

---

## Appeal Decision

Hearing held on 6 June 2017

Site visit made on 6 June 2017

**by David Reed BSc DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25 July 2017**

---

**Appeal Ref: APP/X0415/W/17/3167665**

**59 The Broadway, Amersham, Buckinghamshire HP7 0HL**

- 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 Yourlife Management Services Ltd against the decision of Chiltern District Council.
  - The application Ref CH/2016/1651/FA, dated 8 September 2016, was refused by notice dated 23 December 2016.
  - The development proposed is the redevelopment of the site for 38 units of Assisted Living (Extra Care) accommodation within Use Class C2, for the elderly with associated communal facilities, parking and landscaping.
- 

### Decision

1. The appeal is allowed and permission is granted for the redevelopment of the site for 38 units of Assisted Living (Extra Care) accommodation within Use Class C2 for the elderly with associated communal facilities, parking and landscaping at 59 The Broadway, Amersham, Buckinghamshire HP7 0HL, in accordance with the terms of the application, Ref CH/2016/1651/FA, dated 8 September 2016, subject to the attached schedule of conditions.

### Preliminary matter

2. Prior to the hearing the appellant and the Council entered into a planning obligation to ensure that the proposal would provide accommodation within Use Class C2. The Council's concern that the units could potentially be occupied independently has consequently been overcome and as a result requirements for a contribution towards affordable housing and additional car parking do not apply. The parties consider that the obligation is necessary, directly related and fair and reasonable in scale and kind, the three tests in the Community Infrastructure Levy Regulations 2010 and I see no reason to disagree. Two of the Council's reasons for refusal therefore fall away.

### Main Issues

3. The main issues are:
  - the effect of the proposal on the setting of the listed buildings in the vicinity of the site and the setting of the Amersham Old Town Conservation Area;
  - the extent of any public benefits that arise from the proposal; and

- whether the proposal would provide acceptable living conditions for the occupiers in relation to external amenity space.

## Reasons

### *Effect on the setting of listed buildings and the conservation area*

4. The proposal is for a large two storey building with accommodation in the roof space together with a three storey section to the rear on a prominent site at the eastern end of the historic Amersham Old Town. The building would provide 38 assisted living (extra care) apartments for the elderly in a scheme run by a registered care provider for residents with at least some personal care needs. The site, now cleared, was previously occupied by a car sales business with a sales forecourt, various utilitarian buildings and an old petrol station canopy on the corner of the access road to the car park behind.
5. The site lies on the north eastern side of The Broadway (east), an approach road into the Old Town, just before the road widens into The Broadway (west). The site adjoins a Tesco store to the east, an open car park to the north and St Mary's Court, a modern office development, to the north west. However, on the opposite side of the road lie Nos 50-60 The Broadway, a series of Grade II listed buildings, which comprise the first buildings of the Old Town. Just to the west The Broadway opens out into a wide thoroughfare which links with Market Square to form an important historic space lined with numerous Grade II listed buildings on both sides. The ends of the space are marked by the Grade II\* listed Market Hall which faces towards the main frontage of the Grade II listed Broadway House (No 50) at the other. The Grade I listed St Mary's Church, set to one side, also dominates the space with a visually prominent tower.
6. All these listed buildings are historic assets and there is no dispute that the proposal would affect their setting. In addition, these listed buildings lie within the Amersham Old Town Conservation Area (CA) which encompasses the historic buildings and recognises the special architectural and historic interest of the Old Town as a whole. The CA is also an historic asset and although the appeal site lies just outside the area the proposal would affect its setting.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is given to the desirability of preserving the setting of listed buildings. Whilst Section 72(1) does not apply as the site lies outside the CA, paragraph 132 of the National Planning Policy Framework (NPPF) makes clear that any historic asset can be harmed by development within its setting, and that because such assets are irreplaceable, any harm should require clear and convincing justification. This applies to the CA.
8. Policies LB2 and CA2 of the Chiltern District Local Plan 1997 (CDLP) seek to protect the setting of listed buildings and conservation areas, the latter policy referring to the need for views within, looking out of or into a CA being at least preserved. These policies broadly reflect the statutory and policy requirements set out above, but not paragraph 134 of the NPPF which requires any harm to be balanced against the public benefits of the proposal. To this extent Policies LB2 and CA2 are inconsistent with the NPPF.
9. The significance of the listed buildings that line The Broadway/Market Square is closely linked with that of the CA. The Market Hall and St Mary's Church are not only prominent marker buildings but signal the commercial and religious

heart of Old Amersham as a medieval and later market town. The buildings that line either side of The Broadway(west)/Market Square and No 50 at the east end mostly comprise two storey cottage rows or houses with incidences of larger buildings such as the former Griffin Inn. The majority are unaltered and in good repair, with the 17th and 18th century brick facades hiding earlier timber framed buildings in some cases. The wide road layout with narrow plots on each side may reflect the early origins of the town following a Royal Charter of 1200 with the numerous listed buildings complementing each other and making a fundamental contribution to the CA. There are also some important views out of the CA into the adjacent countryside which give an impression of the rural setting of the Old Town.

10. Leading away from the Old Town on the southern side of The Broadway (east) lies the flank elevation of No 50 and Nos 52-60. The latter are a short line of refronted 17th century timber framed cottages, of reducing scale, ending with No 60, a single room cottage with attic and an interesting signboard of 1811 warning vagrants not to enter the town. This group, which is barely visible from the main part of the CA, demonstrates the historic form of the town petering out. On the northern side of The Broadway (west) it would appear the town petered out at Nos 29/39, a range with a reducing roof form adjoining the undeveloped frontage of St Mary's Court. The appeal site opposite Nos 50-60 seems to have remained open land until the early 1900s after which urban development commenced to the east of the Old Town ultimately filling the gap between it and Bury End, a hamlet to the east.
11. Overall the ensemble of listed buildings and CA of Old Amersham, together with some views out into the surrounding countryside, are a remarkable survival and retain great significance as a well preserved and almost complete medieval and later market town. This significance can be readily appreciated and understood. In addition, Nos 50-60 retain significance by demonstrating how the town petered out into the countryside to the east.
12. The appeal site contributes to the setting of the CA (and the listed buildings within it) by framing views into the Old Town when approaching from the east, thus influencing its initial perception. In addition, the site forms the immediate context in which Nos 50-60 are seen and understood, and is seen within The Broadway (west)/Market Square as one corner of that wide historic space opposite the main frontage of Broadway House. The Council argues that the site is critical to understanding the limits of the historic town, and that the previous buildings on the site, whilst not attractive, were humble service buildings that did not distract attention.
13. However, the 1969 Conservation Area Appraisal (CAA) states that this part of the town 'loses its character with the intrusion of the bus depot, car showroom, filling station and gas works' and that 'every effort should be made as and when the opportunity arises to improve the appearance and standard of design'. The fact is that built development now adjoins the Old Town CA to the east and the appeal site has been part and parcel of this situation for many years with buildings on the site until very recently. The current views into the countryside across the site can only be expected to be temporary and those under and around the old petrol station canopy were not noted as important in the CAA. Whilst the treebelt in front of the Tesco store contributes a break in the built up frontage the recent buildings on the appeal site presented an

urban, unattractive appearance that gave only a limited indication of the open site prior to the 1900s.

14. The proposed building, which has been the subject of a previous application and a process of negotiation and amendment, would wrap around three sides of the site. The most prominent south west elevation facing The Broadway would have three elements, a main south west block in classical style, an archway section set back and a smaller vernacular style two storey section. The main building would turn the corner with a two storey wing with regular dormers along the car park access road before turning the rear corner of the site with a substantially three storey section facing the car park.
15. The main south west block would be of classical appearance, nine windows wide along The Broadway, two storeys high with a parapet and five discreet dormer windows above. The first section of the north west elevation would also have a parapet and other classical features, turning the corner to face up The Broadway (west) and acting as a foil to the main frontage of Broadway House on the other side of the road. The parapet would be about the same height as the parapet on that building, both respecting and reflecting it<sup>1</sup>.
16. The Council agree that the façade of the main south west block would be attractively designed and dignified by classical detail, and being brick built would reflect nearby historic buildings. However, the building would be bulky, both wider and taller than the previous buildings on the site and would be located closer to the footway, particularly at the corner of the car park access road where the previous petrol station canopy was set back.
17. The result would be a relatively grand and more prominent building than most when seen from The Broadway (west)/Market Square<sup>2</sup>. It would not reflect the small scale character of most of the listed buildings surrounding that historic space but the site has never been developed in that way. It would lose any sense of openness, but most of the site has been built up for many years. Crucially, the open frontage of St Mary's Court with its important trees would maintain a visual gap between Nos 29/39 and the new building, thus retaining an impression of the Old Town petering out before the new building beyond. Seen obliquely in this view, the south west elevation of the main block would not be over dominant, and the vernacular element behind would have the appearance of a separate building. There are few important looking buildings to be seen in this part of the CA, but I see no reason why an assisted living scheme, an important facility to meet the needs of the 21st century, should not appear as such like the former Griffin Inn from an earlier age. The building would certainly not eclipse The Market Hall which would continue to dominate the historic space from the west.
18. The break in the roofline of the north western elevation would serve to reduce the apparent bulk of the building when seen from The Broadway (west)/Market Square. In addition, the parapet and classical features of the first section would reflect the main frontage of Broadway House across the road giving a pleasing visual relationship between the two.
19. When approaching the Old Town from the east, the proposed building would form a major feature in the street scene immediately prior to The Broadway

---

<sup>1</sup> Drawing no. 5875/08 section A-A

<sup>2</sup> Visually verified montage 5

(west)/Market Square and opposite Nos 50-60<sup>3</sup>. In this approach the historic buildings of Bury End, the hamlet to the east of the Old Town, have been subsumed within a wide variety of modern development which runs right up to the edge of the CA. As a result anybody approaching the Old Town CA from this direction comes upon it as a surprise. On the left the initial historic buildings, Nos 50-60, are only appreciated after passing a group of modern offices including Mandeville House, a large two storey building separated from the first small cottage (No 60) by a single driveway. This most unfortunate juxtaposition obscures the understanding of the Old Town 'petering out'.

20. However, well before this, from the Tesco roundabout onwards, the heart of the CA, the historic space comprising The Broadway (west)/Market Square, the listed buildings lining that space and above all the impressive and prominent tower of St Mary's Church, comes into view. This acts as a highly attractive and inviting focal point, drawing the person towards the Old Town, and reduces the distraction of the modern buildings lining the approach.
21. From this direction the vernacular element would be largely screened by the treebelt in front of the Tesco store. The façade of the main south west block would be a relatively grand and prominent part of the street scene. However, the important trees in front of St Mary's Court would maintain a visual gap between the new building and the CA beyond, and following as it would other modern development it would not significantly distract from the attractive view of the CA that opens up on this eastern approach.
22. The building, particularly the south west block, would be significantly more bulky and closer to the road than those previously on the site. Whilst local residents had become accustomed to these, they were unattractive and did not make a positive contribution to the setting of the CA. The proposal would certainly be a relatively grand and prominent replacement, and I accept that local residents would be likely to be distracted by the new building during construction and for a short period afterwards. However, once a settled part of the street scene even a prominent building on the appeal site would not detract from the view into the CA from this direction given the overwhelming interest and attractiveness of The Broadway/Market Square beyond and its key buildings, the Market Hall and St Mary's Church.
23. Nevertheless, the close relationship with the row of listed buildings along the southern side of The Broadway (east) and that part of the CA would be harmful to a limited extent. Nos 52-60 comprise a row of small scale cottages of varying size which demonstrate the petering out of the Old Town into the countryside and, until recently, faced a series of medium height buildings, set back with their gable ends onto the road. The replacement building would be further forward, particularly at the corner, and considerably taller, with the wide south west block having a parapet and ridgeline significantly higher than the eaves and ridge of the cottages opposite<sup>4</sup>. As a result the cottages would be visually diminished in significance by their proximity to the large building opposite, adding to, but not as serious as, the unfortunate juxtaposition with Mandeville House. To this extent the setting of these listed buildings (and of that part of the CA) would be adversely affected and their appreciation as the last buildings in the Old Town somewhat reduced.

---

<sup>3</sup> Visually verified montage 4

<sup>4</sup> Drawing no. 5875/08 section C-C, and this is through No 58, No 60 and Nos 52-56 are even smaller.

24. The south east side of the building with its open amenity space and parking area would face the Tesco site whilst the north east elevation would face the open car park to the rear of the site. Both of these would therefore face away from the listed buildings in the Old Town and the CA and would have no effect on their setting. The first part of the north west elevation would be visible from The Broadway (west)/Market Square and has already been discussed, whilst the remainder of the two storey wing with its regular dormers would run alongside the car park access road and the parking area which serves St Mary's Court. This long wing would not reduce in scale towards the rear as is characteristic of many buildings in the CA but the site is not within the CA and only the first part of the north west elevation adjoins it. The only public view of this elevation would be obliquely down the car park access road where the extensive articulation would serve to break up its large scale. As a result this wing, whilst bulky, would not harm the setting of either the CA or the listed buildings from which it could be seen.
25. For these reasons, in the majority of views, whether seen from the historic space comprising The Broadway (west)/Market Square or when approaching the CA from the east, the proposal would preserve the setting of the listed buildings concerned and that of the CA. The understanding of the limits of the Old Town as a whole would not be materially affected and its significance as a medieval and later market town would remain easily understood. However, in terms of the impact on the setting of Nos 52-60 The Broadway and that part of the CA, the proposal would cause some limited harm to their appreciation as the last cottages petering out into the countryside.
26. In relation to the policies in the NPPF, this limited harm to the significance of Nos 52-60 as listed buildings and that part of the CA would be less than substantial. Great weight should be attached to the conservation of these heritage assets, but in accordance with paragraph 134 the harm should be weighed against the public benefits of the proposal.

#### *Public benefits*

27. The Council accept that they cannot currently demonstrate a five year supply of deliverable housing sites. The housing requirement set out in Policy CS2 of the Core Strategy for Chiltern District 2011 (CSCD) is based on the now revoked South East Regional Spatial Strategy and is therefore out of date. In order to establish an up to date housing requirement figure a Housing and Economic Development Needs Assessment (HEDNA) has been undertaken which identifies an objectively assessed need (OAN) for 7,300 dwellings in Chiltern district between 2014 and 2036, some 332 dwellings per annum. With an identified housing land supply of just 637 dwellings as at March 2015, there is an urgent need for additional housing land to be provided.
28. The district is seriously affected by environmental constraints, the majority lying within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty. Whilst the OAN figure has not yet been moderated against these constraints, the appeal site is not affected by either designation and provides an opportunity for a useful contribution of 38 dwelling units towards the OAN figure. This would be a significant public benefit of the proposal.
29. In addition, there is an existing and growing need for specialist accommodation in the C2 use class. Such development is specifically encouraged by Policy CS12 of the CSCD which states that the Council will encourage the provision of

- extra care homes in locations close to shops, health/community facilities and public transport and where the development can be self-contained. All these criteria are met by the appeal proposal. The HEDNA identified a need for 410 additional units of this type in Chiltern district over the plan period and the proposal would make an important contribution towards this requirement.
30. Furthermore, potential sites for a C2 development of this size in the district are very limited. In addition to the constraints imposed by the Green Belt and Area of Outstanding Natural Beauty, a relatively large site close to a range of facilities and services is required and these are not readily available in the built up area. Indeed, the sequential test undertaken to determine if there are any other reasonably available sites which could accommodate the scheme in a lower flood risk area demonstrates that there were not – there may be alternative sites in future but none are available now. It is appreciated that other sites may come forward in due course, that there are smaller scale ways of providing C2 dwellings and the Council propose a plan led approach, but when a suitable site comes forward the opportunity should be taken.
  31. The need for additional housing for older people is also recognised as critical in Planning Practice Guidance<sup>5</sup> as it accounts for over half of the increase in new households. Specialist accommodation in particular frees up houses that are under occupied, releasing them for family occupation and thus making more efficient use of the existing housing stock. The provision of 38 assisted living dwellings in the C2 use class when there is a lack of suitable alternative sites is therefore another significant public benefit of the proposal.
  32. The proposal would also have less quantifiable social benefits, providing an alternative housing option for older people with on-site support in an attractive location next to the Old Town. It would thereby provide significant health and quality of life advantages for its residents and a corresponding reduction in the overall pressure on public health and social services.
  33. In terms of economic benefits, the scheme would cost about £4m to construct, resulting in a substantial boost to local employment, and once operational would provide about 14-17 permanent jobs on site. In addition, residents would generate significant expenditure in local shops and services, a slightly larger 55 resident scheme being estimated to generate expenditure of about £610,000 per annum locally. Whilst Old Amersham is already a relatively prosperous area, these economic benefits weigh in favour of the scheme.
  34. Individually and in combination, these public benefits are substantial and weigh significantly in favour of the proposal. In the specific circumstances of this case they clearly outweigh the limited harm to the significance of Nos 52-60 as listed buildings and that specific part of the CA. Whilst having special regard to the desirability of preserving the setting of these heritage assets and giving great weight and importance to their conservation, the public benefits of the scheme provide a clear and convincing justification for it to go ahead. The proposal would therefore meet the test set in paragraph 134 of the NPPF and would comply with Policies LB2 and CA2 of the CDLP insofar as these are consistent with the policies in the NPPF.
  35. The Council draw attention to a proposal for ten 'age exclusive apartments' in Chalfont St Peter which was dismissed on appeal as the public benefits of the

---

<sup>5</sup> Paragraph 021 reference ID: 2a-021-20160401

scheme were judged insufficient to outweigh the harm to heritage assets in that instance<sup>6</sup>. However, the current scheme for assisted living units with on-site care provision would appear to be very different in nature and the effect on heritage assets is inevitably different in each case.

### *Living conditions*

36. Ten of the units would be provided with small balconies or terraces adjacent to the site boundaries, but the only outdoor space available to the other residents would be a communal space located centrally within the site. This would be located between the access road/car park and the main building, adjacent to the communal lounge and dining areas. The space would be roughly square in shape and laid out with planting, outdoor seating and a pergola.
37. The Council have measured the main part of this area at only 80 m<sup>2</sup> in size but this excludes some surrounding paving and planted areas which the appellant includes to claim the area is about 200 m<sup>2</sup>. The proposed space would also be located adjacent to the access road/car park, resulting in some noise and disturbance from vehicle movements, and with the large 2½ storey building immediately to the south and west the sitting out space would be in shade from about midday onwards.
38. The external amenity space would therefore be both small and have significant disadvantages. However, within these constraints no doubt the space would be attractively laid out and it would be immediately adjacent to the communal lounge and dining areas, both supplementing and complementing those important facilities. It is therefore likely to be well used.
39. Importantly, there are no recognised standards for external amenity space in assisted living schemes. It must also be recognised that the appellants have a strong track record in developing similar proposals, and the feedback from residents elsewhere is generally favourable. Whilst the comparative analysis of usable amenity space in other schemes indicates the proposal would have one of the poorest levels of provision, and the Council give examples of specific schemes with more space, many schemes are intended for the more active elderly and the site specific circumstances will differ in each case.
40. It is likely that future residents of the scheme would find the amount and quality of the external amenity space provided disappointing. Those with poor mobility may not be able to take advantage of provision elsewhere such as the nearby Memorial Gardens. However, this factor would be fully taken into account by prospective residents when weighing up the overall benefits of the scheme which would include more positive factors such as the quality and amount of internal communal space, the care services provided and the attractive location next to the services and facilities of the Old Town.
41. The appeal site is limited in size and there is a need to provide sufficient units so that the services and facilities included are cost-effective for the residents. Given a less constrained site more external amenity space would be desirable. However, given the circumstances, the amount and quality of external amenity space, whilst not generous, would provide a useable space, complementing the other benefits of the scheme, and would not be so seriously deficient as to warrant withholding permission.

---

<sup>6</sup> APP/X0415/W/16/3150402



42. For these reasons the proposal would provide acceptable living conditions for the occupiers in relation to external amenity space and consequently there would be no material conflict with Policy GC3 of the CDLP. This seeks to achieve good standards of amenity for future occupiers of development.

*Other matters*

43. Numerous representations have been submitted from local residents objecting to the proposal and these have all been carefully considered. In addition to the main issues, a series of other matters have been raised.

44. The lack of sufficient parking spaces is a common concern given the pressure on parking in the vicinity, but eighteen parking spaces would be provided which meets the Council's standard for the development. There is a large public car park to the rear of the site albeit already busy at peak times. Significantly, no objection was raised by the highway authority or the emergency services in relation to parking provision or highway safety issues arising from the access and servicing arrangements.

45. The distance between the new building and the cottages on the other side of The Broadway would be sufficiently wide to avoid any significant loss of light or privacy. The proposed relationship with buildings facing one another across the road is very common in a built up area, and some noise from passing traffic is to be expected. There is no evidence that it would be unusually difficult to recruit staff to operate the scheme, nor that local health and social services would be unable to serve the additional elderly population. The 300 mm void under the building is necessary for flood prevention.

46. The Council has suggested a number of conditions should the appeal be allowed and these have been assessed against the relevant tests, making minor amendments as necessary. In addition to the standard implementation time limit it is necessary to define the plans which have been approved in the interests of certainty. Conditions to control the materials to be used and the form of boundary screening are necessary to ensure the development has a satisfactory appearance, particularly given its location next to the CA. Details of proposed landscaping and its maintenance are necessary in the interests of visual amenity and a condition to ensure refuse/recycling storage is provided for the same reason. Details of surface water drainage and its maintenance are required to protect against flooding and pollution.

47. Further conditions to ensure the new access is provided, old access points are stopped up, the parking/manoeuvring/unloading scheme is implemented and offsite highway works carried out are all required in the interests of highway safety and convenience. Conditions to ensure vehicles are accommodated on site and mud/debris is not spread onto the highway during construction are also necessary for the same reasons. Several conditions are necessary to ensure the satisfactory remediation of any contamination. Finally, conditions are necessary to control surface water infiltration and piled foundations to protect groundwater and to require the inclusion of renewable/low carbon energy sources to ensure a sustainable development.

48. A number of these conditions need to be discharged before work commences on site as these are fundamental to a satisfactory scheme.

## **Conclusion**

49. The effects of the proposal on heritage assets and the public benefits of the scheme are balanced in paragraph 34 and the findings in relation to external amenity space are in paragraph 42. The appeal should therefore be allowed.

*David Reed*

INSPECTOR

## **Schedule of conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5875/01, 5875/02, 5875/03, 5875/04, 5875/05, 5875/06, 5875/07, 5875/08, 5875/09, 5875/10, 5875/11, 5875/12, 5875/14.
- 3) No development above slab level shall take place until named types and samples of the facing materials and roofing tiles to be used in the external construction of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development above slab level shall take place until named types and samples of the surfacing materials to be used in the construction of the access drives, parking areas and pathways have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.
- 5) No part of the development hereby permitted shall be first occupied until new fencing, walls or other means of enclosure associated with the development have been erected in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class A of Part 2 of Schedule 2 to the said Order, (walls, fencing or other means of enclosure), other than that approved, shall be erected within the site unless otherwise approved by the Local Planning Authority.
- 6) No development above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping at a scale of not less than 1:500 which shall include details of all footpaths and hard surfacing, planting, indications of all existing trees and hedgerows on the land, with details of those to be retained, and those to be felled being clearly specified.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping and means of enclosure shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any

trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

- 8) No part of the development hereby permitted shall be first occupied until the refuse/recycling storage area shown on the approved plans has been constructed in accordance with the approved details shall remain available for this use at all times thereafter.
- 9) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
  - Detailed drainage layout with pipe numbers complete with full construction details, together with storage volumes of all SuDS features
  - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
  - As requested by the Environment Agency there shall be no infiltration on the proposed development, it is recommended that the Drainage Layout (Drawing No. C100 P3) is amended to include a Type C Pervious Pavement System.
  - Details of a back-up system in case of failure of the proposed pumping station
  - Storage volumes to be revised to include the upper end new climate change allowance for peak rainfall intensity.
- 10) No development shall take place until a "whole-life" maintenance plan for the site has been submitted to and approved in writing by the Local Planning Authority. The plan should set out how and when the full drainage system will be maintained (e.g. a maintenance schedule for each drainage/SuDS component) following construction with details of who is to be responsible for the maintenance. The plan shall subsequently be implemented in accordance with the approved details.
- 11) No part of the development hereby permitted shall be first occupied until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access Within Highway Limits" 2013.
- 12) Within one month of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb or removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.

- 13) No part of the development hereby permitted shall be first occupied until the scheme for parking and manoeuvring and the loading and unloading of vehicles shown on the submitted plans has been laid out and that area shall not thereafter be used for any other purpose.
- 14) No development shall take place until a scheme for offsite highway works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme shall include a pedestrian crossing point on Broadway and a service layby adjacent to the application site. Thereafter, the scheme shall be implemented as approved prior to first occupation of any part of the development hereby permitted.
- 15) No development shall take place until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site during the construction period in accordance with details to be submitted and agreed in writing by the Local Planning Authority.
- 16) No development shall take place until adequate precautions have been taken to prevent the deposit of mud and similar debris on the adjacent public highways during the construction period in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.
- 17) No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site have each been submitted to and approved in writing by the Local Planning Authority:
- 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site
  - 2) A site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- The scheme shall then be implemented as approved. Any changes to these components would require the express written consent of the Local Planning Authority.
- 18) No part of the development hereby permitted shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation have been submitted to and approved in writing by the Local Planning

Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall then be implemented as approved.

- 19) No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall then be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.
- 20) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and received approval in writing from the Local Planning Authority a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall then be implemented as approved.
- 21) No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall then be carried out in accordance with the approval details.
- 22) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall then be carried out in accordance with the approved details.
- 23) No development shall take place until details of the measures to provide at least 10% of the energy supply of the development from renewable or low-carbon energy sources, including details of physical works on site, have been submitted to and approved in writing by the Local Planning Authority. The renewable energy equipment shall then be installed in accordance with the approved details prior to the first occupation of any part of the development hereby permitted and shall thereafter remain operational at all times.

## **APPEARANCES**

### FOR THE APPELLANT:

Rupert Warren QC	Counsel, instructed by The Planning Bureau
David Beardmore MA, MSc, FRTPI, IHBC	Beardmore Urban
Nigel Anderson Dip Arch, RIBA	Adam Architecture
Gavin Cooper MA, MRTPI	The Planning Bureau

### FOR THE LOCAL PLANNING AUTHORITY:

Nadia Sharif	Counsel, instructed by Chiltern District Council
Ben Robinson LMRTPI	Chiltern District Council
Emma Lauze BA	Chiltern District Council

### INTERESTED PARTIES:

Cllr Donald Phillips	Chairman, Chiltern District Council Planning Committee
Clive Morgan	Amersham Town Council
Martin Pounce	Chairman, Amersham Society
Annie Hamilton-Pike	Vice-chair, Amersham Society
Elizabeth Jones	Amersham District Residents Association
Christopher & Wendy Phillips	Local residents
Clive & Mandy Forrester	Local residents
Maldwyn Jones	Local resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

Statement by Cllr Donald Phillips

Ground Floor Plan, Assisted Living Scheme, The Campus, Welwyn Garden City

Appellant and Council plans showing external amenity space

Photograph of current view from No 54 The Broadway

Closing statement on behalf of Chiltern District Council including bundle of 4 cases

