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**Our ref:** MR/jp/10.008  
**Date:** 25th August 2010

Dear Ms Kirton

**Planning Application Reference CH/2010/0293/OA  
The Grange (former Holy Cross Convent), Gold Hill East, Chalfont St Peter**

I act on behalf of Chalfont St Peter Parish Council and have submitted representations on behalf of my client to Chiltern District Council in respect of planning application CH/2010/0293/OA for mixed use redevelopment at The Grange (former Holy Cross Convent), Gold Hill East, Chalfont St Peter, Buckinghamshire.

***Introduction***

I understand you are aware that the planning committee of Chiltern District Council resolved on 5<sup>th</sup> August 2010 to grant planning permission subject to conditions and a under Section 106 agreement and referral to the Government Office.

I further understand that papers have yet to be sent to you by Chiltern District Council. In due course when those papers are lodged with you I would hope Chiltern District Council issue you with all background papers in connection with the proposals, comprising not only the planning application, committee report and member resolution, but also the extensive objections to the proposals including my letter prepared on behalf of my clients objecting to the application on 12<sup>th</sup> April 2010, together with my detailed Planning Statement and Planning Statement V2 which provides more detailed objections on behalf of my clients.

Whilst it is important that all of the background papers are assessed in coming to a view as to whether the proposals should be called in, I set out below further comments on behalf of my clients, following the resolution of the committee upon which I would be grateful that your decision for call in, or otherwise, be considered.

***Sport England and Playing Fields***

The application has been referred to the Government Office on the basis that it involves the loss of playing pitches and open space which has led to a strong objection being lodged by Sport England in their capacity as a statutory consultee.

It is important to note that Sport England wrote to Chiltern District Council on 6<sup>th</sup> April 2010 setting out their strong objections to the application, and latterly wrote to Chiltern District Council on 3<sup>rd</sup> August 2010 setting out further background to their strong objections after being made aware of the Council's recommendation on the proposals by objectors.

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Sport England went into significant detail in their later letter, citing "**Strong objections**" to the application, and made clear the true and proper definition of a playing field as contained with Article 10 (2) of the Town and Country Planning Act (General Development Procedure 1995) (as amended). Indeed, Sport England went to such lengths as to provide aerial photography to provide clear and demonstrable evidence on the extent of playing pitches on the site, evidence that my clients also hold from a separate source.

In coming to a view on the proposals, the committee were advised by Officers of the Council that the evidence of Sport England was not clear cut and that the statements provided by the applicants in respect of the extent of playing pitches on the site should be relied upon and carry greater weight than those of Sport England despite their statutory consultee status. Members supported the proposals despite the replacement playing field provision being less than half the playing pitch loss.

In view of the robust and reliable evidence provided by Sport England as to the extent of playing pitches to be lost if this development were to proceed, and the approach taken by Officers of the Council relying upon un-collaborated statements by the applicants on such matters, it is right and proper for the Secretary of State to call this application in, in order that these matters can be fully tested in open debate.

In any event, at the local level the Development Plan contains Saved Policy R2 which deals with the loss of existing sporting facilities throughout the District. This states that development which would result in the loss of any existing sports facility to a non-sports use will be refused, unless the circumstances set out below apply:-

- The applicant demonstrates to the satisfaction of the Council that there is no continuing community need for the facility and it is not possible to use the facilities for other sports; or alternative provision of at least an equivalent size, suitability and convenience is made; and
- Other policies in the Local Plan are complied with.

This Saved Policy applies to outdoor sports facilities including existing school playing fields, land last used as school playing fields and equipped children's playgrounds. It therefore applies to these proposals.

As will be evident by a review of the papers provided by the applicants in support of the application, and the committee report prepared by Officers of the Council, the tests of Saved Policy R2 have not been examined, insofar as there has been no demonstrable evidence to show that there is no continued community need for the facility and it is not possible to use the facilities for other sports, and the alternative provision of one playing pitch does not make good the loss of the playing fields and sporting facilities that exist on the site as set out within Sport England's letter dated 3<sup>rd</sup> August 2010.

In these terms, and having regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004, it is in the public interest for the application to be called in, in order that these aspects can be examined thoroughly.

### **Change of Land Use**

Furthermore, it is my client's contention that the application proposals should have been referred to you not only as a consequence of the Sport England objection, but also by virtue of the proposals being a Departure to the Development Plan. The representations submitted in detail on behalf of my client's sets out the case that the proposals conflict with Saved Development Plan Policy R2, as detailed above; together with Saved Development Plan Policy R10 and CSF2.

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Policy R10 deals with the loss of other amenity open space not open to the general public and states that development will not be permitted if it would:-

- Result in the loss of whole or part of any area of amenity open space not open to the general public; or
- Be seriously detrimental to the established character of the amenity open space referred to above.

The application proposals seek to remove all of the amenity open space on the site such that the first criteria of Policy R10 is not met. In addition, it cannot be said that the proposals maintain the established character of the amenity open space when all of it is being lost, such that the second criteria of Policy R10 is not met.

In terms of Policy CSF2, this relates to the loss of community services and facilities in built up areas and states that the Council will not allow any development which results in the loss of the community service or facility unless:-

- A replacement building and/or land can be provided in an equally convenient location that would comply with saved Policy CSF1; or
- It can be demonstrated to the satisfaction of the Council that the facility is no longer required for its existing use, or for any other community use in the built up area in which it is located, or in the District, as appropriate to the type of use under consideration; and
- Other policies in the Local Plan would be complied with.

The application proposals result in the loss of a school which falls within the provisions of Saved Policy CSF2. A replacement school and/or land is not being provided as part of these proposals such that the first criterion of Policy CSF2 is not met. In terms of the second criterion, my client is in possession of significant evidence which can be fully relied upon which demonstrates that the facility is required for its existing use and that the applicants have not considered whether the facility is no longer required for its existing use or for any other community use in the built up area.

Indeed, the Officers report to committee seeks to make the case that by retaining a small element of community facilities this justifies the loss of the larger proportion of community facilities on the site. However, this approach is not founded upon any part of the Saved Development Plan Policy and is, therefore, flawed in this respect.

In these terms my client's position is that the proposals conflict with Policy R2, R10 and CSF2 of the Development Plan. It must therefore be the case that the proposals should have been advertised as a Departure to the Development Plan and yet this has not been the case. By not advertising the application as a Departure to the Development Plan avoids the need for any referral to the Government Office, a matter that my clients are taking up elsewhere, but nevertheless highlights that in coming to a view as to whether the application should be called in or not, the Government Office should legitimately have regard to other aspects of the proposals over and above the loss of playing pitches.

### **Other Matters**

There are other matters of significant concern to my clients arising from these proposals. In particular, the proposals result in the loss of a site of historical significance as a heritage asset to the local community, requiring the demolition of the Grange Manor, historically the most important building in the village. The proposals seek the removal of 92 trees, each the subject of a Tree Preservation Order, which is a significant loss to the local community in terms of both arboriculture and ecology. There are significant concerns with regard to sewerage capacity regarding which there is evidence locally of existing problems which will be compounded with further development.

The highways solution to the development of this size is radical insofar as the need for build outs within the adopted highway in order to achieve satisfactory forward visibility splays, whilst my clients have robust and reliable evidence in relation to the practical implications for additional traffic on the network and its relationship with existing access points and traffic routing.

Significant concern is expressed with regard to education implications noting that local schools are operating 'over-capacity' without the ability for any commuted payments to address the additional demands arising from this development.

I wish to make clear that my clients are not averse to development on this site, but that these proposals are not welcomed locally and do not meet the aspirations of the local community. Whilst I appreciate that the call in procedures conflict to some degree with the move towards to the Localism Agenda, it is important to note that these proposals have been the subject of over 500 individual letters of objection, together with objections from the Parish Council, the local pressure group SENSE, Ward Members, the MP and Bishop of Auckland. The overwhelming response from the community is that there is huge opposition to these proposals. The consultation undertaken by the applicants as part of their Statement of Community Involvement does not accurately reflect the views of the local community and in any event was flawed in its approach and had a very low response rate which cannot be relied upon. Given the strength of local opposition to these proposals it is in the public interest for the Secretary of State to recover the application in order that these important considerations are fully considered before this planning application is determined.

To conclude, my clients strongly believe the application should be called in for determination by the Secretary of State on the basis of;

- A detailed assessment of loss of playing pitches including an examination of Sport England's evidence and that held by my clients;
- The application is a departure and should have been referred to you on the basis of saved Local Plan policies which conflict with this proposal;
- There are a raft of technical and environmental issues that have not been fully examined;
- The local community are wholly opposed to these proposals and in the interests of localism their views should be heard by the Secretary of State.

I trust that the foregoing comments will be taken fully into account in assessing as to whether the application will be recovered. Should you require any additional information or clarification then please do not hesitate to contact me.

Yours sincerely  
**CERDA PLANNING LIMITED**

*J. M. Parkes*

**Michael Robson**  
Director

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