



SENSE4CSP further objection to planning application PL/22/2898/OA

This further objection is sent on behalf of SENSE4CSP, a local action group formed in Chalfont St Peter in 2005 to facilitate neighbourhood comments on inappropriate planning applications affecting the village as a whole. This representation is supplemental to our previous submission sent in November 2022.

The recent letter from Deloitte dated 13 December 2022 to the Council ("**Deloitte Letter**") with supplementary information is of course in many places deliberately misleading.

1. As we have set out before, the so called "pre-application consultation" took place after the planning application had been submitted and is therefore not a pre-application consultation.

Further, the highly selective comments in the Deloitte Letter made by the applicant to objections do not take any account of our submission nor the submission made by the Chalfont St Peter Parish Council. Most likely it is because Deloitte do not have convincing comments to make.

The paragraphs from Deloitte are clearly not objective and understate the vast majority of the comments and objections made against the application, and overstate the few made by the applicants' own supporters in favour.

In particular, they do not quantify how much support there was, for example, for local retail space as this would most likely have been one connected attendee and it is hard to imagine why anyone would want retail space so far out of the centre of the village in an unsustainable development which can only be accessed by car. The post office very close by in Chalfont Common closed recently due to lack of use and profitability. In addition there is no certainty that this retail space, school and doctors surgery would actually be provided and this would undermine many of the assumptions surrounding this planning application.

Deloitte do not make any mention at all of the over 750 objections received from the public to their disastrous application but instead reference only about 50 letters of support from supporters of the charity, many of whom no doubt do not even know where Chalfont St Peter is let alone have ever visited it and almost certainly do not live in the vicinity. As we have said before, these letters of support should carry no weight whatsoever in planning terms.

2. Nothing in the Deloitte Letter does anything to show very special circumstances to allow development of this nature in the Green Belt.
3. The Transport Assessment (Chapter 7. of the ES) is wholly inadequate, with the following major deficiencies:
 - (a) The Transport chapter, as presented, lacks the supporting figures referenced.
 - (b) The assessment is based on an inappropriate strategic model, which also misses one crucial local road link that would provide a main access route to the proposed

development. This model then failed its validation and calibration tests at the highway links closest to the development site.

- (c) The model had not been updated to include traffics associated with the prior approved local development at Newland Park with its 306 additional households.
- (d) Traffic predictions for the completed development are not credible, with two local junctions shown as key demand origins / destinations (rather than the development itself) with no onward traffic flows.
- (e) Traffic impacts of constructions are dismissed as ‘temporary’, despite their lasting nearly 9 years, and ‘insignificant’, probably because no increase in HDVs are shown for the peak construction year! It is noted that construction workers parking in the area around the construction site is not likely to be acceptable.
- (f) Traffic impacts are only considered at junctions, and not for the local links between them. Given the narrow nature of most, including one single-track lane signed as not suitable for HGVs, this is clearly inappropriate.
- (g) Traffic impacts on cyclists and pedestrians along those local lanes have not been considered at all, though limited footways are recognised towards Chalfont Common.
- (h) Car parking provisions within the development has not been evaluated, with both community facilities and the playing fields separately adding to the general household requirements in an area with high car ownership rates and a need for individual EV charging.
- (i) Public transport infrastructure provision within the development isn’t explored, with access being presumed at some distance in Chalfont Common.
- (j) The Travel Plan makes no meaningful proposals for addressing either the pedestrian and cycling infrastructure deficits or for enhancing public transport service provision. Rather, it confirms the very low levels of non-motorised traffic anticipated from the development.

In summary, it is clear that this proposed development is not sustainable on transport and highways grounds and that planning approval should be refused on these grounds alone. Supporting reviews of the submitted transport documentation are attached to this response.

- 4. Official guidance states that Travel Plans and Transport Assessments can positively contribute to creating accessible, connected and inclusive communities. The Travel Plan presented by the applicant has demonstrated that the site of the proposed development is not sustainable in purely transport terms, and this is reinforced by the lack of services in its immediate vicinity. Chalfont Common no longer has a post office, a convenience store, a doctors’ surgery, or a public house. All of these services would need to be obtained in the centre of Chalfont St Peter, which is not within realistic walking distance of the site and benefits only from an infrequent and unreliable connecting bus route. As such, service access would need to be by private car for which there is already inadequate parking provision. It should also be noted that the two doctors’ surgeries in Chalfont St Peter are already under capacity pressure and couldn’t sustain the increase in their lists resultant on the 40% increase in households from the development.
- 5. Section 106 agreements are a mechanism which makes a development proposal acceptable in planning terms that would not otherwise be acceptable. With regard to this application, these would commonly cover issues such as affordable housing, education, highways, town centre improvements and health. With regard to affordable housing, the offer made is subject to

‘viability’, and even the flawed analysis (based on district and not local median prices, and ignoring any purchaser equity) demonstrates that affordable purchase could not be made viable in this location. There is no point in providing social rental in an unsustainable location with very few local employment opportunities, and the Epilepsy Society itself has discarded much of its social housing estate. A very substantial Commuted Sum would therefore need to be offered to enable the provision of the promised 400 households for social rental or co-ownership in a more appropriate location in the Chiltern and South Bucks area. S.106 agreements would also be needed for development of Chalfont St Peter centre, provision of a new doctors’ surgery and for the connection of the proposed development to the trunk sewerage system in the Misbourne valley (together with enhancement of the Gerrards Cross treatment works, which already suffers unauthorised discharges).

6. In the Summary of the Business case dated August 2022 and submitted as part of the Planning Application the Epilepsy Society (“ES”) makes the following statement.

“1.3 The Epilepsy Society is currently financially unsustainable – without a significant cash investment – and in line with their fiduciary duties in charity law, the trustees will need to move to close down the charity’s services at the Chalfont Estate during financial year 2027/28. The closure of the services will mean the loss of cutting-edge technology and buildings that would cost over £100 million to re-provide; technology and buildings that currently provide diagnosis and treatment of around 5,000 people with epilepsy per year as in-patients and out-patients; research facilities that benefit over 1,000 patients per year by enabling improved treatments and in many cases lifechanging treatments; and the much-loved home for about 100 disabled people with epilepsy, as well as 50 other tenants. It will also mean the loss of about 425 jobs with associated economic benefits for the village of Chalfont St. Peter.

1.9 The charity’s donors can no longer afford to maintain this rambling site that includes in places decrepit buildings. The choice is therefore a stark one. Either the charity will have to start closing its site during 2027/28 meaning the loss of valuable medical and research facilities and the homes of about 100 disabled people with epilepsy.....”

During their open day to allow local people to better understand their plans and to meet some of their staff it was clear from discussions with staff that they had also been advised that they may lose their jobs from 27/28 if the application was not approved.

Contrast this with the recently filed Charity Commission Annual Report of the Trustees covering the Annual Accounts to 31 March 2022. The Chairman states in his review:

“Turning to more mundane matters, I am happy to report that, as a charity, our breathing is at last returning to normal. Whilst we are not out of the woods, it no longer feels as though the surrounding water is quite so turbulent or the horizon out of sight. Achieving long term financial stability continues as a key objective for the Society and its charitable work. There’s a way to go but there are some very positive signs that we are weathering the storm. Our operational deficit has shrunk from £2m in 2019/20 to £1.2m last year, and is now at a much healthier £0.2m. Similarly, our overall costs have reduced from £17.1m down to £16.9m. It’s small steps but we are heading in the right direction, and this is largely due to good housekeeping, efficiencies and a welcome, if slight increase in income.

All this is enabling us to plan for 2022/23 with a break-even budget. But, as trustees of course, it is our duty to look to the future and plan for the ongoing stability of the charity. And that remains a considerable challenge.”

Given this statement by the Chairman above, it could be reasonably argued that these types of improvement; good housekeeping, efficiencies and higher income might take the results beyond break-even and into surplus over future years for the Epilepsy Centre as it currently stands thereby making it sustainable.

However, the Chairman might be being contradictory as he does air concerns for the longer term:

“As it stands, the charity is not sustainable in the long-term. As with many charities and care providers, external financial pressures are imposing a huge burden – fall-out from the longstanding lack of proper attention to care sector funding arrangements generally, now exacerbated by the pandemic, the cost-of-living crisis, the war in Ukraine and general economic conditions. And while it is reassuring that we are currently keeping our head above water, we still need to be more robust in order to ensure we can support our beneficiaries in years to come and that epilepsy becomes irrelevant in their lives.”

One might ask how such a turnaround was achieved so swiftly. The key is in the dates. The pessimistic Planning Application Business Case is dated August 2022, some six months after the year’s results reported by the Chairman in the Annual Review of these Accounts and filed with the Charity Commission in December 2022. The operational deficit of £0.2m was actually predicted in the Business Case filed with the Planning Application in their detailed workings of their future cash flows. So it is clear the argument for forthcoming closure was one created by the Epilepsy Society for the Planning Application but not then sustained in the Chairman’s Review with the 31 March 2022 Accounts filed several months later with the Charity Commission.

This level of confusion and exaggerated argument might be predicted therefore to extend to the other main part of the Business Case – the future plans for using the profits they hope to achieve through breaking the Green Belt rules. This Business Case is built on numerous assumptions and dependencies which lead to many questions, for example, how much use is made of current facilities to the NHS and others, and the case is silent on the current effective use of the equipment and how the new additional equipment will provide considerably more income. In addition, with interest rates rising, currently falling property values, rapidly rising building costs a sensitivity analysis suggest a fall in the residual value of the development to some £35 million is a sum not nearly enough to satisfy the building plans of the Epilepsy Society which requires the whole of the projected Business Case of £111 million.

It is an odd Planning Application that argues that a special case can be sustained to override Green Belt regulations because firstly the charity would, without the profits from the sale of land, go bust, (an argument used by it in 2005, but since shown to be false). Or that secondly it can use the profits from the sale of this land to build new research facilities which are not contained themselves in the planning application; to build research buildings where there is no explanation of what research activities need to be facilitated in the buildings or where the buildings themselves may never be used because the Epilepsy Society has failed to obtain the appropriate incomes to carry out the expanded research activities.

7. The Applicant claims that it has addressed some of the key themes in the Deloitte Letter but it has simply rehearsed statements already made by it many of which have been and continue to be discredited.

The so called “master design amendments” are made following consultation with a tiny group of its own residents. There has been no meaningful consultation with residents of the village as a whole.

8. Another significant issue is the Applicant trying to sneak through the Strategic Design Code (“SDC”) which the Applicant proposes to be conditioned and approved as part of the planning consent. This seems to us to be yet again another duplicitous and underhand attempt by the Applicant to avoid proper consultation with local residents. As a principle, this cannot be right. Surely a design code should be developed with the community through public engagement and is something which should come through as part of a reserved matter later should permission for this appalling application be given. This is not something which should be a private consultation between the Applicant and the Council and sneaked in through the back door.

The SDC is provided by Assael, stating that it is an initial document, and references that it links the various development/architectural agencies with “public interests” although they only state Bucks Council and Planning Committee in the latter – so no reference to Health, Environment, Ecology or existing residents.

As an overview, the SDC principally discusses the development relating to ten “Character” areas. These range from “Gateways” – there are three proposed into the development – to “Village Centre” to “Boulevard” to “Meadows”. No mention of car parking is made anywhere in the document.

Within each “Character” area they have defined the following:-

Each Design Code has been categorized as either a ‘Must’, ‘Should’ or ‘Could’.

‘Must’ - a code which must be adhered to in order to meet the parameter plans

‘Should’ - a code which should be followed to create a successful place. Deviation from these codes is only acceptable where it is demonstrated that the strategic objective is still achieved.

‘Could’ - a suggestion which could be considered

In total, there are nearly 280 category recommendations. What is of great concern is that fewer than 20% are categorized as “Must”, while nearly 80% are “should”.

The great majority of the “Must” relate to pedestrians and cyclists having sufficient room with streets being designed to “Prioritise pedestrians and cyclists over cars”. How will this be achieved with an estimated 2500 cars on site?

The private parking spaces which need to be provided would need to be in the front of each property, where they will need to compete with the ever-increasing number of recycling bins – up to seven predicted for each property. This impact on the street-scape which is ignored in the SDC seems to make a nonsense of the intended resilient streets as proposed.

However, another area that falls under the “Must” category is in regard to building height. This varies dependent upon the location within the development. So, for “Rural Lanes” the building “Must” NOT over exceed two storeys and must be of sparser density than in the “Urban” part. In the “Village Centre”, though, the building “Must” be two and a half to three storeys high, and along the “Boulevard” buildings “Must” be three to three and a half storeys high. Why? Buildings of this height are surely out of keeping with the locale, especially if all of them are of that height?

The “Boulevard” will be the “primary servicing route” but will still have a “human centric design” – what does this mean and how will it be achieved given the “urban” feel and higher density that will be built upon the “Boulevard” and the “Village Centre”?

Some of the “Should” categories must become “Must”. These relate to buildings along the Rights of Way which “Must” be sparse. The “Meadows” “Must” buffer the village and encourage Biodiversity, not “Should”. The buildings “Must” be setback from Rickmansworth Lane at

Gateway 3 not “Should”. The existing “Woodland” “Must” be retained not “Should”. There are many more of these examples.

Of great concern is that the “Should” categories will never happen.

No comment in this substandard document relates to the care home, the shop or the proposed school provision.

9. It is interesting that several objections have been made by the parents of residents of the Epilepsy Society. For example, one parent is objecting to the development on the grounds that this does very little for the existing residents and in particular would have a significantly disparaging effect on the quiet spaces in the Society grounds and in addition, the access road is likely to exceed the noise criteria limits given that the access road is very close to the Russell House Care Home (see also our comments at paragraph 13 below). The Applicant is asking the existing residents of the Epilepsy Society to give up their only large remaining open space. The other issue raised by the parent’s objection is that the development does not have sufficient space for care homes. The number of residents on the Society land have decreased significantly for various reasons. The core purpose of the Society is being abandoned. One can only speculate as to the true long term intentions of the Epilepsy Society given this application.
10. In terms of the flood risk and damage assessment, it is instructive to note that the Lead Local Flood Authority (“LLFA”) has written to object to the application.

However, in addition, the Flood Risk Assessment Summary (page 25) is based entirely on assumption with no modelling evidence. There are also a significant and worrying number of omissions in the detail which makes the Applicant’s claim that the flood risk is ‘low’ unsubstantiated.

The report’s ‘low’ flood risk assessment is based on a 100 year + 40% climate change event. This intensity of storm is becoming increasingly prevalent in the UK and around the world so the reasoning is questionable, although this calculation is historically used as a benchmark in the industry. For example, we understand Thames Water tend to base its flood risk assessment on a 1 in a 30 year storm. If this calculation were used, the flood risk assessment would likely be identified as at least moderate. There have been several storms identified as occurring 1:100 years recently, hence the increased flooding in many areas of the UK. This highlights that the current infrastructure cannot cope with unpredictable high intensity storm events. Thames Water is under pressure to re-evaluate flood risk assessments.

Paragraph 6 of the assessment summary lacks clarity and evidence:

“Due to Thames Water currently having insufficient capacity for foul water, the foul water is proposed to be discharged via two separate measures; one portion discharged to existing manholes (TW00922501 and TW00929201) via gravity with the remainder being pumped to an additional 600mm pipe to the west of the Proposed Development. The risk of flooding caused by surcharge of public combined sewers is therefore considered to be low”.

Without modelling how can the Applicant know that the two existing manholes can accommodate the additional discharge and there’s no detail with regards to where the additional 600m pipe will go to or feed into? If it is feeding into an existing sewer, there’s no calculation or reference to the size of that sewer and whether it can accommodate the additional capacity. If the existing sewer is less than 600m (highly likely) then a pipe reduction connection will be required, this can restrict flow and cause backup. Modelling would be required to determine if it’s even possible to connect to an existing sewer and there’s no evidence of engagement or consultation with Thames Water.

There appears insufficient detail and evidence of testing with regard to infiltration rate levels. How does the Applicant know if open land adjacent and included in the development is capable of managing the surface water runoff? If flooding occurs, where will it go? The Applicant is not able to specify where the infiltration devices (ponds) will go at this point as the layout of the development is only an illustration. The eventual land developer will determine the location at the detailed planning applications stage, so the report cannot provide an accurate flood risk assessment in relation to infiltration. This is also picked up in the LLFA response and is a key omission in the Applicant's assessment.

11. We refer to the Ecology Report which has been separately filed in relation to this application by Chalfont St Peter Parish Council. We are greatly concerned by its contents. We would endorse its conclusions. It is clear that this development would occasion a tragic loss of bio-diversity.
12. Petition. We understand that the Applicant is putting together a petition but would again echo the comments of the Chalfont St Peter Parish Council that such petition cannot be considered by Buckinghamshire Council as clearly set out on the Council's own petition website.
13. Breach of planning. As we mentioned in our previous submission, there is already an enforcement notice dated 5 October 2022 for the Land at Skipping's Farm owned by the Epilepsy Society. It is clear that in the enforcement notice, the Council makes it clear that the site is in a sensitive location and concludes that the site is not well served by public transport and the planning breach is detrimental to the overarching sustainability principles. It considers the neighbouring Epilepsy Society use of the land is considered to be incredibly sensitive. In particular, the planning breach is considered to comprise noise sensitive development and unauthorised noise generating development which would likely result in injury to the users of the NSE site.

This is picked up in more detail in the Chalfont St Peter Parish Council further submission of objection to this application. This enforcement notice makes clear that the development of this land would be detrimental to the existing residents of the NSE site and echoes therefore the comments made by the parents of residents which we refer to above.

It is clear that the terms of this enforcement notice are relevant to this current planning application.

It also appears to us at the time of writing that the Epilepsy Society has not complied with this enforcement notice. What further action is the Council planning to take in this regard?

In short, these supplemental documents cannot and do not address the principal issues with this completely inappropriate and totally unsustainable application. It is abundantly clear that there is no reason why this application should be allowed and it must be firmly rejected with diligent and proper reasons to withstand the disappointing yet inevitable appeal.

SENSE4CSP

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