



BUCKINGHAM TOWN COUNCIL

TOWN COUNCIL OFFICES, CORNWALLS MEADOW,
BUCKINGHAM. MK18 1RP

Telephone/Fax: (01280) 816 426

Email: office@buckingham-tc.gov.uk
www.buckingham-tc.gov.uk

Town Clerk: Mr C. P. Wayman

Tuesday, 21 March 2017

Councillor,

You are summoned to an Extra-ordinary meeting of the Full Council of Buckingham Town Council to be held on **Monday 27th March 2017** at 7pm in in the Town Council Chamber, Cornwall's Meadow, Buckingham.

Mr C. P. Wayman
Town Clerk

Please note that the Extra-ordinary Full Council meeting will be preceded by Public Session lasting for a maximum of 15 minutes, in accordance with Standing Order 3.f.

AGENDA

1. Apologies for Absence

Members are asked to receive apologies from members.

2. Declarations of Interest

To receive declarations of any personal or prejudicial interest under consideration on this agenda in accordance with the Localism Act 2011 Sections 26-34 & Schedule 4.

3. West End Farm Extra Care development proposal (1600847/APP)

To receive and discuss amendments to application 1600847/APP

Appendix A

To: All Councillors

Buckingham



Twinned with Mouvaux, France



Members are reminded to declare any prejudicial interest as soon as it becomes apparent



The Town Clerk,
Buckingham Town Council
The Buckingham Centre
Verney Close
Buckingham
Buckinghamshire
MK18 1JP

16th March, 2017

Dear Councillors,

Proposed Extra Care Scheme, West End Farm, Brackley Road, Buckingham (Planning Ref: 16/00847/APP)

Thank you for allowing us to re-present the proposed extra care scheme at West End Farm at the recent Town Council meeting.

As mentioned at that meeting, we have worked tirelessly with all key stakeholders over the last 18 months to deliver a scheme which we believe is now suitable. We recognise some concerns remain but we have genuinely listened and where possible have amended the scheme to accommodate these concerns including:

- A reduction in quantum, scale and mass from the original 89 unit scheme to 72 units.
- Softening of the NW corner to reduce the impact on Stowe Avenue and allow for increased native landscaping. The scheme is now supported by the Heritage Officer.
- Redesign of the scheme to complement the local character of the area and provide greater residential amenity to the surrounding housing which is now supported by both the Design and Landscape officers.
- Re-arrangement of the car parking to provide a more semi-rural layout.

In addition to the above, we will be delivering the below commitments:

- A minibus will be provided in perpetuity and secured by way of a S106 deed. This will provide better connectivity between the town centre and the proposed scheme and will be made available for residents, staff and visitors.
- The on-site communal facilities such as the bowling green will be provided in perpetuity.

The proposed scheme provides many benefits in that:

- Residents will own their own home and retain their independence. This is not a care home. The scheme will allow husbands and wife's and partners to remain together without having to leave the community.

- The tenure mix will provide units, subject to demand, which are available for outright purchase, shared equity and on a rental basis. There will be no mandatory exit fees or hidden management fees when residents want to sell their homes. Residents will be free to sell their homes to whoever they wish.
- Residents can buy in tailor-made care packages from the on-site CQC registered domiciliary care agency. Residents care needs will be assessed upon occupation.
- The domiciliary care team will provide the first layer of preventative care helping to reduce accidents in the home. Assistive technologies will be adopted to deliver effective care helping to reduce the impact on local primary care resources.
- A social events co-ordinator will be employed to deliver a comprehensive package of social events both on site and off site to encourage social inclusion and prevent loneliness.
- The domiciliary care agency will, subject to demand, provide outreach services in to the local community again allowing people to receive care in their own homes.
- The proposed scheme will provide approximately 75 full and part time jobs. Priority will be given to local staff and local companies to provide the required services.

However, we accept there are also disadvantages to the scheme in that part of the site sits outside the settlement boundary. The Town Council have done a fantastic job in delivering the made Neighbourhood Plan and it is with deep regret that we only had chance to engage in the consultation process when it was too late to have any meaningful impact. If sufficient time had been allowed, we are confident the NP would have formally allocated site(s) specifically for the provision of C2 extra care housing.

Notwithstanding the above, the majority of the site does sit within the settlement boundary and the development of this site would, in our opinion, round off the settlement boundary delivering much needed quality care accommodation. The development would, of course, fully comply with NP policy HP4 providing a diverse mix of accommodation for Buckingham.

AVDC's HEDNA concludes that there is a shortfall of 748 C2 bed spaces within the Aylesbury Vale District over the plan period. Our own needs assessment, enclosed, demonstrates that there is a critical need for 133 C2 extra care units within the local market catchment. The proposed scheme would deliver approximately 55% of this critical local need. We have also undertaken a detailed site sequential assessment and cannot find another site which is capable of meeting such need.

Therefore, in conclusion, the planning balance comes down to 2 pertinent issues. Does the critical need for this type of accommodation outweigh the harm of developing this scheme on part of the site which sits outside the settlement boundary? To assist your deliberation please find enclosed the following update information, copies of which have been issued directly to the Council:

- 1) Update layout plan that details the footway connection and retained bowling green;
- 2) Highway officer's response to the application, which you may not have had sight of as it was issued late in the process;
- 3) Updated draft Heads of Terms to include a commitment that community facilities will be retained in-perpetuity.

I hope that the above documentation enables the Town Council to withdraw its objection and instead express support for the proposal.

Finally, I would also like to make you aware of our aspiration to provide a financial contribution of fifty-five thousand pounds (£55,000) to be paid to the Town Council as a community benefit fund. This fund would allow the Town Council to improve public footpath and other infrastructure as it sees fit, thereby providing benefits to both existing and future residents in the local community. The community benefit fund could also be used to assist with any future update of the Neighbourhood Plan, thereby enabling it to take account of the need to plan for extra care accommodation, and other policy updates that may be of relevance. This payment would be provided outside of the planning application process, and would therefore not be a material planning consideration. I will write to you under separate cover, before the extraordinary meeting, to confirm how this payment might be facilitated.

Should you have any queries on the above then please do not hesitate to contact me.

Yours sincerely,

Adam Simpkin

Managing Director

Minton Health Care (Buckingham) Limited

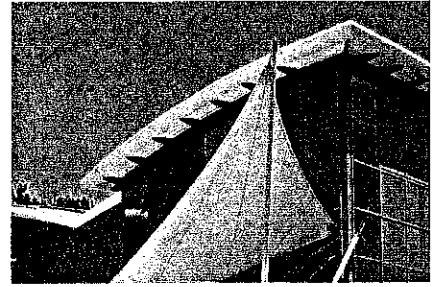
Eagle Tower

Montpellier Drive

Cheltenham

Gloucestershire

GL50 1TA



Draft Heads of Terms

Land at West End Farm, Brackley Road, Buckingham

March 2017

Prepared by: Matthew Halstead

Alder King Planning Consultants

Pembroke House, 15 Pembroke Road, Clifton, Bristol BS8 3BA

Email: mhalstead@alderking.com

Tel: 0117 317 1175



Contents

1.0	Introduction	1
2.0	Draft Heads of Terms	1
3.0	Conclusion	1

1.0 Introduction

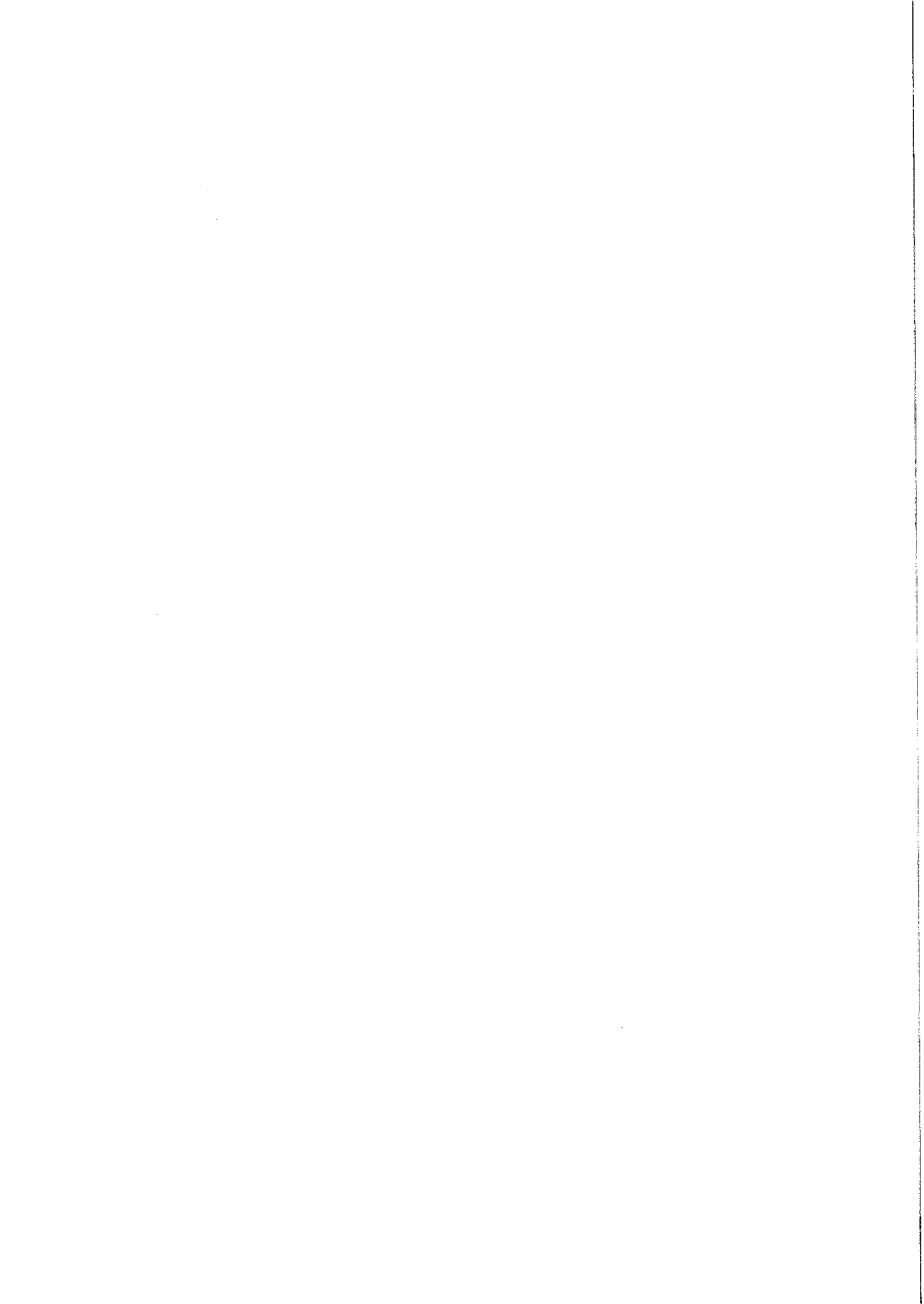
- 1.1 Alder King Planning Consultants have been instructed by Minton Health Care (Buckingham) Limited to submit a full planning application for 72 extra care units (use class C2) on land at West End Farm, Brackley Road, Buckingham. The planning application is currently pending consideration (Ref: 16/00847/APP).
- 1.2 This statement presents draft heads of terms in relation to planning obligations required to mitigate the impacts of the development.

2.0 Draft Heads of Terms

- 2.1 It is considered that planning obligations relating to the following matters will be required to make the development acceptable in planning terms:
 - 1) The provision of a private mini-bus service for use by residents of the development and to be retained for the lifetime of the development.
 - 2) Confirmation that the proposed ancillary community facilities will be retained for that purpose for use by residents of the development for its lifetime.

3.0 Conclusion

- 3.1 In the event that additional obligations are required then these will be agreed to subject to their compliance with r.122 of the Community Infrastructure Levy Regulations 2010 (as amended).



Environmental Services

Divisional Director – Martin Dickman

Buckinghamshire County Council

Highways Development Management

6th Floor, County Hall

Walton Street, Aylesbury

Buckinghamshire

HP20 1UA

Telephone 0845 230 2882

www.buckscc.gov.uk

Development Control
Aylesbury Vale District Council

DX4130 Aylesbury

FAO Mick Denman

Dear Mick,

Date: 15th July 2016
Your ref: 16/00847/APP

HIGHWAY AUTHORITY COMMENTS TOWN AND COUNTRY PLANNING ACT 1990

Application Number: 16/00847/APP
Proposal: Demolition of existing buildings and erection of 75 extra care units, ancillary community facilities, parking, landscaping and associated works.
Location: West End Farm, Brackley Road, Buckingham, Buckinghamshire, MK18 1JA

Thank you for your consultation for the proposed development at the above location. I apologise for the significant delay in my response which is due to current workload pressures.

The application site is located along the A422 Brackley Road approximately 900m to the north west of Buckingham town centre. In the vicinity of the site Brackley Road is subject to a 30mph speed limit. The site benefits from an existing vehicular access directly from Brackley Road, however there are no existing footway connections to this access.

The existing permitted use of the application site is a flexible B1/B8 use with a total floor gross floor area in the region of 1,712m².

A Transport Assessment (TA) has been submitted as part of this application that assesses the impact of the proposed development on the surrounding highway network. The TA contains a TRICS® assessment of the traffic generation potential for the existing use of the site. The assessment shows that the existing use has the potential to generate in the region of 40 vehicular movements (two-way) in the AM peak hour and 49 vehicular movements (two-way) in the PM peak hour.



The TA also contains an assessment of the traffic generation potential of the proposed use of the site. This assessment shows that the site has the potential to generate in the region of 12 vehicular movements (two-way) in the AM peak hour and in the region of 13 vehicular movements (two-way) in the PM peak hour. It is therefore apparent that the proposed use of the site will result in a reduction in the number of associated vehicular movements and therefore the continued use of the existing access to serve the site is acceptable.

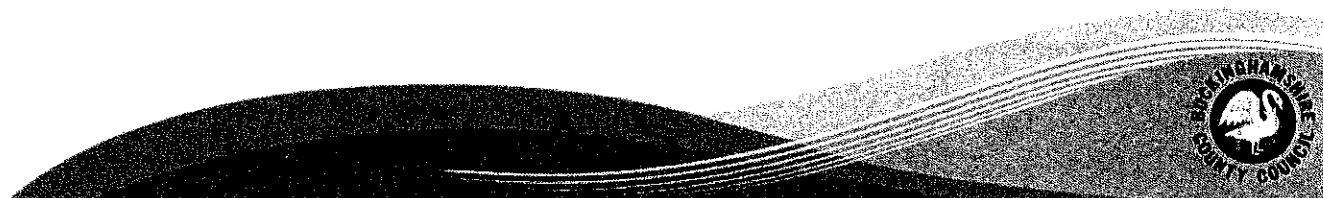
In terms of pedestrian access to the site, the TA states that a pedestrian link will be provided into the south east corner of the site which will link to the existing footway network along Brackley Road. While this link will provide pedestrian access to the site, the footway within the site travels from this point around Building F which may not be an attractive route for pedestrians, especially during winter months when it gets dark earlier. Also this link is not on the desire line for pedestrians wishing to get to Building A and Building B. It would be a more attractive and convenient option if the footway were to continue along Brackley Road and into the site via the existing vehicular access. In the interests of providing safe and suitable access for all and site permeability I will require an additional length of 2m wide footway to be provided, which links to the existing footway provision and I will secure this by way of Condition.

While on site I noted that while the existing useable footway provision finishes in the vicinity of the south east corner of the site, there is a section of footway that continues to the north west. However, this additional section of footway is narrow with the surface broken up, resulting in it being unusable. The upgrading of this section of footway will need to be included in the new section of 2m footway linking to the main site access.

The TA makes reference to the fact the nearest bus stops to the site are approximately 1km to the east of the site, within Buckingham town centre. This distance is beyond the recommended walking distance to a bus stop and therefore the applicant is proposing to provide a minibus shuttle service for residents of the site to allow them access to the town centre in order for them to gain access to public transport. I can confirm that the principle of such a minibus shuttle service is acceptable; however the exact details of the provision will need to be agreed with the County Council. For the avoidance of doubt, this service will need to be provided in perpetuity. I will include this minibus shuttle service provision as an obligation within the S106 Agreement.

The internal layout of the site will allow cars to utilise the parking spaces and there is adequate room for a delivery vehicle to turn in order to re-enter the highway in a forward gear. For confirmation, the access is of adequate width to allow opposing vehicles to pass. I assume that as the Parking Authority you will consider the level of the proposed parking provision.

Mindful of the above, this application is acceptable in highway terms subject to a signed S106 Agreement and the following Conditions and Informatives:



S106 Obligations

- Provision of a minibus shuttle service with details of operation to be confirmed and agreed. The service is to be provided in perpetuity.

Conditions

1. No other part of the development shall commence until details showing a 2m wide footway link leading from the existing footway provision along Brackley Road and up to the main vehicular access to the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the footway has been laid out and constructed in accordance with the approved details. For the avoidance of doubt the applicants will be required to enter into a S184 Agreement with the Highway Authority in order to comply with the requirements of this condition.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development

2. The scheme for parking and manoeuvring shown on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

3. No part of the development shall commence until a Construction Traffic Management Plan including details of:
 - Phasing of the development;
 - Construction access;
 - Management and timing of deliveries;
 - Routing of construction traffic;
 - A condition survey of the surrounding highway network;
 - Vehicle parking for site operatives and visitors;
 - Loading/off-loading and turning areas;
 - Site compound;
 - Storage of materials;
 - Precautions to prevent the deposit of mud and debris on the adjacent highway.

Has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be carried out in accordance with the approved management plan.

Reason: To minimise danger and inconvenience to highway users

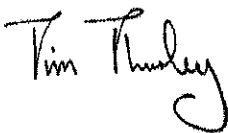


Informatives

1. It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
2. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
4. The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-

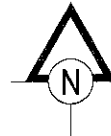
Development Management
6th Floor, County Hall
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Telephone 0845 2302882
Email: dm@buckscc.gov.uk

Yours sincerely



Tim Thurley
BEng (Hons), MIHE
Development Management Consultant
Transport, Economy and Environment
Buckinghamshire County Council





NOTES

Do not scale this drawing.

All dimensions are in millimetres unless stated otherwise.

This drawing is to be read in conjunction with all other relevant drawings and specifications.

The copyright of this drawing is vested in Harris Irwin Associates Ltd. and must not be copied or reproduced without the written consent of a Director.



Q	16/03/17	Path added	RSW
F	16/03/17	Landscaping Green Method	RSW
E	12/12/16	Revised for Planning Submission	RSW
D	07/12/16	3rd Draft Issue to Team	JFH
C	26/11/16	2nd Draft Issue to Team	RSW
Rev	Date	Description	Initial

harrisirwin
architects & designers

Aske Stables, Aske, Richmond, North
Yorkshire, DL16 5HG

t: 01748 825676
e: enquiries@harrisirwin.com
w: www.harrisirwin.com

Project:
Proposed Extra Care Development,
West End Farm,
Brackley Road,
Buckingham,
MK18 1JA.

Client: **THE MINTON GROUP**

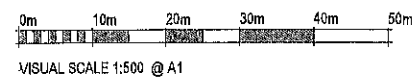
Drawing Title:
Proposed Site Plan

PLANNING

Scale @ A1	Date	Issued By
1:500	12/11/16	FL

QA Project Number	Drawn By	Checked By	Author
1915	DGS	MI	G

Project	Organiser	Volume	Level	Type	Sheet	Number
1915 - HIA	- ZZ	- ZZ	- DR	- A	- 01	- 012



This matter is being dealt with by
Paul Hunt

1 Meridian South, Meridian Business Park, Leicester,
LE19 1WY
DX 710910 Leicester Meridian
T +44 (0)116 288 2200

Adam Simpkin
Managing Director
Minton Healthcare (Buckingham) Limited
Eagle Tower
Montpelier Drive
Cheltenham
Gloucestershire
GL50 1TA

Our ref: C.10.933763.3.pdh.lc
Your ref:

21 March 2017

Dear Adam

Proposed Extra-care Scheme - West End Farm, Brackley Road, Buckingham

I refer to your letter dated 16 March 2017 to the Town Clerk to Buckingham Town Council.

I note at the end of your letter you refer to making a financial contribution of £55,000.00 to the Town Council as a community benefit fund. I further note that although your letter refers specifically to the pending planning application reference 16/00847/APP the proposed payment is to be made outside the planning application process. It may be, therefore, that the local planning authority will not be made aware of the proposed payment and certainly will not be able to consider this as a relevant or material planning consideration in their consideration and determination of the planning application itself.

Town and parish councils have a number of wide ranging powers which could be utilised to accept such a payment and spend that payment for purposes related to the Town Council's functions. I note that there is a reference to improvements to public footpaths, although those of course would normally be the responsibility of the County Council. Unless the parish could agree to have the County Council carry out those works at their expense with the monies provided, the parish would not themselves have the right to carry out such works unless approved by the County Council. There are of course a number of other functions that the Town Council would carry out including the improvement and maintenance of open spaces and public parks etc. The list is considerable and I am sure the Town Council will be fully aware of the extent of their powers and the facilities and services that they can provide.

Town councils have incidental powers under Section 111 of the Local Government Act 1972. These powers include entering into contractual arrangements with a private organisation to provide funding for the carrying out of any functions of the Town Council.

The Town Council will also have more extensive powers under Section 1 of the Localism Act 2011 (the general power of competence). In the case of town and parish councils however, this only applies to eligible councils. In short, two thirds of the elected members of the Town Council would

www.shma.co.uk info@shma.co.uk

Shakespeare Martineau LLP is a limited liability partnership registered in England and Wales with number OC319029 and authorised and regulated by the Solicitors Regulation Authority with number 442480. A list of members is available for inspection at the registered office, No 1, Colmore Square, Birmingham, B4 6AA. Any reference to a 'partner' in relation to Shakespeare Martineau LLP means a member of the LLP or an employee or consultant with equivalent standing and qualifications. Service of documents by fax or email is not accepted.



have to adopt the powers available to them. These powers could also be utilised for the purpose of accepting monies and spending those monies for the benefit of the local community.

Whilst clearly the payment is not a relevant consideration in the determination of the planning application and will be disregarded by the District Council, its offer is, as I understand, linked to the development proposed insofar as it will benefit not only existing residents but also residents of the proposed scheme, whether being spent on facilities in close proximity to the development site or elsewhere. To that extent the payment would be linked to the grant and implementation of any planning permission. The relevance of the payment is not therefore in terms of whether planning permission should be granted with or without the payment, but that the payment should be made in the event that planning permission is granted and implemented, regardless of the fact that the payment formed no part of the consideration and determination of the planning application itself.

In the event that there is a resolution to grant planning permission then we could take forward the proposals for payment to the Town Council, as outlined in your letter. Indeed without prejudice discussions could take place before any committee report is prepared should the Town Council wish to explore further the proposed payment and the purposes for which it could be spent. The Town Council may wish to take its own advice in relation to those matters.

I would suggest the following points of agreement:

- The Town Council now considers, in light of the decision it has already taken, whether it wishes to change its position on the application.
- If it wishes the development to proceed with the payment of the £55,000.00 we can advance the contractual arrangements with the Town Council.
- Payment of the monies would take place on implementation of the planning permission towards any purposes for which the Town Council have powers to spend monies or in respect of which they can agree with any other local authority in their area to spend the monies.
- Once paid there would be a requirement on the Town Council to spend the monies on the purposes intended but there would be no repayment provisions.

Yours sincerely



Paul Hunt

Direct Line: 0116 257 4451
Direct Fax: 0116 289 3733
E: paul.hunt@shma.co.uk