

Executive Decisions Made by Officers

Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 require a written statement to be produced as soon as reasonably practicable after an officer has made an executive decision under delegation.

This means that in order to comply with these new requirements, Officers discharging a cabinet function under delegation MUST complete the form below – and send it to chiefexecs@chiltern.gov.uk – for publication on the council website in accordance with the Regulations.



CHILTERN
District Council

1. Name and Role of Officer:

Peter Beckford, Head of Sustainable Development
01895 837208; pbeckford@chiltern.gov.uk

2. Date of Decision: 23 January 2015

3. Summary of the Decision:

With the exception of one recommendation, to accept the Examiner's Report which recommends modifications to the submitted Chalfont St Peter Neighbourhood Plan, together with any consequential modifications. Also, the Chalfont St Peter Neighbourhood Plan as so amended shall proceed to referendum.

4. Decision

Chiltern District Council received the Examiner's Report into the submitted Chalfont St Peter Neighbourhood Plan on 23rd June 2014. The Council has decided to accept all of the Examiner's recommendations except for his recommendation relating to Winkers Farm Country Club in Table 8.1 of the Plan. This decision follows consideration of responses received during public consultation on this issue.

The Examiner's Report recommends modifications to the plan which are all accepted along with any consequential modifications apart from the recommendation on Winkers Farm Country Club. In addition there are some typographical errors which need to be corrected. The Council therefore proposes making the Examiner's agreed modifications and also proposes modifications consequential upon the decision not to accept the recommendation on Winkers Farm Country Club and to correct typographical errors.

The Council has decided that the referendum area should be the same as the Chalfont St Peter Neighbourhood Area, which is concurrent with the Parish Area and Chalfont St Peter Neighbourhood Plan Area.

The Council has decided not to appoint an examiner to consider the results of the further consultation which was undertaken between 2nd of October and 14th November 2014.

The Council has decided that the Chalfont St Peter Neighbourhood Plan as amended can proceed to the referendum.

5. Reasons for the decision:

Upon receipt of the Examiner's report the district Council considered each of the examiner's recommendations and came to an initial view on each of them. Following consultation with local district Council members and the Cabinet member the district Council was minded to agree with most of the examiner's report and his proposed modifications, with one exception, that which related to the removal of Winkers Farm Country Club from Table 8.1 of the Plan.

The Localism Act 2011 and related Regulations require that where a Local Planning Authority proposes to make a decision that differs from that of the Examiner, this 'minded' decision should be advertised together with the reasons for making a different decision and to invite comment. The Council advertised the reasons and consulted on its intention not to accept the Examiner's recommendation relation to Winker's. This consultation was carried out for a period of 6 weeks from 2nd October to 14th November 2014.

Under delegated powers the Head of Sustainable Development in consultation with relevant Members has decided to accept all of the Examiner's recommendations with the exception of one, that relating to Winkers Farm Country Club.

Winkers is a privately run nightclub which serves the residents of the District and a much wider area. Although it is privately run, this is similar to say a village pub or a privately run sports club. The Development Plan consists of the adopted Core Strategy and the saved Local Plan policies. The Local Plan defines community facilities in paragraph 12.2 and states that for the purposes of the Local Plan, 'community services and facilities include education, health, water, sewerage, electricity, gas and telephone services, and cultural, entertainment and indoor leisure facilities other than sport'. It is considered that a nightclub clearly falls within this definition. Indeed the premises have been considered as a community facility in recent planning applications submitted to re-develop the site for housing and supported on appeal. In addition nowhere in the Development Plan or NPPF are community facilities excluded on the basis of being a privately owned use. As such the Council considers the Examiner's

recommendation fails to meet the basic conditions in that the reason for the proposed modification is contrary to the Development Plan and National Guidance. In addition, to exclude Winkers on the basis recommended would not be consistent with other community facilities referred to in the Neighbourhood Plan.

The Council therefore considers that the modification should not be made and reference to Winkers as a community facility should be retained in the Neighbourhood Plan and the site identified on figure 8.1.

6. Alternative options considered:

The Council considered accepting the Examiners recommendation on Winkers Farm Country Club, but for the reasons set out above, that option was rejected.

7. (a) Details of any conflict of interests declared by any executive Member who was consulted regarding the decision:

No conflicts of interest were declared by any Executive Members.

(b) Note of dispensation:

None.

Chiltern District Council

Chalfont St Peter Neighbourhood Plan Consideration of the Examiner's Report

Recommendation to Head of Sustainable Development to:

- A.** Make a Decision Which Differs from a Recommendation of the Independent Examiner in relation to Winkers Farm Country Club or Nightclub Following Consultation with Local Ward Members, public consultation and consultation with the Cabinet Member for Sustainable Development
- B.** Accept the Examiner's Recommendations with the Exception of the Recommendation referred to in A above, To Approve Other Minor Modifications, To Confirm the Referendum Area and to request the Council's Chief Executive to make the necessary arrangements for the Chalfont St Peter Neighbourhood Plan to Proceed to Referendum
- C.** In relation to A and B above, publish a Decision Statement as set out in Appendix 4. This statement to be published on the Council's website only after this report is approved. The Decision Statement will then also be published on the Chalfont St Peter Parish Council notice boards, in Chalfont St Peter Library and made available in the Parish Council and District Council offices.

January 2015



Purpose of Report

This report covers two main issues. Firstly the report discusses the outcome of the consultation on the Council's proposal to be minded not to agree with one of the Examiner's recommendations (sections 1 to 4) and secondly to recommend decisions still required in order to progress the Neighbourhood Plan to referendum (Section 5).

1. Introduction

- 1.1 Public consultation by Chiltern District Council (the District Council) on its intention not to accept the Examiner's recommendation in relation to removing Winkers Farm Country Club from Table 8.1 of the Chalfont St Peter Neighbourhood Plan ended on the 14th November 2014. Appendix 1 contains the consultation document and Appendix 2 a summary of responses received.
- 1.2 This report recommends that the Head of Sustainable Development, under delegated authority in connection with the circumstances under paragraph 1.1 and in consultation with the Cabinet Member for Sustainable Development, can approve the Plan to progress to referendum.

2. Background

- 2.1 Chalfont St Peter Parish Council (the Parish Council) submitted a Neighbourhood Plan to Chiltern District Council in February 2014. The Plan covers the whole parish. The District Council considered the submitted documents under delegated powers and confirmed that the Plan was legally entitled to go forward for consultation and examination.
- 2.2 During the consultation period from the 6th March 2014 to the 22nd April 2014 representations were received from 25 respondents, One late response was received after the consultation period.
- 2.3 This Council, following a recommendation from the Parish Council, appointed Mr Nigel McGurk BSC (Hons), MBA, MCD, MRTPI as the Examiner on the 28th April 2014. He duly presented his report to the Council on the 23rd June 2014.

- 2.4 Upon receipt of the Examiner's Report the District Council, in accordance with the statutory provisions, considered each of the Examiner's recommendations and came to an initial view on each of them. The Examiner suggested some 65 modifications to the submitted Neighbourhood Plan. Following consultation with local District Council members and the Cabinet Member the District Council was minded to agree with most of the Examiner's Report and his proposed modifications. However, there was one recommended minor modification which the Council was minded not to accept. This related to the recommendation in respect of removing Winkers Farm, Country Club (Winkers) from Table 8.1 of the Plan which identifies existing community facilities in the Neighbourhood Plan area to be protected.
- 2.5 The Localism Act 2011 and related regulations require that where a local planning authority proposes to make a decision that differs from that of the Examiner this minded decision should be advertised together with the reasons for making the different decision and to invite comment. The Council advertised these reasons and consulted on its intention not to accept the Examiner's recommendation in relation to Winkers. This consultation was carried out for a period of 6 weeks from 2nd October to the 14th November 2014.

3. Additional Consultation on Council's Minded Position Related to Winkers

- 3.1 During the consultation 52 responses were received by the District Council in the consultation. One additional response was received after the consultation period closed.
- 3.2 Of the 52 responses received in the consultation period 37 (71.2%) objected to the District Council's intention to not accept the Examiner's Report recommendation on Winkers (i.e. his recommendation to remove Winkers Farm Country Club from Table 8.1 of the Plan). The late response also objected.
- 3.3 12 (23.1%) supported the District Council's minded position, this included Chalfont St Peter Parish Council and neighbouring Gerrards Cross Parish Council in South Bucks District. 3 (5.8%) respondents submitted representations stating no comment to make on Winkers. These 'neutral' comments were received from statutory bodies: the Environment Agency, Thames Valley Police and Natural England.

Table 1: Summary of Responses Received in the Consultation Period

Reps	Supporting	Neutral/ No Comment	Objecting
52	12	3	37
%	23.1	5.8	71.2

- 3.4 Of the 36 who objected to the Neighbourhood Plan the majority of objections related to the current use of the site as a country club/ nightclub. Table 2 summarises the main reasons for objections:

Table 2: Objections Non-Planning Related Issues from Table 1

Issue	Count	% of Objectors
Noise	16	43.2
Late Night Activities	10	27.0
Behaviour/ Anti-Social Behaviour	7	18.9
Drink/ Drunks	6	16.2
Litter/ Rubbish	5	13.5

Note – respondents may have identified more than one issue in their response.

- 3.5 The issues in Table 2 do not affect the status of Winkers as a community facility in planning terms or how the Council has to consider the plan in relation to meeting the Basic Conditions for a Neighbourhood Plan.
- 3.6 Half of the objectors to the District Council's minded position argued that the facility is a privately run commercial facility and therefore should not be classified as a community facility. This position is contrary to the Development Plan. 8 (21.6%) objectors felt that the site should be redeveloped for housing. This point is irrelevant to this Council's consideration of the current issue.
- 3.7 3 of the objectors believe that the councils have been misleading throughout the Neighbourhood Plan process and have 'mis-directed' the consultation, acting unlawfully and un-democratically by not listening to local Council members and the wider community. 1 of these responses was from the Chalfont Heights Roads Committee and 2 were comments which supported their representation.

- 3.8 The owners of Winkers Farm have submitted a statement setting out their case why they consider the Council should follow the Examiner's recommendation regarding their property. The owners argue that Winkers should not be designated as a community facility. However, it is not the Neighbourhood Plan that defines what is and is not a community facility – that definition is contained within the existing Development Plan for the District. The Neighbourhood Plan simply identifies land and buildings within the Neighbourhood Plan area that qualify as community facilities. The statement implies that the Council's decisions on the property on the definition of community facilities in the Core Strategy, and the decisions taken on planning applications since 1996 have infringed their human rights. The particular rights they have referred to are qualified rights and not absolute, permitting interference with them where it can be justified in the public interest. Other matters referred to by the owners relating to viability, housing supply, transport links and other regulatory regimes are matters that may be capable of amounting to material considerations on submission of a planning application but are not relevant to the Neighbourhood Plan process. Now that the District Council has commenced the initial consultation process on its new Local Plan the owners will have an opportunity to make representations in respect of the definition of community facilities in that forum.
- 3.9 They also imply that the Council has not followed the procedures for consultation as set out in the Localism Act. The requirement for adequate consultation in the initial stages of the Neighbourhood Plan process was a matter for the Parish Council and was considered in detail by the Examiner. He was satisfied that the consultation was appropriate, well publicised and that people were given every opportunity to engage. They also consider that the District Council has deliberately misdirected both its members and the Parish Council, as regards the status of a community facility and that in their view if the District Council were to protect the facility it should be regarded as a community asset under the Localism Act. The Council has followed the correct procedures.
- 3.10 Part of the owner's reasoning why they consider their facility is not a community use is the licencing conditions. However the licencing regime is separate to the planning system.
- 3.11 Agents acting for the potential residential developers of the Winkers site have also responded implying that the Council should follow the Examiner's recommendations in order to conform to planning legislation. The Examiner's Report is not binding and the Council has a duty to consider all the Examiners recommendations and to test

those against the Basic Conditions. The Council must come to a decision on what action to take on each of the Examiner's recommendations and include modifications (that may or may not be suggested by the Examiner) in order to make the Plan meet the Basic Conditions. In this case the Council is not seeking a modification to the submitted Plan.

- 3.12 The Council has taken the decision that it is minded not to agree the Examiner's recommendation on Winkers; has undertaken consultation as outlined above, and now has to decide if the consultation raises such issues that the matter should be referred back to examination. A further examination would delay the referendum and would not change the Council's position that the recommended deletion of Winkers runs contrary to the Basic Conditions, due to the definition of a community facility in the Development Plan. The consultation process has not raised any material planning considerations that need to be resolved by a further examination, or provided evidence for the Council to come to a different conclusion.

4. Recommendation in relation to Winkers Farm Country Club

- 4.1 Following consideration of the consultation responses on the Council's intention not to accept the Examiner's recommended modification to the Neighbourhood Plan in respect of Winkers it is recommended that the Council's minded position is agreed and that a further examination is not necessary. Therefore it is recommended that the Council does not accept the Examiner's recommended modification to the Chalfont St Peter Neighbourhood Plan in relation to Table 8.1 to delete Winkers Farm Country Club.

5. Chalfont St Peter Neighbourhood Plan – Decision to proceed to Referendum

- 5.1 Assuming the recommendations in 4.1 above are agreed the District Council has to decide what action to take on each of the other Examiner's recommendations. As already indicated the District Council is minded to accept all of the recommendations with the exception of the Winkers site issue. The modifications suggested by the Examiner are minor and therefore can be decided under delegated authority under the terms of delegation recently amended at the 23rd September 2014 Cabinet.

- 5.2 In addition to the modifications recommended by the Examiner the Local Planning Authority has powers to make other modifications, such as for the purposes of correcting errors. Before proceeding to referendum it is important that the plan is accurate and therefore a table of minor modifications are proposed. These are attached at Appendix 3 and the local ward members and Cabinet member have been consulted on them. No objections have been raised.
- 5.4 Before proceeding to referendum the District Council also has to decide if the referendum area should be that of the Neighbourhood Plan area or cover a wider area. Again this decision is delegated under the agreed scheme of delegation. The Examiner recommended the referendum area should be the same as the Neighbourhood Area which is the same as the Plan area and the Parish Boundary. Having considered the content of the proposed Neighbourhood Plan it is recommended that the referendum area should be the same as the Chalfont St Peter Neighbourhood area.

Recommendations

- 1 That the Head of Sustainable Development notes the response of the consultation with the Cabinet Member for Sustainable Development and local ward members and accepts all of the Examiner's recommendations except the one relating to Winkers Farm Country Club and that modification be rejected.**
- 2 That the Head of Sustainable Development notes the responses of the consultation with the Cabinet Member for Sustainable Development and agrees the suggested minor typographical modifications in appendix 3.**
- 3 That the Head of Sustainable Development in consultation with the Cabinet Member for Sustainable Development decides that the referendum area should be that of the Chalfont St Peter Neighbourhood Area**
- 4 That the submitted Chalfont St Peter Neighbourhood Plan as modified in accordance with 1 and 2 above go forward for referendum and all consequential arrangements for the referendum to be undertaken by the Chief Executive.**

And

- 5 That the Head of Sustainable Development approves the Decision Statement in Appendix 4.**

Appendices

- 1. Post Examination Committee document**
- 2. Summary of Consultation responses**
- 3. Proposed Additional Modifications**
- 4. Proposed Decision Statement**

Appendix 1

Chiltern District Council

Chalfont St Peter Neighbourhood Plan Examiners Report

Public Consultation on Proposed Chiltern District Response

Proposal to Make a Decision Which Differs from a Recommendation of the Independent Examiner in relation to Winkers Farm Country Club or Nightclub

September 2014



Introduction

1.1 Chalfont St Peter Parish Council submitted a Neighbourhood Plan covering the whole parish in February 2014. This Council considered the submitted documents and under delegated powers confirmed that the Plan was legally entitled to go forward for examination.

1.2 During the consultation period from the 6th March 2014 to the 22nd April 2014 representations were received from 25 respondents.

1.3 This Council, following a recommendation from the Parish Council, appointed Mr Nigel McGurk BSC (Hons), MBA, MCD, MRTPI as the Examiner on the 28th April 2014. He duly presented his report to the Council on the 23rd June.

The Examiner's Report Procedures

2.1 Upon receipt of the Examiner's Report the District Council in accordance with the statutory provisions has to consider each of the Examiner's recommendations and come to a view on each of them.

2.2 The Examiner's report concluded that subject to several modifications to the submitted Neighbourhood Plan it could be recommended to proceed to a referendum.

2.3 If the Council is satisfied that the Neighbourhood Plan meets the Basic Conditions as defined in the statutory provisions and does not conflict with European law a referendum must be held. The Council may extend the referendum area if it considers it appropriate to do so.

2.4 As a reminder, if the referendum is held and over 50% of the people who vote in the referendum support the neighbourhood plan then the Council has to "make" the plan. The plan once made would become part of the Development Plan for the area and would be relevant to all planning decisions falling within the neighbourhood plan area.

2.5 Under the delegation approved by Cabinet 3rd August 2012, before decisions are taken on the recommendations in the Examiner's report the Head of Sustainable Development has to consult with the local ward members within the neighbourhood plan area and the Portfolio Holder for Sustainable Development. The delegation only extends to minor modifications. Should any modification be significant then the decision has to revert to the Cabinet to make a formal decision. All of the modifications recommended by the Examiner are considered to be of a minor nature and so formal Council consideration of the Examiner's Report can be determined under delegated authority.

Content of Examiner's Report

3.1 The Examiner suggested some 65 modifications to the submitted Neighbourhood Plan.

3.2 The District Council is in agreement with most of the Examiner's report and his proposed modifications. However, there is one recommended minor modification which the Council is minded not to accept. This relates to the recommendation in respect of the inclusion of Winkers Farm, Country Club or Night Club (Winkers), in Table 8.1 which identifies existing community facilities in the Neighbourhood Plan area. The examiner's recommendation in full is

Remove reference to Winkers Farm Country Club from Table 8.1

The Examiner states that evidence has been submitted that this is a private facility and as such should not be identified as a community use. The Council is minded not to accept this recommendation and the reasons are set out below.

Council Reasons

4.1 Winkers is a privately run nightclub which serves the residents of the District and a much wider area. Although it is privately run this is similar to say a village pub or a privately run sports club. The Development Plan consists of the Adopted Core Strategy and the saved Local Plan policies. The Local Plan defines community facilities in paragraph 12.2 and states that for the purposes of the Local Plan, 'community services and facilities include education, health, water, sewerage, electricity, gas and telephone services, and cultural, entertainment and indoor leisure facilities other than sport.' It is considered that a night club clearly falls within this definition. Indeed the premises have been considered as a community facility in recent planning applications submitted to re-develop the site for housing and supported on appeal. In addition nowhere in the Development Plan or NPPF are community facilities excluded on the basis of being a privately owned use. As such the Council consider the Examiner's recommendation fails to meet the basic conditions in that the reason for the proposed modification is contrary to the Development Plan and National Guidance. In addition to exclude Winkers on the basis recommended would not be consistent with other community facilities in the Neighbourhood Plan.

4.2 The Council therefore consider that the modification should not be made and reference to Winkers as a community facility should be retained in the Neighbourhood Plan and the site identified on Figure 8.1. As the Council is minded to consider that the Examiner's recommendation does not meet the basic conditions in respect of Winkers, additional Public consultation on this point is being undertaken before a final decision is made.

4.3 The legislation states that where a local planning authority propose to make a decision that differs from that of the examiner this decision should be advertised together with the reasons for making the different decision and people invited to comment. The implication of this is that the consultation would have to be for a minimum of 6 weeks and the consultation undertaken will have to be the same as that undertaken for the publication of the Neighbourhood Plan. However, the consultation can only relate to this one point.

Public Consultation

5.1 The Council is consulting on its intention not to accept the Examiner's recommendation in relation to Winkers.

5.2 Respondents are requested to address the specific question below and to provide supporting information where relevant to support their views.

Consultation Question

In the light of the above factors, what are your views on retaining reference to Winkers Nightclub in Table 8.1 of the Chalfont St Peter Neighbourhood Plan?

Consultation Period

The consultation period will be from Thursday 2nd October 2014 to 5pm on Friday 14th November 2014

Consultation responses

Consultation responses should be sent in writing to the Head of Sustainable Development to arrive by the closing date (5pm Friday 14th November 2014)

By e-mail to – Planningpolicy@chiltern.gov.uk - Please mark email 'Chalfont St Peter Neighbourhood Plan consultation'

By post to – Head of Sustainable Development

Chalfont St Peter Neighbourhood Plan consultation

Chiltern District Council

King George V house

King George V Road

Amersham

Bucks

HP6 5AW

By hand – to the Council reception at

King George V house

King George V Road

Amersham

Note: Reception opening hours are 9 to 5 Monday to Thursday and 9 to 4.30 on Fridays.

If you would like to see further information on the Chalfont St Peter Neighbourhood Plan then please see the Council's website <http://www.chiltern.gov.uk/ChalfontStPeter> or contact a member of the Planning Policy Team

Appendix 2

Rep	Organisation	Context	Comments
Rep_01 Mr Clark Gordon	Environment Agency	Commenting	We have no comments to make on this consultation.
Rep_02 Mrs Anita Mitton	Gerrards Cross Parish Council	Supporting	Gerrard Cross Parish Council wishes to support Chalfont St Peter Parish Council in retaining reference to Winkers Nightclub in table 8.1 of the Chalfont St Peter Neighbourhood Plan.
Rep_03 Mr Richard Vine	Thames Valley Police	Commenting	Thank you for your letter informing us of the Examiner's Report and the dispute relating to the inclusion of Winkers Country Farm Club or Nightclub on the list. Please accept this letter as confirmation that we have no comments to make in relation to this.
Rep_04 Sally Hatton		Supporting	I would like to add my support to the Council's position that Winker's Farm should be classed as a 'community facility' in the Neighbourhood Plan.
Rep_05 Mr John Hatton		Supporting	I support the Council's position that Winkers should be classified as a 'community facility' in the NP. My 3 children all went there and I believe it was a very useful and well managed resource for the teen age group.
Rep_06 Cllr Jonathon Rush	Chiltern District Council	Objecting	<p>1. Winkers is not available to the public at large.</p> <p>a. To enter Winkers, one must pay an entrance fee. This distinguishes it from, say, a pub, apart from rare occasions;</p> <p>b. Nobody under 18 is allowed admittance at the door (Winkers is licensed to sell alcohol). This differs it from a sports club (or a licensed restaurant where even minors are permitted entry);</p> <p>c. Winkers' remote location on the outskirts of Chalfont St Peter means access is only possible by car or walking. There is no public transport.</p> <p>2. Winkers does not meet a community need.</p> <p>a. Only a small proportion of Winker's clientele are local. The club's records confirm this. In fact the club's owners have to bus people in from other areas.</p> <p>b. The much bandied about online petition has little or no credibility. The Facebook 'Save Winkers and email</p>

Rep	Organisation	Context	Comments
			<p>the council' public group has only 136 members and many of these appear to have been 'Added' (similar to co-opted) by just two people.</p> <p>c. The low level of community need means Winkers, a privately-run commercial enterprise, is not profitable.</p> <p>d. To date no group has come forward with a proposal for an alternative community facility and it is highly unlikely one ever will. This is due to Winkers' isolated location and the high number of existing community facilities in and around the village centre.</p>
Rep_07 Cllr Tony Williams	Chiltern District Council	Objecting	It is a question of perception in that the club 'could' be used as such but in its present format this is unlikely as the usage would not be controlled by the community as such and is not freely available to the public at large as per CDC's definition of a community facility.
Rep_08 Cllr Howard Trevette	Chiltern District Council	Objecting	I think common sense should prevail Winkers is by no stretch of the imagination a community facility, it is a failing privately owned 1980s night club sitting on what can only be best described derelict land.
Rep_09 Cllr David Meacock	Chiltern District Council	Objecting	For the avoidance of doubt, as previously stated I am in agreement with Cllr Rush's comments - [Rep_06]
Rep_10 Mr George Fearn		Objecting	<p>The club has always been noisy, dirty and disruptive. For that reason I have supported 2 recent applications for replacement by housing. The club is clearly a non-conforming user.</p> <p>It is not clear what is meant by "community". In this case, the immediate community in Denham Lane, Winkers Lane, Joiners Lane etc do not wish it to be a "facility". In addition, the economic future for the club in that location is feeble and it is not sensible strategy to try to ossify the present weakness. On the other hand an important planning requirement is for more housing. We shall see the "community facility" idea rejected.</p>

Rep	Organisation	Context	Comments
<p>Rep_11 Dawn V Palmer</p>		<p>Objecti ng</p>	<p>I wish to object strongly with the designation (as a community facility). Winkers has never been a 'Community Facility' - its clients have been more of a nuisance for a number of years!</p> <p>The land on which the Club stands should be re-designated as development land for 5 or 6 houses in keeping with the area. It certainly should not be designated a site for travellers, since we already have one official site and two unofficial sites for travellers within a mile of here.</p>
<p>Rep_12 Mr Denis B Palmer</p>		<p>Objecti ng</p>	<p>I wish to object strongly with the designation (as a community facility). Winkers has never been a 'Community Facility' - its clients have been more of a nuisance for a number of years!</p> <p>The land on which the Club stands should be re-designated as development land for 5 or 6 houses in keeping with the area. It certainly should not be designated a site for travellers, since we already have one official site and two unofficial sites for travellers within a mile of here.</p>
<p>Rep_13 C Pearce</p>		<p>Support ing</p>	<p>As Chairman/Trustee of the Little Theatre Trust, I report that the inclusion of the Winkers Country Farm Club is regarded as a community facility. To exclude it from the proposed neighbourhood plan because it is a commercial venue is not necessary. It could set a precedent for exclusion of village halls, church halls and other venues which operate on a "paying for use" system from other neighbourhood plans.</p>

Rep	Organisation	Context	Comments
<p>Rep_14 Mr & Mrs R.J. Atkinson</p>		<p>Objecti ng</p>	<p>This is not a community facility, it is a privately owned commercial enterprise which is targeted at 18-25 year old youngsters wanting a late night, cheap drink & loud music with a strict door policy.</p> <p>This is not a church or village hall or youth club/ scout hall, that is capable for multi use by the wider community. Problems associated with the nightclub Winkers has now got too big and out grown our small village. As you know the vast majority of people who attend the club don't live locally.</p> <p>This isn't a facility serving the local community of the Parish of Chalfont St Peter anymore. The numbers have been raised to 500 and the late night opening has stretched from 2.00am to 4.00am which means after 4.30am by the time they have left.</p> <p>In addition to the weekly nights of clubbing, there is now an annual Music Festival "Winkfest" for the August Bank Holiday Sunday. This was the noisiest event we have suffered with numerous live bands playing outdoor music from 14.00pm until midnight, before moving the music inside until 4.00am. Do Winkers have a licence for overnight accommodation on their premises? So we now have to cope with this every August Bank holiday. All these factors have changed the relationship between the nightclub and the community.</p> <p>This is a struggling commercial enterprise that is not economically viable trying to compete with larger more modern venues in centres of high population and readily available public transport. This is not a city centre, it is located adjacent to many residential areas and the relationship between Night Club and local community has become increasingly unacceptable over recent years.</p>

Rep	Organisation	Context	Comments
			<p>For the Parish Council to wish to embed the Night Club within the Neighbourhood Plan as a Community Facility is highly irregular and unacceptable.</p> <p>There is often shouting, swearing, very drunk behaviour and sometimes abusive behaviour, often fighting, wandering in the road, cars screeching out of club and racing down the road.</p> <p>With all this in mind we strongly object to Winkers Farm Nightclub being included in the Neighbourhood Plan as A Community Facility and as a result preserving the future of this Night Club for the foreseeable future (whether the club likes it or not) when it can barely survive financially.</p>
Rep_15 Mr Peter Suddaby		Objecti ng	As a resident of Chalfont St Peter, I am writing to object to the inclusion of Winkers Night club as a community facility.
Rep_16 Carolyn Dunlop		Objecti ng	<p>With reference to the inclusion of Winkers nightclub I wanted to raise and log my strongest objections to this. The nightclub does not see itself as part of our community or capable of managing its clientele to support what we need to all live together.</p> <p>Here is a list of some of the common problems we have experienced:</p> <ul style="list-style-type: none"> - Frequent singing down joiners lane after 3AM (most common on a Saturday) - Screaming and shouting of teams of people from 11PM through to 4AM - Litter of beer bottles, and takeaways and other 'club' paraphernalia - Mischievous behaviour like turning litter bins upside down and moving road signs which are there to warn motorists or road obstacles - Criminal behaviour like breaking rear windscreens of neighbours cars - Hearing the base beat of music while in bed (yes even

Rep	Organisation	Context	Comments
			from our distant location)
Rep_17 Mr & Mrs J Wood		Objecti ng	<p>We feel very strongly against Winkers Farm Country Club / Nightclub being listed as a Community Facility.</p> <p>We live less than one mile from the above and are residents of CSP and this is certainly not a Family or Community facility.</p> <p>We get constant noise, disruption, rubbish, empty glass bottles and cans left on the front of our property and down the street.</p> <p>We've had fights, we've had police all in the early hours of the morning, and we had a person run through our garden in the middle of the night looking for a short cut from this club, so this is definitely not a Community Facility.</p>
Rep_18 Dr Barry Hulme		Objecti ng	<p>My name is Dr. Barry Hulme and I live 400 metres (as the crow flies) from Winkers Farm nightclub. I am writing to object to the proposal that this private nightclub being included in the neighbourhood plan as a community facility. It is a PRIVATE club, there are strictly controlled entrance requirements and individuals can be refused entry. The club is only open for a few evenings per week and I therefore agree with the examiner that the club SHOULD not listed as a community facility.</p>

Rep	Organisation	Context	Comments
<p>Rep_19 J & A Osbaldeston</p>		<p>Objecting</p>	<p>My wife and I wholly support the Examiner's recommendation that Winkers Country Farm Club or Nightclub should be removed from the list of Local Community Facilities.</p> <p>As the property the Club is on is also the owners' residence then it appears that it should be excluded anyway in line with the provisions of the Localism Act 2011 and relevant Statutory Instrument issued in 2012.</p> <p>The Proposal issued by the Council contains the wording "one recommended minor modification which the Council is minded not to accept". We're sure that the owners' of the property would not agree that this is a "minor modification" since the outcome will have a profound effect on them and indeed to a lesser extent on a significant number of other residents in this area.</p> <p>The proposal issued by the Council also contains the wording "Indeed the premises have been considered as a community facility in recent planning applications submitted to develop the site for housing and supported on appeal". We believe this completely overstates the importance of this particular aspect of the reason for refusal of planning permission.</p> <p>Additionally, we would argue that the facility is not needed at all. We have lived in close proximity to the Club for 17 years and have witness the significant decline in the amount of people using it during that period.</p> <p>By supporting the continuing use of this property as a Club the Council are effectively condoning (it could even be considered encouraging) excessive drinking of alcohol until 4 o' clock in the morning on any nights which it is open.</p>

Rep	Organisation	Context	Comments
			<p>We believe that the Council should be taking a much more holistic view and doing much more to enable the people who reside in this area to 'enjoy our homes peacefully' as referred to in the Human Rights Act 1998 and request not only that the Council stops the idea of this site becoming a 'Local Community Facility' but actively starts looking at whether the Club should exist at all on the basis that it does more harm than good in Chalfont St. Peter.</p> <p>The obvious answer would be to allow the owners to build a small number of well designed houses on what is effectively a brownfield site. Chalfont St. Peter needs houses it most certainly does not need a nightclub</p>
<p>Rep_20 Mr Robert Thorogood MBE</p>		<p>Supporting</p>	<p>I understand that the Parish Council has listed Winkers Farm as a Community Facility.</p> <p>Please be advised I fully support the Parish Council in listing Winkers Farm as a Community Facility.</p>
<p>Rep_21 Mr Ian Corbett</p>		<p>Supporting</p>	<p>I agree with the Council in its proposed decision not to accept the examiners recommendation regarding Winkers Country Farm Club or nightclub.</p> <p>This is because as stated in the Development plan and by the Parish Council I agree that the premises should be regarded as a community facility and should remain as such in the future.</p> <p>Chalfont St Peter does not appear to have other similar premises and this makes it important that it should remain as a community facility.</p>
<p>Rep_22 Mr T.F Corbett</p>		<p>Supporting</p>	<p>I do not consider that there should be any change of use regarding Winkers Country Farm Club or Nightclub and it should remain as a community facility. It should not be changed from this type of use for houses or any other purpose. This is because it provides employment, is well used and there are no other similar facilities in Chalfont St Peter.</p>

Rep	Organisation	Context	Comments
Rep_23 Mr Andy Jones		Supporting	<p>The private ownership of the facility is irrelevant - the vast majority of facilities listed are also within private ownership, including pubs, scout camp, churches, schools (private), golf club etc etc.</p> <p>This is a key leisure facility and is unique in nature to the village</p>
Rep_24 Mrs P J Taylor		Objecting	<p>I have been a resident of Chalfont St Peter for 39 years and live within half a mile of Winkers farm.</p> <p>In the past we have suffered with quite a lot of noise and disturbance when a session has ended, though in recent years it has been much improved as I understand that a bus is now run to return the revellers to the centre of the village.</p> <p>I understand that if these premises are registered as a community facility they would only ever be able to be used for that purpose. It seems very unfair to tie a business indefinitely to only one use when circumstances and requirements may change and render the present use totally inappropriate and unprofitable.</p> <p>I do not think the Council should go against the Examiners recommendation in this case.</p>
Rep_25 Mr Ken Robey		Objecting	<p>I am very concerned that in the proposed amendments to the Draft Neighbourhood Plan for Chalfont St Peter it is proposed to classify Winkers Farm Nightclub as a community facility. As a local resident I have to say that the activities at the private club at Winkers Farm are generally regarded as a public nuisance and contribute nothing to the vast majority of CSP residents. I have had my property vandalised by people returning from club in the middle of the night and would welcome a change of use.</p>

Rep	Organisation	Context	Comments
<p>Rep_26 Mr Andy Sole</p>		<p>Objecti ng</p>	<p>I have lived across from the nightclub for the last 20 years, and can confirm that the nightclub is run as a business and in a very professional manner. I have had little cause to raise any complaints relating to noise nuisance or anti-social behaviour over the years.</p> <p>I am surprised that the Council is entertaining the idea that this use is a community facility as it clearly used mainly by those living beyond the village of Chalfont St Peter. In fact, I would be very surprised if many people in the village visited the club on a regular basis. For a business of this size to survive then it needs a client base that far exceeds the village for it to remain commercially viable, operating for the good of the community only would result in the nightclub business failing. Such a use is not similar to a pub use where community groups can get together to meet and host community social occasions, a nightclub doesn't allow for such interaction so therefore should not be treated in the same way.</p> <p>What also appears to have been overlooked is the residential element of the site as the owners of the nightclub have lived in a flat above the site for all the time that I have been in my property. So, how does the residential element sit within the community use?</p> <p>In my opinion this consultation is a rather mean spirited attempt by local residents to control and fetter a site. It needs to be resisted.</p>
<p>Rep_27 Mr & Mrs Duncan & Kim Honour</p>		<p>Support ing</p>	<p>As residents living within a mile of "Winkers Night Club". We feel "Winkers Night Club" should remain as a Community Facility. As a Community Facility, it is ideally placed as a night club or a weddings venue, rather than being used for housing development. We need businesses in Chalfont St. Peter. "Winkers" and as a night club or a wedding venue is ideally placed.</p>

Rep	Organisation	Context	Comments
Rep_28 Dr Satinder Luthra		Objecti ng	<p>I am writing to object to the inclusion of Winkers Farm Country Club or Nightclub in the neighbourhood plan as a community facility.</p> <p>I have been a resident of Chalfont St Peter for approximately 3 years now and have had to endure the same amount of time in noise generated by those attending the venue in question.</p> <p>My family and I live approximately 10 minutes walk from the venue and have to put up with weekly drunken behaviour, such as destruction or property, swearing, fighting, tipping of rubbish into the streets, verbal abuse, physical attacks.</p>
Rep_29 Debbie Evans	Chalfont St Peter Parish Council	Support ing	The Parish Council requests that the Examiner recommended modification relating to Winkers is not agreed by Chiltern District Council, as a private use does not exclude it from being a community facility and to exclude it would not be inconsistent with other parts of the Plan. Proposed by Cllr North, seconded by Cllr Hatton. Vote unanimous
Rep_30 Mr & Mrs J F Bowles		Objecti ng	<p>We believe the site should be considered for housing development which would be of benefit to the local community. The proposed inclusion (Item 27 on the Protected Land & Buildings List) would prevent any future change in use. Living on the Junction of Joiners/Denham lane and within 200 meters of Winkers Farm Nightclub we have first-hand knowledge of how this facility operates at present and it is definitely not for the good of the local community as a whole. Fully aware of the problems arising from the premises it is therefore surprising that the C.S.P. Parish Council is so keen to include it.</p> <p>If this proposal were to go ahead, the owners of the Nightclub would have considerably narrowed their options for selling the site (which we believe is their intention). The risk then is that it will be sold to another</p>

Rep	Organisation	Context	Comments
			<p>Nightclub or Event Operator and the site itself will open to greater numbers of the general public, outside of the community causing uncertainty and disruption to the community within.</p> <p>We believe the Paccar Scout Camp (No.23 on the Sports/Youth/Leisure List) and only meters away from the Winkers Farm Nightclub to be a much more suitable site for inclusion.</p>
Rep_31 K L Morrison		Objecting	<p>I have lived adjoining the Winkers fields just North of the Country Club since it was first opened. The fact that it should be considered for listing as a Community Facility reflects well on the responsible way in which the Club has been managed but to set the use in stone by listing opens up the possibility that future owners could operate in a very unsocial way, creating problems for residents right across the neighbourhood which would require resolution by the local authorities. I would urge that the recommendation of the Neighbourhood Plan Examiner be adopted.</p>
Rep_32 Mr David Alfert		Objecting	<p>As a resident of about 1/2 mile from Winkers Farm Nightclub I strongly object to the inclusion of Winkers Farm Country Club or Nightclub in the Neighbourhood Plan as a community facility. It is a privately run establishment whose patrons are disrespectful of the area, causing excessive noise and mess by drunken revelers throwing bins into the street. I do not believe that any future owners of the venue would succeed in turning it into a community facility, it is a blot on the community and should not be included in the Neighbourhood Plan.</p>

Rep	Organisation	Context	Comments
Rep_33 Paul & Silvia Fernberg		Objecti ng	<p>As residents of Chalfont St Peter we are writing to you in support of the Neighbourhood Plan Examiners recommendation that Winkers Farm Country Club/Nightclub should not be listed in Table 8.1 as a community facility.</p> <p>This is a privately run nightclub that serves the local area as well as the wider area as any business does. Will this mean that the local garage, restaurant, chemist, bicycle shop or any other business that serves the local community should be listed as a Community Facility.</p> <p>It would seem that to class Winkers Farm as a “Community Facility” is akin to a State takeover of a Private Business and would deprive the business owner of their right to operate and act in the best interests of the business, including the disposal of the business.</p> <p>We hope that you will accept the Examiners recommendation and not list Winkers Farm Country Club/Nightclub as a community facility.</p>
Rep_34 Jennifer Brooke		Objecti ng	<p>I agree with CDC not to accept the examiners recommendation re Winkers in the CSP Neighbourhood Plan and further confirm that Winkers should be included in the Neighbourhood Plan as a community facility</p>
Rep_35 Alex Duncan		Objecti ng	<p>I agree with the Examiner that Winkers Farm should not be listed as a community facility – it is a private club.</p> <p>I do not understand why the Council would choose to continue with its inclusion as a community facility – i.e. ensuring that it remains in use in a form similar to its current use.</p> <p>I live in Chalfont Heights and am close enough be affected by its current use.</p> <p>By incorrectly, in my view, including this as a</p>

Rep	Organisation	Context	Comments
			<p>community asset you are forcing this establishment to stay as is – this is inappropriate and were you to continue, I believe would become subject to legal challenge – which would be a waste of precious council funds in defending.</p>
<p>Rep_36 Mr Bob Pratt</p>		<p>Objecti ng</p>	<p>Why on earth would anyone consider listing Winkers Farm as a Community Facility. I have lived on Joiners Lane for the past 15 years and during that time have been plagued with noise not just from people leaving at 3PM but from people walking up from the village at gone 11 AM drunk and screaming.</p> <p>Apart from the noise there have been numerous fights between Taxi companies as well as kids. In one instance a boy was mugged of his watch and beaten.</p> <p>Close it down and save our taxes in policing etc.</p>
<p>Rep_37 Jean Meakin</p>		<p>Objecti ng</p>	<p>I am not happy with the Examiner's recommendation on the single issue of listing Winkers Farm Country Club or Nightclub as a community facility. I think it is unwise to restrict the premises to this single purpose.</p> <p>I am a resident of Sandy Rise, on the Chalfont Heights Estate. My house is just less than half a mile from Winkers Farm Country Club.</p> <p>As I understand it, if the Club is listed as a Community facility, it would be unable to be used for any other purpose. Planning restrictions in the Chiltern District Council Development Plan would mean that the owners could only sell to another night club or event operator.</p> <p>This seems unduly restrictive and I would therefore like to raise my objection.</p>

Rep	Organisation	Context	Comments
Rep_38 Mr Jonathon Pegler	Chalfont Heights Roads Committee Limited	Objecti ng	<p>We object to the proposed designation. When we sought the views of Estate residents recently, all who replied preferred the then proposed housing development to the current use of the site.</p> <p>Our first ground for objection is therefore that Winkers does not meet any reasonable criteria for designation as a "community facility" and that the Councils have misdirected themselves in believing that it does.</p> <p>Our second ground for objection is therefore that the Councils have misdirected themselves in not carrying out any, or any adequate, balancing exercise of the interests of the various sections of the Chalfont St Peter community affected by the nightclub at Winkers. The proposed designation does not appear to take into account commercial realities. The owners of the site appear to admit that the venture is in fact loss-making on its present basis of operation and, tellingly, they themselves object to the proposed designation.</p> <p>Our third ground for objection is therefore that the Councils have misdirected themselves, both in disregarding the wishes and representations of the site's owners and in failing to satisfy themselves that designation would (or even could) result in a viable enterprise.</p> <p>The Councils' reasoning - in particular, the Chiltern District Council "Officers recommended response to Examiners Report" is seriously flawed. They appear to suggest that it is impossible not to designate Winkers as a community facility, because it is already so designated. They seem to suggest that Winkers must be designated as a community facility, because "use as a community facility" was one of the grounds given for refusing planning permission on a recent application.</p>

Rep	Organisation	Context	Comments
			<p>In rejecting the views of both the Examiner and of the majority of the elected ward members for Chalfont St Peter who were consulted, we believe the Council acted unlawfully and undemocratically; the Council appears to have ignored the result of the consultation. Indeed, the consultation process was itself legally flawed, in that two of the seven ward members consulted were also (and continue to be) members of Chalfont St Peter Parish Council.</p> <p>Our fourth ground for objection is therefore that the Councils have acted unlawfully and undemocratically, using flawed reasoning to support their decision.</p>
<p>Rep_39 Mr George Eykyn</p>		<p>Objecting</p>	<p>I request that the Council removes Winkers from the draft Neighbourhood Plan. Here are some reasons why:</p> <ol style="list-style-type: none"> 1. It is not a "community facility" under any of the criteria used by numerous other councils (for example, a facility's primary use being for the voluntary sector; it having a purpose of promoting health and welfare, or education.. etc). It is a commercial enterprise focused on generating revenues, from a paying clientele that is indisputably largely made up of visitors from outside Chalfont St Peter. Its existence is not a community good, nor a community service. 2. The councils haven't properly investigated, nor adequately weighed in their decision-making, the considerable nuisance that nearby residents of Winkers already endure noise and rowdiness on the streets as nightclub revellers make their way home on foot at 3am or later; and other anti-social behaviour. 3. The councils have acted undemocratically by ignoring the views of the majority of elected CDC councillors who actually represent this area. If you have a "community" focus, take heed please of the views of those who indisputably and legitimately represent the

Rep	Organisation	Context	Comments
			views of the local community, and respect the conclusion of the Examiner of the Neighbourhood Plan on this matter.
Rep_40 Mr Bjorn Hall	The Hall Partnership	Objecting	Having considered the Examiner's Report it is my opinion the Winkers Farm should be deleted from Table 8.1 and not be listed as a community facility.
Rep_41 Mrs Elizabeth S Fitch		Objecting	<p>I am a resident of Chalfont St Peter and have been for over 50 years.</p> <p>I live about 100 yards from winkers Farm Country Club and would like to object to the inclusion of the club as a community facility.</p> <p>Over the years we have had to put up with noisy late night sessions, fights, screaming and rubbish bins thrown about.</p> <p>It is time for the owners to be able to sell up or live there without restrictions.</p>
Rep_42 M F Baker		Objecting	<p>I am writing to express my objection to the inclusion of Winkers Farm Country Club in the list of Community Facilities shown in the Chalfont St Peter Neighbourhood Plan.</p> <p>My understanding of the Localism Act 2011 is that it gives local councils powers to protect the loss of facilities which are vital to the local community. I do not believe that Winkers Farm is vital to our local community within Chalfont St Peter, and that its closure would have devastating consequences.</p> <p>Furthermore, I understand that you have commissioned the services of an independent examiner to examine the CSPNP. A person highly qualified, very experienced and very suitable and capable to undertake this work. I further understand that you have accepted and agreed with all of his recommendations apart from one, which is of course related to Winkers Farm, where his findings are that being a privately owned establishment it cannot be argued that it is a community facility and should be excluded from the list. My view is that you should</p>

Rep	Organisation	Context	Comments
			<p>accept this recommendation.</p> <p>I am a long standing member of our local community having lived at the above property for 36 years and of course, I am a tax payer, so I hope my objection and reasons for the objection will be recorded.</p>
Rep_43 Piotr Behnke	Natural England	Commenting	<p>Having checked the information provided for this consultation it doesn't appear as though this would be something which Natural England would make comment upon. As the disputed recommendation by the neighbourhood plan examiner involves a social enterprise being classed not as public (community) use but as private, this doesn't fall within our remit hence we won't be offering any views on this particular consultation.</p>
Rep_44 Katie Hatton		Supporting	<p>I agree with the council's position that Winkers should be a community facility. I went there many times as a teenager as it was the only place that I could go in the area which was entertaining as well as safe and well supervised.</p>
Rep_45 Mr Steven Salter		Supporting	<p>I think Winkers Farm Nightclub should be included in the Community Facility as a Nightclub.</p> <p>As a parent I think that is very important that the younger generation have a place to go.</p> <p>I have lived in Chalfont St Peter all my life myself and my Mother and Farther before me all used Winkers Nightclub in the past.</p> <p>I do hope that this serves the community for years to come.</p>

Rep	Organisation	Context	Comments
<p>Rep_46 Mr Jamie Power</p>		<p>Objecting</p>	<p>As residents of Chalfont St. Peter we would like to register our objection to this. Does Chiltern District Council not understand that we already have a nightclub in the village at the Bar at the George?</p> <p>Why, when none of the surrounding villages have even one Nightclub, do we have the Parish Council insisting that we need two! We feel that if the Council are concerned that the youngsters have enough to keep them occupied, making Winkers a Community Facility is a pretty poor start.</p> <p>We have numerous friends who live in the vicinity of Winkers and they that because a minibus is used to bring huge numbers of patrons from other districts, it is not a facility for Chalfont St Peter. They have to put up with all the downsides of living near to a Nightclub, in a residential area.</p> <p>If this Community Facility inclusion goes ahead, no one can guess at whom or what will be put there in the future, not even the Parish Council, and it will be the locals that have to put up with whatever problems that may bring.</p>
<p>Rep_47 Paul and Sheila Down</p>		<p>Objecting</p>	<p>The Winkers Nightclub has long been a major problem for many of the houses on this estate for all the reasons very eloquently set out in the Roads Committee letter. That it should be seriously suggested that the nightclub should be designated a 'Community Facility' is so bizarre that it would be risible were the potential consequences of such a designation not serious.</p> <p>May we respectfully suggest that you very carefully consider all of the points made in the Chalfont Heights Road Committee letter, including the very serious charges, and that you remove the absurd proposed designation of Winkers nightclub from our community's Neighbourhood Plan.</p>

Rep	Organisation	Context	Comments
			<p>It has become increasingly clear to those of us who live in this area that the only sensible option for the Winkers plot is development for much needed housing. We realise that there will be those who will resist any such development on green belt land, and we well understand their reservations, but if we are to meet increasing needs for housing then least-worst choices of land have to be made and the Winkers site is surely one such.</p>
<p>Rep_48 Mr Keith Tozzi</p>		<p>Objecti ng</p>	<p>I write in support of the Chalfont Heights Roads Committee letter dated 7th November 2014, signed by the Chairman, Jonathan Pegler.</p> <p>I object to the proposed designation of Winkers Nightclub as a 'community facility". In view of the fact that the owners have confirmed that the vast majority of the nightclub's paying customers come into the locality from outside Chalfont St Peter, it is impossible to see how your proposed designation can promote matters such health and welfare, education and training and "reduce anti-social behaviour".</p> <p>We regularly suffer the effects of late night revelers being noisy and ringing doorbells etc in the early hours of the morning.</p> <p>I therefore request that the Councils fulfil their legal duty to remove Winkers Nightclub from Table 8.1 of the draft Neighbourhood Plan.</p>
<p>Rep_49 Henry, Abigail, John Maynard</p>		<p>Objecti ng</p>	<p>The purpose of this letter is to inform you that we strongly object to Chiltern District Council's Proposal to take a decision which differs from the Examiner recommendation on The Chalfont St Peter Neighbourhood Plan.</p> <p>Winkers Farm is our family home. Robert and Penelope Maynard are the owners of Winkers Farm and our</p>

Rep	Organisation	Context	Comments
			<p>parents. All three of us were born and raised in Chalfont St Peter, at Winkers Farm, our home. Having witnessed the disgraceful treatment meted out to our parents by both the Parish and District Councils over the years and watching them have to deal with the mounting stress, culminating in this current consultation, we decided to take legal advice.</p> <p>Based on that advice, we write to give due warning on our position.</p> <p>The Council's Proposal to take the decision to differ from the Examiners recommendation and any would be unjustified and unsound as a result of the failure to follow the correct procedures and, ultimately, it would be contrary to the requirements of the Planning Act. As a consequence it would be unlawful and clearly vulnerable to a valid challenge in the High Court.</p> <p>We would like the Council to fully understand that our advice has been taken primarily on legal point. We have been advised both collectively and by separate counsel. That said we would like them to know that our main concern is the health, wellbeing and peace of our parents retirement. We are incredulous that the Farmhouse we grew up in, the 'back lounge' that was basically our dining room and the old dining room from which my parents ripped the carpet up, and made another quiet area for members and family friends, is now thought of by Chalfont St Peter Parish Council and subsequently Chiltern District Council as public property.</p> <p>It is not. Not legally or ethically and we will, collectively and separately, pursue both Councils, and individuals connected to them, to prove this point.</p>
Rep_50 Mr & Mrs		Objecti ng	Mr Maynard purchased Winkers Farm in 1971 and has owned and resided at the property from that date.

Rep	Organisation	Context	Comments
<p>Robert and Penelope Maynard</p>			<p>Mr and Mrs Maynard firmly believe that individuals within Chalfont St Peter Parish Council and Chiltern District Council are pursuing action which will be in direct contravention of:</p> <ul style="list-style-type: none"> i. Article 8 of the European Convention of Human Rights - the right to respect for private and family life, as incorporated into The Human Rights Act 1998, and ii. Part II, the first Protocol, Article 1 of the ECHR and the HRA 1998 - the right to peaceful enjoyment of his possessions, as interpreted by the Universal declaration of Human Rights that no-one shall be arbitrarily deprived of his possessions. <p>Mr and Mrs Maynard are placed in a position where they have no choice but to continue to fight their corner by all available means. Over a period of at least 15 years, Officers at Chiltern District Council have deliberately or negligently sought to ignore, confuse, conflate, misinform, misdirect and misapply a significant number of parallel and relevant legislative, procedural and policy requirements in this case. These include:</p> <ul style="list-style-type: none"> i. The terms and conditions of the Licenses for the sale of alcohol and the provision of music and dancing at Winkers Nightclub, ii. The obligation to secure adequate consultation and ensure transparency and full disclosure to the local community and their local representatives, including directly with landowners, in the construction and performance of the Core Strategy Policy (CS29), the Local Development Plan and the Chalfont St Peter Neighbourhood Plan. iii. The sui generis planning use classification for privately owned and operated nightclubs and private members clubs, as compared to the classification applied to privately owned public houses. iv. The buildings and land subject to the payment of domestic Council Tax as compared to the smaller part

Rep	Organisation	Context	Comments
			<p>of a building subject to the Business Rate charge at Winkers Farm.</p> <p>v. The treatment, misdirection and misinterpretation of a community facility designation in Chiltern District Council's Core Strategy in successive planning applications submitted for Winkers Farm since 2006.</p> <p>vi. The deliberate confusion and misapplication of the definition of "community facility", as determined under planning regulations, to the Neighbourhood Planning process and the provisions of the Localism Act 2011. The difference being that the Localism Act makes clear provision for the declaration of "assets of community value" and the associated rights of the said community and the owners of the land and/or buildings to reach agreement for the communities acquisition of the same at market value.</p> <p>vii. The careless disregard for the openly held views of the majority of Chalfont St Peter Ward Councillors, within the legal and procedural requirement to consult them, in taking the decision to differ from the Examiner's recommendation to remove the listing of Winkers Farm as a community facility from the Chalfont St Peter Neighbourhood Plan.</p> <p>viii. The misleading representation of data and quotes drawn from social media and local press sources.</p> <p>ix. The determination by Chiltern District Council that "minor issues" could be decided by delegated authority given to the Head of Sustainable Development when set against the costs to the public purse for both Councils, to Mr and Mrs Maynard and to the consequent delay to the Chalfont St Peter Neighbourhood Plan.</p> <p>ii. Part II, the first Protocol, Article 1 of the ECHR and the HRA 1998 - the right to peaceful enjoyment of his possessions, as interpreted by the Universal declaration of Human Rights that no-one shall be arbitrarily deprived of his possessions</p>

Rep	Organisation	Context	Comments
Rep_51 Douglas Bond BA (Hons) MRTPI	Kebbell Developme nt Ltd c/o Wolf Bond Planning	Objecti ng	<p>In regard to our client's interests, there are two key statements in the examiner's report concerning the Neighbourhood Plan (NP).</p> <p>Page 4 of the Examiner's Report suggests that the NP meets the requirements of the Planning Act 'Subject to the contents of the Report'. It therefore follows that if the recommendations made in the examiner's report are not pursued then the Plan would not meet the 'above tests'.</p> <p>The examiner is clear that the NP will only meet the Planning Act's requirements if the recommended modifications (including to de-list Winkers Club from Table 8.1) are made. It is only in such circumstances that the NP can proceed to referendum.</p> <p>Any decision to not proceed with this modification to Table 8.1 of the document would be unsound as a result of the failure to follow the correct procedure and ultimately would be contrary to the requirements of the Planning Act.</p> <p>An appeal is on-going regarding a proposal to redevelop the site for residential purposes and one of the contested issues is whether the site comprises a community facility. We do not wish to restate our argument as to why the existing night club does not form a community facility here.</p> <p>However we do note that designation of the night club is contrary to paragraph 28 of the National Planning Policy Framework (NPPF). This requires that planning policies should 'promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship'.</p> <p>Assessment against this criteria:</p>

Rep	Organisation	Context	Comments
			<ul style="list-style-type: none"> • local shop - no • meeting places - no a traditional meeting place would be a town hall or library • sports venues - no • cultural buildings - no a traditional cultural building would be a museum or theatre • public houses and - no this is a club not a pub • places of worship - no.
Rep_52 Roland and Gillian Jeffery		Objecti ng	We live on Chalfont Heights and share the views expressed in the Chalfont Heights Roads Committee Ltd to you objecting to the retention of the Winkers Nightclub in the Chalfont St Peter Neighbourhood Plan.

Appendix 3

Proposed Additional Modifications

Ref	Part of Plan	Recommended Change / Correction
A	Contents Page	Delete or change the footnote to reflect the current stage of the Plan.
B	Section 1 (page 2) para 1.3	Reference to Local Development Framework should be changed to Development Plan
C	Section 1 (page 2) para 1.3	Include 2011 after the Localism Act.
D	Section 2 para 2.25 (page 7)	Should be Major Developed Site not major development site
E	Section 2 para 2.38 (page 9)	Last bullet typo. Should be flood risk not flood rsk
F	Section 2 para 2.43	Third sentence “gives” is needed between station and direct.
G	Figure 8.1 Key (page 37)	“Sports and Open Space” is not broad enough. Change to “Sports/Youth/Leisure”
H	Figure 8.1 (page 37)	Add point to show location of Winkers Farm Country club
I	Section 9 para 9.2 (page 39)	End of first sentence starting “MP1 seeks ...” does not make sense. Delete.
J	Section 10 (page 43) – 10.3	Should have capital letter for District
K	Section 10 (page 43) – 10.3	Last line should be “in”

Appendix 4

Chalfont St Peter Neighbourhood Plan: Chiltern District Council Decision Statement

Examiners Report

Chiltern District Council received the Examiner's Report into the submitted Chalfont St Peter Neighbourhood Plan on the 23rd June 2014. The Council has decided to accept all of the Examiner's recommendations except for his recommendation relating to the inclusion of Winkers Farm Country Club in Table 8.1 of the Plan. This decision follows consultation with the Cabinet Member for Sustainable Development and local ward members and consideration of the responses received during public consultation on this issue.

Modifications to Submitted Neighbourhood Plan

The Examiner's Report recommends modifications to the submitted Neighbourhood Plan which are all accepted along with any consequential modifications apart from the recommendation on Winkers Farm Country Club. In addition there are some typographical and other errors which need to be corrected. The Council therefore proposes making the Examiner's agreed modifications and also proposes modifications to correct other errors following consultation with the Cabinet Member for Sustainable Development.

Referendum Area

Following consultation with the Cabinet Member for Sustainable Development the Council has decided that the referendum area should be the same as the Chalfont St Peter Neighbourhood Area, which is concurrent with the Parish area and Chalfont St Peter Neighbourhood Plan area.

Referendum

The Council has decided that the Chalfont St Peter Neighbourhood Plan as amended can proceed to the referendum, which is proposed to be held on 5 March 2015.

Availability of Documents

Further details on the Council's decisions are available on the Council website. Hard copies of the relevant documents can be viewed during normal opening hours at Chiltern District Council Offices in Amersham.

23 January 2015

Peter Beckford
Head of Sustainable Development
Chiltern and South Bucks District Councils