



PLANNING STATEMENT V2

**TO ACCOMPANY OBJECTIONS TO PLANNING APPLICATION
CH/2010/023/0A (AS REVISED)**

**FOR MIXED USE REDEVELOPMENT OF THE GRANGE
(FORMER HOLY CROSS CONVENT),
GOLD HILL EAST, CHALFONT ST PETER**

**SUBMITTED ON BEHALF OF
CHALFONT ST PETER PARISH COUNCIL**

Date: July 2010

Ref: 10.008

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1. Introduction

- 1.1 This revised statement has been prepared by Cerda Planning on behalf of Chalfont St Peter Parish Council in respect of the outline planning application amended on 25th June 2010 by Gerald Eve pertaining to the redevelopment of The Grange (the former Holy Cross Convent), Gold Hill East, Chalfont St Peter.
- 1.2 The application as amended proposes the redevelopment of the site to provide a mixed use comprising up to 198 dwellings (Use Class C3); a residential care home for up to 74 bedrooms and up to 3,370 square metres (Use Class C2); retention of existing chapel for public use (Use Class D1); replacement sports pitch; together with open space, landscaping and car parking; served from new and altered vehicle accesses from Gold Hill East, and Grange Road, and a new pedestrian access off Market Place, all with associated off-site highway works.
- 1.3 The application has been allocated Reference CH/2010/0293/0A by Chiltern District Council as Local Planning Authority. The amended proposals have been accepted by the District Council as part of the existing planning application.
- 1.4 Cerda Planning on behalf of Chalfont St Peter Parish Council have submitted **strong objections to Chiltern District Council in correspondence dated 12th April 2010** and subsequently in a Planning Statement dated April 2010.
- 1.5 This planning statement has been revised to reflect the amended proposals and recent changes in legislation and policy. Section 2 sets out a description of the applicant's site and its surroundings. Section 3 details the proposed development. Section 4 summarises planning policy and guidance. Section 5 provides an assessment of the development proposals with cross reference to relevant planning policy including an assessment of the weight to be attached to individual policies and other documents accompanying the application submission.
- 1.6 Through this assessment it will be shown that the proposed development **fails the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004** such that the planning application should be **comprehensively refused** by Chiltern District Council as Local Planning Authority.

2. The Application Site

- 2.1 The application site extends to approximately 8.6 hectares. The site is situated within the village of Chalfont St Peter, approximately 3 kilometres from the M25 Junction 17.
- 2.2 Chalfont St Peter is an **ancient community** referenced in the Anglo-Saxon character 949AD, with traces of earlier Iron Age and Roman habitation. The village has a number of historically significant buildings, some of which are listed. The Grange, which is the subject of this application, was for almost 350 years the medieval Manor and Court of Missenden Abbey. As set out in the Draft Core Strategy March 2010, the village is defined by its open spaces.
- 2.3 The site comprises an existing Convent and former school buildings, the latter operational as recently as 2006. The site also includes two semi-detached houses.
- 2.4 The **greater majority of the site comprises green field land laid to open space and formal playing pitches associated with the school.** The Convent and school buildings are clustered tightly together limiting the extent of the previously developed area of land.
- 2.5 This site is accessed from Gold Hill East with a secondary entrance served off Grange Road. Both roads are narrow in terms of carriageway width, visibility is poor, and both roads carry significant quantities of traffic in both the am and pm peak.
- 2.6 **The site is the subject of historical significance.** The Convent building was the subject of a request to English Heritage for statutory listing and although rejected, English Heritage acknowledge that the building is a heritage asset of value. In addition, the site **immediately adjoins the principle Conservation Area** within Chalfont St Peter designated due to the desirability to preserve the character and appearance of the area. The site is also the subject of a significant number of trees all of which are **protected by a Tree Preservation Order.** Some of these trees have been densely planted and create a woodland area.
- 2.7 Chalfont St Peter is not served by a railway station. Bus services are limited in terms of number of services, frequency of services, and locations served by

services.

- 2.8 Chalfont St Peter is served by a variety of shops, services and facilities commensurate with the settlements village status.

3. Proposed Development

- 3.1 The applicants propose a revised mixed use development seeking to deliver new housing, including affordable housing, a residential care home and community facilities and associated works.
- 3.2 The application is submitted in outline format, with all matters reserved save for access. The application forms describe the development as follows:

“Redevelopment of the site to provide a mixed use comprising up to 198 dwellings (Use Class C2); a residential care home for up to 74 bedrooms and up to 3,370 square metres (Use Class C2); retention of existing chapel for public use (Use Class D1); replacement sports pitch; together with open space, landscaping and car parking; served from new and altered vehicle accesses from Gold Hill East, and Grange Road, and a new pedestrian access off Market Place, and with associated off-site highway works”.

- 3.3 It is understood that the proposals have been the subject of pre-application and on-going post-submission discussion with Chiltern District Council and Buckinghamshire County Council.
- 3.4 The proposals will result in the redevelopment of the entirety of the site. The consequence of this is the loss of significant areas of open space together with the loss of formal playing pitches which Sport England have objected to. It is accepted that efforts have been made to address these objections with the provision of a replacement sports pitch.
- 3.5 The proposals will also result in the **loss of social and community facilities** in terms of the convent and school.
- 3.6 In order to accommodate the quantum of development envisaged by the applicants, **92 protected trees need to be removed** to facilitate development.
- 3.7 Significant off-site highway works are required in order to accommodate the development on the wider network, including the **radical approach to reducing carriageway width** in order to secure satisfactory forward visibility at key proposed junctions.

3.8 The application proposals are accompanied by a range of supporting documents and reports. However, **the submission is lacking in a number of key areas**, detailed further in due course within this report, principally in terms of:

- Open Space Audit in accordance with PPG17;
- Detailed assessment against the provisions of Sport England policy;
- Team generation calculations in accordance with Sport England requirements having regard to the existing and future population within Chalfont St Peter;
- Assessment on the needs and demands for retention of existing community facilities on the site, and ability for the site to accommodate new community facilities;

3.9 It is envisaged that the proposals do not need to be assessed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 albeit no formal Screening Opinion has been submitted to the Local Planning Authority for formal confirmation of such.

4. Planning Policy

4.1 The applicants Planning Statement does not provide a detailed consideration of planning policy. This is an important omission given the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The following section of this report sets out the provisions of planning policy material to the development proposed.

(i) National Planning Policy

4.2 The Government's general approach to planning is set out in **Planning Policy Statement 1 (PPS1) – Delivering Sustainable Development**. It sets out important guidance in relation to material considerations and the weight to be attributed to adopted and emerging policy. It is a statement of broad strategy with three key themes:

- Sustainable Development
- Spatial Planning Approach
- **Community Involvement in Planning**

4.3 Paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- Making suitable land available for development in line with economic, social and environmental objectives to improve peoples quality of life;
- Contributing to sustainable economic development;
- **Protecting and enhancing the natural and historic environments**, the quality and character of the countryside and existing communities;
- Ensuring high quality development through good and inclusive design and the efficient use of resources; and
- Ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

- 4.4 Paragraph 21 relates to the prudent use of natural resources. It sets out that this means ensuring that we use resources wisely and efficiently, **in a way that respects the needs of future generations.** This means enabling more sustainable consumption and production and using non-renewable resources in ways that do not endanger the resource or cause serious damage or pollution.
- 4.5 Paragraph 33 notes the importance of good design. This states that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.
- 4.6 PPS1 provides guidance in respect of the weight to be attributed to emerging policies being developed through a Councils Local Development Framework. Paragraph 18 states:
- “Planning applications should continue to be considered in the light of current policies, however, account can also be taken of policies in emerging DPD’s. The weight to be attached to such policies depends on the stage of preparation or review, increasing at successive stages reached”.***
- 4.7 Paragraph 18 goes further, stating:
- “Where a DPD has been submitted for Examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibilities that they will adopted. The converse may apply if there have been representations which oppose the policy”.***
- 4.8 **Planning Policy Statement 3 - Housing (PPS3)** sets out the Government’s key objectives for planning for housing. These are to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. The Government is therefore seeking to ensure a choice of housing types to meet the needs of all members of the community; to deliver a better balance between housing demand and supply; and to create sustainable, inclusive, mixed communities in all areas. Developments should be attractive, safe and designed and built to a high quality. They should be located in areas with good access to jobs, key services and infrastructure.

- 4.9 Paragraph 12 states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable mixed communities.
- 4.10 Paragraph 38 sets out the options for accommodating new housing growth should take into account opportunities for, **and constraints against**, development.
- 4.11 Paragraph 71 deals with the need to ensure that all Council's have a 5 year supply of deliverable sites. Where 5 years supply cannot be demonstrated planning applications should be determined favourably in accordance with PPS3 having regard to the need to achieve high quality housing; a good mix of housing; the suitability of the site for housing including environmental, sustainability; using land effectively and efficiently; and ensuring development is in line with planning for housing objectives.
- 4.12 **Planning Policy Statement 5 – Planning for the Historic Environment (PPS5)** sets out very recent Government guidance in relation to heritage assets.
- 4.13 Paragraph 7 states that the Governments overarching aim is that the **historic environment and its heritage assets should be conserved** and enjoyed for the quality of life they bring to this and future generations, noting that heritage assets are a non-renewable resource, and that any development should take account of the wider social, cultural, economic and environmental benefits of heritage conservation.
- 4.14 Policy HE6 sets out information requirements for applications for consent effecting heritage assets. This requires that an **applicant provide a description of the significance of the heritage assets effected and the contribution of their setting to that significance;** the level of detail should be proportionate to the importance of the heritage asset and should include an assessment of the impact of the proposal within the Design and Access Statement, as part of the explanation of the design concept.
- 4.15 Policy HE9 makes clear that there should be a presumption in favour of the Conservation of designated heritage assets and the more significant the designated heritage assets the greater the presumption in favour of its Conservation should be.
- 4.16 Paragraph HE9.4 goes further, stating that where a proposal has a harmful impact on the significance of a designated heritage asset which is less than

substantial harm, in all cases local planning authorities should weigh the public benefit of the proposal against the harm and recognise that the greater the harm to the significance of the heritage assets the greater the justification will be needed for any loss.

- 4.17 **Planning Policy Guidance Note 13 – Transport (PPG13)** was published in March 2001. The Guidance states, at paragraph 3, that land use planning has a key role in delivering the Government's integrated transport strategy by shaping the pattern of development and influencing the location, scale, density, design and mix of land uses. In addition, it is noted that planning can help to reduce the need to travel, reduce the length of journeys and make it safer and easier for people to access jobs, shopping, leisure facilities and services by public transport, walking and cycling.
- 4.18 Paragraph 6 highlights that local authorities should actively manage the pattern of urban growth to make the fullest use of public transport, whilst using parking policies to promote sustainable transport choices and reduce reliance on the car for work and other sources.
- 4.19 **Planning Policy Guidance Note 17** provides guidance for open space, sport and recreation.
- 4.20 Paragraph 10 advises that **existing open space should not be built on** unless an assessment has been undertaken which has shown the open space to be surplus to requirements.
- 4.21 Paragraph 15 states that where a robust assessment of need in accordance with the guidance has not been undertaken, **planning permission for such development should not be allowed** unless:
- The proposed development is ancillary to the use of the site as a playing field (for example new changing rooms) and does not adversely affect the quantity or quality of pitches and their use;
 - The proposed development only affects land which is incapable of forming a playing pitch or part of one;
 - The playing fields that will be lost as a result of the proposed development will be replaced by playing a field or fields of equivalent or better quantity and quality in a suitable location;
 - The proposed development is for an outdoor or indoor sport facility of sufficient benefit to the development of sport to outweigh the loss of

the playing field.

- 4.22 **Planning Policy Guidance Note 24 – Planning and Noise (PPG24)** states at paragraph 2 that the impact of noise can be a material consideration in the determination of planning applications. Paragraph 8 refers to Noise Exposure Categories (NEC) for residential development and states that Category A represents the circumstance in which noise is not likely to be a determining factor whilst Category D relates to the situation in which development should normally be refused. Categories B and C deal with situations where the noise mitigation measure may make development acceptable.
- 4.23 **Planning Policy Statement 25 – Development and Flood Risk (PPS25)** explains how flood risk should be taken into account in assessing development proposals. The key objective is to appraise, manage and reduce risk. A sequential approach to determining the suitability of land for development in flood risk areas is central to the policy statement.
- 4.24 **Better Places to Live By Design: Companion Guide to PPG3** takes the principles of “By Design” and focuses on the attributes that underlie well-designed successful residential environments. This document does not set out new policy but is a helpful document to those designing new developments in the light of meeting PPG3 requirements such as making the best use of available urban land.
- 4.25 Page 9 highlights how PPG3 has set out a radical new approach to planning for housing. Page 16 of the document notes that the **successful integration of new housing with its surrounding context is a key design objective**, the site itself and its immediate surroundings informs a whole range of subsequent design decisions. With sustainable development a broader approach is required with greater emphasis on linkages between new houses and local facilities, public transport networks and walking and cycling routes.
- 4.26 **By Design: Urban Design in the Planning System – Towards Better Practice** stresses the importance of good design and states that it is fundamental to achieving sustainable development. The guidance examines various aspects of design and sets out the design principles that new development should be aiming to achieve.
- 4.27 In particular the document incorporates a number of prompts to thinking about design but points out on page 18 that:

“In any real situation, some of these prompts will conflict and some will benefit some people more than others. Good design results from consideration being given to a wide range of concerns and the creative resolution of potential conflicts.”

(ii) The Development Plan

- 4.28 The adopted Development Plan includes the South East Plan and the Chiltern District Local Plan.
- 4.29 The Development Plan previously included the South East Plan. However, following the Local Government Association Conference that took place week commencing 5th July 2010, the Regional Strategy has been revoked under Section 79 (6) of the Local Democracy Economic Development and Construction Act 2009 and no-longer forms part of the Development Plan for the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004.
- 4.30 **The Chiltern District Local Plan** was adopted on 1st September 1997. It is the subject of a Direction from the Government Office for the South East to ‘Save’ policies for a three year period from 24th September 2007.
- 4.31 Policy H3 permits housing in the built-up areas provided that proposals are compatible with the character of those areas by respecting the general density, scale, siting, height and the character of buildings in the locality of the application site, and the presence of trees, shrubs, lawns and verges and accords with other policies of the Local Plan.
- 4.32 Policy H6 deals with the provision of affordable housing in the built-up area and is the subject of an adopted alteration to the Local Plan dated 23rd July 2004.
- 4.33 The provision of accommodation for people in need of care in the built-up areas is acceptable in accordance with Policy H8 provided that the proposed development would not be detrimental to the amenities of the area in which it would be located and accords with other policies in the Local Plan.
- 4.34 In terms of recreation Policy R2 deals with the loss of existing sports facilities throughout the district, and states that **development which would result in the loss of any existing sports facility to a non-sports use will be refused**, unless

either of the circumstances set out below applies:

- The applicant demonstrates to the satisfaction of the Council that there is no continuing community need for the facility and it is not possible to use the facilities for other sports; or
- Alternative provision of at least an equivalent size, suitability and convenience is made; and
- Other policies in the Local Plan are complied with.

4.35 This policy applies to outdoor sports facilities including existing school playing fields; **land last used as school playing fields** and equipped children's play grounds.

4.36 Policy R10 deals with the loss of other amenity open space not open to the general public. **Development will not be permitted** if it would:

- Result in the loss of whole or part of any area of amenity open space not open to general public; or
- Be seriously detrimental to the established character of the amenity open space referred to above.

4.37 Supporting Paragraph 10.29 states that in various parts of the built-up area of the district there are areas of open land which by reason of their particular characteristics are of high amenity value to the public at large, although the public has no right of access onto them. Such areas make **important contributions to the local environmental character** and are valued by residents as open spaces which provide visual contrast and relief in otherwise built-up areas.

4.38 Supporting Paragraph 10.30 states that as with public amenity open space and common land, significant contrasts in character are evident and may stem from the presence of trees and continuous woodlands or from the open character of a particular area. Overall however, **each amenity open space has a high environmental quality emanating from its particular features.**

4.39 As a consequence, supporting Paragraph 10.31 states that in recognition of the significant amenity value of these open spaces to the local communities in which they are located, **the Council will aim to safeguard them against inappropriate development and to conserve their character.**

4.40 In terms of the loss of community services and facilities in built-up areas, Policy CSF2 applies. This states that the Council **will not allow any development which results in the loss of the community service or facility** on the site in question unless:

- A replacement building and/or land can be provided in an equally convenient location that would comply with Policy CSF1; or
- It can be demonstrated to the satisfaction of the Council that the facility is no longer required for its existing use, or for any other community use in the built-up area in which it is located, or in the district, as appropriate to the type of use under consideration; and
- Other policies in this Local Plan would be complied with.

4.41 Paragraph 12.2 makes clear that for the purposes of this policy, community services and facilities include education, health, water, sewerage, electricity, gas and telephone services, and cultural, entertainment and indoor leisure activities other than sport (which is the subject of separate policy).

(iii) Emerging Development Plan Policy

4.42 In order to roll forward policy, the Council have embarked upon the Local Development Framework in accordance with the Planning and Compulsory Purchase Act 2004.

4.43 The emerging Core Strategy has been the subject of consultation in 2004, 2005, 2006 and 2008, and is currently the subject of further consultation.

4.44 In terms of site specific allocations the Council are yet to produce a Development Plan Document for consultation having recently concluded preparation of their evidence base.

4.45 It is however acknowledged that the Draft Core Strategy, currently the subject of consultation, allocates the application site for residential development, with an anticipated yield of 260 units (Policy CS15). This policy is however the subject of **strong objection** by a considerable number of respondents including Chalfont St Peter Parish Council.

4.46 It is clear, therefore, that the Local Development Framework is at a very early stage in its preparation and the **weight to be attributed to it according to Government policy should be limited**, reflecting the uncertainty surrounding

the emerging policies and how they will impact upon the site in their adopted form, and the lack of any revision (in respect of the Core Strategy) following consultation.

(iv) Other Guidance / Material Considerations

- 4.47 It is relevant to consider other guidance and material considerations relevant to the assessment of the application proposals.
- 4.48 The **Government Office for the South East provided a Direction letter** dated 24th September 2007 'Saving' policies from the Local Plan referred to above.
- 4.49 The penultimate paragraph on the first page of the Government Office for the South East's letter makes clear that the extension of Saved policies listed in the Direction does not indicate that the Secretary of State would endorse the policies if presented to her as new policy, but goes on to state that it is intended to ensure **continuity in a plan led system** and a stable planning framework locally, and in particular, a continual supply of land for development.
- 4.50 Sport England have produced a Planning Policy Statement, a **Sporting Future for the Playing Fields of England**. This was the policy basis for the previous objections submitted by Sport England. This states that playing fields are **one of the most important resources for sport in England**. Policy P1 states that Sport England will oppose the grant of planning permission for any development which would lead to the loss of, or prejudice the use of any part of a playing field.
- 4.51 There are five exceptions to this policy as follows;
- E1 : An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no special significance for sport.
 - E2 : The development is ancillary to the principle use of the playing field and does not affect the quantity, quality of pitches.
 - E3 : The development only affects land incapable of forming part of a playing pitch and this would lead to no loss of ability to use/size of playing pitch.
 - E4 : The playing field lost would be replaced.
 - E5 : The proposed development is for an indoor/outdoor sports facility.

- 4.52 Sport England's document entitled **Towards a Level Playing Field** is also material to these proposals. It is a guide that is aimed primarily at Local Authority's Officers who are responsible for producing a playing pitch strategy for their area. One of the benefits of producing a playing pitch strategy is providing a basis for establishing new pitch requirements arising from new housing developments; it also promotes sports development and can help unlock latent demand by identifying where the lack of facilities might be suppressing the formation of teams.
- 4.53 As part of the evidence base to the Local Development Framework, the Council have produced a **Strategic Land Availability Assessment (SHLAA)**. The application site is identified within the boundaries of sites 116 and 391 as assessed in the SHLAA as suitable for residential development up to 60 dwellings per hectare.
- 4.54 It is important to note that the SHLAA comprises evidence base only and is not a statutory document for the purposes of consultation in accordance with the Statement of Community Involvement and thus inclusion of a site within the SHLAA does not indicate that a site should be, or will be, allocated within a Development Plan Document.
- 4.55 The SHLAA notes that previously developed land available for housing exceeds the South East Plan requirements, whilst Paragraph 5.17 notes the importance of a small site allowance in Chiltern.
- 4.56 The Council have prepared an **Annual Monitoring Report** together with a **Housing Land Trajectory** in order to assess, amongst other aspects, the supply of housing in the context of the requirements set out within PPS3 for a minimum of five year's worth of deliverable sites.
- 4.57 These documents demonstrate that there is a need for at least 262 additional dwellings to be identified for completion by 1st April 2014 in order to demonstrate a five years supply of deliverable housing.
- 4.58 In accordance with PPG17, the Council have prepared an **Open Space Audit** dated 2005.
- 4.59 Paragraph 6.3 sets out that the audit should ensure sufficient space for outdoor sport, **including the use of private land and educational sector land**.

- 4.60 In terms of playing pitches in Chalfont St Peter, Paragraph 8.678 is clear in confirming that Chalfont St Peter has an **under provision of playing pitches** if education facilities are excluded from the assessment. Consequently, the audit states that community use of education facilities is an important element in the supply calculation.
- 4.61 Chalfont St Peter Parish Council has produced a **Village Design Statement** which is presently the subject of public consultation. The document seeks to establish the priorities, wishes and hopes of the community having regard to historical context, landscape, landmark buildings, roads and footpaths, transport, houses and buildings, water supply and disposal, schools, community facilities, commerce and retail, wildlife and sustainability.
- 4.62 The Village Design Statement will, once adopted, carry status as non statutory planning guidance alongside the Local Development Framework. It thus carries significant weight in the decision making process, particularly so given it has the support of the entire village and is therefore a democratically sound document.
- 4.63 The Village Design Statement sets out important information regarding the historical significance of The Grange, the subject of this planning application.
- 4.64 The Village Design Statement concentrates on design guidelines that are intended to meet future needs and aspirations, but makes clear;

“...those who live in and around this attractive village have the right to expect that the eventual fulfilment of the aims presented here will also pay heed to protecting the remaining rich legacies of architecture and landscape which Chalfont St Peter has inherited from previous generations”.

5. Assessment of the Development Proposed

5.1 Having set out the policy background the remainder of this statement considers the principal issues that are apparent in respect of the development proposals. In the context of the outline application seeking approval for the principle of development together with means of access. It is considered that these are:

1. The weight to be attached to adopted and emerging policies
2. Housing need
3. Loss of open space and playing pitches
4. Loss of community facilities
5. Access and traffic impact
6. Impact on trees and biodiversity
7. Impact on heritage assets
8. Density
9. Section 106 Contributions
10. Community Engagement

1. The Weight to be attached to adopted and emerging policies

5.2 In terms of the Development Plan and the weight to be afforded to policies, it is important to have regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004. This generally restates the provision of section 54a of the Town and Country Planning Act 1990;

“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”

5.3 Primacy must therefore be given to the **adopted** Development Plan policy. Whilst consideration should be given to emerging policy and other material considerations. Section 38(6) is drafted in such a way that emerging policy

does not have equal weight, or indeed outweighs, the adopted Development Plan.

5.4 This is on the basis that adopted Development Plan policies have been the subject of thorough public consultation, refined as a result of the responses received, and has also been the subject of independent scrutiny either through a UDP Examination or Local Plan Inquiry.

5.5 In terms of the weight to be attributed to emerging policy, PPS1 provides important guidance for local authorities. This states at paragraph 18 that;

“Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPD’s. The weight to be attached to such policies depends on the stage of preparation or review, increasing as successive stages are reached.”

5.6 In this instance the Core Strategy is at an early stage. It is yet to be the subject of Submission consultation and subsequent Examination and adoption. The Allocations DPD is at an even earlier stage of preparation having not been the subject of any consultation. This is an important aspect given the provisions of PPS1 paragraph 18 which makes clear;

“Where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. *The converse may apply if there have been representations which oppose the policy.*”

5.7 It is the case that the Draft Core Strategy policies, particularly in respect of the application site, are the subject of **strong objection**. This is an important aspect in the context of PPS1 paragraph 18.

5.8 Furthermore, **the emerging Local Development Framework is in part founded upon the South East Plan, for example with regard to housing requirements for the District. The South East Plan has now been revoked. Consequently, the Local Development Framework will need to be revisited, further undermining the content of the emerging policies.**

5.9 It can be seen therefore, in respect of the emerging Local Development

Framework, **that little or no weight can be attributed to draft policies** since they are the subject of objection and there is no possibility, let alone strong possibility, that they will be adopted in their current form.

- 5.10 It is notable that in the meeting held between the Parish Council and Gerald Eve, the agents advised that the justification for the planning application was based upon the South East Plan, not the emerging Local Development Framework. On the basis that the South East Plan has been revoked this justification now falls away.
- 5.11 Other aspects of the Local Development Framework evidence base, cannot be afforded any weight as some of these documents are not in the public domain, have not been the subject of consultation, and are not adopted by the council. As PPS1 and PPS12 make clear at the core of spatial planning is a framework based on **community derived objectives**, objectives that can only be expressed where evidence base documents are the subject of public scrutiny.
- 5.12 The Government Office for the South East have provided a Direction letter dated 24th September 2007 Saving various Local Plan policies.
- 5.13 The penultimate paragraph on the first page of the Government Office for the South East's letter makes clear that the extension of Saved policies listed in the Direction does not indicate that the Secretary of State would endorse the policies if presented to her as new policy, but goes on to state that it is intended to ensure continuity in a Plan led system and the stable planning framework locally, and in particular, a continual supply of land for development.
- 5.14 The Government Office for the South East make clear therefore that the approach to development must continue to be **in accordance with the Plan led system**, and there is nothing within the Government Office for the South East's letter which indicates that the Plan led system should disregard the Statutory Development Plan and the Saved policies therein. If that were the intention of the Government Office then there would be little point in saving policies from Local Plans since the Government Office would simply refer the Council and, in turn, applicants for development, to emerging policies and associated evidence base.
- 5.15 Having established, in accordance with statute that primacy should be given

to the Development Plan, and the Local Development Framework and associated evidence base carries some weight this is very limited in accordance with the provisions of PPS1, it is relevant to consider the mixed use planning application when assessed against policy.

- 5.16 The Local Plan permits housing in the built-up area under the provisions of Policy H3. The application site falls within the built-up area. However, an important component to Policy H3 is the requirement that proposals should accord with other policies of the Local Plan.
- 5.17 Policy R2 deals with the loss of existing sports facilities throughout the District and states that development which would result in the **loss of any existing sports facility to a non-sports use will be refused** unless the Council are satisfied that there is no continuing community need for the facility, or alternative provision is made for at least an equivalent size, suitability and convenience.
- 5.18 This policy applies to the entirety of the application site, since it includes land last used as school playing fields.
- 5.19 Policy R10 addresses the loss of amenity open space not open to the general public. Development will not be permitted if it would result in the loss of whole or part of any area of amenity open space, or would be seriously detrimental to the established character of the amenity open space.
- 5.20 As set out in further detail below, the applicants have not demonstrated that there is no continuing community need for the facility or that it is not possible to use the facilities for other sports, whilst alternative provision may not be being made of an equivalent size, suitability and convenience. **In these terms Policy R2 would resist development on part or whole of the site.**
- 5.21 Similarly, Policy R10 resists development on whole or part of the site since the proposals would **result in the loss of an area of amenity open space** not open to the general public, and would be seriously detrimental to the established character of the amenity open space.
- 5.22 In terms of the loss of community services and facilities, Policy CSF2 is a negatively worded policy which **does not allow any development which results in the loss of the community service or facility** unless a replacement building and/or land is provided in an equally convenient location, or it can be demonstrated to the Council that the facility is no longer required for its existing

use or for any other community use in the built-up area. This policy applied to the convent and school.

- 5.23 The applicant is not proposing a replacement building and/or land in an equally convenient location, and no evidence has been put forward to show that the facility is no longer required for its existing use or for any other community use. It is accepted that the Chapel is being retained however this doesn't offset the loss of the convent and school, which are significant facilities. **Consequently, the proposals fail the provisions of Policy CSF2.**
- 5.24 **The Statutory Development Plan therefore contains policies R2, R10 and CSF2 all of which resist the loss of existing uses on the site.**
- 5.25 It is acknowledged that emerging Policy CS15 contained within the Draft Core Strategy seeks to allocate the development site for housing with an anticipated yield of 260 units.
- 5.26 As set out above however, the emerging policy carries very limited weight in the decision making process, and whilst comprising other material considerations in the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004, this **emerging policy does not outweigh the Statutory Development Plan.**
- 5.27 In these terms the only logical conclusion based on an objective assessment of development plan policy is that **these proposals should be refused on the grounds of Policy R2, R10 and CSF2.**

2. Housing Need

- 5.28 Notwithstanding the conclusions reached in respect of the weight to be attached to adopted and emerging policies, it is relevant to consider housing need in the context of the 198 Class C3 units proposed, and 74 residential care bedrooms falling within Class C2.
- 5.29 Starting firstly with the Development Plan, under the provisions of the Local Plan there is **no need to provide residential development on the application site.**
- 5.30 The Local Plan Housing Strategy is based on a mixture of allocated sites and windfall approvals, and this approach has successfully delivered housing over a 13 year period.

- 5.31 Whether or not the Council are able demonstrate a deliverable supply of sites for the next 5 years is largely immaterial insofar as any consideration of the application site for housing to meet identified need should be sequentially well down the hierarchy on the basis of **the majority of the application site constitutes green field land**, and the site is **significantly constrained** in respect of heritage assets (archaeology, adjacent Conservation Area, heritage asset of the Convent), access, impact on protected trees, loss of recreation space and playing fields, and loss of community facilities.
- 5.32 The application site is identified in the Draft Core Strategy for housing under Policy CS15. It has been demonstrated above that it would be premature to attribute weight to the provisions of Policy CS15. However, even if weight were to be attributed to emerging policy, the provisions of the Draft Core Strategy are flawed in respect of housing need.
- 5.33 This is on the basis that the housing delivery, which forms the background to the amount and distribution of residential development in the period 2006 to 2026 within Policy CS1, is not based upon the evidence base which underpins the Local Development Framework.
- 5.34 In particular, the housing delivery relies upon dwellings on identified sites in urban areas, followed by dwellings on major developed sites in the Green Belt, before giving consideration to sites identified within the SHLAA.
- 5.35 Any deliverable sites identified within the District should have been incorporated within the SHLAA and, if deliverable, taken forward as the first priority within the housing delivery. By placing little reliance on SHLAA sites other than as a top-up following exhaustion of identified sites and major developed sites in the Green Belt, the Council have either **disregarded sites through the SHLAA process and subsequently relied upon them in the housing delivery underpinning Policy CS1, or have double counted sites both within the SHLAA and identified separately or identified as major developed sites in the Green Belt.**
- 5.36 Whichever is the case, there is significant uncertainty as to the manner in which the Council have adopted their housing delivery and, in consequence, calls into question the need for the application site to be brought forward for housing.
- 5.37 This is particularly the case given that the application site is largely green field

in nature. As the SHLAA makes clear in the Executive Summary at Paragraph 13, **there is no requirement for green field sites to be brought forward in at least the first 5 years of the Plan.** This would indicate that any consideration of the application site for housing, irrespective of all the other compelling arguments advanced within this statement, should not be considered until at least post 2011.

5.38 More importantly, in respect of Chalfont St Peter the SHLAA indicates at Paragraph 7.6 that the village has 22 sites, all previously developed, providing for 1,523 units of un-prioritised capacity.

5.39 Even assuming, as a precautionary methodology, that the SHLAA accounts for the application site as a previously developed parcel of land, accounting for 379 units, the village of Chalfont St Peter remains as having a previously development un-prioritised capacity of 1,144 units. On the basis that PPS1 and PPS3 are categoric in their guidance that **previously development sites should be brought forward in advance of green field release**, there can be no justification for releasing a significant green field parcel of land at Chalfont St Peter, particularly in respect of the application site which is so heavily constrained as described above.

5.40 It is also relevant to note that the housing figures contained within the Housing Delivery Table underpinning Policy CS1 do not account of windfall sites, not previously identified through the Plan process. PPS3 makes clear that a **windfall allowance is appropriate** where no phasing is put forward as part of the Plan, as is the case in Chiltern District. This approach is further supported by Paragraph 2.8 of the SHLAA which indicates that **Chiltern District relies upon windfalls sites**, and consequently Paragraphs 5.17 to 5.19 of the SHLAA sets out the importance of a small site allowance (effectively providing for windfall permissions) for the District.

5.41 In assessing the likely quantum of windfall permissions over the Plan period to 2026, it is appropriate to consider the historical delivery of windfall units and roll this forward. In Chiltern District in the past 3 years 46 windfall units have been granted. It is important to note that **this is lower than previous years** as a result of the highly volatile and depressed economic conditions. However, even taking this precautionary low approach to windfall approvals, annualised at 15.3 units per year, windfall permissions could account for 306 units throughout the Plan period.

- 5.42 These would all be on previously developed sites in the Urban Area, in order to accord with relevant Development Plan policies.
- 5.43 The implications of this on the application site are significant. **The quantum of windfall approvals would be so significant as to account for more than 150% of the total yield arising from the application site.**
- 5.44 In consequence, **this would justify not releasing the application site for housing**, retaining its important character and status within Chalfont St Peter, avoiding the loss of recreation facilities and playing fields, together with community facilities, whilst enabling smaller scale development scattered across the District on previously developed, sustainable urban sites to be brought forward.
- 5.45 An important change as a consequence of recent legislation relations to the precise housing figures to be applied to the District. As the Addendum Planning Statement prepared by Gerald Eve makes clear at paragraph 1.37, there is a requirement to use 'Option 1' figures as a baseline for housing projections.
profound
- 5.46 In the case of Chiltern District, the Option 1 figures reduce the housing requirement from 2,900 units to 2,400 units. The net dwelling requirement reduces from 1,733 units to 1,233 units. This is a significant reduction.
- 5.47 The applicants seek to argue that the reduction in the number of units proposed on the application site corresponds, in percentage terms, with the reduction in the net dwelling requirement. An assessment is not however made to consider whether the Council can demonstrate a 5 year supply of deliverable sites – which may justify a planning application for residential development on the site given the South East Plan has been revoked and the emerging Local Development Framework does not carry any significant weight in the decision making process.
- 5.48 It is understood that the Council **can** demonstrate a 5 year supply of deliverable sites, such that there is no justification for relaxing adopted Development Plan policy to release this site for housing in advance of the Local Development Framework, if at all.
- 5.49 Turning to consider the specialised housing element of the scheme, comprising 74 bed spaces, whilst it is acknowledged that there is a need for specialist housing, it is considered inappropriate to locate all of the District's need within

a single geographical area.

5.50 If the Core Strategy were to be attributed weight, and if approved in its current format, all of the District's need for homes with people with support needs would be located within Chalfont St Peter since Paragraph 17.2 of the Draft Core Strategy identifies Newlands Park, Holy Cross Convent (the application site) and the National Society for Epilepsy (NSE) as specific sites for homes for people with support needs.

5.51 This is considered to be an inappropriate strategy, and in circumstances where there are less constrained or unconstrained previously developed sites elsewhere in the District which do not suffer from the policy, use, heritage and environmental issues that create such significant difficulties with the application site, alternative land should be considered sequentially preferable to the application site for specialist housing.

3. Loss of Open Space and Playing Pitches

5.52 Aside from the green field nature of the application site, there are important considerations in respect of the principle of development pertaining to the existing use.

5.53 The site has historically been used as a school and Convent. Issues relating to the Convent are set out later within this report however, in relation to the School **much of the land within the application boundary is laid out to open space and, in part, playing pitches.**

5.54 The application proposals will result in the **removal of all of the open space** together with all of the playing pitches.

5.55 This is a key aspect of the proposals having regard to planning policy.

5.56 PPG17 is clear in its advice on this matter in that existing open space **should not be built on** unless an assessment has been undertaken in which has shown the open space to be surplus to requirements. Paragraph 15 of PPG17 goes further, stating that where a robust assessment of need in accordance with the guidance has not been undertaken planning permission for such development **should not be allowed** unless various criteria are met.

5.57 Of these, the proposed development is not ancillary to the use of the site as a

playing field and does adversely affect the quantity and quality of pitches and their use. Furthermore, the proposed development affects all land which is capable of forming a playing pitch or part of one, whilst all the playing fields that will be lost as a result of the proposed development may not be being replaced by the single playing field proposed in the revised application. It is also questioned whether the replacement playing pitch is of equivalent or better quantity and quality in a suitable location. Finally, the proposed development is not for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.

- 5.58 In these terms **there may not be justification for the loss of the playing pitches in accordance with PPG17 policy.**
- 5.59 The applicants have not undertaken an audit of open spaces as prescribed by PPG17. This is a significant omission from the application proposals. The only evidence base within the public domain that can be relied upon therefore in the context of the loss of open space is the Council's Open Space Audit dated 2005. The applicants do not refer to this document in their Planning Statement.
- 5.60 Paragraph 6.3 of the Open Space Audit sets out that the purpose of the assessment is to ensure there is sufficient space for outdoor sport in the District. Importantly, **this includes private and education sector land.**
- 5.61 In respect of Chalfont St Peter, Paragraph 8.678 of the Open Space Audit makes clear that there is only adequate playing pitches in the village if all education facilities are included within the assessment. Consequently, the exclusion of any education facilities would lead to an under-provision of playing pitches within the village. It is for this reason that community use of education facilities is considered an important element in the supply calculation.
- 5.62 Whether or not the playing pitches are in secure community use is irrelevant to the assessment of supply in accordance with PPG17.
- 5.63 The consequence of the application proposals removing all playing pitches from the application site is that **there will be an under-provision of playing pitches within Chalfont St Peter** such that provisions of PPG17 Paragraph 10 are not met since there is no surplus of open space. On this issue therefore **planning permission should be refused.**

- 5.64 Local Plan Policy R2 broadly reflects the provisions of PPG17 which, as set out above, demonstrates that the application proposals should be refused on the grounds of loss of the existing sports facility.
- 5.65 Similarly, Policy R10 of the Local Plan broadly follows the provisions of PPG17 and this also serves to demonstrate that the application proposals **fail the provisions of the Local Plan policy** such that planning permission should be refused.
- 5.66 Setting aside these important considerations, the applicants have failed to assess the proposals against two important Sport England documents which are highly material in the determination of the planning application proposals.
- 5.67 The first, a Sporting Future for the Playing Fields of England, makes clear that playing fields are one of the most important resources for sport in England. Consequently, Sport England have prepared Policy P1 which is clear in confirming that **Sport England will oppose the grant of planning permission for any development which would lead to the loss of or prejudice the use of any part of a playing field.**
- 5.68 There are five exceptions to this policy, which the applicants have not fully assessed the proposals against. Of these, the proposals do not accord with Exception E1 since an assessment has not demonstrated that there is an excess of playing fields in the catchment. The proposals do not accord with Exception E2 since the development is not ancillary to the principle use of the playing field and does affect the quantity, and quality of pitches. The development affects all land capable of forming part of a playing pitch such that Exception E3 is not met, whilst only one playing field would be replaced. In these terms Exception E4 is not met. Finally, Exception E5 is not met in that the proposed development is not for an indoor/outdoor sports facility.
- 5.69 The second document Towards a Level Playing Field, is an important guide that enables Local Authorities and applicants for development to establish new playing pitch requirements arising from housing developments, setting out team generation rates and giving consideration to latent demand for playing pitches.
- 5.70 The applicants have not referred to this document in any of their submissions, nor undertaken any Playing Pitch Assessment. **It is not possible therefore to establish whether there is sufficient playing pitches within Chalfont St Peter to**

meet the demands arising from existing and future team generation requirements. In the absence of any such assessment the application proposals should be refused.

4. Loss of Community Facilities

5.71 As set out above, aside from the implications arising from the loss of open space and playing pitches, the application proposals will also result in the loss of community facilities in respect of the School and Convent.

5.72 This is relevant in the context of Local Plan policy CSF2 which states that the Council will not allow any development which results in the loss of the community service or facility on the site in question unless various criteria are met. **It is acknowledged that the proposals now retain the Chapel but this retention of an existing facility does not justify the loss of other community facilities.**

5.73 The applicants do not assess the proposals against the criteria within Local Plan Policy CSF2. However, in respect of the first criteria a replacement building and/or land is not being provided in an equally convenient location; there has been no evidence put forward as part of the application submission that the facility is no longer required for its existing use, or for any other community use in the built-up area in which it is located, or in the District, as appropriate to the type of use under consideration.

5.74 Importantly, and in support of the contention that the proposals fail the provisions of Local Plan policy CSF2, there is **overwhelming support for the existing Primary School to be relocated to the application site.** This was borne out in the Village Survey, where 75% of respondents were in favour of a School swap, and further supported by the applicant who made clear in their Planning Statement that the pre-application consultation, such as it was, noted that **utilising the application for a School was preferred use by respondents.**

5.75 In any event, a number of local residents recently offered to acquire the application site for in excess of a seven figure sum in order to maintain community facilities on the site. This demonstrates clear market interest in the site based on a deliverable funding stream. It cannot be said therefore that there is no local need for community facilities on the site.

5.76 It is clear that alternative community facilities have not been thoroughly

examined by the applicants, but in contrast substantial local support exists both in terms of the Village Survey undertaken by Chalfont St Peter Parish Council and the consultation undertaken directly by the applicants indicating that **alternative community use on the site has not been thoroughly tested and that alternative community provision could be accommodated on the site.**

5.77 Furthermore, it is noted that the County Council are currently reviewing how schools are organised in the area. Given the very significant issues in relation to **over population of the local schools**, it is entirely premature to consider a planning application which seeks to remove a school and develop land capable of being used for schools in advance of the County Council review process.

5.78 This is particularly the case given that the County Council's letter dated 5th February 2010 makes clear that an integral element of the schooling review would be **consideration of the views of key Stakeholders of which Chalfont St Peter Parish Council and other local bodies form part.**

5.79 In that context, noting the strong support for a school swap locally, it is quite feasible that the County Council Schooling review could identify the application site for a land-swap to accommodate the existing Primary School.

5. Access and Traffic Impact

5.80 It is noted that a Transport Statement has been submitted as part of the planning application.

5.81 It is understood that the County Council are yet to comment upon the Transport Assessment. Grave concerns are expressed in relation to the work undertaken but Chalfont St Peter Parish Council await the County Council's response before formally lodging in full objections in this regard.

5.82 It is however important to state at this stage that very grave concerns are expressed over transportation issues. Lower Road, highly important to these proposals, **cannot achieve the requisite forward visibility splays prescribed by Manual for Streets.** There is therefore a need to narrow the vehicular carriageway to improve visibility which is an arrangement which will cause significant detriment to the safety and free flow of traffic locally.

5.83 The very fact that the access off Gold Hill is limited to the care home only

serves to demonstrate the sensitive nature of the local highway network both in terms of capacity and carriageway width and design. This is perhaps not surprising given that the Village Survey identifies that 75% of people use their car to get to and from work, which creates significant congestion and safety issues locally. The lack of any rail or light public transport system, and limited bus services in the locality, compounds the situation.

5.84 These are matters that will be expanded upon in due course.

6. Impact on Trees and Biodiversity

5.85 The site is a **significant ecological resource** and represents a vital corridor for wildlife in the existing urban fabric of the village. Gerald Eve suggest that even with the proposed development in place this wildlife corridor can be maintained but this is clearly not credible as the intensity of development and the resulting high levels of human activity will certainly have a detrimental effect on any remaining wildlife. The loss of trees, habitat and open spaces to development cannot possibly result in maintenance of the wildlife resource.

5.86 The Parish Council is in possession of a letter from the local Badger Group confirming an occupied badger sett on the Dower House (the woods that are between the site and the conservation area on Gold Hill) Currently unused setts are on the Grange site itself but the badgers move round the site and records show that these other sites have been occupied in recent years. **The Badgers Group regard the site as occupied by Badgers.** The Council should not progress the planning application until such time as these important matters relating to fauna and flora are addressed.

5.87 Turning to consider trees, **all of the trees on the site are the subject of a Tree Preservation Order.** This is as a result of the high amenity value of the trees.

5.88 92 trees are proposed to be removed from the application site in order to facilitate this high density, mixed use proposal. The applicants seek to justify this by indicating that tree loss comprises only 17% of the overall tree coverage.

5.89 This however, is irrelevant, since the basis for proposals requires **92 high amenity value protected trees to be lost if the proposal were to go ahead**, to the detriment of the trees individually, the trees in terms of group value, the Conservation Area setting, and the wider area of Chalfont St Peter.

5.90 This is an important consideration in the context of the very recently published

PPS5, Planning for the Historic Environment which sets out a fundamental change in emphasis compared to the now superseded PPG15 in that heritage can be considered in its widest sense.

7. Impact on Heritage Assets

- 5.91 The application site immediately adjoins the principle Conservation Area in Chalfont St Peter.
- 5.92 In accordance with statute, there is a duty to preserve or enhance the character and appearance of the Conservation Area and its setting.
- 5.93 In this part of Chalfont St Peter, the setting to the Conservation Area is derived from an **undeveloped, tranquil, green field parcel of land, laid out predominantly to open space and playing pitches, containing a significant number of high amenity trees of sufficient quality to warrant a Tree Preservation Order.**
- 5.94 The application proposals will result in the loss of all of the undeveloped nature of the site, all of the tranquil nature of the site, all of the green field nature of the site, all of the open space on the site, all of the playing pitches on the site, and 92 high amenity value trees.
- 5.95 The replacement of these important characteristics will be by a high density, mixed use proposal which will radically and irreparably alter the character of this part of Chalfont St Peter, which in turn will radically and irreparably alter the setting of the Conservation Area.
- 5.96 One of the key characteristics of Chalfont St Peter is its low density development, which in part is **derived by the generous open spaces within the urban area.** Indeed, Paragraph 3.6.3 of the Draft Core Strategy makes clear that the village is defined by its open spaces.
- 5.97 The loss of these important attributes alone is of sufficient significance to have a detrimental impact on the character and appearance of the setting of the Conservation Area, in conflict with PPS5 and Policy BE6 of the South East Plan.
- 5.98 In addition, the application site was, for nearly 350 years, the medieval Manor and Court of Missenden Abbey at the centre of the village.

- 5.99 The site therefore has **historical and archeological interest** which has as yet to be assessed by the applicants and in the absence of such the application proposal should be **refused as being in conflict with policy, particularly PPG16**.

8. Density

- 5.100 A recent change in respect of legislation and policy at the national level relates to considerations on density.
- 5.101 Historically, minimum density requirements have been set out in national policy guidance, both in terms of PPG3 and more latterly PPS3.
- 5.102 Both documents indicated a minimum density requirement of 30 dwellings per hectare save for very exceptional circumstances.
- 5.103 The requirements for a national indicative minimum density threshold have now been fully removed. There is therefore now no-longer a requirement to achieve minimum densities on development sites.
- 5.104 Applicants must demonstrate that proposals utilise land efficiently, however in view of the important considerations relating to design set out within PPS1, PPS3 and the Development Plan, it is appropriate to review the density of the proposed development in the context of the local area and whether, as required by PPS1 Paragraph 34, the application proposals take the opportunities available to improve the aesthetics and functioning of the local area.
- 5.105 Chalfont St Peter is designated as a village. It is an area that has historically been developed at low densities. The housing mix of the village is predominantly family units, typically four and five bedroom with a relatively small number of smaller two and three bedroom houses.
- 5.106 Although the density of the village varies from one area to another, it is low and typically falls within the range of ten to twelve dwellings per hectare.
- 5.107 The application proposals comprise a site area of 8.6 hectares. The net developable area, excluding the relocation of the existing playing field and the extensive woodland area towards the western corner of the site, is approximately 7.5 hectares. The proposals therefore seek development at approximately 26 dwellings hectare which is in the order of 2½ times greater

than the typical densities found within the village.

- 5.108 This density is excessive, and indicates that the proposals are out of character with the prevailing housing in the village in terms of unit size, plot width, plot depth, plot ratio and consequently does not accord with the prevailing character of the area.
- 5.109 The proposals neither preserve the character of the area nor take the opportunities available for improving the aesthetics of the area as required by PPS1.

10. Section 106 Contributions

- 5.110 The applicants approach to education demands is to offer a contribution to be secured by way of a Section 106 agreement towards improved facilities in Chalfont St Peter.
- 5.111 There is **overwhelming public support for the village primary school, known as The Church of England International School, to be re-located to the application site**. This fact is supported by the Village Survey in which 75% of respondents were in favour; and by the applicants' Planning Statement which confirmed that utilising the application site for a school was the preferred use by respondents. The existing school is over-subscribed, and has inadequate facilities - no playing field, kitchens converted to classrooms, etc. It follows that building a new school with all necessary facilities at the application site and utilising the existing school site for housing makes best use of both areas of land.
- 5.112 The same logic applies equally to the village infant school, known as The County Infant School. Again this school has insufficient facilities for a growing population and should be relocated to the application site, thereby providing land for new housing. If both land exchanges were to be implemented, the village would be provided with a modern educational facility, catering for the needs of all seven to 11 year olds and with room for further expansion. The two parcels of land thereby created, both of which are in residential areas, would be utilised to accommodate new housing.
- 5.113 Whilst in theory contributions towards education could accord with policy, in this instance **the practical reality is that this will not be the case**. This is on the basis that there is no room at the existing primary school site to accommodate

any more facilities and indeed the existing facilities have already been compromised in order to maximise classroom space.

5.114 This is also the case with to regard the community college which already operates from temporary classrooms and with children being taught in shifts due to the oversubscribed nature of the school.

9. Community Engagement

5.115 Community Engagement is a highly material element in the modern planning system. **It is one of three key themes set out within PPS1.**

5.116 In this regard, it is evident that the consultation undertaken was significantly flawed.

5.117 Although public exhibition took place as part of the consultation exercise, the leaflet advising of the exhibition was headed The Grange when locally the site is known as The Holy Cross Convent which led to confusion and a lower turn out from the local community given that it was not clear as to the purpose of the exhibition.

5.118 In any event, distribution was to approximately 1,200 homes and businesses leaving approximately 3,800 homes (7,600 residents) not advised of the exhibition resulting in only approximately 20% of the local population being notified. Further issues arose insofar as some of the houses in the roads close the site did not receive a copy of leaflet whilst others received two or three.

5.119 In terms of the leaflet itself, there is no indication on it as to how people should respond, whilst the leaflet and display boards at the exhibition misrepresented the appearance of the proposals which influenced the consultation response.

5.120 A key component to appropriate consultation exercise is advance notice of the event. In this instance the leaflets were distributed two to three days before the exhibition giving the local community almost no notice of the event. The exhibition itself was only open for 3½ days according to the leaflet and although it was extended for a week people had only been advised that the exhibition was open from 20th to 24th October and so would not attend the exhibition outside of these dates.

5.121 No response questionnaires were available in the library for most of 1 day of

the exhibition so visitors on that day could not comment. The response questionnaire itself was poorly designed and leading.

- 5.122 In terms of the analysis of the response, consultation findings were not analysed by an impartial and independent third party and so could be open to interpretation, in contrast the survey findings undertaken by the Parish Council were offered to the applicants and yet the applicants twice ignored requests for them to show the Parish Council of their findings.
- 5.123 Indeed, at the Village Design Statement public meeting held on 7th November 2009, a representative from Gerald Eve attended and was invited to speak. Gerald Eve was specifically questioned about the curious distribution of the leaflet and the response provided to the public forum was that the company that had been paid to deliver the questionnaire had not done the job properly such that Gerald Eve had subsequently refused to pay their invoice. This admission makes clear on the poor quality of the consultation exercise and yet no re-consultation was undertaken to remedy this.
- 5.124 In relation to the Village Design Statement itself, it is noteworthy that this document, democratically prepared, the subject of community consultation and a material planning consideration, clearly sets out the wishes of the village for the application site and yet the applicants submissions make no reference to it nor have regard to any content therein. This is a significant failing and demonstrates the applicant's lack of commitment to taking on board the community's wishes.
- 5.125 In these terms the consultation cannot be regarded as comprehensive and so is not based on evidence as prescribed by PPS12 Paragraph 2.1 and furthermore fails the tests of Paragraph 4.20 of PPS12 since there has been no continuous consultation, no sense of ownership of local policy decisions, and the consultation and subsequent results have been neither transparent nor accessible.

6. Summary and Conclusions

- 6.1 This report sets out a description of the site, noting the environmental and heritage assets thereon, and the largely green field nature of the site, and has also provided a summary of the development proposed.
- 6.2 The key aspects of the Development Plan and other planning policy have been set out, together with the important provisions of statute in terms of the weight to be attributed to policy.
- 6.3 The key issues raised by the application proposals have been thoroughly assessed.
- 6.4 In terms of the weight to be attached to adopted and emerging policies, it is clear that the adopted Local Plan must carry primacy in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act since emerging policies are the subject of objection; are some way off from being subjected to Examination and subsequent Adoption; and are in part based upon the South East Plan which has now been revoked.
- 6.5 It has been shown that there is no housing need justification for any aspect of the proposals. The Council can demonstrate a 5 year supply of deliverable sites such that there is no need to release the site in advance of the Local Development Framework, if at all. Indeed, the Council have historically relied heavily on windfall planning permissions and if these were to be accounted for then the requirement for allocated housing sites such as is envisaged for this site falls away.
- 6.6 There is a significant issue with regard to the loss of open space and playing pitches, which has not been assessed by the applicants in terms of an open space audit nor consideration of Spot England Policy. The Parish Council have, in contrast, undertaken an assessment of such matters and the conclusion reached is that a loss of open space and playing pitches is unacceptable and fails policy. Whilst one replacement playing pitch is proposed it is not demonstrated by the applicants that this replaces the loss of all the playing pitches on the site.
- 6.7 Similarly, the loss of the community facilities also fails policy. This applies to the school and convent, and the retention of the Chapel in no way justifies this loss.

- 6.8 In terms of access and traffic impact, the quantum of development and nature of the layout proposed requires a radical approach to access in order that the proposals can be accommodated upon the highway network. This includes build out within the adopted highway so as to achieve minimum forward visibility.
- 6.9 The proposals will impact on a significant number of trees (92 in total) the subject of a Tree Preservation Order whilst the wholesale loss of green field land and the associated natural assets leads to a significant detrimental loss to biodiversity locally.
- 6.10 There will be a significant impact on heritage assets, including archaeology, the convent building and the adjacent conservation area.
- 6.11 In terms of density, the national indicative minimum density requirement no longer applies. The proposals seek a development which is in the region of two and a half times denser than the prevailing density in the village. The consequence of this is a development out of character with the locality and not meeting the design requirements set out in PPS1, PPS3 and the Development Plan.
- 6.12 Whilst it is laudable that Section 106 contributions have been put forward, particularly in respect of education facilities the practical reality is that these contributions cannot be spent to mitigate the development proposed in the community in which it is proposed.
- 6.13 Finally, the community engagement undertaken by the applicants has been shown to be inadequate and fails the provisions of PPS1.
- 6.14 In these terms it is concluded that the application proposals are unacceptable for a range of reasons which individually and cumulatively indicate that the proposals do not meet the provisions of the Development Plan and as such the application proposals should be refused.