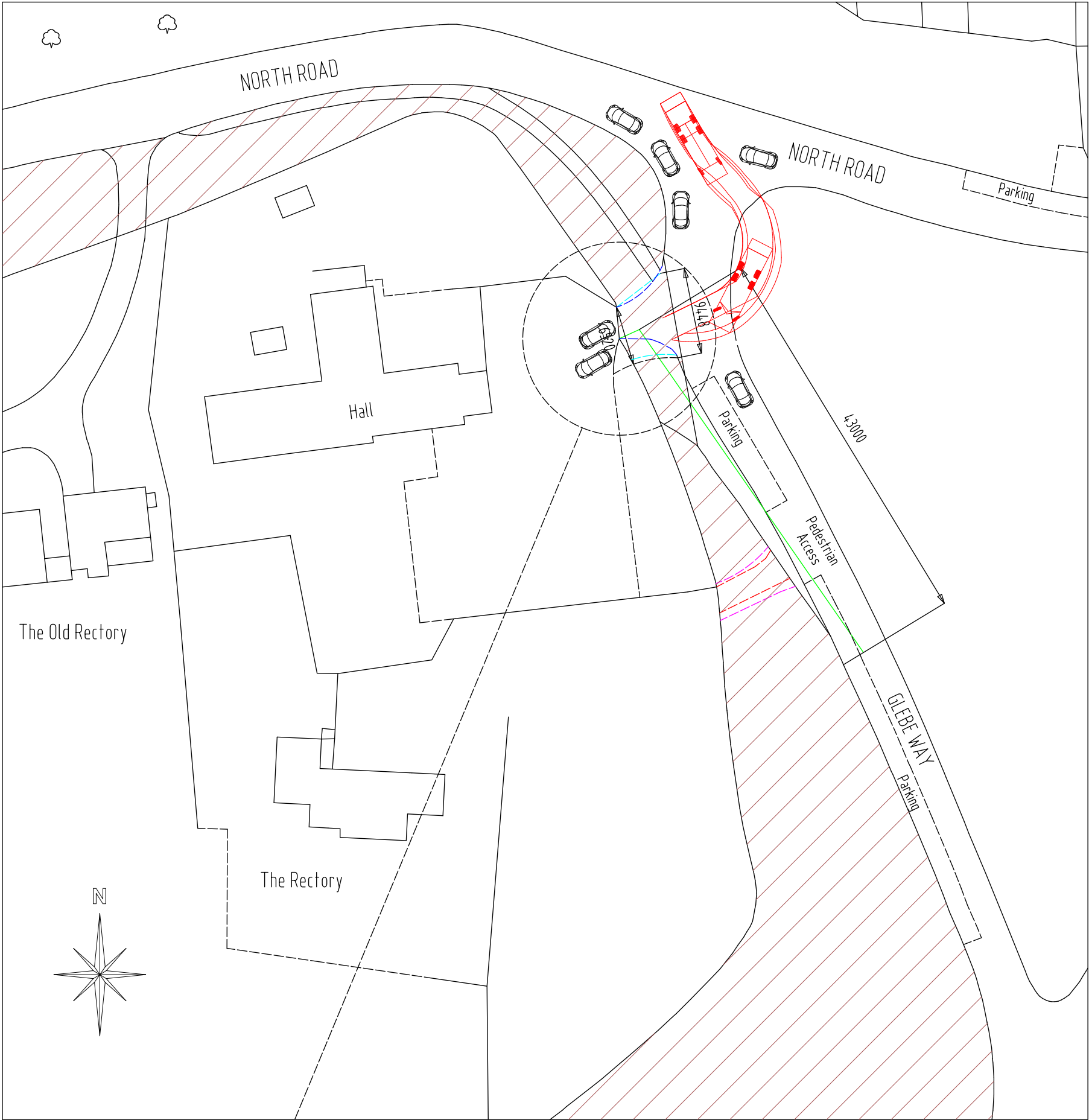
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Chesham Bois Village Centre
Glebe Way, Chesham Bois, Amersham
Buckinghamshire HP6 5ND

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DRAWING NUMBER
WP8519-A

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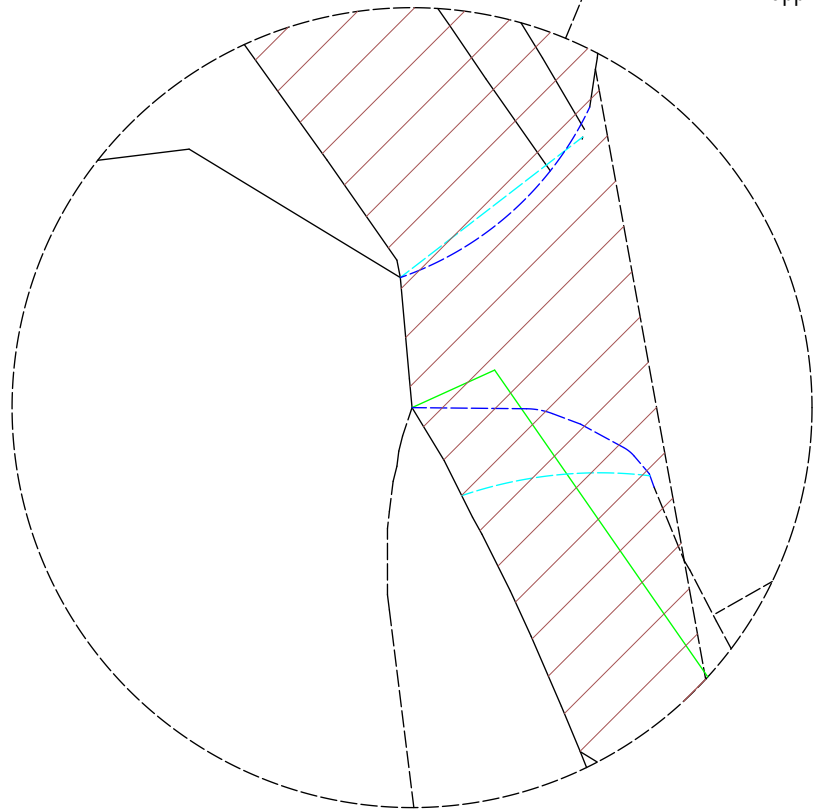
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Land at Chesham Bois Village Centre, Glebe Way, Chesham Bois, Amersham
Buckinghamshire HP6 5ND

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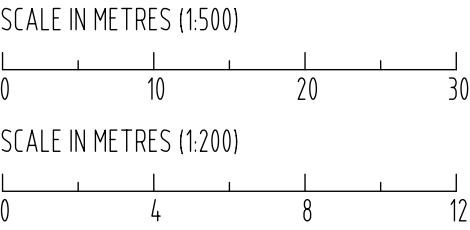
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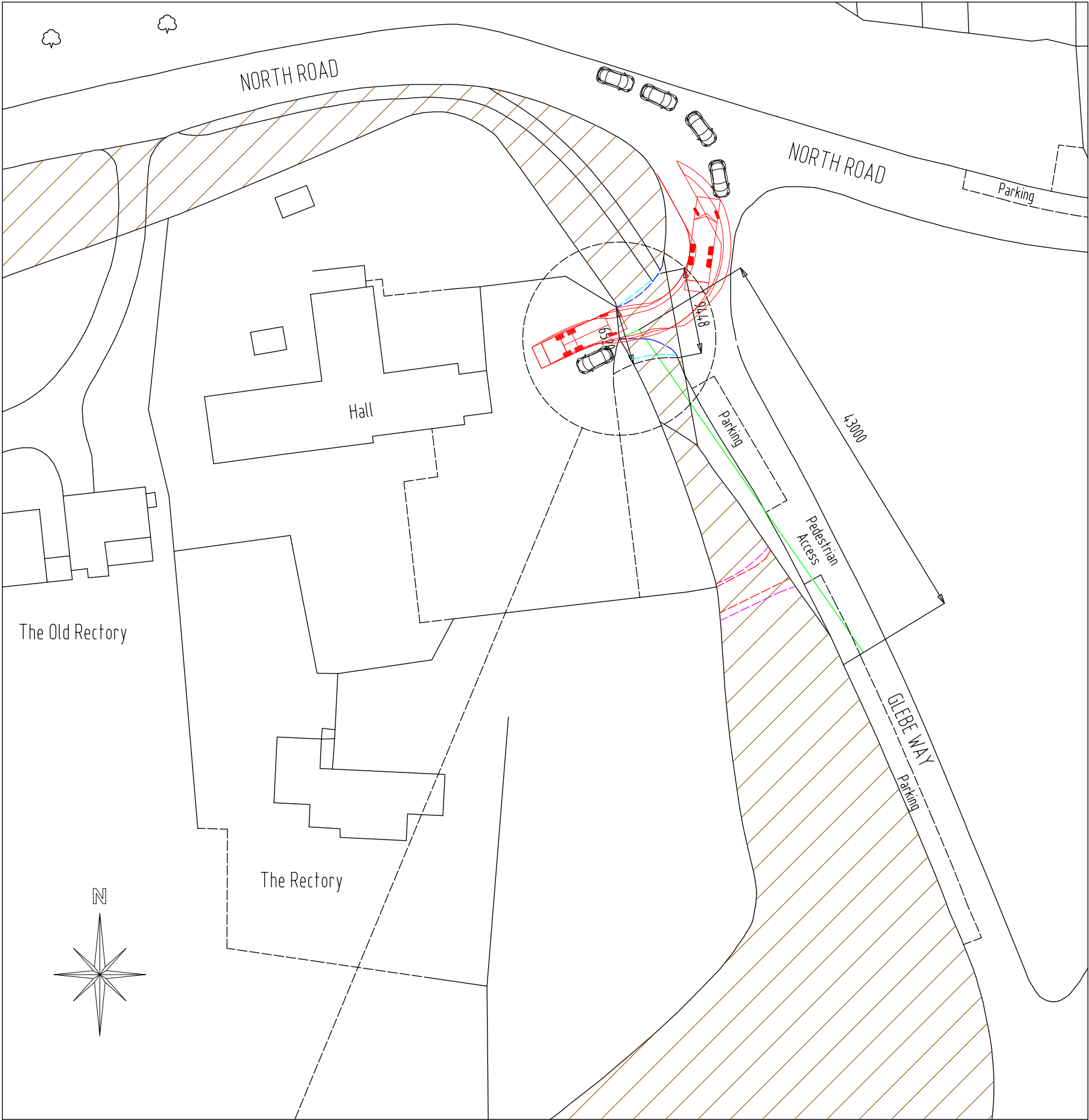
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- Existing Vehicle Access:
- Proposed Vehicle Access:
- Existing Pedestrian Access:
- Proposed Pedestrian Access:



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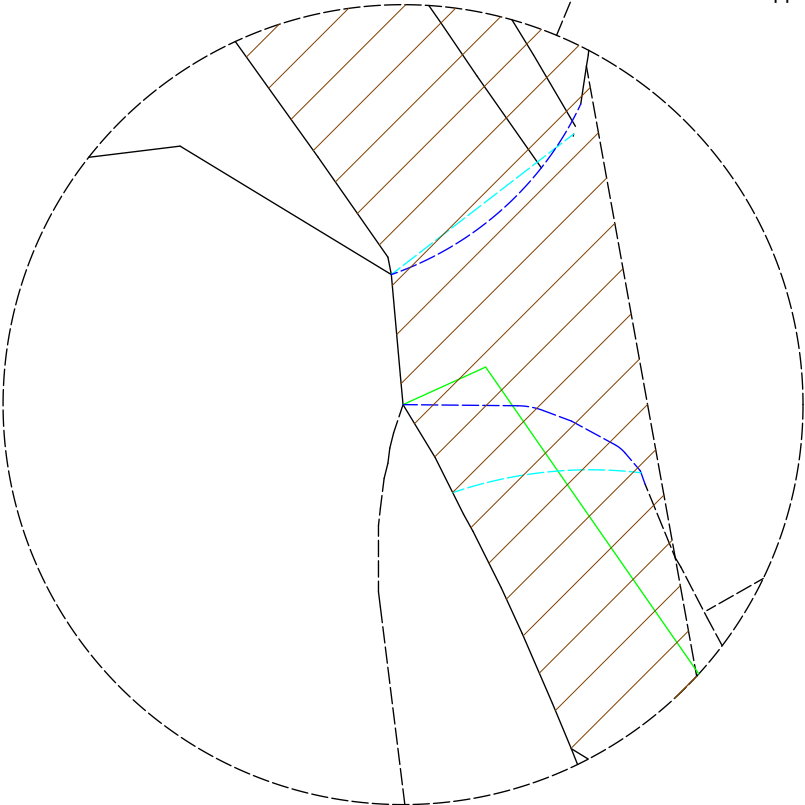
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DRAWING NUMBER WP8519-A		REV	
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Land at Chesham Bois Village Centre, Glebe Way, Chesham Bois, Amersham
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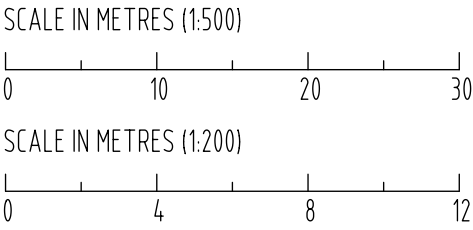
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- Hatched brown: Part of Title No. BM62898
- Existing Vehicle Access: [blue dashed line]
- Proposed Vehicle Access: [cyan dashed line]
- Existing Pedestrian Access: [red dashed line]
- Proposed Pedestrian Access: [magenta dashed line]



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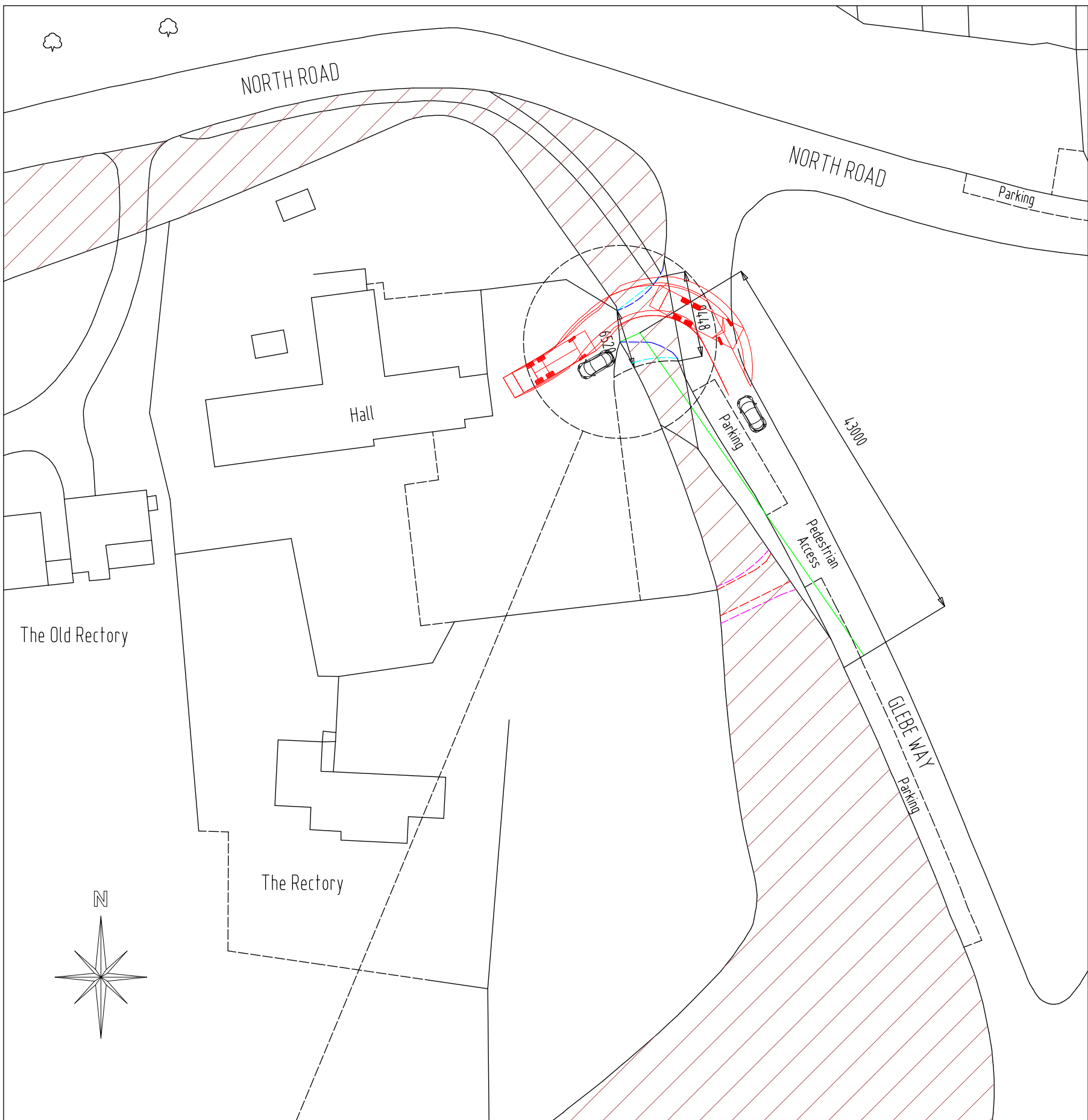
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WP8519-A	

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Plan

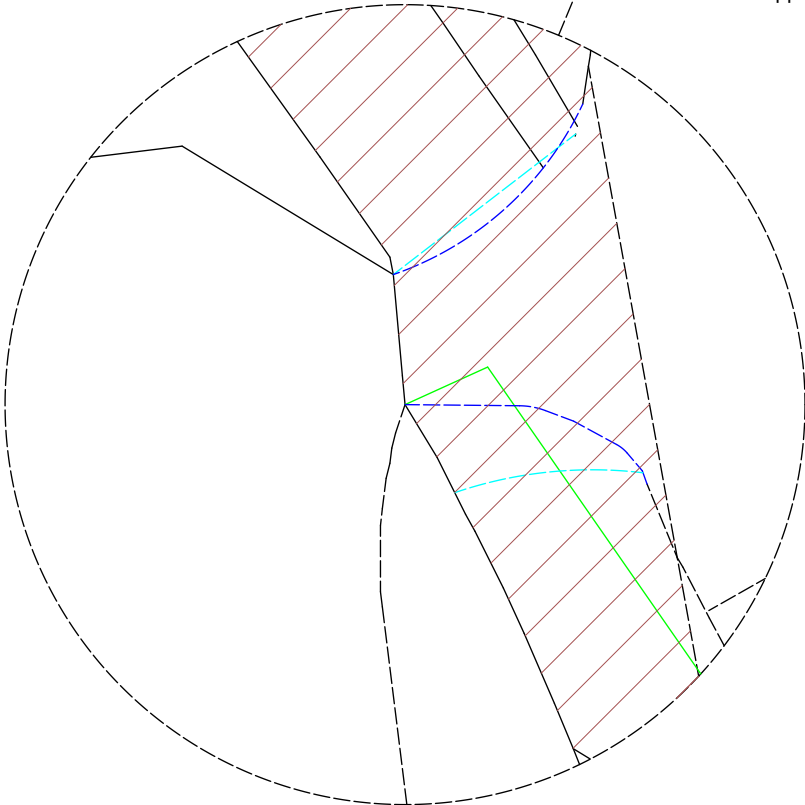


Land at Chesham Bois Village Centre, Glebe Way, Chesham Bois, Amersham
Buckinghamshire HP6 5ND

Scale 1:500

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ALL DIMENSIONS IN [MM]



Scale 1:200

KEY

Green Line: Visibility splay (2.4m x 43m)

Hatched brown: Part of Ttitle No. BM62898

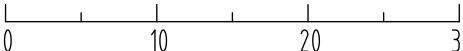
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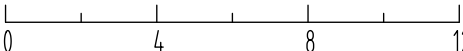
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Proposed Pedestrian Access

SCALE IN METRES (1:500)



SCALE IN METRES (1:200)



DRAWING TITLE Plan for land at Chesham Bois Village Centre Glebe Way, Chesham Bois, Amersham Buckinghamshire HP6 5ND			
SCALE 1:200 1:500	DATE 17/01/2023	DRAWN BY B.K.	APPROVE E.G.
DRAWING NUMBER WP8519-A			REV SIZE A3
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Our Ref : MC1646/23

Date : 27th March 2023

The Head of Planning
Planning Department
Chiltern District Council
King George V Road
Amersham
Buckinghamshire
HP6 5AW

Carter Planning Limited
85 Alma Road
Windsor
Berkshire SL4 3EX

Tel: 01753 867447
Fax: 01753 867447
Email: mail@carterplanning.com
Web: www.carterplanning.com

FAO Melanie Beech
CC Tristan Higgs BCC Highways

By e-mail.

Dear Sirs,

Re: Planning Application Ref :PL/22/4074/FA

"Redevelopment of the site to create a new multifunctional Parish Centre with cafe, day nursery building, replacement rectory with detached garage, 2 outbuildings to provide prayer room and substation/bin and bicycle store, associated parking and landscaping etc"

The St Leonards Centre, Glebe Way, Chesham Bois, Buckinghamshire, HP6 5ND

As you know we represent "Protect Chesham Bois Common and Surrounding Area Action Group".

On behalf of the Action Group we submitted our objections to this proposal under cover of a letter dated 31st January 2023.

We have seen the comments of the Bucks County Highways Authority recently posted on your website and the Group consider those comments to be inadequate and inaccurate in a number of respects and they should be revisited.

Our concerns are as follows:-

1. There is no evidence that an Officer of the Highways Department has visited the site. Indeed some of the comments indicate they have not (e.g. the comment on lack of parking restrictions which is incorrect. For a large scale proposal such as this a site view is imperative.
2. There are parking restrictions in Glebe Way and Bois Lane, and not as noted. These would have become apparent if the site had been visited and/or the Officer had knowledge of the locality
- 3 The application confirms that there have been no further discussions with the Council since the previous appeal was dismissed. This is surprising given the



concerns that were expressed by the Inspector. In particular there is no indication that the traffic generation of this mixed use proposal has been assessed or considered. The Officer correctly notes the mixed use component parts. The Officer does not examine the Sunday usage. It is not clear whether the Highways Officer has assessed the café as a separate use as now proposed. As we said in our original objections, it is fundamental that a detailed assessment of traffic impact and car parking demand is undertaken for a Sunday. Instead it appears that the Applicants figures have been adopted. Given the inadequate access, the lack of footways and public transport (as noted by the Highways Officer) etc this is also an essential exercise that is required.

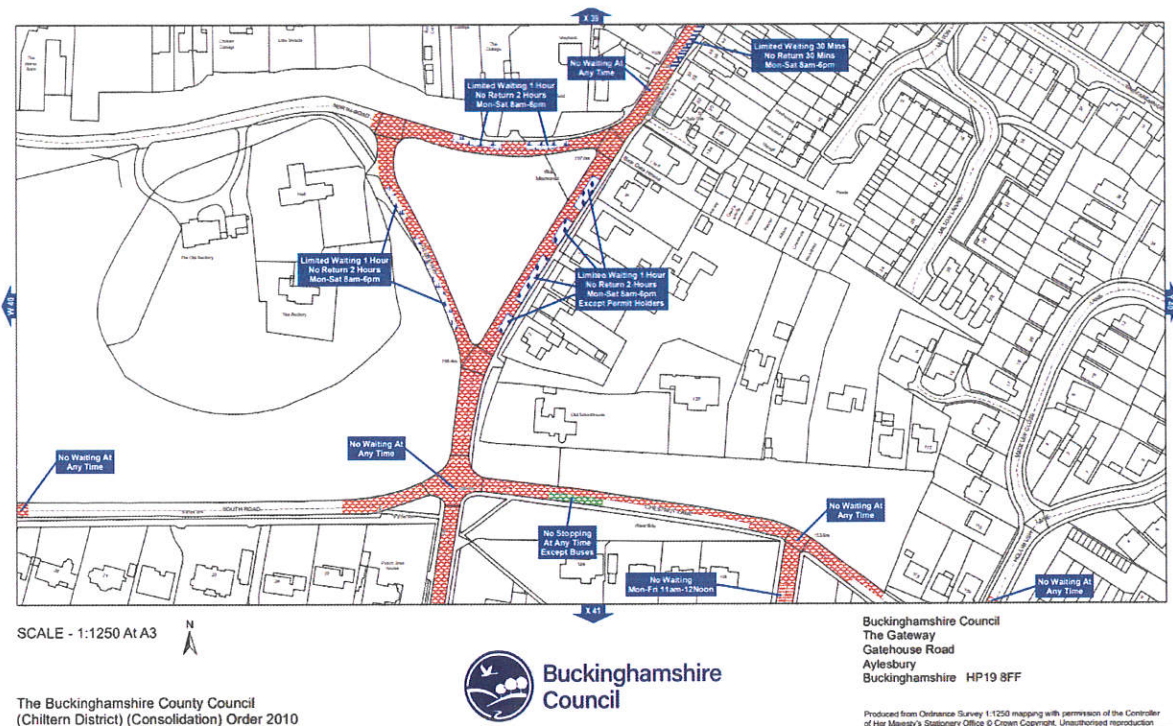
As noted by the Highways Officer the scheme includes a hall, a second hall, various offices, Parish Council rooms, five meeting rooms and a cafe with, now a total of 117 car parking spaces. The proposed development is too large and its attendant activity excessive for the site and locality.

4. There is no indication that the difficulties associated with tracking and access as set out in our original objection has been placed before the Highways Officer and/or assessed. See "Site Access" comments in the Officer's response. Again the Applicants submission seems to have been accepted uncritically. This does need to be considered and commented upon. Our original comments on the deficiencies of the tracking and manoeuvring are attached.

5. As per our previous objections the access is proposed to be widened using Common Land outside the Applicants ownership. In particular the provision of 2 metre pavements and sight lines outside the control of the Applicants would require consent of the SOS and Parish Council. There is no indication from the Secretary of State or the Parish Council that this can be achieved. As the proposal involves Common Land the application should therefore be assessed on the basis that the sight lines, pavements and visibility splays are not achievable. The Highways Officer should not be accepting the scheme with "Grampian" conditions in respect of access widening, pavement provision and widening and sight lines unless these items can actually be achieved.

Paragraph 111 of the NPPF i.e. that a development should not have an unacceptable impact on highway safety or that the residual cumulative impact should not be severe. As previously stated the Applicants cannot guarantee suitable, safe, access for the development which should constitute a reason for refusal.

6. With regard to parking, since the previous application on street parking has been formalised. Locally parking has been restricted and also marked out at the access point on Glebe Way. See BCC's own plan below.



6. As we have previously pointed out the inaccessible/unsustainable nature of this site means that maximum parking is required. It appears the Highways Officer accepts there an under provsiion of parking.

However the solution suggested by the Highways Officer, to provide more hard surfacing has implications for the appearance of the \conservation Area, Listed Buildings and the semi rural environment and is unlikely to be acceptable to the Planning and Conservation Officers. Again it is suggested by the Highways Officer that this should be left to a "Grampian" style condition but that is not acceptable for planning reasons.

Should you require any further information please contact the undersigned.

Yours sincerely,

Mark Carter

Mark Carter

for Carter Planning Ltd

On behalf of The Protect Chesham Bois Common and Surrounding Area Action Group

CC Tristan Higgs BCC Highways

Encs : Tracking diagrams

Appendix

Tracking Comments from 31st January 2023.

Your Waste Development Officer on 29 December 2022 stated:-

"I have looked at the plans and due consideration has been given to waste management and container provision aspects of the proposal. Waste collection point indicated on plans on and appropriate vehicular access".

However the access for refuse vehicles simply does not work and allow them to access the site. Even if the access is widened to 6 metres the tracking diagrams provided by Watermans in the Appendices to their document shows that a refuse vehicle cannot enter the site. This is because of the parking bays delineated in Glebe Way. A refuse vehicle would need to be on the off side but cannot swing into the access.

Attached to this objection are our tracking plans which illustrate the difficulties of a refuse vehicle or other commercial vehicle entering this site. Whether the vehicle comes from the south or north on Glebe Way, or leaves in either direction this cannot be done without interference with cars or other vehicles entering or leaving the site or vehicles on the carriageway, because of the parked cars on Glebe Way or the road junction to the north. This aspect is further complicated by the Common Land land ownership which is also shown and the vegetation on either side of the access or across Glebe Way. This may have to be cut back but is outside the Applicants control.

The servicing provision has been improved and the swept path diagrams provided indicate how a 10.32m refuse vehicle will be able to turn within the parking layout. However, the turning area is remote from the bin storage area for the main building and there is a risk that collection operatives could consider it more convenient to reverse back out of the site onto Glebe Way (assuming they could enter the site).

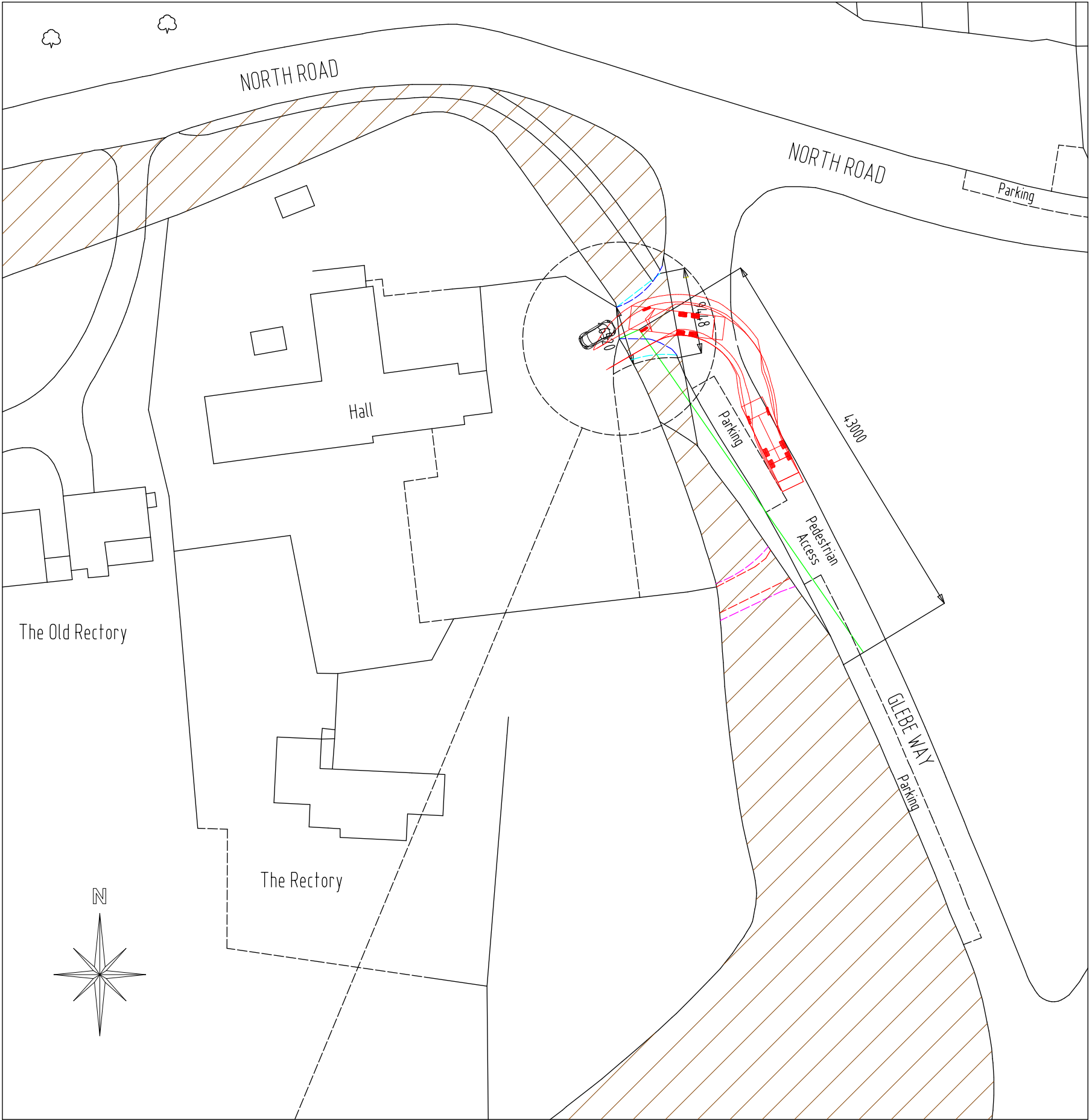
No provision has been made for a delivery vehicle to stand clear of the access route and parking areas. This could result in delay and possibly congestion within the site when a delivery vehicle is stopped on the internal carriageway.

The servicing of the site will still be inadequate and substandard leading to highway congestion and dangers and would be contrary to the NPPF, to Core Strategy Policy CS26 and Local Plan Policy GC1.

The proposed access will struggle to provide suitable and sensible visibility splay arrangements as drawn. This will be impossible if the ownership of the proposed access widening lies outside the ownership of the Applicant. The proposed widened access is located close to the junction with North Road and this should be justified through an independent Stage 1 Road Safety Audit which should also consider the safety of vulnerable road users (principally pedestrians) that will be accessing the site as the TS emphasises that a high proportion of visitors will be pedestrians.

Until those requirements are met adequate, safe access cannot be provided to the site contrary to the adopted policies set out above.

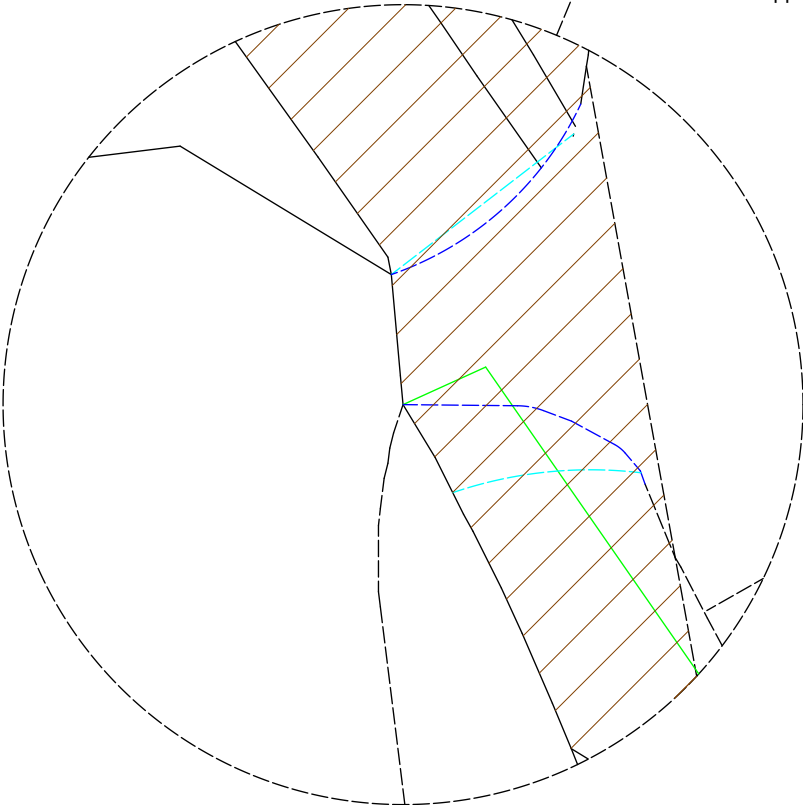
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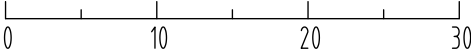
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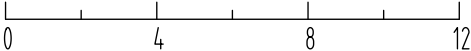
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SCALE IN METRES (1:500)



SCALE IN METRES (1:200)



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SCALE 1:200 1:500	DATE 17/01/2023	DRAWN BY B.K.	APPROVED E.G.
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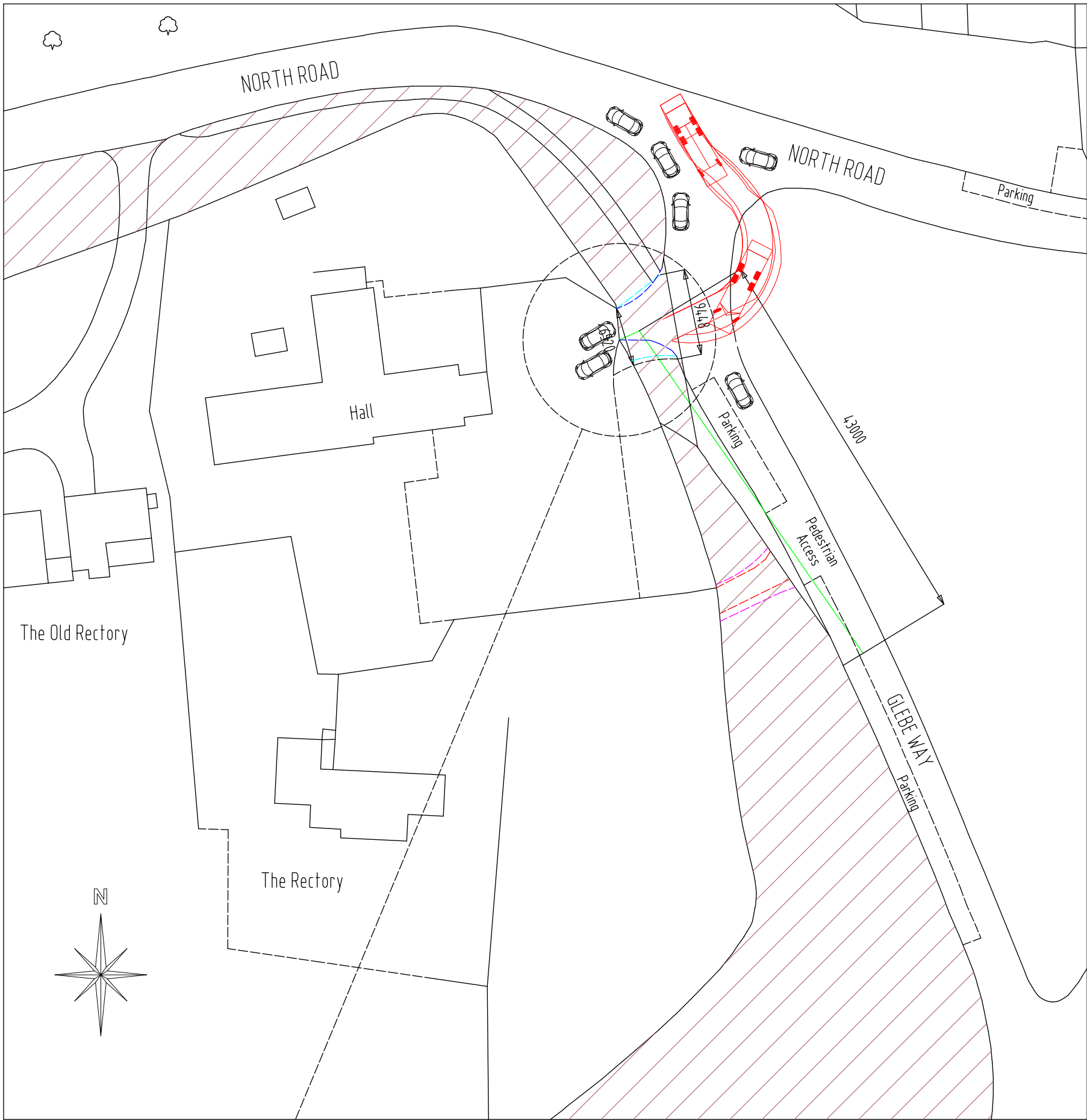
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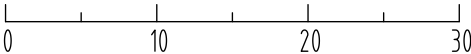
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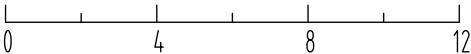
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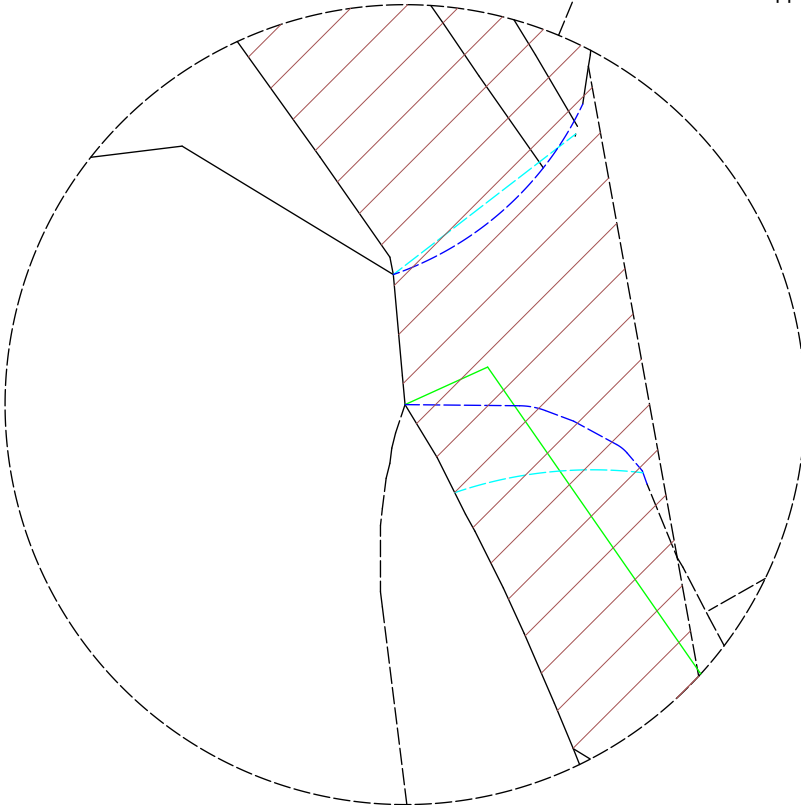
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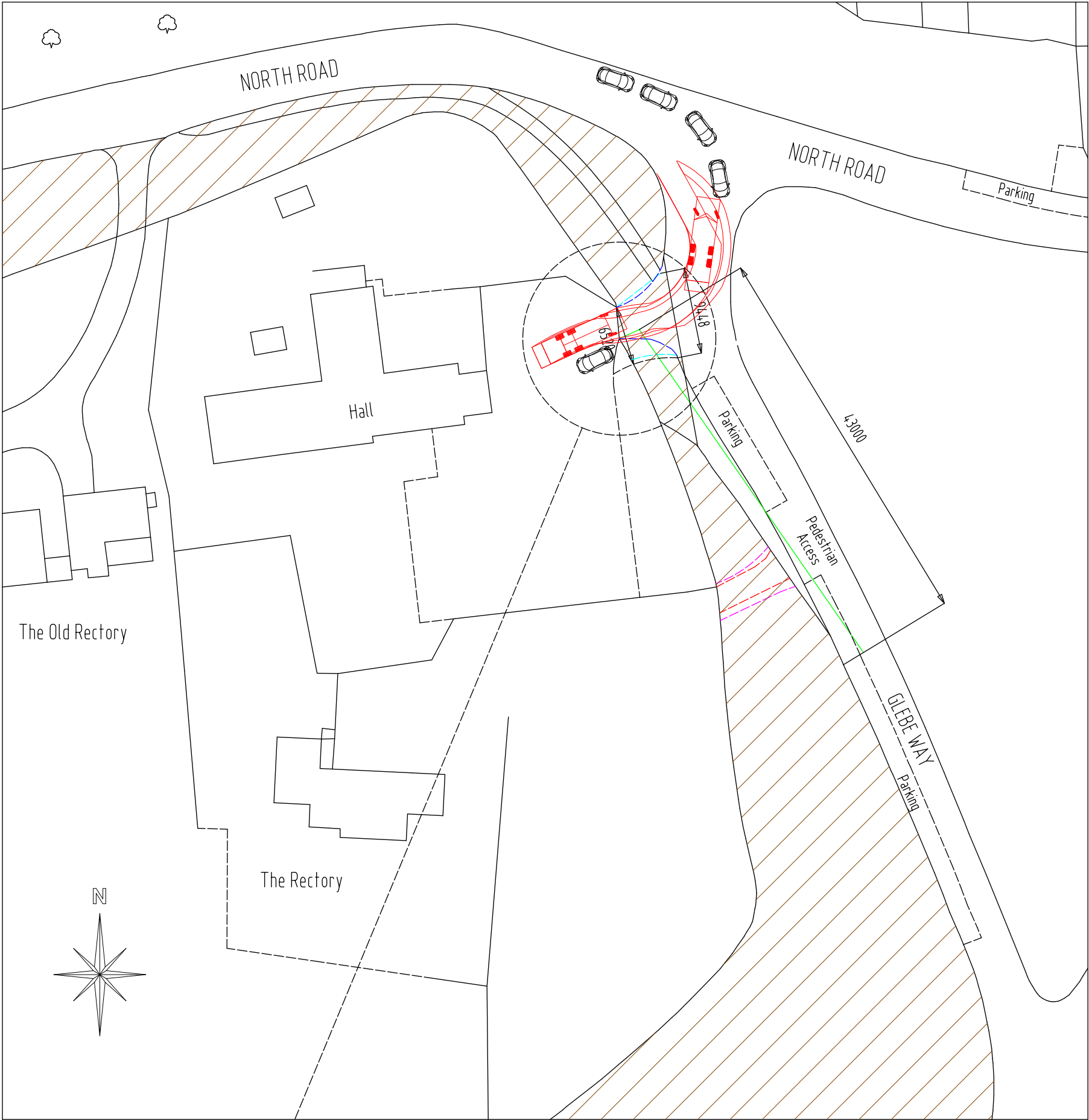
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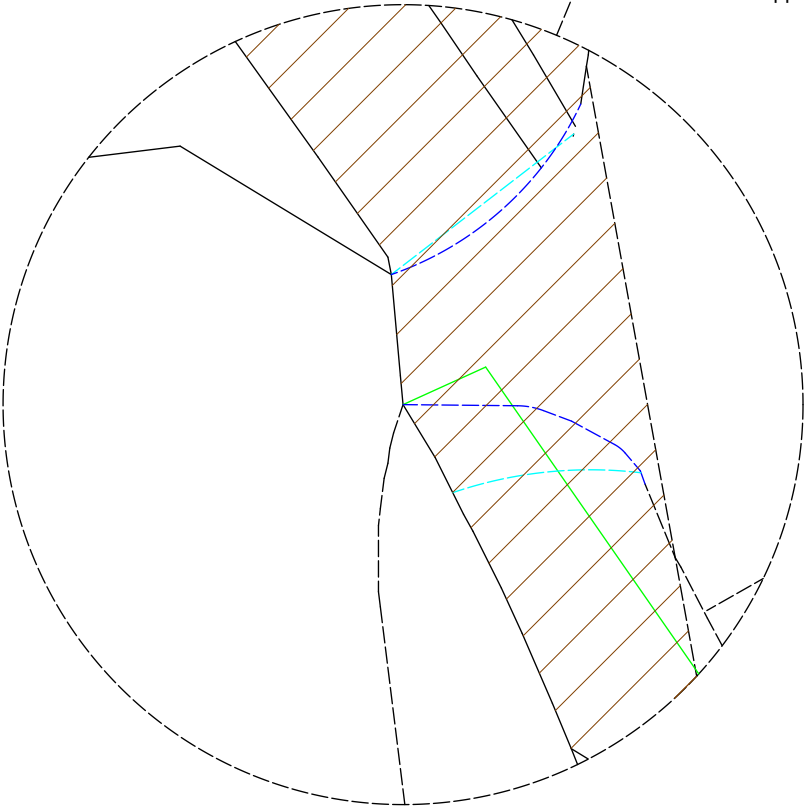
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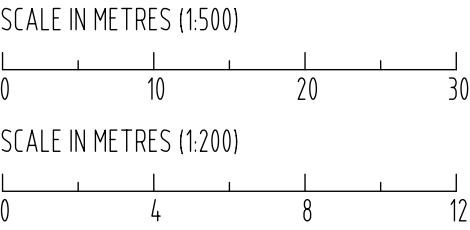
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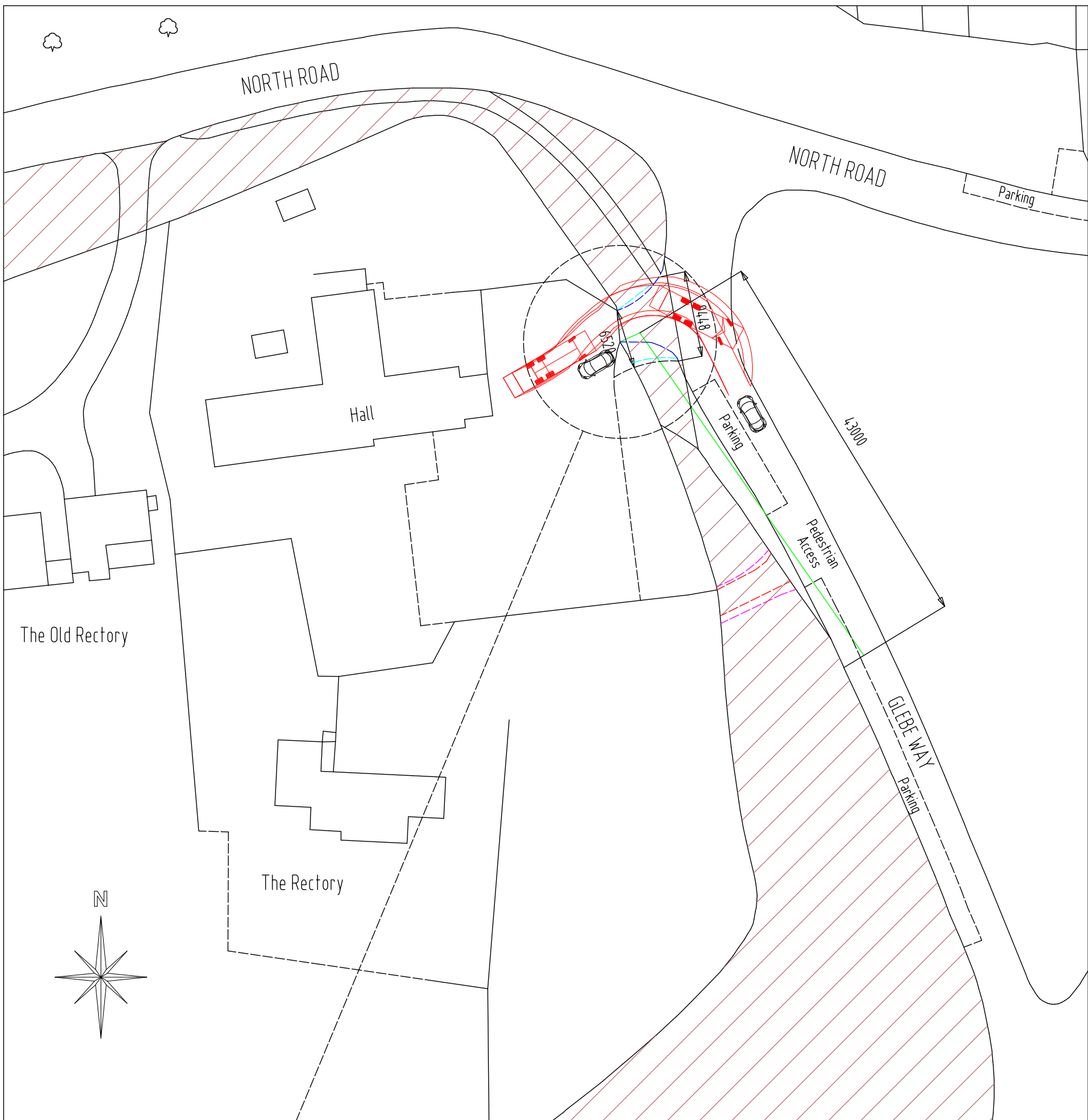
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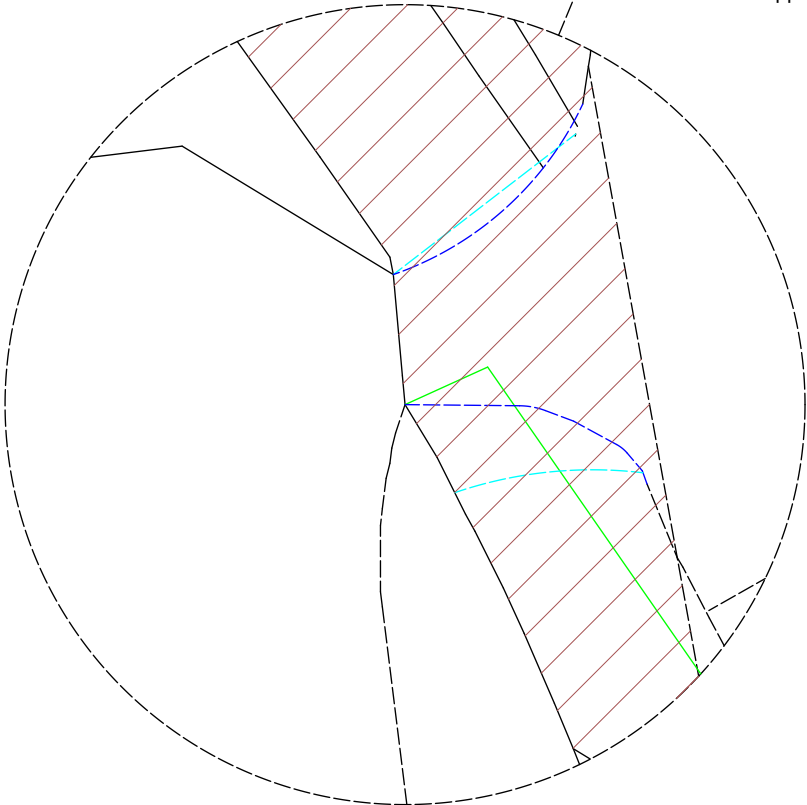
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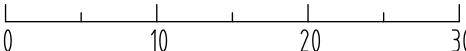
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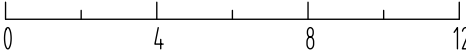
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REV

SIZE
A3

Our Ref : MC1646/23

Date : 14th June 2023

Catherine Massey
Southern Waste Development
Communities Directorate
Neighbourhood Services
Buckinghamshire Council

Carter Planning Limited
65 Alma Road
Windsor
Berkshire SL4 3FX

tel:
Fax:
Email:
Web:

FAO Catherine Massey

By e-mail.

CC Melanie Beech

Dear Madam,

Re: Planning Application Ref :PL/22/4074/FA

"Redevelopment of the site to create a new multifunctional Parish Centre with cafe, day nursery building, replacement rectory with detached garage, 2 outbuildings to provide prayer room and substation/bin and bicycle store, associated parking and landscaping etc"

The St Leonards Centre, Glebe Way, Chesham Bois, Buckinghamshire, HP6 5ND

Your comments dated 7th June 2023 on the above application have been published on the Council's website.

We represent "Protect Chesham Bois Common and Surrounding Area Action Group".

Your e mail indicates an acceptance of the proposals as submitted. However there are a number of aspects concerning waste of which you may be unaware.

We have previously seen the comments of the Bucks County Highways Authority which the Group consider be inadequate and inaccurate in a number of respects and they should be revisited. To date this does not appear to have been done.

Our concerns are as follows:-

1. There is no evidence that an Officer of the Highways Department has visited the site. Indeed some of the comments indicate they have not (e.g. the comment on lack of parking restrictions which is incorrect). For a large scale proposal such as this a site view is imperative.
2. There are parking restrictions in Glebe Way and Bois Lane, and not as noted. These would have become apparent if the site had been visited and/or the Officer had knowledge of the locality and have a significant impact on the ability of refuse vehicles to enter and egress the site.

3 The application confirms that there have been no further discussions with the Council since the previous appeal was dismissed. This is surprising given the concerns that were expressed by the Inspector. In particular there is no indication that the traffic generation of this mixed use proposal (including commercial vehicles as well as refuse vehicles) has been assessed or considered.

4. Most importantly from your point of view there is no indication that the difficulties associated with tracking and access as presented by the Applicants have been assessed.

The access for refuse vehicles simply does not work to allow them to access the site satisfactorily. Even if the access is widened to 6 metres the tracking diagrams provided by Watermans in the Appendices to their document shows that a refuse vehicle cannot enter the site. This is because of the parking bays delineated in Glebe Way. A refuse vehicle would need to be on the off side but cannot swing into the access.

Attached to this letter are our tracking plans which illustrate the difficulties of a refuse vehicle or other commercial vehicle entering this site. Whether the vehicle comes from the south or north on Glebe Way, or leaves in either direction this cannot be done without interference with cars or other vehicles entering or leaving the site or vehicles on the carriageway, because of the parked cars on Glebe Way or the road junction to the north. This aspect is further complicated by the Common Land land ownership which is also shown and the vegetation on either side of the access or across Glebe Way. This may have to be cut back but is outside the Applicants control and the owners have stated they will object to this.

The servicing provision has been improved and the swept path diagrams provided indicate how a 10.32m refuse vehicle will be able to turn within the parking layout. However, the turning area is remote from the bin storage area for the main building and there is a risk that collection operatives could consider it more convenient to reverse back out of the site onto Glebe Way (assuming they could enter the site).

No provision has been made for a delivery vehicle to stand clear of the access route and parking areas. This could result in delay and possibly congestion within the site when a delivery vehicle is stopped on the internal carriageway.

The servicing of the site is inadequate and substandard leading to highway congestion and dangers and would be contrary to the NPPF, to Core Strategy Policy CS26 and Local Plan Policy GC1. Our Group trust that in the light of the above you will revisit your initial comments.

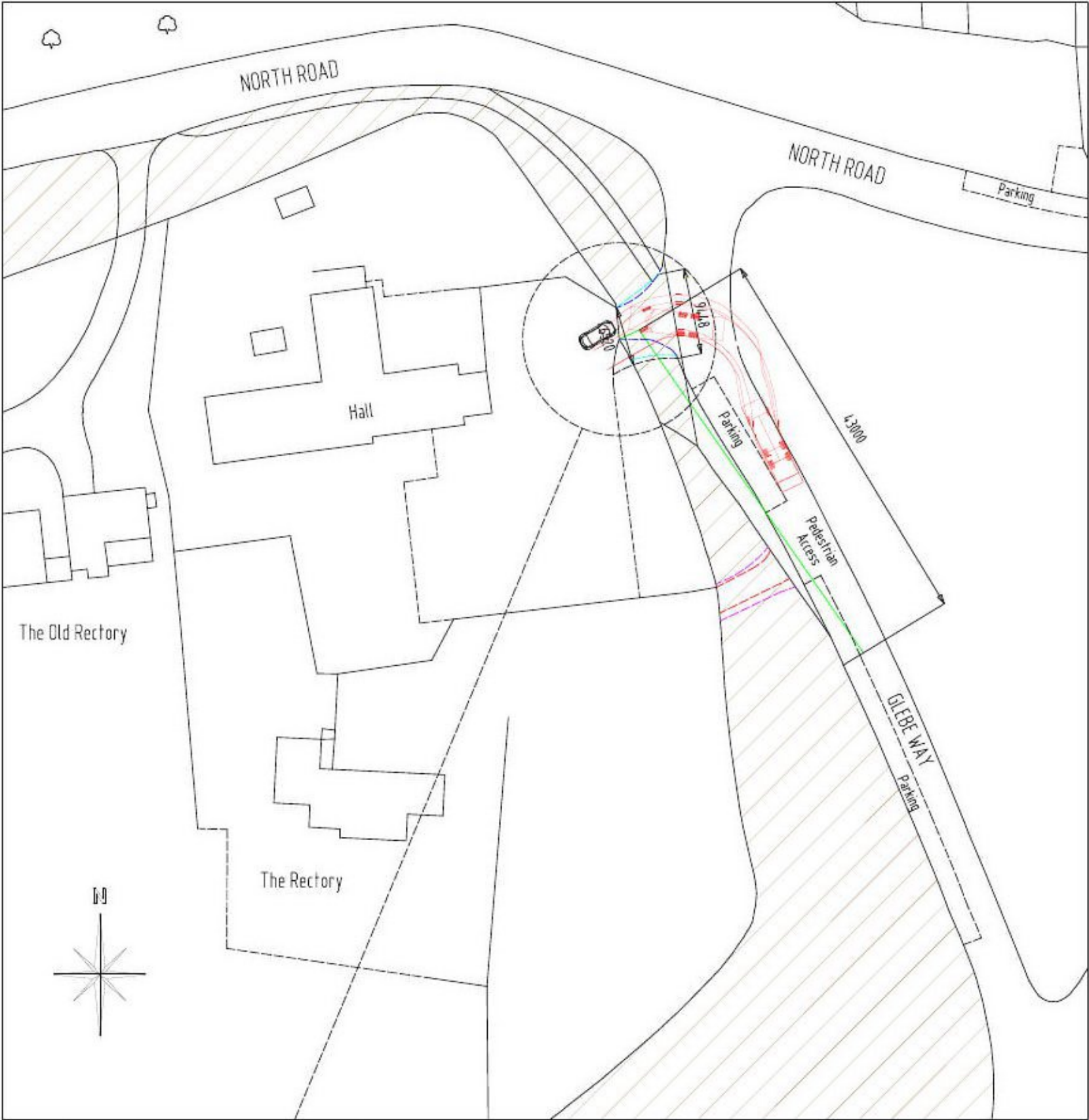
Should you require any further information please contact the undersigned.

Yours sincerely,


Mark Carter
for Carter Planning Ltd
On behalf of The Protect Chesham Bois Common and Surrounding Area Action Group

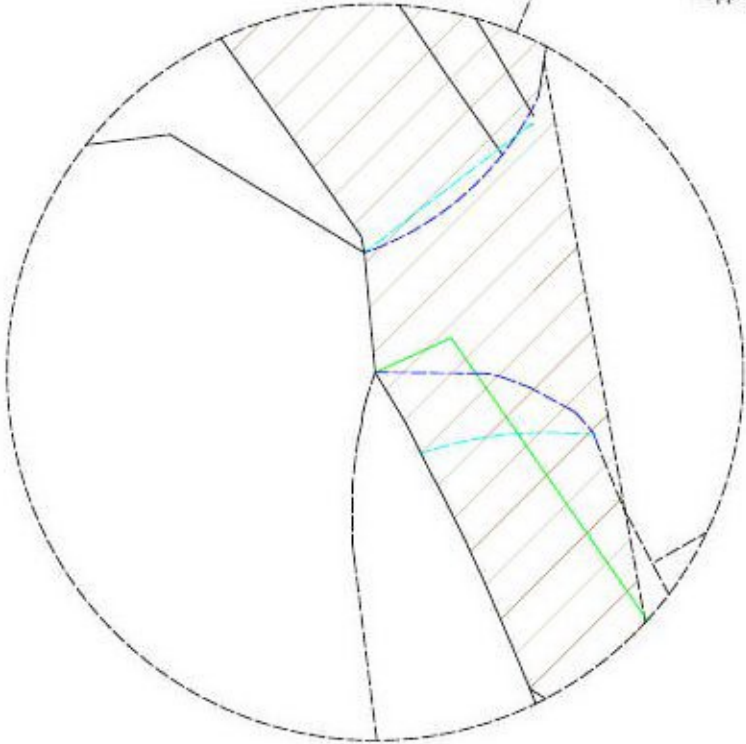
CC Melanie Beech - Planning

Encs : Tracking diagrams



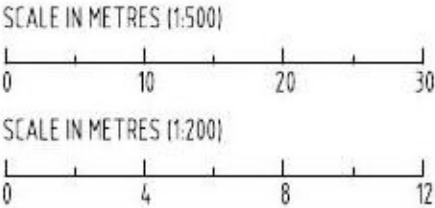
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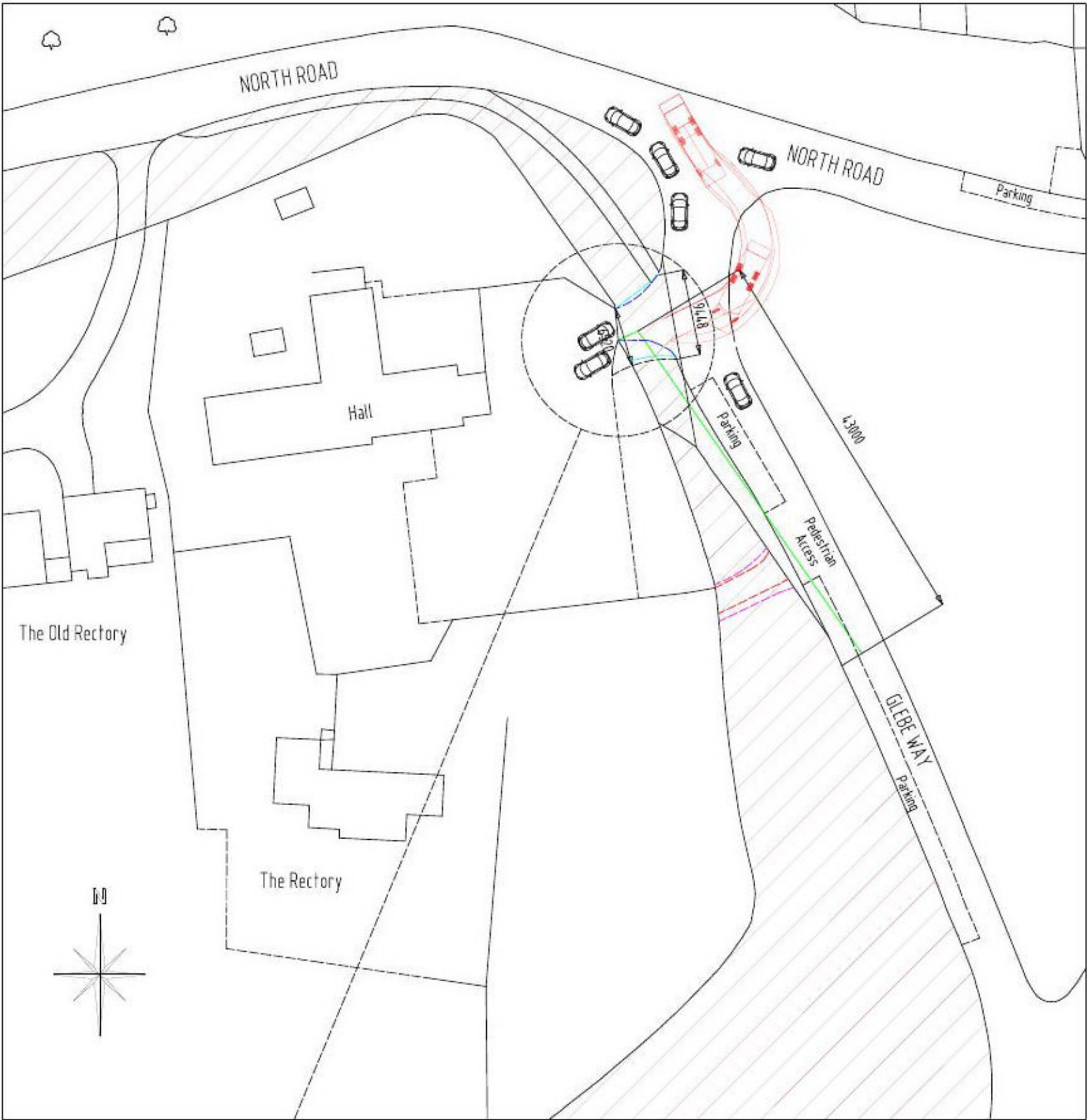
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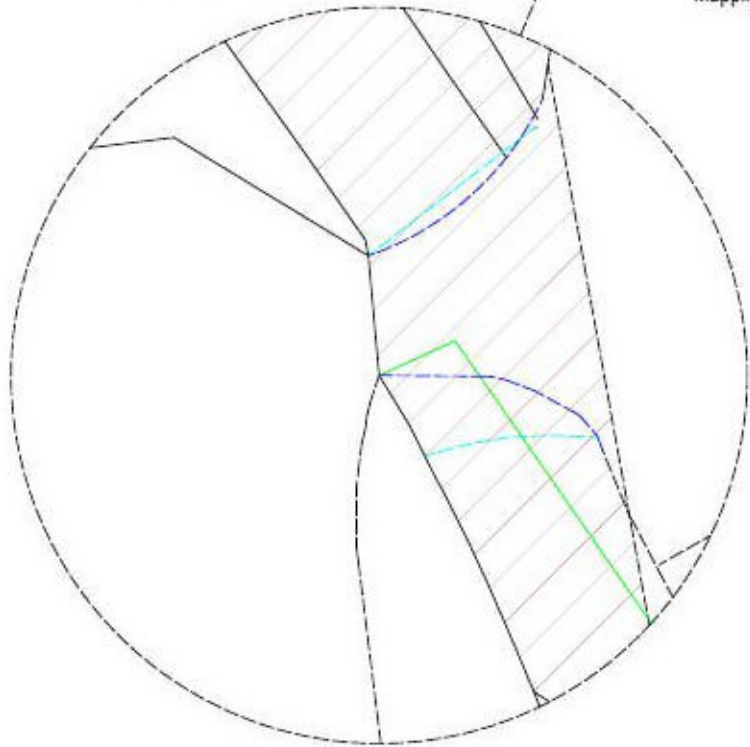
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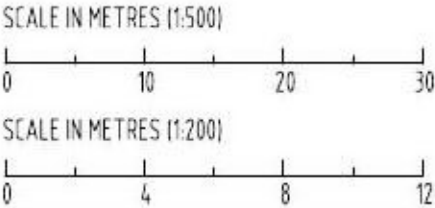
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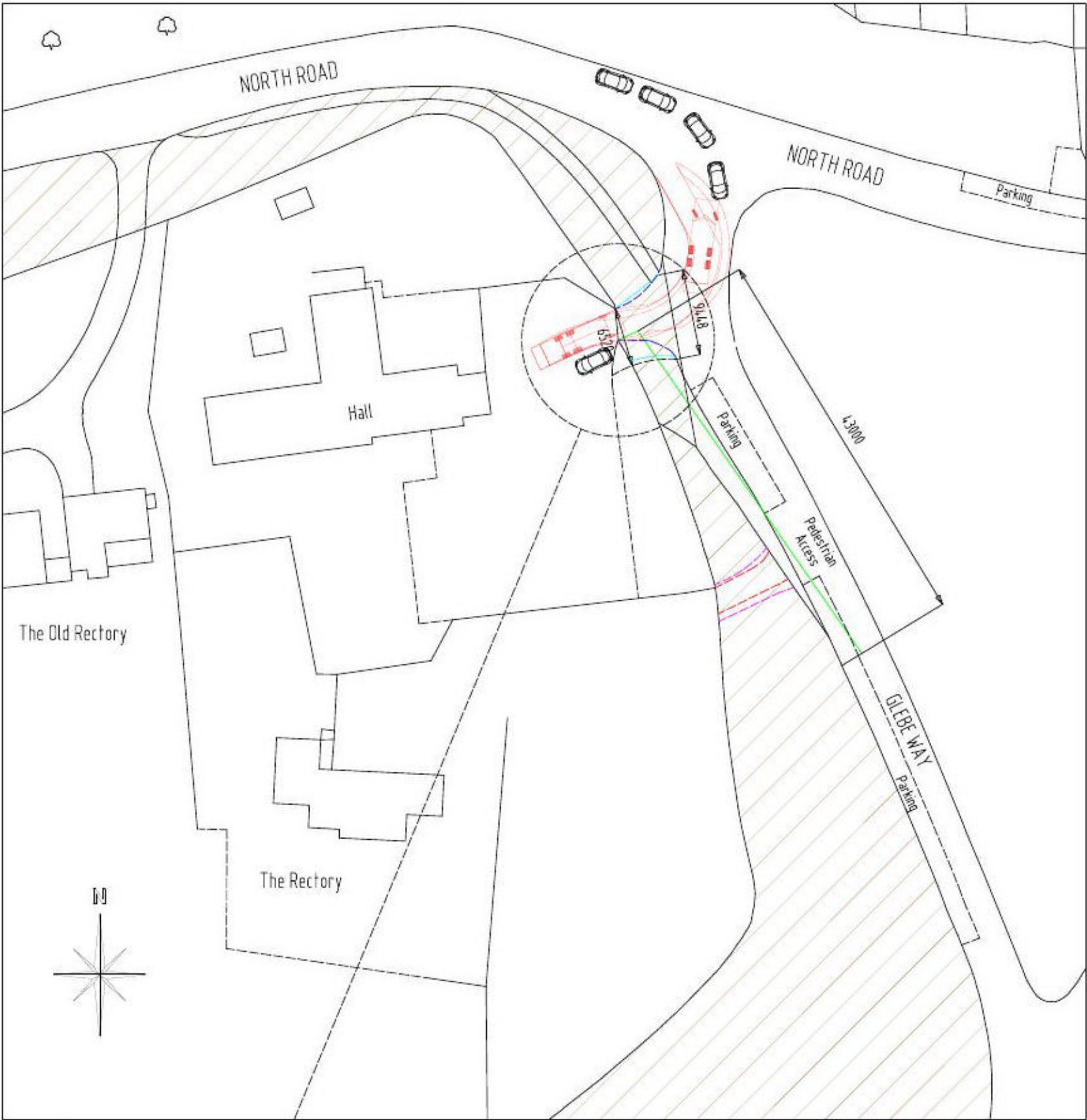
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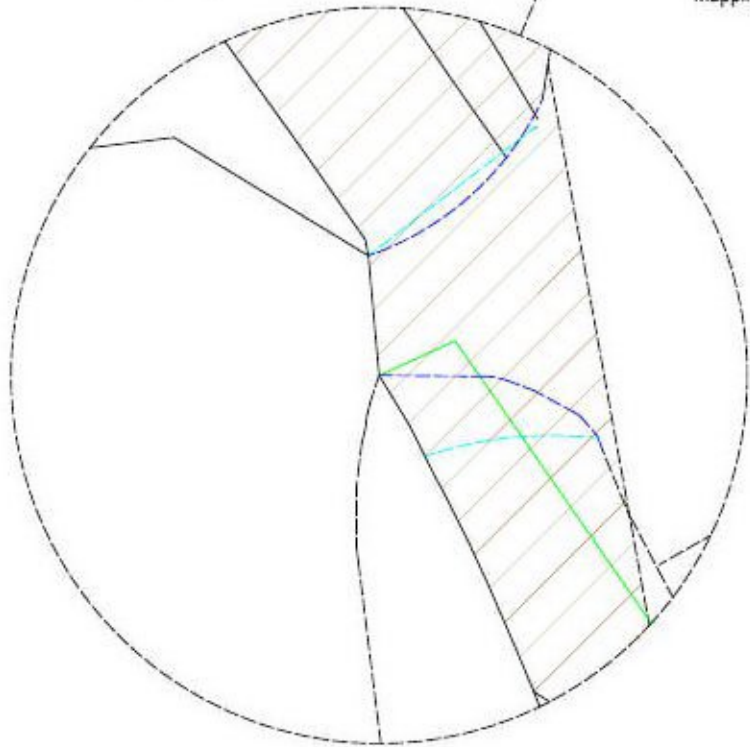
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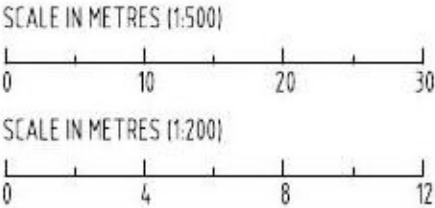
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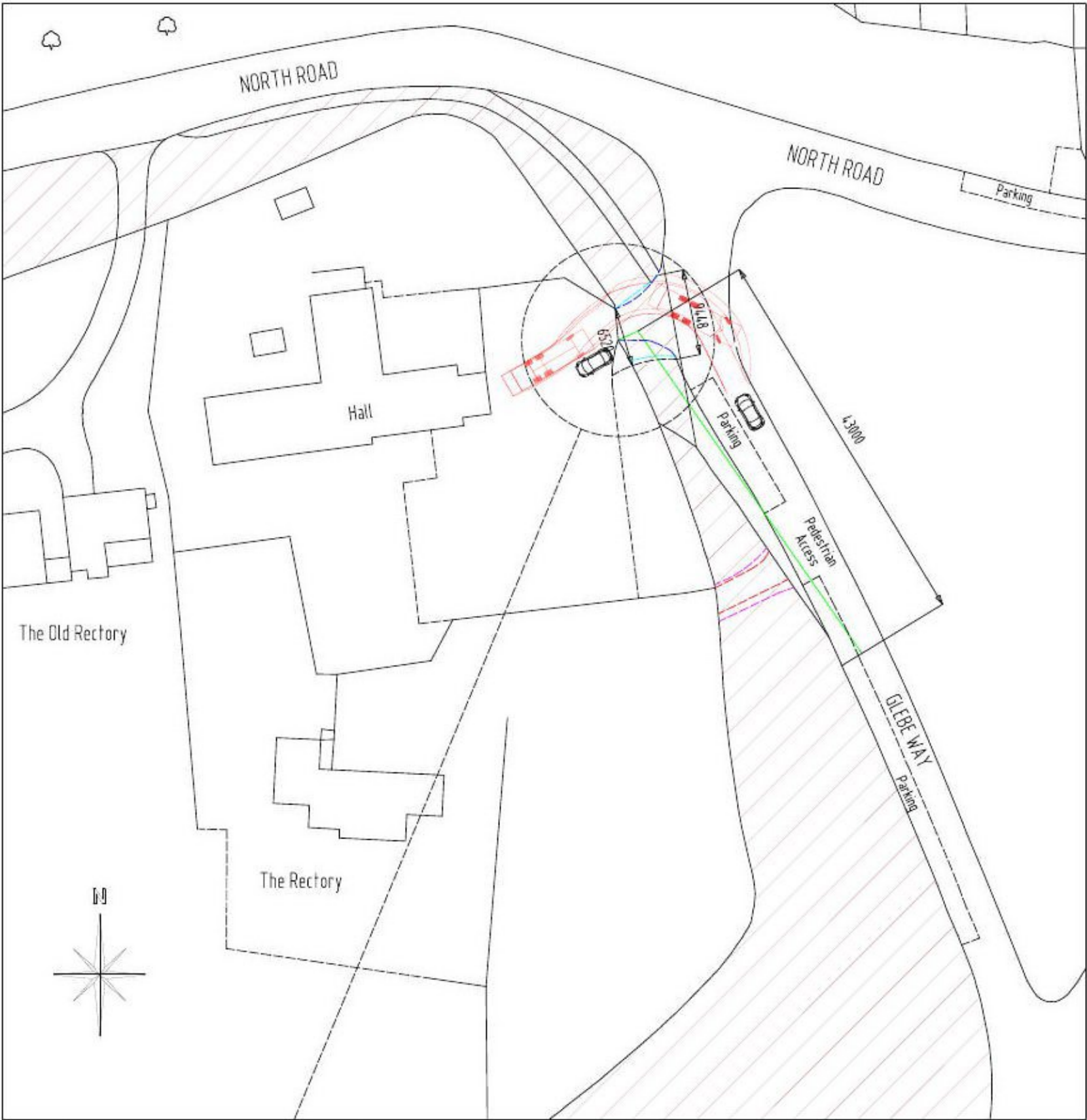
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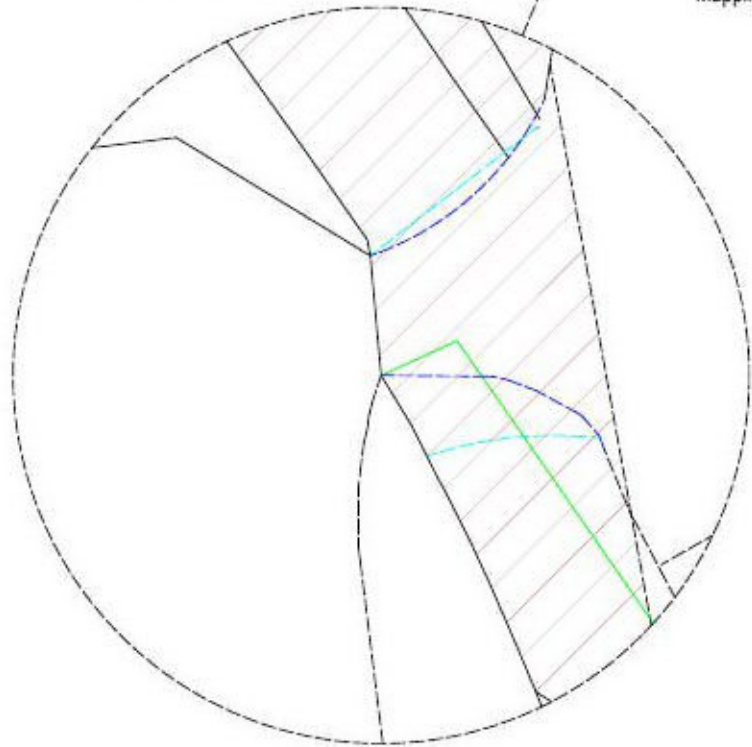
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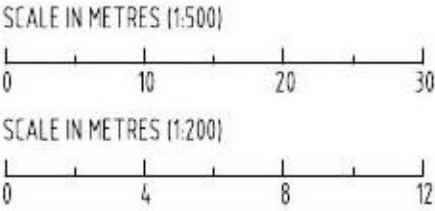
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Plan for land at
Chesham Bois Village Centre
Glebe Way, Chesham Bois, Amersham
Buckinghamshire HP6 5ND

SCALE	DATE	DRAWN BY	APPROVED
1:200 1:500	17/01/2023	B.K.	E.G.

DRAWING NUMBER	REV
WP8519-A	

Additional copies of these Plans are available on request. We do not recommend submitting anything other than our original plans to the Land Registry as most reproductions will be rejected due to distortion and scaling inaccuracy.	SIZE
	A3

Our Ref : MC1646/23

Date : 7th December 2023

The Head of Planning
Planning Department
Chiltern District Council
King George V Road
Amersham
Buckinghamshire
HP6 5AW

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FAO Melanie Beech

By e-mail.

Dear Sirs,

Re: Planning Application Ref : PL/22/4074/FA

"Redevelopment of the site to create a new multifunctional Parish Centre with cafe, day nursery building, replacement rectory with detached garage, 2 outbuildings to provide prayer room and substation/bin and bicycle store, associated parking and landscaping etc"

The St Leonards Centre, Glebe Way, Chesham Bois, Buckinghamshire, HP6 5ND

As you know we represent "Protect Chesham Bois Common and Surrounding Area Action Group".

On behalf of the Action Group we submitted our original detailed objections to this proposal under cover of a letter dated 31st January 2023.

The Group have now seen the Planning Officer's latest Report to the East Area Committee in connection with the application and which is due to be considered on 13th December 2023.

The Group are extremely disappointed with the cursory and inadequate nature of this Report on the SAC and the failure to deal with the important material considerations which have arisen since the previous appeal. It is right for the Committee to take into account anything not considered by the previous Inspector since these will be material considerations for the Committee to decide (Paragraph 4.2 of the Report refers). It is not correct to say "All of these issues have been addressed by the Planning Inspector in the appeal decision and in the previous Committee report".

Chiltern Beechwoods Special Area of Conservation (SAC).

The site lies within the Zone of Influence (ZOI) of the Chiltern Beechwoods Special Area of Conservation (SAC). An Appropriate Assessment is required of the impact of the proposal alone and also in combination with other proposals.



The Officers assessment is totally inadequate. It is not correct to say that persons coming to the site do so for a specific purpose (Paragraph 3.1). There is no evidence that this will be the case. In particular the café may well not be a sole destination. There is an increase in parking of some 100 cars and as we have previously pointed out the inaccessible/ unsustainable nature of this site.

Whilst we understand that the Appropriate Assessment has to be carried out by the Council it is usually informed by much more evidence from the Applicants (or the Council) before arriving at an important decision.

From the comments made by Natural England we assume that they are unaware of the intensive commercial use of the site which is being proposed. They appear to have been given the impression that this is a local facility not an open café and a building which will be available for other bodies seven days a week. The scale of the proposed commercial development has not been reported in detail. The proposed buildings far exceed a typical parish centre and would more accurately be described as a commercial conference centre with capacity for more than 400 people in two large halls; multiple offices; and a public café in just one building; plus a separate nursery building that could be used as a creche during events.

The consideration of the impact on the SAC is recreational pressure as your Ecology Officer confirms. This does NOT mean just from houses alone.

We conclude that the Officer's Appropriate Assessment of the scheme is inadequate. Further there is no evidence at all that your Officers have considered the "in combination" affects. Where are the other schemes that may provide recreational pressure that this scheme is being assessed with?

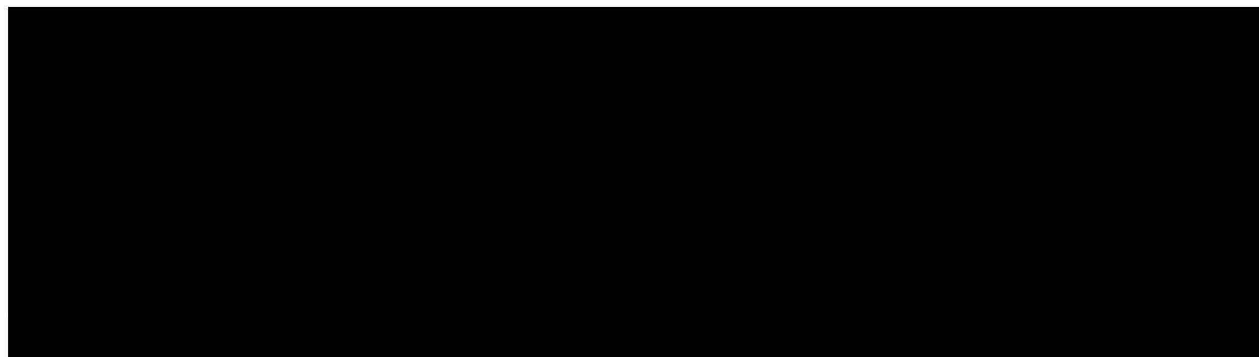
As you are aware in March 2022 Natural England announced evidence which identified significant recreational pressure on Chiltern Beechlands Special Area of Conservation (SAC). A large number of people will be attracted by this facility from outside the local area leading to additional recreation activity. The development will have a significant effect on the SAC. No strategy to mitigate the impacts of future development on the Chiltern Beechlands has been agreed and the application should be rejected in accordance with the Inspector's conclusions.

The Site is within the Chiltern Beechlands 12.6km zone of influence. The Inspector noted that "Point 10 - Overall there is insufficient evidence the proposal would preserve the integrity of the Beechwood SAC and consequently would be in conflict with Policy CS24 of the Chiltern District Core Strategy 2011, Para 180 of the Framework and Habitats Regulations".

Land Ownership

As per our previous objections the access is proposed to be widened using Common Land outside the Applicants ownership. In particular the provision of 2 metre pavements and sight lines outside the control of the Applicants would require consent of the Secretary of State and Parish Council. There is no indication from the Secretary of State or the Parish Council that this can be achieved. As the proposal involves Common Land the application should therefore be assessed on the basis that the sight lines, pavements and visibility splays are not achievable. The

Highways Officer should not be accepting the scheme with “Grampian” conditions in respect of access widening, pavement provision and widening and sight lines unless these items can actually be achieved.



The biodiversity net gain data for habitat creation references a potential timeline of up to 27 years to reach a ‘target condition’ and does not include any consideration for the impact of the density or use of a new development [REDACTED]

The Bucks Ecology Officer at Buckinghamshire Council Agni-Louiza Arampoglou has not responded to the additional information made available at the time of the last committee. Bats, [REDACTED] greater crested newts, other wildlife on the site are going to be adversely affected.

Thames Valley Police

The removal of the site manager’s dwelling from the re-submitted application is a cause for concern regarding security and has not been addressed. No report from Thames Valley Police was submitted for this application and issues raised by Thames Valley Police for the previous application remain valid. Although the Planning Inspector stated that “there is no evidence that the area suffers from higher crime rates”, the key point is that such a large-scale development of commercial buildings, café and car park would be expected to generate more anti-social behaviour, and this has not been addressed.

Light Pollution

There is still no detailed consideration of the light pollution impact on heritage assets or protected species in reports.

Usage

Site usage by local organisations has not been updated in the submission since the initial application was made. Community groups have moved elsewhere for a variety of reasons. Provision of worship and community space in the local area has increased since the first application, with the Chiltern Lifestyle Centre and Rectory Hill Scout Hall, whilst church attendance numbers continue to decline

Highways

The comments of the Bucks County Highways Authority are inadequate and inaccurate in a number of respects and they should be revisited.

There are parking restrictions in Glebe Way and Bois Lane, and not as noted. These would have become apparent if the site had been visited and/or the Officer had knowledge of the locality.

The Parking Control in Glebe Way has resulted in reduced site vision on the exit from the site. There is no indication that the difficulties associated with tracking and access as set out in our original objection has been placed before the Highways Officer and/or assessed. This does need to be considered and commented upon.

Furthermore our swept path traffic flow plans clearly demonstrate that the applicant's traffic flow plans do not work particularly in connection with Refuse, Commercial vehicles and Fire engines visiting the site.

As we have previously pointed out the inaccessible/unsustainable nature of this site means that maximum parking is required. It appears the Highways Officer accepts there an under provision of parking and the size of the proposed parking bays does not comply with current parking requirements.

The Chilterns Cycleway includes the small roads adjacent to the site, (Bois Lane, Glebe Way and North Road) enjoyed by cyclists at weekends when the sale is expected to be the busiest.

Heritage

The Bucks Council Heritage Officer questioned the need for the proposed scale of development in March 2023 and this had not been addressed.

Lastly, in addition to the changes since the previous decision set out above we believe the Inspectors consideration of amenity and heritage assets was inadequate. The proposed scale of development would inevitably impact the quality of life of residents in the adjacent Grade II listed property. The suggestion that there would be no material impact on their property and quality of life possibly arose because of the lack of detail provided and lack of adequate scrutiny. The proposed car park at the boundary of the house; fire pit with surround seating; site capacity; and long hours of operation would inevitably generate noise and light pollution which would impact residents of the house. Also: the site is adjacent to an Established Residential Area of Special Character (ERASC).

Although the proposed metal/glass design of the largest building on site could be deemed acceptable on exceptional, subjective grounds, it conflicts with the traditional design conditions imposed on the current rectory built in 1983 and even the proposed new rectory.

Yours sincerely,

Mark Carter

Mark Carter

for Carter Planning Ltd

On behalf of The Protect Chesham Bois Common and Surrounding Area Action Group



APPENDIX 4 – LEGAL OPINION FROM IAIN PURVIS KC

Sent: Tuesday, December 12, 2023 12:29 PM

To: Melanie Beech <Melanie.Beech@buckinghamshire.gov.uk>

Subject: [EXTERNAL] RE Application Ref. PL/22/4074/FA Redevelopment of Chesham Bois Parish Centre

You don't often get email from protectcbcommon@gmail.com. [Learn why this is important](#)

[Please note this has been sent from an **external source** - treat with caution and **do not open** attachments / use links until you are sure this is a trusted communication see intranet/IT for advice.]

Dear Ms Beech

Below and attached is a letter written by Iain Purvis KC regarding the possible costs order on appeal against Planning Authority if they refuse the new application by St Leonard's, which we believe is important to the decision-making process in the Planning meeting Wednesday 13th December at 6.30pm, and we would ask you to take this into consideration.

Many thanks

Best regards

Peter Williams & Colin Whipp (on behalf of the Protect Chesham Bois Group)

Iain Purvis KC
Manor Lodge, North Road, Chesham Bois, HP6 5NA

7 December 2023'

I have been asked to consider the email of Mr Shires of 12 July and the point he makes there about a possible costs order on appeal against the Planning Authority if they refuse the new application by St Leonards.

It is of course correct that Planning Authorities must act reasonably, and that an Inspector may make an award of appeal costs against a Planning Authority if it has been guilty of unreasonable behaviour in refusing an application. The Planning Guidance issued by the Government includes as one potential example of this (amongst many) '*unreasonably refusing*' an application by '*persisting in objections to a scheme or elements of a scheme which...an Inspector has previously indicated to be acceptable.*' Of course, this does not mean that refusing a new application where an Inspector may have previously indicated that he would regard it as acceptable is inherently unreasonable. On the contrary, as I shall show, it may be eminently reasonable to conclude on the evidence and as a matter of judgment that such an application should be refused.

The whole question needs to be understood in the overall context of the duties of the Planning Authority, the circumstances in which any indication by a previous Inspector was given, and the precedential value of previous decisions. The following points are relevant:

- (a) The duty of the Planning Authority is to exercise its own independent judgment to determine planning applications in the light of the appropriate laws and policy considerations. In doing so it has to consider the evidence put before it.
- (b) Where a new application is made after the refusal of a previous application, the Planning Authority must assess it on its own merits, bearing in mind the evidence which is filed on the new application. This evidence may of course be new or different from the evidence on the previous application.
- (c) When an Inspector refuses an appeal, they may of course make comments on aspects of the application which they would have regarded as acceptable, or indicate disagreement with some of the reasons given by the Planning Authority for refusing the application. This is what happened in the present case. However it should be borne in mind that those comments or indications are strictly '*obiter dicta*' (ie they are not relevant to the actual decision made) and therefore neither binding nor of the same persuasive value as the actual reasoning of the decision. Furthermore, and importantly, the comments are made purely on the basis of the evidence on that application. It cannot be assumed that the same comments or indications would necessarily have been made if the evidence had been different.
- (d) Comments or indications in an Inspector's decision in one application are not binding on either Inspectors or Planning Authorities in another application. On the contrary, the new application must be decided independently as a matter of personal judgment on its own merits. The reasoning may of course be persuasive but often of course it may not be. Any decision making body presented with such a decision must consider whether the reasoning is in fact cogent and convincing.
- (e) 'Consistency' is of course an important aspect of decision making in the public sphere which applies to planning applications. However, it is also important to note that this does not demand that the decisions of Inspectors on similar issues must be the same. The leading case, often cited, on consistency in planning decisions is North Wiltshire District Council v. Sec of State for the Environment and Clover (1993) 65 P & CR 137. There Mann LJ said this, having explained that consistency was an important factor in planning decisions:

'I do not suggest and it would be wrong to do so, that like cases must be decided alike. An inspector must always exercise his own judgment. He is therefore free upon consideration to disagree with the judgment of another but before doing so he ought to have regard to the importance of consistency and to give his reasons for departure from the previous decision.'

To state that like cases should be decided alike presupposes that the earlier case is alike and is not distinguishable in some relevant respect. If it is distinguishable then it usually will lack materiality by reference to consistency although it may be material in some other way. Where it is indistinguishable then ordinarily it must be a material consideration. A practical test for the inspector is to ask himself whether, if I decide this case in a particular way am I necessarily agreeing or disagreeing with some critical aspect of the decision in the previous case? The areas for possible agreement or disagreement cannot be defined but they would include interpretation of policies, aesthetic judgments and assessment of need. Where there is disagreement then the inspector must weigh the previous decision and give his reasons for departure from it. These can on occasion be short, for example in the case of disagreement on aesthetics. On other occasions they may have to be elaborate.'

(f) It will be noted that Mann LJ is making three important points here. One is that each decision must be taken on the basis of the inspector's own judgment. The second is that if the second application is distinguishable from the first then the relevance of consistency falls away. I would add that a case may be distinguishable not only on the basis of what is being applied for, but also on the basis of the evidence which is before the decision making body. The third is that an inspector can disagree with a previous inspector's decision on a wide range of bases. This include the interpretation of policies, aesthetic judgments and assessment of need. Where there is such disagreement, there is nothing preventing the inspector from coming to their own view, provided that they weigh the previous decision and give some reasons for departing from it (which may be shortly stated).

It follows from all this that a Planning Authority, confronted with a new application, must consider an Inspector's decision on a similar earlier application as part of their overall consideration. However:

1. If the opposition to the new application includes new and relevant evidence or material which the previous Inspector did not consider, then the case is inherently distinguishable from the previous decision, and the significance of 'consistency' as a factor falls away.
2. The Planning Authority should not shy away from disagreeing with commentary in a decision of an Inspector on an earlier application if it regards the reasoning of the Inspector as wrong or it disagrees with it on reasonable grounds. To do so would fail to comply with its obligation to exercise its own independent judgment.
3. There is no guarantee that an Inspector on an appeal against a decision of a Planning Authority will go along with the reasoning of an earlier Inspector on a similar application, so it would be wrong for the Planning Authority to take its decision on that assumption.

So far as the question of costs is concerned, it would be intolerable for a Planning Authority approaching its duties in a lawful and reasonable way to be affected in its decision making process by a fear that an application for costs would be made by a disaffected party. This is why the legislation only provides for the award of costs where the Planning Authority has acted 'unreasonably'. It will be apparent from the above that it may be perfectly reasonable to uphold objections to a new application even on subject matter which appeared to have been considered acceptable by an Inspector on a previous case. This will be the case where the evidence is different or where the Planning Authority disagree with the reasoning of the Inspector on reasonable grounds. Both of those positions may be regarded as perfectly justifiable in this case.

Given the new evidence in the present case, and the strength of the arguments against what were strictly 'obiter' comments from the Inspector on the previous application, the Planning Authority would be well within its rights to refuse the present application with an appropriate explanation. An Inspector on appeal from such a refusal would assess the validity of the reasoning against the previous Inspector's comments and come to his own view, but I can see no reason why the conduct of the Planning Authority in such circumstances could be deemed 'unreasonable' such as to attract a costs penalty.

Iain Purvis KC
7 December 2023'



APPENDIX 5 – LETTER TO BUCKS COUNCIL ECOLOGY OFFICER FROM CHESAM BOIS PARISH COUNCIL



The Council Office, Glebe Way, Chesham Bois, Bucks. HP6 5ND
Telephone: 01494 432585 Email: clerk@cheshamboispc.org.uk
www.cheshamboispc.org.uk

3rd January 2024

Re: Planning Application PL/22/4074/FA
To: Bucks Council Ecology Officer

Following the publication of the Bucks Council report on 21/12/23 in relation to the East Bucks Area Planning Committee (EBAPC) meeting on Tuesday, 9th January 2024, we were concerned to read that the new, material planning issues relating to ecology that were highlighted in the report by Future Nature WTC dated 4/12/23 have been summarily dismissed.

Future Nature WTC is an independent, wholly owned consultancy by the Berks, Bucks and Oxfordshire Wildlife Trust and they were instructed by Chesham Bois Parish Council because of concerns raised about the lack of detail in submitted ecology reports, issues which had not been addressed by Bucks Council and were not discussed at the EBAPC meeting on 17/10/23.

In the published report by Bucks Council, reference is made to the more comprehensive ecology report provided by Future Nature WTC in para. 5.8 (below):

*5.8 CBPC have instructed an independent ecologist to review the reports submitted with the application and assess the potential impact of the development on the Chesham Bois Common. **The Council's Ecologist has reviewed the report prepared by Future Nature WTC on behalf of CBPC and does not consider that any new information has been provided.** She acknowledges that a new Statutory Biodiversity Metric User Guide was published in November 2023, but such updates occur regularly and to expect applicants to have to update their metric every time would be unreasonable. The Council assesses the application at the time of its submission. Officers are confident that the impact of the proposed development on protected species has been properly considered and this is set out in paragraphs 5.30 and 5.31 of the previous Committee Report. The new report that has been submitted does not alter this conclusion.*

As no response to the material issues highlighted in the Future Nature WTC report has been published, we are writing to request that a full explanation of the reasons why each of the items raised in that report are not being addressed.

With regard to Biodiversity Net Gain (BNG) metrics, we acknowledge that guidelines are evolving over time, nevertheless news of the planned November 2023 update was published on 21st February 2023 and we understand that planning applications should take account of both current and emerging guidelines. In addition, we wish to highlight that reference to a 'target time to recovery' of up to 27 years in BNG metrics, published on behalf of the applicant, has not been highlighted. The negative BNG score which would result from the proposed development, as referenced in the report from Future Nature, is now relevant.

As you will be aware, the original planning application for this large-scale conference centre was submitted in February 2020 and has not materially changed. It pre-dated the publication of the Environment Act 2021 and the increasing recognition of the importance of protecting nature. We also note that Bucks Council is party to the

Biodiversity Action Plan referenced in the published [Forward to 2030 – Buckinghamshire & Milton Keynes Natural Environment Partnership \(bucks.mknep.co.uk\)](https://bucks.mknep.co.uk), which provides guidelines to follow as an interim measure before the Local Nature Recovery Strategy is finalised.

The Biodiversity Action Plan list of objectives include issues relevant to the referenced planning application:

1. *Retain, enhance, expand and create priority habitats everywhere*
2. *Increase the overall land area of wildlife-important habitats and land positively managed for wildlife and high nature value habitats*
3. *Create and manage buffers around existing and new areas of priority habitat and around other core and high quality biodiversity and habitat sites, following best practice guidelines*
4. *Enhance existing habitats and improve habitat condition: to achieve more hectares in positive management for wildlife and increase the use of nature-based solutions for climate change adaption. This includes a focus on public spaces, the urban environment, farming and land management*
5. *Connect quality habitats across the landscape to enable species movement across larger areas to improve habitat and species resilience to external pressures with a focus on connectivity within and between BOAs as well as into the wider landscape*
6. *Improve people's connectedness with nature, so that communities across Buckinghamshire and Milton Keynes value and understand the role of nature in mental and physical wellbeing*
7. *Ensure biodiversity is a key factor in the design of the urban environment and of new Development*

In particular, we would highlight the lack of buffer zones in the planning application to protect the habitat of existing, protected species in designated Priority Habitat areas around the boundary of the site. Also, the failure to meet the objective to ensure that biodiversity is the key factor in the design of new developments, in respect of the scale and design of the proposed, large-scale buildings which include use of extensive glazing and lighting.

On appeal in 2022, the Planning Inspector was not provided with detailed information about the proposal, such as site capacity, event durations, full capacity traffic generation or the impact on ecology. For example, the Inspector only references the appearance of the proposed building design and extensive car park and not the negative impact on ecology which has now been recognised. He also references the 'rural tranquility' nature of the existing environment. The fact that he states that the environment would not be affected by c.500% increase in site occupancy and vehicle parking only serves to indicate that he may have been misled by the lack of detail in the information provided at that point in time.

As you know, the proposed development site is in a Conservation Area which Bucks Council is required to protect and is surrounded by designated Priority Habitat and Chesham Bois Common which is a rich wildlife habitat and corridor. The lack of consideration of all relevant issues relating to the ecology of this oasis for wildlife by Bucks Council is a major concern and proposed measures to mitigate the potential impact directly conflict with the design and proposed usage of the site and would result in long term harm. Protecting the environment has become critically important since the previous application was considered on appeal and *NPPF (2021) Paragraph 180a states "When determining planning applications, local planning authorities should apply the following principles:*

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

We look forward to reading your detailed response to our concerns and the issues raised in the report provided by Future Nature WTC.

Yours faithfully

Annette Dealey

Clerk
Chesham Bois Parish Council