



# Buckinghamshire Council

## East Buckinghamshire Area Planning Committee

### Minutes

**MINUTES OF THE MEETING OF THE EAST BUCKINGHAMSHIRE AREA PLANNING COMMITTEE HELD ON TUESDAY 17 NOVEMBER 2020 VIA VIDEO CONFERENCE, COMMENCING AT 6.30 PM AND CONCLUDING AT 8.45 PM**

#### **MEMBERS PRESENT**

C Jones (Chairman), D Bray, J Burton, J Gladwin, P Jones, J MacBean, J Rush, M Titterington, J Waters, J Wertheim and N Southworth

#### **Agenda Item**

##### **1 APOLOGIES FOR ABSENCE**

Apologies had been received from Councillor N Rose.

##### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

##### **3 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 20 October were agreed as an accurate record.

A member raised a query in relation to item 7 on the previous meeting's agenda, reporting that the developer had started work on the site and asked whether appropriate permissions had been received by the council and whether a landscaping scheme had been approved. Officers agreed to investigate and if necessary, refer the site on to the enforcement team.

##### **4 PL/20/1954/DE - CHALK HILL FARM, CHALK LANE, HYDE HEATH, BUCKINGHAMSHIRE, HP6 5SA**

Proposal: Reserved matters following outline planning permission PL/18/2502/OA (Outline planning permission for conversion of two barns to provide two dwellings (all matters reserved))

#### **Notes:**

- The planning officer advised that since the report was published, an additional letter of objection had been received from Hyde Heath Village Society which drew attention to

the earlier approval of planning permission in 1997 and a condition that the northern barn building be used for agricultural use only. The planning officer advised that national planning policy had changed in this time and outline planning permission already granted overrides that of 1997 and permits the change in use.

- The Planning Officer made a correction to the report removing condition 1 as the time limit had already been covered under the outline planning permission. The remaining conditions would be renumbered as appropriate.
- Speaking on behalf of Little Missenden Parish Council: Mrs Lynne Lusby
- Speaking on behalf of the agent: Ms Holly Ferrar-Coulson

It was proposed by J MacBean, seconded by D Bray and **resolved**:

To defer the application to allow for further negotiations with the agent to seek a reduction in the amount of glazing in the proposed elevations. The decision is delegated to officers for approval subject to consultation with the Chairman and local ward members, to consider if the amendments overcome the concerns or whether the application be referred back to the Committee for determination.

**5 PL/20/2274/DE - SHORTMEAD, VILLAGE WAY, LITTLE CHALFONT, AMERSHAM, BUCKINGHAMSHIRE, HP7 9PU**

Proposal: Reserved matters following outline planning permission PL/19/1995/OA (Outline planning permission for demolition of dwelling and erection of 2 detached dwellings with formation of additional vehicular access)

Notes:

- The Planning Officer made a correction to the report removing condition 1 as the time limit had already been covered under the existing outline planning permission. The remaining conditions would be renumbered as appropriate.
- A further condition was proposed to obscurely glaze the first floor windows located on the internal flanks of both plot 1 and plot 2.
- Speaking on behalf of Little Chalfont Parish Council: Mr Chris Ingham
- Speaking on behalf of the objectors: Mr Christopher Clack
- A written statement was received and read out to the committee from Mr Tom Finch, on behalf of the agent.

It was proposed by P Jones, seconded by J MacBean and **resolved**:

To grant conditional permission subject to the conditions and informatives set out in the officer's report, along with an additional condition that the first floor windows on the internal flanks of plot 1 and plot 2 be obscurely glazed.

**6 PL/20/2359/FA - HOLMER GREEN SENIOR SCHOOL, PARISH PIECE, HOLMER GREEN, BUCKINGHAMSHIRE, HP15 6SP**

Proposal: Holmer Green Senior School, Parish Piece, Holmer Green, Buckinghamshire, HP15 6SP

Notes:

- The planning officer advised that since publication of the report, comments had been received from Sport England who raised no objection to the application.
- There was one addendum to the report which was circulated to members prior to the committee and read out at the meeting. This was to add a section 9 to the officer's

report and read *'The council needs to have regard to its public sector equality duty under section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Furthermore, under section 17 of the Children Act 1989, local authorities have the general duty to safeguard and promote the welfare of children within their area who are in need and as far as is consistent with that duty including by providing a range of level of services appropriate to those children's needs. In this case being a school site, children have the potential to be affected by this decision. Due regard has been had to the council's duty under the Public Sector Equality Duty and the Children Act. The council has acknowledged in the officer's report the benefits the dome will provide including covered space for PE, additional indoor space for exams, breaks and short term benefits for social distancing. However, a balancing exercise weighing the harm arising to the public interest against the benefits above has been undertaken and it should be noted that planning law allows councils as local planning authorities to make decisions on planning applications having regard to the public interest. Furthermore, the interests of the children attending the adjacent infant school also need to be taken in to consideration and the development is considered to create a loss of light for pupils of that school to an unacceptable level. Guidance in the Government's Planning Practice Guidance provides a local authority needs to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community. The development plan sets out the policies and criteria in accordance with Government policy and advice for making decisions on planning applications. It is necessary to balance the benefits against the issues of wider public interest in respect of the significant harm identified as set out in the report. In this case it is considered that the harm to the issues of wider public interest outweigh the stated benefits of the dome. The applicant's right to a fair hearing under article 6 of the first protocol of the Human Rights Act is protected through the established appeals in general.'*

- The Planning Officer made a correction to the wording of paragraph 8.1 on page 52 of the agenda pack, amending the second sentence to read *'Given that the recommendation is to refuse planning permission, it is also recommended that it is expedient to take enforcement action to require removal of the dome for the same reasons as for the refusal of planning permission.'*
- The Planning Officer advised that for clarity the second reason for refusal outlined in the report would be split into two separate reasons. A separate reason number 3 would commence from the sentence starting *'Furthermore, the noise from using the courts...'*
- Speaking on behalf of Little Missenden Parish Council: Councillor Jane Fallon
- A written statement was received from Mr Denis Brill and read out on behalf of the objectors.
- Speaking on behalf of the applicant, Mr Ed Hillyard

It was proposed by Cllr J Waters, seconded by J Burton and **resolved**:

- A. that permission be refused subject to the suggested amendment to separate the second reason for refusal as noted above; and
- B. that it is expedient for enforcement action be taken in respect of the unauthorised development for the reasons as set out in the officer's report as amended.

## **7 DATE AND TIME OF THE NEXT MEETING**

Tuesday 15<sup>th</sup> December 2020 at 6.30 p.m.