



Planning Committee

10.00 a.m. Wednesday 26<sup>th</sup> November 2014  
The Chilterns Conservation Board office,  
90 Station Road, Chinnor, OX39 4HA

Agenda

- |                                      |               |
|--------------------------------------|---------------|
| 1. Apologies                         | 10.00 – 10.02 |
| 2. Declarations of Interest          | 10.02 – 10.04 |
| 3. Minutes of Previous Meeting       | 10.04 – 10.25 |
| 4. Matters Arising                   | 10.25 – 10.30 |
| 5. Public Question Time              | 10.30 – 10.35 |
| 6. High Speed 2 – update             | 10.35 – 10.55 |
| 7. AONB Management Plan Review       | 10.55 – 11.10 |
| 8. Events                            | 11.10 – 11.50 |
| 9. Development Plans responses       | 11.50 – 12.00 |
| 10. Planning Applications – update   | 12.00 – 12.20 |
| 11. Any urgent business              | 12.20 – 12.25 |
| 12. Date of Next and Future Meetings | 12.25 – 12.30 |

Next meeting: **Wednesday 11<sup>th</sup> February 2015** at **The Chilterns Conservation Board Office, 90 Station Road, Chinnor, OX39 4HA**

**Future meetings: 2015 – Wednesdays: 13<sup>th</sup> May, 9<sup>th</sup> September and 25<sup>th</sup> November.**

**Item 3        Minutes of Previous Meeting**

**Author:**                    Colin White   Planning Officer

**Lead Organisations:**     Chilterns Conservation Board

**Resources:**              Budget of £520 per year for minute-taker plus staff time

**Summary:**                Minutes of the previous meeting are attached (at Appendix 1) and require approval.

**Purpose of report:** To approve the Minutes of the previous meeting.

**Background**

1. The draft minutes from the meeting on 10<sup>th</sup> September 2014 have been previously circulated and are attached (at Appendix 1) for approval.

**Recommendation**

1.     **That the Committee approves the minutes of its meeting which took place on 10<sup>th</sup> September 2014.**

**Appendix 1**

**DRAFT MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON WEDNESDAY 10<sup>TH</sup> SEPTEMBER 2014 AT THE CHILTERN CONSERVATION BOARD OFFICE, STATION ROAD, CHINNOR, COMMENCING AT 10.00 AM AND CONCLUDING AT 12.36 PM.**

**BOARD MEMBERS PRESENT**

<b>Member</b>	<b>Appointing Body</b>
<b>Appointed by Local Authorities</b>	
Cllr David Collins	Dacorum Borough Council
Cllr Ian Reay	Hertfordshire County Council, Chairman of the Board (Observing)
Cllr Chris Richards	Aylesbury Vale District Council
Cllr Jeremy Ryman	Chiltern District Council
<b>Appointed by the Secretary of State</b>	
Gill Gowing	Secretary of State
Helen Tuffs	Secretary of State, Chairman
<b>Elected by Parish Councils</b>	
Cllr Barbara Wallis	Buckinghamshire
<b>Others present-</b>	
Colin White	CCB Planning Officer
Mike Stubbs	National Trust ( co-opted)
<b>Others</b>	
Deirdre Hansen	Minute taker

Also present for item 160 only were: Sarah Conlan (Crest Nicholson); Sinead Joyce (Crest Nicholson); John Murdoch (Murdoch Wickham); Krystian Groom (Curtin and Co.) and Lorraine Woolley (Aspect Ecology).

**154. Election of Chairman**

**Helen Tuffs was nominated and unanimously elected as Chairman of the Planning Committee to serve until the Board's next AGM in June 2015.**

Helen Tuffs took the Chair.

### **155. Apologies for absence**

Apologies were received from Cllr David Barnard (North Herts District Council), Cllr Margaret Jarrett (Hertfordshire Parish Councils) and Elizabeth Wilson (Secretary of State).

### **156. Declarations of Interest**

No declarations of interest were made.

### **157. Minutes of the previous meeting**

The minutes of the meeting held 14<sup>th</sup> May 2014 were approved as a true record and signed by the Chairman.

### **158. Matters Arising from the minutes**

Re 148: Following the adoption of the AONB Management Plan changes will be made to the adopted position statements on development affecting the setting of the AONB and renewable energy. As the position statements are statements of Board policy they will be dealt with by the full Board.

### **159. Public Question time**

No members of the public, other than those attending for item 160, were present.

### **160. Presentation about Highlands Farm, Henley**

Krystian Groom and his colleagues gave a presentation on behalf of the Crest Nicholson, the developers of the Highlands Farm site near Henley on the proposed development plans for the site. The site is part of the Joint Henley and Harpsden Neighbourhood Plan. The Committee took the opportunity to ask questions of those present. A visit to the site and another development by Crest Nicholson was offered to the Committee. The Chair thanked the group for attending and giving the presentation.

- 1. The Committee RESOLVED that the Planning Officer should seek to obtain information on other sites developed by Crest Nicholson prior to site visits to Henley and a Crest Nicholson site.**

### **161. High Speed 2**

The Planning Officer updated the Committee about the latest developments in connection with a possible high speed rail route through the Chilterns.

1. The Committee was informed that the HS2AA case submitted to the Aarhus Convention Compliance Committee had been found to be admissible.
2. The Information Commissioner had been granted permission to proceed with a Judicial Review in connection with the Major Projects Authority's Report, although at present the JR is in abeyance.
3. The Board's petition against the HS2 Hybrid Bill had been submitted on time by 16<sup>th</sup> May 2014. The petition was accepted and the Board has "Locus Standi" in this case. The Board is likely to be called to appear before the Select Committee at some time in the future.
4. The Board has met with HS2 staff on two recent occasions, though no issues have been resolved.
5. The Board has been invited to local area meetings organised by Buckinghamshire County Council.
6. On 12<sup>th</sup> September the Planning Officer will attend a meeting at Chiltern District Council on "preparing for appearing before a Select Committee".

11.20 Ian Reay left the meeting.

1. **The Committee NOTED the report.**

## **162. AONB Management Plan Review**

The Planning Officer informed the Committee that the 2014-2019 Management Plan was adopted by the Board in March. It has been circulated and now requires endorsement. Final versions of accompanying documents are being prepared. It is understood that Chiltern District Council has already agreed to endorse the Management Plan as a material consideration connected with its planning powers at a Cabinet meeting in August 2014.

The Committee was asked to continue to promote the Management Plan and to direct those interested to the relevant pages on the web site.

During discussion it was suggested that District Councils circulate the Management Plan and a summary of salient points to portfolio holders as well as officers. The Management Plan could strengthen a council's position in preparing for Select Committee on HS2.

1. **The Committee NOTED that the 2014-19 AONB Management Plan has been circulated, and that final versions of the accompanying documents are being prepared.**
2. **The Committee AGREED to promote the Management Plan and to encourage local authorities to endorse the Plan and to encourage promotion by relevant portfolio holders.**

### 163. Events

The Planning Officer informed the Committee about various events:

1. The Planning Forum took place 20<sup>th</sup> May 2014 in the Board's meeting room. There were 14 attendees representing five of the District Councils in the AONB. Excellent feedback had been provided.
  2. The next Planning Forum will take place in November. The Committee discussed the following suggested topics for discussion at the Forum: developments affecting the setting of the AONB, solar farms and speculative housing applications in the AONB.
  3. The Building Design Awards ceremony took place on the 18<sup>th</sup> of June, at the King's Church, Amersham. Awards were presented to 5 Windsor End, Beaconsfield (Overall Winner), Marchants Farm, Bovingdon (Highly Commended) and Lower Farm, Britwell Salome (Special Award). The Committee discussed the setup of the awards ceremony, the way it is promoted, improving sponsorship and a future vision for the event. Re-invigoration of the event was also briefly discussed.
  4. Parish and Town Council planning training had been organised to take place in June and July at various locations. A flyer had been distributed to all Town and Parish Councils for which the Board has an email address. By the closing date 18 people had booked on the different events. Due to the low number of bookings the events were cancelled. The planning training in 2012 had been given to a total of 95 attendees. The Committee discussed the event and future timings. It was suggested that such training could be offered every 4 years, to take place after Parish and Town Council elections.
  5. The Planning Tour had been due to take place 23<sup>rd</sup> July. The tour was cancelled due to low numbers. The Committee discussed the future of the planning tours and their training element. It was suggested that tours should take place only if there were relevant issues to be discussed and sites visited. It was agreed that it may be more appropriate to undertake visits as, and when, required.
  6. The Annual Planning Conference will take place 8<sup>th</sup> October 2014 at The King's Church Amersham from 9.30am-1.30pm. Speakers have been confirmed. Promotion is taking place. Any Board members wishing to attend were asked to inform the Administration Officer in writing.
1. **The Committee NOTED the feedback from the Planning Forum on 20<sup>th</sup> May and the Chilterns Design Building Awards ceremony on 18<sup>th</sup> June.**

2. **The Committee NOTED that the next AONB Planning Forum will take place in November.**
3. **The Committee NOTED the cancellation of the Parish and Town Council training events, and the annual Planning Committee tour, and provided thoughts on the cancellation of these events.**
4. **The Committee AGREED to promote the annual AONB Planning Conference and to confirm the booking of any place in writing with the Board's Administration Officer.**

#### **164. Development Plan Responses**

The Planning Officer informed and sought the approval of the Committee for the responses that had been submitted under delegated powers in connection with the public consultation exercises on the following development plan documents: Oxfordshire County Council LTP4 SEA Scoping Report; Sonning Common Neighbourhood Development Plan Sustainability Appraisal Scoping Report; Buckland Parish Council Buckland Neighbourhood Plan; Henley-on-Thames Town Council and Harpsden Parish Council Joint Henley and Harpsden Neighbourhood Plan pre-submission consultation version; London Luton Airport Airspace Change Proposal RNAV 1 Procedures; South Oxfordshire DC Local Plan 2013 Issues and Scope consultation; Chiltern DC Heritage Strategy June 2014; Luton BC Draft Luton Local Plan 2011-2031, and Central Bedfordshire Council revised pre-submission Development Strategy.

The Planning Officer commented that the volume of Development Plans that the CCB needs to comment on has increased substantially and seems to be being maintained at a high level. The Committee discussed the workload involved in commenting on these plans. The Chair suggested revisiting this topic at a later meeting.

1. **The Committee NOTED and APPROVED the responses already made on behalf of the Board in connection with the consultation exercises on the development plan documents as detailed above.**

#### **165. Planning Applications Update**

The Planning Officer informed the Committee about, and sought approval for, the responses that have been made under delegated powers in connection with planning applications, appeals and a number of previous cases that had been determined as detailed in the appendix.

Since April this year the Board has been consulted on 52 applications and has responded to all but three of these. So far this has resulted in six formal representations.

- 1. The Committee NOTED and APPROVED the responses made in connection with the applications as listed.**

**166. Urgent Business:**

Cllr Richards asked that in future all questions be submitted through the Chair as protocol demanded.

Mike Stubbs announced that this would be the last meeting he would be attending as he is leaving the National Trust. The Chair thanked him for his contributions to the Committee over the years.

**167. Date of the next meeting Wednesday 26<sup>th</sup> November 2014 at the Lodge, 90 Station Road, Chinnor OX39 4HA.**

**168. Future meetings:**

Wednesday 11<sup>th</sup> February 2015, 13<sup>th</sup> May 2015, 9<sup>th</sup> September 2015 and 25<sup>th</sup> November 2015.

**The Chairman.....**

**Date.....**

**Item 6      High Speed 2 update**

**Author:**                    Colin White   Planning Officer

**Lead Organisation:** Chilterns Conservation Board

**Resources:**                Staff time.

**Summary:**                The Board has been working on preparing evidence for any future appearance before the Select Committee (fully bored tunnel and community and environment fund) and awaits being notified of when that appearance may take place. The Board has yet to receive a Petition Response Document and continues to attend local area meetings.

**Purpose of report:** To update the Committee about the latest developments in connection with a possible high speed rail route through the Chilterns.

**Background**

1.     The Committee will be aware that in May the Board submitted its petition in connection with HS2. The key petitioning point is the request for the provision of a fully bored tunnel under the whole of the AONB. Other points that were included sought extensive mitigation should such a tunnel not be provided.
2.     The Board and others have been working on preparing evidence in connection with the fully bored tunnel and this will feature as part of the evidence that would be submitted to the Select Committee. The Board has also been working with others on preparing evidence in connection with a comprehensive community and environment fund, which will also be submitted as evidence.
3.     As part of the Select Committee process site visits are made along the route of HS2. Officers have been liaising with Buckinghamshire County Council officers in connection with suitable stopping points within the AONB.
4.     The Board still has no idea about when we are likely to be called to appear before the Select Committee. Hearings are still focussing on the northern end of the route.
5.     The Board has still to receive a Petition Response Document from HS2/Department for Transport.
6.     The Board continues to attend local area meetings which have been organised by Buckinghamshire County Council.

**Recommendation**

1.     **That the Committee notes the report.**

**Item 7      AONB Management Plan Review**

**Author:**                    Colin White   Planning Officer

**Lead Organisation:** Chilterns Conservation Board

**Resources:**                Staff time.

**Summary:**                 The 2014-19 AONB Management Plan was adopted by the Board in March, it has been circulated and requires endorsement.

**Purpose of report:** To inform the Committee about the latest developments in connection with the 2014-2019 Management Plan.

**Background**

1.     The 2014-19 AONB Management Plan has been the subject of discussion at a number of previous Planning Committee meetings.
2.     The Committee will be aware that copies of the adopted Management Plan have been circulated to key partners along with a summary document.
3.     The documents that will accompany the Management Plan will be finalised shortly and will be circulated to the local authorities along with the Board's responses to comments made during the consultation period and a request that the Management Plan be endorsed as a material consideration in the exercise of the relevant authority's planning powers.
4.     Attention will be drawn to Government advice on the National Planning Practice Guidance website which states that "local planning authorities and neighbourhood planning bodies should have regard to management plans for National Parks and Areas of Outstanding Natural Beauty" and that Management Plans "should be taken into account in the local planning authorities' Local Plans and any neighbourhood plans in these areas". In addition, "management plans may also be material considerations in making decisions on individual planning applications, where they raise relevant issues".
5.     The Committee is asked to continue to promote the Management Plan and to direct those interested to the relevant page on the AONB website.

**Recommendations**

1.     **That the Committee notes that the Planning Officer will seek endorsement of the 2014-19 AONB Management Plan by the local planning authorities in the Chilterns.**
2.     **That the Committee continues to promote the Management Plan and encourages local authorities to endorse the Plan.**

**Item 8**      **Events**

**Author:**                    Colin White   Planning Officer

**Lead Organisation:** Chilterns Conservation Board

**Resources:**                Staff time and budget of £900 for Planning Conference.

**Summary:**                 The AONB Planning Conference took place in October, the latest Planning Forum took place in November, the next AONB Planning Forum will take place in May 2015, arrangements will be put in place shortly for the 2015 Design Awards.

**Purpose of report:** To note the feedback from recent events and to approve the details for forthcoming events.

**Background****Feedback from recent events****AONB Planning Conference 2014**

1.     The Planning Committee took place on Wednesday 8<sup>th</sup> October 2014.
2.     The following speakers were thanked for their contributions and attendance – Lester Hannington, Bucks CC (who talked about the implications for the AONB due to the recent upsurge in interest in fracking); James Doe, Dacorum Borough Council (who talked about development pressures and the duty to co-operate); Martin Small, English Heritage (who talked about the recently issued EH good practice advice notes for planning); Mark O’Sullivan, Cotswolds Conservation Board (who talked about the way that the Cotswolds CB addresses key planning issues), and Lee Pugalis, Northumbria University (who talked about relationships between LEPs and planning and the implications for protected landscapes).
3.     40 delegates booked to come to the Conference, which is about 30 less than last year. Although the numbers were down, the audience were able to contribute to, and enjoy, the conference and feedback was generally very good.
4.     The key points arising from the feedback forms are as follows: the timings and format should be kept the same as this year; speakers should be strongly encouraged to keep to time; presentations with only images (no bullet points or text) were welcomed; perhaps the conference could look at how the Chilterns could cope with development as well as the impacts of traffic leading to air pollution; there were calls for reinstatement of the site visits; more could be done about HS2; solar developments could be looked at as well as agriculture and historic landscapes; it may be sensible to only have 4 speakers and give them more time; questions could be taken after each speaker; cost may have kept the numbers down; could discuss the integration of LNP and LEPs and how they can

work together to raise the profile of the environment, and someone was not sure they would attend every year but would encourage others to.

5. The key messages to take from the feedback are that those attending find the event useful and that there is a need to try and ensure that speakers keep to time. There are various topics that can be investigated for the 2015 Conference and next year the format and timing should be kept the same as this year.

#### AONB Planning Forum

6. The last AONB Planning Forum took place on the 20<sup>th</sup> May. There were 13 attendees, eight of the District Councils within the AONB were represented and attendees also came from Natural England, the Environment Agency and the Chiltern Society. The Forum discussed: the endorsement of the adopted AONB Management Plan; feedback from the Planning Conference and how to try and get more people engaged with it in the future; development pressures arising from neighbourhood development plans, solar PV farms and speculative housing applications; the latest position in connection with the possible AONB boundary review; an update on the National Grid Visual Impact Provision work, and an update on local development plan progress.

#### Forthcoming events

##### AONB Planning Forum

7. The next AONB Planning Forum should take place in May 2015 and a Doodle Poll with suggested dates and times will be run shortly. If there are any preferred dates (preferably in the week beginning the 18<sup>th</sup> of May) and topics these can be discussed at the Committee meeting.

##### Buildings Design Awards 2015

8. Arrangements will soon have to be put in place for the various dates associated with the annual Chilterns Buildings Design Awards for 2015. Entries should be received by 1<sup>st</sup> March, then, if there are sufficient entries, the judging panel will be involved in a sieving exercise that should take place in late March, the shortlisted entries should be visited in early May and the awards ceremony should take place in mid-June.
9. The judging panel will therefore: need to meet for half a day in late March; spend a day in early May undertaking site visits, and should also be available for the ceremony in mid-June (usually an evening event).
10. The judging panel should include a Member of the Conservation Board and it would be sensible if that Member was on the Planning Committee. The rest of the judging panel will probably include Richard Wheeler (National Trust), Brian Jones (architect of the 2014 overall winner) and two members of the Chiltern Society (Jenny Habib and Charles Firth in 2014).

### **Recommendations**

- 1. That the Committee notes the feedback from the Planning Conference in October and the Planning Forum in November.**
- 2. That the Committee approves that the next AONB Planning Forum should take place in May 2015 and suggests possible dates and topics for discussion.**
- 3. That the Committee approves the proposed arrangements for the Buildings Design Awards for 2015 and nominates one of its Members to sit on the judging panel.**

**Item 9      Development Plans Responses**

**Author:**                    Colin White   Planning Officer

**Lead Organisations:**      Chilterns Conservation Board

**Resources:**                Staff time.

**Summary:**                Responses have been sent in connection with the public consultation exercises on the following development plan documents: **DCLG** Technical consultation on planning; **Dacorum BC** site allocations pre-submission; **Dacorum BC** local allocation 3 masterplan Hemel Hempstead; **Dacorum BC** local allocation 5 masterplan Tring, and **DCLG** consultation on planning and travellers.

**Purpose of report:** To inform the Committee about, and seek approval of, the responses that have been made under delegated powers in connection with the development plan documents as listed.

**Background**

The following paragraphs detail the responses that have already been drafted and sent in connection with the public consultation exercises on the development plan documents as listed.

**DCLG Technical consultation on planning**

1.     The Board welcomes the numerous references to the restriction of new permitted development rights within Article 1(5) land (which includes National Parks, the Broads, Areas of Outstanding Natural Beauty, areas designated as conservation areas, and land within World Heritage Sites). The Board strongly supports the restriction of the new permitted development rights in connection with: **Proposal B** (creating new homes from sui generis uses); **Proposal D** (extensions to dwellings); **Proposal G** (supporting the diversification of leisure uses on the high street); **Proposal H** (expanded facilities for existing retailers); **Proposal I** (permitted development right for film and television industries); **Proposal J** (solar PV panels for commercial properties); **Proposal K** (extensions to business premises); **Proposal L** (permitted development rights for waste management facilities), and would wish for those restrictions to remain in place even if further changes are proposed.
2.     **Question 1.6: Do you support the removal of the requirement in regulations for a minimum of six weeks consultation and publicity before a neighbourhood plan or Order is submitted to a local planning authority?**  
The Board does not support the removal of this requirement because experience suggests that consultations that are undertaken are not as wide or thorough as DCLG and others may think. Although many NDPs are prepared using this sort of time frame for publicity and consultation, others may not be and may use a more

- relaxed approach as a means of avoiding consultation with some of those organisations that ought to be involved or have an interest.
3. **Question 1.7: Do you agree that responsibility for publicising a proposed neighbourhood plan or Order, inviting representations and notifying consultation bodies ahead of independent examination should remain with a local planning authority? If you do not agree, what alternative proposals do you suggest, recognising the need to ensure that the process is open, transparent and robust?** The Board agrees that responsibility for publicising a proposed neighbourhood plan or Order, inviting representations and notifying consultation bodies ahead of independent examination should remain with a local planning authority.
  4. **Question 1.11: Do you agree that it should be a statutory requirement that either: a statement of reasons; an environmental report, or an explanation of why the plan is not subject to the requirements of the Strategic Environmental Assessment Directive must accompany a neighbourhood plan proposal when it is submitted to a local planning authority?** The Board supports the simplification of the SEA process in order to facilitate neighbourhood plan development. However, the Board would like to see the National Planning Practice Guidance amended to include a specific reference to the responsibilities of Parish and Town Councils, as well as local planning authorities, in relation to their duties under Section 85 of the Countryside and Rights of Way (CRoW) Act 2000. For a Neighbourhood Plan that is developed within an AONB the Board considers that the Plan making body should be required to consult the relevant AONB Partnership or Conservation Board in order to ensure compliance with the statutory AONB Management Plan objectives and the statutory duty under Section 85 of the CRoW Act 2000.
  5. **Question 2.2: Should the new permitted development right (i) include a limit on the amount of floor space that can change use to residential (ii) apply in Article 1(5) land i.e. land within a National Park, the Broads, an Area of Outstanding Natural Beauty, an area designated as a conservation area, and land within World Heritage Sites and (iii) should other issues be considered as part of the prior approval, for example the impact of the proposed residential use on neighbouring employment uses?** The Board agrees that there should be a limit on the amount of floor space that can change use. The prior approval matters listed take no account of the potential landscape and visual impacts of such changes of use, and the Board therefore considers that it is important that this permitted development right should not apply within National Parks, the Broads, Areas of Outstanding Natural Beauty, areas designated as conservation areas, and land within World Heritage Sites (Article 1(5) land).
  6. **Question 2.5: Do you agree that there should be a permitted development right from May 2016 to allow change of use from offices (B1(a)) to residential (C3)?** The Board does not object to this proposed permitted development right, but considers that it should not apply in Article 1(5) land.

7. **Section 4: Planning application process improvements – Part A Statutory consultee involvement in the planning application process, paragraph 4.8.** The Board recommends that an additional reference should be included within this section which sets out the statutory duty as required by Section 85 of the CRoW Act 2000.
8. **Section 5: Environmental Impact Assessment (EIA) Thresholds - Identifying whether Schedule 2 projects should be subject to EIA.** The Board welcomes **paragraph 5.16 which states that** ‘The Government remains committed to protecting the environment. We are not proposing any changes for projects which are located in, or partly in, sensitive areas. All such projects, irrespective of their size, will continue to be subject to case-by-case screening’. The Board assumes that the term ‘sensitive area’ covers AONBs (and other Article 1(5) land). However, this is not explicit and the Board recommends that the text should be amended to ensure that it is clear which areas are being referred to.

#### **Dacorum BC site allocations pre-submission**

9. The Board objects to the proposed allocation (LA5 and associated plans – LA5, C/1 and L/3) at Tring for the following reasons:
  - No recognition has been given to the likely impacts on the nationally protected Chilterns AONB that would arise from the proposals.
  - The Chilterns AONB and its boundary have not been clearly annotated on all plans to ensure that all readers of the associated documents are aware of what is being proposed and where.
  - The increase in the number of dwellings appears to have led to some elements of the proposed development being pushed out of the main developable area, without any justification for this action being given and without any consideration of the likely implications for the Chilterns AONB.
  - The Board considers that none of the proposed developments that have been identified within the Chilterns AONB (cemetery, play area and traveller site) would conserve or enhance the natural beauty of the Chilterns AONB and these elements are therefore contrary to national planning policy, the Chilterns AONB Management Plan and the Council’s own development plan.
  - The proposed open space is unlikely to be used to any great extent unless it is much more formal in nature (playing pitches for example) and the Board considers that such a change in use would neither conserve nor enhance the natural beauty of the AONB.
  - The employment allocation that has been made appears to be too small to be worthwhile.
  - The allocation of a traveller site remote from the main developable area is inconsistent when compared to the other allocations that also include such provision (in each case the traveller site is clearly identified within the

development area).

- The proposed cemetery extension is not an extension to the main site because it is remote from the main site. As it is removed from the main cemetery the Board considers that its use would ultimately lead to demands for car parking and ancillary buildings which would not be appropriate within the Chilterns AONB.
10. The Board considers that the following changes should be made to the Site Allocations document in order to make it sound:
- Amend the text of the allocation to refer to the Chilterns AONB and what the likely implications are (the majority of the site is within the setting of the AONB and part of the site is within the AONB).
  - Include the AONB and its boundary on all plans and maps associated with the proposed allocation.
  - Reduce the number of dwellings on the site to a level that will ensure that no developments are proposed within the Chilterns AONB and will allow: an extension to the cemetery in line with the Concept Masterplan Option 1 (immediately to the north and west of the existing cemetery); the NEAP to be placed within the development area where it would be more likely to be used; the traveller site to be identified as part of the development area which would be consistent with the other proposed allocation sites, and an extension to the proposed employment allocation that would be more worthwhile.
  - Ensure that the text of the document is explicit that the western fields should only ever be used for informal open space or left in agricultural use.
11. The Board wishes to appear at any future public examination to address the various issues detailed above and considers various elements of the site allocations document as published to be 'not sound' due to inconsistencies with national policy (specifically the National Planning Policy Framework, National Planning Practice Guidance, the National Parks and Access to the Countryside Act 1949 and the Countryside and Rights of Way Act 2000) as well as the Chilterns AONB Management Plan and the Council's own development plan.

### **Dacorum BC local allocation 3 masterplan Hemel Hempstead**

12. Context and analysis of the site - Figure 1 and Plan 1 fail to clearly identify the Chilterns AONB and its boundary. Though the site is not within the Chilterns AONB it is only about 1km from the AONB boundary. The Masterplan should clearly demonstrate that full account has been taken of the likely implications for the protected landscape.
13. Development constraints and opportunities - Though the site is not within the Chilterns AONB it is only about 1km from the AONB boundary. The Masterplan should clearly demonstrate that full account has been taken of the likely implications for the protected landscape.

**Dacorum BC local allocation 5 masterplan Tring**

14. Context and analysis of the site - Figures 2, 4, 5, 6, 7, 9 and 10 all fail to clearly identify the Chilterns AONB and its boundary (though shown on Figure 5 it is not clear). Readers of the Masterplan are therefore unable to fully appreciate the likely implications for the Chilterns AONB that would arise should the development take place.
15. Development constraints and opportunities – the Board has the following comments to make:
  - The Chilterns AONB is a nationally protected landscape. The Masterplan proposes development within the Chilterns AONB without any consideration being given to the likely implications – the AONB is a significant constraint and it should be identified as such.
  - The 7<sup>th</sup> bullet point in the opportunities section talks about the creation of ‘recreational space and community facilities’ within the Chilterns AONB. The Board considers that the creation of formal recreational space would neither conserve nor enhance the natural beauty of the Chilterns AONB. No detail is provided in connection with the proposed ‘community facilities’. The Board therefore objects to the lack of detail and to the likely impacts that would arise from such developments.
  - The penultimate bullet point in the opportunities section refers to small areas of public open space within the proposed development and that these ‘could’ be designed around the existing clumps of trees, the Board considers that the text should be changed by deleting ‘could’ and replacing it with ‘should’.
16. Masterplan requirements – the Board has the following comments to make:
  - Vision – the vision should refer to the ‘conservation and enhancement of the natural beauty of the Chilterns AONB’.
  - *Homes Principles* – The number of dwellings should be reduced to allow all the associated parts of the proposal to be identified outside the Chilterns AONB, including the cemetery extension, NEAP and gypsy/traveller site. No justification has been given for the increase in the number of dwellings from the previous proposed figure of 150. The increase of 30-50 dwellings does not make any real difference to the ultimate housing requirement. The cemetery, NEAP and gypsy/traveller site should all be removed from the Chilterns AONB as their development would neither conserve nor enhance the natural beauty of the AONB, which is contrary to national planning policy, the Chilterns AONB Management Plan and the Council’s own development plan. Text that follows the principles should be amended to accord with such changes. The Board disagrees with paragraph 5.12 which states that the gypsy/traveller site would have ‘a very limited impact on the special qualities of the AONB’. Paragraph 5.17 states that ‘CALA Homes does not support the inclusion of a Gypsy site in the proposals for LA5’. No justification is given for

- this statement and to the reader it would appear that this has been one of the key reasons why the gypsy/traveller site is not within the proposed development area.
- *Employment Area Extension Principles* – The Board considers that a larger employment allocation should be made because what is currently proposed does not appear to be that worthwhile.
  - *Design Principles* – Greater account should be taken of the fact that the site is partly within the Chilterns AONB with the majority of the proposals being within the setting of the AONB. High quality, attractive designs which take full account of the site's context should be applied throughout the site.
  - *Green Space Principles* – The Board considers that the western fields should only ever be used for informal open space or retained in agricultural use. There is no justification for a play area for older children to be allocated within the Chilterns AONB (also referred to in paragraphs 5.39 and 5.40). It will be remote from the housing and would be unlikely to be used properly. The Board objects to this element and considers that the NEAP should be identified within the main housing area. Paragraph 5.36 should state that artificial lighting should not take place at all in the western fields – such lighting would neither conserve nor enhance the natural beauty of the Chilterns AONB.
  - *Landscape Principles* – These should take full account of the fact that the site is both within the Chilterns AONB and its setting.
  - *Cemetery Extension Principles* – The Board objects to the cemetery proposals within the Chilterns AONB as these would: lead to demands for more car parking and ancillary buildings in the future, and neither conserve nor enhance the natural beauty of the AONB. The extension, which should be an adequate size, should be located adjacent to the current cemetery in accordance with Option 1.
17. Indicative layout - The Board objects to those elements of the proposals that have been identified within the Chilterns AONB – the cemetery, NEAP and gypsy/traveller site. The layout should include the Chilterns AONB and its boundary.

### **DCLG consultation on planning and travellers**

18. **Question 1: Do you agree that the planning definition of travellers should be amended to remove the words or permanently to limit it to those who have a nomadic habit of life? If not, why not?** The Chilterns Conservation Board recognises that the current definition of gypsies and travellers is as follows: *Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling*

*showpeople or circus people travelling together as such.* A similar sort of definition applies to travelling showpeople. The Chilterns Conservation Board agrees that the planning definition of travellers should be amended by removing the words 'or permanently' as suggested as this is likely to reduce the pressure for demand for permanent accommodation for those travellers who have ceased to travel, on protected landscapes such as the Chilterns AONB.

19. In addition the meaning of gypsies and travellers is defined in the Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006 ("2006 regulations") as follows: *Persons with a cultural tradition of nomadism or of living in a caravan; and all other persons of a nomadic habit of life, whatever their race or origin, including – such persons who, on grounds only of their own or their family's or dependent's educational or health needs or old age, have ceased to travel temporarily or permanently.* **Q3 – Do you consider that a) we should amend the 2006 regulations to bring the definition of "gypsies and travellers" into line with the proposed definition of "travellers" for planning purposes, and b) we should also amend primary legislation to ensure that those who have given up travelling permanently have their needs assessed? If not, why not?** The Chilterns Conservation Board agrees, for the reasons outlined above, that the 2006 regulations should be amended to bring the definition of gypsies and travellers into line with the proposed definition of travellers as suggested. It would also seem sensible to amend primary legislation if this is required as a consequence.
20. **Q4 – Do you agree that Planning Policy for Traveller Sites be amended to reflect the provisions in the National Planning Policy Framework that provide protection to these sensitive sites? If not, why not?** The Chilterns Conservation Board considers that the Government is right to include Areas of Outstanding Natural Beauty (AONBs) in the list of 'sensitive sites' to which special protection applies under the National Planning Policy Framework. The Chilterns Conservation Board welcomes the proposed amendment to Planning Policy for Traveller Sites to include sections replicating the relevant parts of the National Planning Policy Framework. The Board considers that the proposed changes would clarify the policy protection for AONB designated land and would reinforce the status of the AONB designation as set out in the National Planning Policy Framework.
21. **Q5 – Do you agree that paragraph 23 of Planning Policy for Traveller Sites should be amended to "local authorities should very strictly limit new traveller sites in the open countryside"? If not, why not?** The Chilterns Conservation Board supports the proposed amendment to paragraph 23 of Planning Policy for Traveller Sites as this should ensure that controls on development in the open countryside are effectively applied to AONB designated land also.
22. Paragraph 25 of Planning Policy for Traveller Sites sets out that where a local authority cannot demonstrate an up-to-date five year supply of deliverable sites then this should be a significant material consideration when determining proposals for temporary planning permission. The Government proposes to

amend paragraph 25 to make it clear that it does not apply to land designated as an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).

**Q6 – Do you agree that the absence of an up-to-date five year supply of deliverable sites should be removed from Planning Policy for Traveller Sites as a significant material consideration in the grant of temporary permission for traveller sites in the areas mentioned above? If not, why not?**

The Chilterns Conservation Board supports the proposed change to the Planning Policy for Traveller Sites which will mean that the absence of an up to date five year supply of deliverable sites would no longer be a significant material consideration in favour of the granting of temporary permission for sites in AONB designated areas.

23. The Government proposes to amend national planning policy and Planning Policy for Traveller Sites to make clear that intentional unauthorised occupation, whether by travellers or members of the settled community, should be regarded by decision takers as a material consideration that weighs against the grant of permission. This does not mean that retrospective applications should be automatically refused, but rather failure to seek permission in advance of occupation will count against the application. It will, the Government hopes, encourage all applicants to apply through the proper planning processes before occupying land and carrying out development. **Q8 – Do you agree that intentional unauthorised occupation should be regarded by decision takers as a material consideration that weighs against the grant of permission? If not, why not?** The Chilterns Conservation Board agrees with this proposed change and trusts that it will enable local planning authorities to deal with intentional unauthorised occupation in an appropriate and timely manner. **Q9 – Do you agree that unauthorised occupation causes harm to the planning system and community relations? If not, why not?** The Chilterns Conservation Board agrees with this statement.

### **Recommendation**

- 1. That the Committee notes and approves the responses already made on behalf of the Board in connection with the consultation exercises on the development plan documents detailed above.**

**Item 10      Planning Applications Update**

**Author:**                      Colin White   Planning Officer

**Lead Organisations:**      Chilterns Conservation Board

**Resources:**                Staff time.

**Summary:**                  Representations have been made regarding a number of planning applications and a number of previous cases have been determined.

**Purpose of report:** To inform the Committee about, and seek approval of, the responses that have been made under delegated powers in connection with the planning applications as listed and to update the Committee on any outcomes.

**Background**

1.      Since 1<sup>st</sup> April this year the Board has been consulted on 75 planning applications. All of these have been responded to and there have so far been 14 formal representations, all of which are objections.
2.      The applications that have resulted in formal representations this year include:

**Objections**

- New dwelling, Britwell Hill (two applications – one was withdrawn and the second was refused)
- Redevelopment of employment site with 40 dwellings, Saunderton, with revisions being recently submitted (not yet decided)
- 210 dwellings, Princes Risborough (not yet decided)
- Crematorium, Little Kimble (refused)
- Solar Farm, Cheddington (approved)
- Continued use of buildings for uses associated with flying, Ipsden (approved)
- 76 dwellings, Prestwood (refused)
- Waste transfer station, Amersham (not yet decided)
- 90 dwellings, Monks Risborough (not yet decided)
- 5 dwellings, shops and offices, Studham (not yet decided)
- Solar park, Caddington (not yet decided)
- 19 dwellings, Luton (not yet decided)

3. During 2013/14 the Board was consulted on 133 applications and responded to all of these. There were 25 formal representations. For 2013/14 the number of applications being decided in line with the Board's comments stands at 62% with three applications still to be decided (compared to 57% for 2012/13 with two applications still to be decided).
4. The outstanding formal representations are detailed in Appendix 2, and where decisions have been made by the local planning authorities these are detailed.

### **Recommendation**

1. **That the Committee notes and approves the responses made in connection with the applications listed in Appendix 2.**

**APPENDIX 2**

<b>Location</b>	<b>LPA</b>	<b>Development</b>	<b>Ref. No.</b>	<b>Status</b>	<b>Summary of the Board's Response (please contact the Board for more detailed information if this is required)</b>	<b>Date</b>
County Highways Depot, London Road, Amersham	BCC	Waste Transfer Station and associated developments	CM/59/14	Pending	Object – though the main building has been changed the proposal is still considered to be too bulky and has design elements that are not in keeping with the AONB (glass panels, colour of doors and roof and lack of detail about brick), there would be a significant level of traffic generation, the previous use of the site for landfill may cause problems with construction, light pollution would occur, fences and bunds will have detrimental impacts, great care would be needed in the treatment of any discharges to the River Misbourne and there appears to have been no consideration of the requirements of NPPF paragraph 116 in connection with major development in the AONB.	18.09.14
Great Seabrook Farm, Cheddington	AVDC	7Mw photovoltaic solar farm	14/01572 /APP	<b>Approved</b> – <b>13.11.14</b>	Object – application does not contain adequate information by which to judge the likely impacts (landscape and visual appraisal and glint and glare study should include additional information), proposal would have detrimental impacts on users of the AONB, proposal would be industrial scale out of keeping with the area, the proposal could not be screened, glint and glare would be experienced within the AONB, proposal is considered to be contrary to the NPPF, if minded to approve Council should carefully consider the landscaping of the site and the use of matt black finishes for frameworks and supporting structures.	28.07.14

Valley View, Hemel Hempstead Road, Dagnall	CBC	One additional static caravan and two additional touring caravans	CB/13/03 219/FUL L	Pending	Object – application is very similar to previous applications and dismissed appeal, no detail is given about the proposed buildings, the development would have a materially greater impact on the AONB, hedge planting is proposed (no detail but site currently has Cypress hedging and extension of this would lead to a further loss in the character of the area) and the development neither conserves nor enhances the natural beauty of the AONB.	16.10.13
Bell Cottages, Studham	CBC	5 dwellings, 3 shops and 2 offices	CB/14/03 116/FUL L	Pending	Object – the proposal does not accord with the development plan, the development is inappropriate in the Green Belt and contrary to policy and no exceptional circumstances have been cited which would override the policy, the development would extend development into open countryside and would neither conserve nor enhance the natural beauty of the AONB, no LVIA has been submitted, the site forms an important part of the landscape setting of the Conservation Area, the proposed houses would be on a larger scale than existing development and would impact on the hedgerow on the western boundary of the site and the design of the office and shop buildings is bland and does not conform to advice in the Chilterns Buildings Design Guide.	23.10.14
Millfield Farm, Millfield Lane, Caddington	CBC	5Mw solar farm	CB/14/04 064/FUL L	<b>Withdrawn</b> – <b>14.11.14</b>	Object – site would be visible and development made more visible due to glint and glare. A study should be done to demonstrate impacts of glint and glare. Development would be on an industrial scale and would have a detrimental impact on the AONB as well as users of the AONB. Development is contrary to a number of policies.	12.11.14



Drive, Luton					does not accord with the development plan (NPPF, NPPG, Local Plan and AONB Management Plan), the development is bland and fails to take account of the Chilterns Buildings Design Guide and technical notes, impacts on the Dray's Ditches Schedule Monument have not been taken properly into account.	
Land south of Cockernhoe and east of Wigmore, east of Luton	NHDC	Mixed use development of up to 1,050 dwellings, retail, education, community facilities, roads, open space and green infrastructure.	13/02000 /1	Pending	Object - The site is extensive and includes parts of two previously identified archaeological areas, is close to a registered historic park and garden and a local wildlife site. The site is within Green Belt and on land previously designated as both countryside and landscape conservation areas. The LVIA that has been undertaken does not properly consider the likely impacts on the area to the east. The playing fields are located in an area that is wholly divorced from the rest of the site and it is likely that lighting would be requested which would lead to detrimental impacts on tranquillity in the area whilst also being clearly visible from within the Chilterns AONB and its setting. The Council has previously recognised the high landscape value of the site and its surroundings. Because the area has high landscape value and a wealth of archaeological and ecological sites of importance it is the subject of consideration as part of a wider area in connection with a possible extension of the Chilterns AONB (which is in close proximity to the area). The LVIA should take account of the possible wider impacts before any decision is made on the application. The current proposal would result in a significant level of development which would fundamentally change the character and appearance of the area to the detriment of the	07.10.13



<p>Watlington</p>		<p>of buildings to rationalise mix of industrial and storage</p>	<p>61/FUL</p>		<p>in floor space, a significant amount of traffic will be generated, there has been a significant increase in the B8 floor space which will also generate a significant amount of traffic (much of it HGV) which will impact on users of the local rights of way as well as local roads. Full traffic survey should be undertaken and submitted to address all users at the site. The site is not in a sustainable location for the uses proposed. The proposal will neither conserve nor enhance the natural beauty of the AONB, it is considered to be contrary to the development plan and AONB Management Plan and the proposal will not increase the understanding or enjoyment of the special qualities of the AONB.</p> <p>Amended plans - The application still includes an external area of B8 use of about 3,200m<sup>2</sup>. The proposed B8 space (both internal and external) is therefore believed to be in excess of three times the present permitted area. This large area is likely to lead to the generation of a significant amount of traffic, and much of it is likely to be HGVs. The revised application would lead to the area used for B1 and B2 uses increasing substantially, which would in turn also increase the number of small vehicle movements. The Board welcomes the reduction in HGV movements which would arise from this particular change. The Board does not consider that users of the ancient right of way should be displaced into a field for 500m for the sake of the commercial benefit of Lys Mill. The existing right of way along the Icknield Way should therefore remain and its condition and character should not deteriorate any further.</p>	<p>15.07.13</p>
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Thames Valley Microlight Club, Towers Farm, Icknield Road, Ipsden	SODC	Certificate of lawful development for use of land and buildings for storage of aircraft, stationing, manoeuvring, service and maintenance of aircraft and offices.	P14/S22 29/LDE	<b>Approved</b> <b>16.09.14</b>	–	Object - The development that has taken place and the associated increase in flying activities has led to an increase in noise nuisance for both residents and visitors hoping to enjoy the tranquillity of South Oxfordshire, any development that would result in an increase in activities greater than that which has already been permitted is detrimental and should be refused, if allowed, the current application for improving the ground based facilities for both people and machinery would almost certainly lead to increased flying activity and traffic on the ground, and increased noise and air pollution. None of this would lead to the conservation and enhancement of the natural beauty of the Chilterns AONB and would detrimentally affect the peace and tranquillity of this part of the AONB.	22.08.14
Land at Forty Green, Bledlow	WDC	Erection of solar farm	14/05105 /FUL	<b>Refused</b> <b>29.10.14</b>	–	Object – site would be visible and development made more visible due to glint and glare. A study should be done to demonstrate impacts of glint and glare. Development would be on an industrial scale and would have a detrimental impact on users of the AONB. LVIA does not appear to be rigorous in connection with view from Chinnor Hill. Planting proposed would have limited impact on views of the site from the AONB. Development is contrary to a number of policies.	07.03.14
West Yard, Slough Lane, Saunderton	WDC	Redevelopment of site to provide 40 dwellings	14/05870 /FUL	Pending		Object – redevelopment would lead to the loss of all employment on the site, at least part of the site should be used for employment. All dwellings should be provided with high-speed broadband and sufficient office/study space in a separate room. Studies should not be turned into bedrooms as this would lead to more residents and more	19.06.14

					<p>cars. There are insufficient parking spaces (many are provided in garages which are not likely to be used). On-street parking will occur and this is likely to be off-site. Any changes to Slough Lane should be very carefully treated in order not to detrimentally affect the character of the lane. There is no tree planting proposed in some rear gardens. The materials proposed (particularly 'slate effect tiles') are not likely to comply with the advice in the Chilterns Buildings Design Guide and supplementary Technical Notes on Brick and Roofing Materials.</p> <p>Revised plans – maintain objection, designs are bland and now include less chimneys than previously and fail to take proper account of the Chilterns Buildings Design Guide and Supplementary Technical Notes.</p>	13.11.14
Mill Lane, Monks Risborough	WDC	Outline application for up to 210 dwellings	14/06162 /OUT	Pending	<p>Object – application is in outline so insufficient detail has been provided by which to judge the likely impacts. Most of the site is visible from Whiteleaf Hill and potential impacts have been underplayed in the LVIA because the development is relatively dense and includes 2½ storey buildings when there are no such buildings in the context. Greater thought should be given to the impact of the roof scape, particularly in the northern part of the site and chimneys should be used throughout. There is no detail about the proposed design and materials. Trees should be allowed sufficient space to reach maturity and should be planted within plots as well as part of the street scene. Care will be needed with any lighting proposed in order to limit spill.</p>	24.06.14

Doe Hill Farm, Little Kimble	WDC	Crematorium, access road, parking and garden areas	14/06459 /FUL	<b>Refused</b> <b>06.11.14</b>	– Object – The application is very similar to a previously refused application, details could not all be viewed though changes not considered to be major. The proposal would lead to the urbanisation of an area of currently undeveloped open countryside well beyond the confines of any settlement, to the detriment of the landscape and the users of the many public rights of way in the vicinity of the site. This is the wrong development on the wrong site. The proposal would lead to the destruction of a significant number of very important and mature trees as well as a significant length of hedgerow. The use of the site would lead to significant detrimental impacts on other users of the local highway. Should the council determine that the application should be approved then various conditions ought to be applied including - the requirement for the design/materials to comply with the Board's advice; the requirement for any lighting to be the absolute minimum required for the safe use of the site and which should be fully assessed and adequately controlled, and any trees and hedgerow lost should be replaced with a significant number of appropriate alternatives which should be subject to long term, adequately funded, maintenance. An archaeological assessment should be undertaken.	03.07.14
Former Molins Sports Ground, Mill Lane Saunderton	WDC	90 dwellings and sports provision	14/07148 /OUT	Pending	Object – contrary to the Development Plan and AONB Management Plan, not identified as a housing allocation, design and access statement contains insufficient detail by which to judge the impacts of the development, limited detail about materials or design, little regard had for the AONB, no assessment undertaken to address issues in	12.09.14

					NPPF paragraph 116 and significant increase in traffic on local roads.	
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