

MINUTES OF THE PLANNING COMMITTEE MEETING
HELD ON MONDAY 14th SEPTEMBER 2009 AT 8.30 pm following the Interim Council
meeting

PRESENT: Councillors P. Hirons
 G. Loftus
 A. Mahi
 M. Smith
 Mrs. P. Stevens
 R. Stuchbury
 M. Try
 W. Whyte (Chairman)
 Also Attending: Cllr. H. Cadd (Mayor)
 Cllr. D. Isham
 For the Town Clerk Mrs K.W. McElligott

433/09 APOLOGIES FOR ABSENCE

Apologies were received and accepted from Councillor Mrs. P. Desorgher.

434/09 DECLARATIONS OF INTEREST

Cllr. Loftus declared an interest in applications 2 & 3 as an employee of the University.

435/09 MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting held on Monday 24th August 2009 to be put before the Council on 5th October 2009 were received and accepted.

436/09 ACTION LIST

(366) Cllr. Whyte reported that the domain name had been transferred.
 (369.2) The PPS15 documents had been passed to Cllr. Smith and would be reviewed at the next meeting.

*Proposed by Cllr. Whyte, seconded by Cllr. Stuchbury and **AGREED** that item 7 on the agenda be taken next.*

437/09 REPORTS TO DEVELOPMENT CONTROL

Reports had been received for the following applications, and were available in the office:

08/02379/AOP & 09/01035/AOP Land south of A421 and east of A413
 Comprehensive development of land comprising of 700 new dwellings (including affordable housing) primary school, employment land, healthcare, outdoor play space, changing pavilion, landscaping and creation of drainage basin and highway, cycle and pedestrian provision

A report on the Strategic DCC meeting held on 3rd September was circulated with the agenda. Members deplored the decision to allow the officer delegated authority

to grant permission subject to satisfactory s106 agreements, contrary to the Town Council's and 313 resident's views. Insufficient weight had been given to the problems that would be created on the bypass, or by the surface water drainage. The s18 difficulties over adoption of drains on the Badgers Estate was mentioned. The unresolved s106 matters were important, and now removed from democratic discussion. It was felt that the impending appeal on the first application had had undue influence on the decision on the second, contrary to established practice. Concern was expressed that the decision would lead to other opportunist applications.

The Buckingham Plan, which had been supported and encouraged by AVDC Forward Plans and reflected the views of residents and organisations had been completely ignored. Members felt that the implications for the Plan should be considered by the Full Council, as considerable extra work would now be necessary to incorporate the new development into the Plan, and the town. Some s106 money should be set aside to ensure the new residents became integrated into the town. The decision was contrary to the existing Local Plan and the Core Strategy as well as the Buckingham Plan.

It was agreed

- to write to Mr. Bercow, asking for his advice on how to proceed
- to write to Cllr. Edmonds with Members' disappointment at the decision
- to work on mitigating the issues raised by suddenly increasing the population by 20%
- to consider the validity of the current Plan
- to take up the traffic issues with BCC Transportation

Agenda order was resumed.

438/09 PLANNING APPLICATIONS

The following planning applications were received and discussed. –

09/01490/APP

SUPPORT

22 Castle Street

Change of use from A1 – Nail Bar (sui generis) – retrospective

Members noted the lack of any signage element in the application and asked that it be available for the next meeting.

09/01524/ALB

SUPPORT

Prebend House

Emergency repair and stabilisation work and replacement roof and windows – demolition of recent additions and blocking up of openings – rebuild of brick wall and railings

09/01252/APP

SUPPORT

Prebend House

Removal and replacement of security fence with painted steel fence on Hunter St. frontage

09/01543/ALB

OPPOSE

10-11 Castle Court

Internal alterations to create residential dwelling

Members were concerned that the room labels did not reflect the actual use, and asked that an officer visit the premises to check, given the allegations of multi-occupation made by adjacent residents when 09/01498/APP was considered last meeting. The Clerk confirmed that a bathroom/WC opening directly off the kitchen was acceptable under Building Regulations as the space contained a washbasin.

The following application had been withdrawn as the Planning Officer deemed it to be permitted development.

09/01536/APP

4 Fleet Close

Erection of rear conservatory and conversion of garage into residential use

The Clerk confirmed that the parking area was adequate; the new room was not to be a bedroom.

09/01589/ATP

OPPOSE

1 Bostock Court & Corner House, West Street

Works to trees

Members felt that the application did not contain enough information for work on protected trees – there were no species listed, nor the extent of the proposed works.

The following applications were considered together:

09/01631/APP & 09/01632/ALB

SUPPORT

Castle House, West Street

Repair and repoint west wall, render both faces and addition of ridge and tile coping and buttress to south (retrospective)

Support was given subject to the approval of the Historic Buildings Officer especially with respect to the materials used, but expressed dismay at the retrospective nature of the application given the importance of the building.

The following minor amended plans were posted for Members' information only:

09/01498/APP 10-11 Castle Court

Change of use of upper floor from B1 (office) to create 2 No. flats – retrospective

Amendment: use of room spaces labelled. These show each flat to have (1st floor)

2 Reception/Living rooms and (2nd floor) lobby, 1 bedroom, kitchen with shower/WC off the kitchen.

439/09 PLANNING CONTROL

The following planning decisions had been received from Aylesbury Vale District Council;

Approved

09/00870/APP 15-16 Market Hill 2 Air cond.^g units & raise parapet wall Oppose*

09/00871/ALB 15-16 Market Hill 2 Air cond.^g units & raise parapet wall Oppose*

09/01048/APP 10 Meadway Retention of shed for disabled vehicle Oppose

09/01222/APP 3 Middlefield Cl.	Replace trellis & extend garden wall	Support
09/01223/AAD Barclays Bank	Removal & replacement of fascia signs	Support
09/01241/APP Barclays Bank	New steel ATM panel & CCTV	Oppose
09/01248/ATP Prebend House	Crown raise 2 yews to 3m all round	Oppose
09/01289/ATP rear 95-97 Fishers Fld.	Fell 1 horsechestnut, repl. w. alder	Support
09/01310/APP 12-13 Market Hill	Refit of shopfront w. fascia & proj.signs	Support

**A condition has been made that the parapet wall be constructed of matching brick and in matching bond, and no later than 1 month after the a/c units are installed.*

Refused

09/00613/APP Station Terrace	Erection of 13 apartments	Oppose
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Notice of Planning Appeal

09/00066/ENF 22 Nelson Street

Appeal against the enforcement notice issued by the council that without planning permission [the resident carried out] the erection of a single [storey] rear extension to the dwellinghouse.

Members noted the above information.

440/09 ENFORCEMENT

440.1 (367.2) Bus cafe

A response from AVDC was circulated at the meeting. It was recommended that the matter be taken up with the County Council.

Members noted that the vehicle had been pushed further along the layby, possibly to enable servicing work to be carried out on it, and this left inadequate parking space for trucks. Members also pointed out that the kebab van which parked in Market Hill had a licence with defined trading hours, and this 'café' should be subject to the same rules.

A letter would be sent to BCC, AVDC Licensing and AVDC Environmental Health.

ACTION THE CLERK

440.2 27 Otters Brook

A resident's complaint about a large building erected to the rear of this house had been forwarded to AVDC. The response was circulated at the meeting. The matter was being dealt with under Building Regulations, as this was easier.

Members felt that it should also be pursued as an Enforcement matter.

ACTION THE CLERK

440.3 (363.2) Waitrose Cycle racks

An acknowledgement of the letter sent after the last meeting had been received.

440.4 List of Enforcement matters

Members agreed that the following be removed from the Enforcement list: Swan Market; 6 High Street; that other items should be automatically removed when resolved and notified to the meeting; that other outstanding items on which information had been requested 29/7/09 should be copied to Mr. Byrne and a response requested.

ACTION THE CLERK

440.5 AVDC Internal Structure

Members felt it would be useful if a diagram of AVDC's officer hierarchy was circulated.

441/09 TRANSPORT

The Chairman had been in correspondence with BCC Transportation. Members discussed whether the Town Council should facilitate the formation of a new Transport Users Group in the north of the county. A fee levied on each participating parish could cover room hire and secretarial assistance; it was to be hoped that other parishes would take over the lead and provide a Chairman and secretary. A representative of the main bus operator would also be an advantage.

Proposed by Cllr. Smith, seconded by Cllr. Whyte, and **RECOMMENDED** that the Town Council initiate a Buckingham & District Transport Users Group by calling a meeting, organising a room, and contacting all adjacent parishes.

442/09 PLANNING – OTHER MATTERS

To consider the Chairman's request for payment of travelling expenses for attending the PIPA Conference 2009.

Members **AGREED**, travelling expenses to be met from 4023/601.

443/09 CORRESPONDENCE

443.1 Copies of letters sent to AVDC & the Buckingham Society by David Parker Architects re the redevelopment of the Fir Cottage site on Chandos Road. Members commented that the bin issue had not been addressed, and that the expectation that the majority of residents would be retired and not own a car was disingenuous, given that there was no bus service along Chandos Road. The Clerk was asked to check whether there was adequate turning space within the site for bin lorries.

[The application's Design & Access Statement, para. 7., states "It is acknowledged that this (the turning area) may not be adequate for the large pantechnicons now used for rubbish collection, but we comply with the kerbside collection criteria, because the refuse and recycling store is only sited 8m from the highway and has a separate convenient access point."]

444/09 NEWS RELEASES

Members agreed that a press release on the Hallam Land application should be issued to the usual organisations, plus the *Bucks. Herald*, all broadsheets (possibly via a central wire service), CPRE, and *Planning* (contact details to be supplied by Chairman).

ACTION CHAIRMAN/CLERK

445/09 CHAIRMAN'S ITEMS

445.1 Cllr. Whyte indicated that, with Cllr. Letheren & Mr. J. Stevens, he was hosting an AV Transport Symposium on the Local Transport Plan (3) in the Aston Hall, Civic Centre, Aylesbury, on Tuesday 13th October 2009. It will consider all aspects of transport including buses, taxis, cycling and Rights of Way. The business meeting is from 8 -10am and there will be a workshop from 4.30pm onwards. It would be as well if a representative of the Town Council could attend; a letter of invitation would be sent out shortly.

445.2 Local Council Planning Liaison Group

Details of the meeting to be held on 23rd September 2009 had been released with three suggested items for the agenda:

1. LDF update
2. Update on opportunistic applications
3. Update on recent government consultations

The supporting papers concentrate on the Aylesbury area and the north-east Vale. There appeared to be no reference to the Rural Areas Strategy.

Cllr. Hirons would be able to attend.

ACTION CLLR. HIRONS

446/09 DATE OF THE NEXT MEETING: Monday 12th October 2009 at 7pm.

Meeting closed at: 10.02pm

CHAIRMAN DATE

BUCKINGHAM TOWN COUNCIL

PLANNING COMMITTEE

Agenda Item No: 7

Reporting Officer: Katharine McElligott
Clerk to the Planning Committee
01280 816426

NOTES ON THE STRATEGIC DEVELOPMENT CONTROL COMMITTEE MEETING HELD AT THE GATEWAY , AYLESBURY, 3RD SEPTEMBER 2009 AT 1PM.

09/01035/AOP & 08/02379/AOP – comprehensive development of land to the east of the A413, south of the A421.

Present:	Cllr. M. Edmonds (Chairman)	Long Crendon
	Cllr. R. Birchley	Wendover
	Cllr. Mrs. A. Davies	Pitstone
	Cllr. T. Jones	Edlesborough
	Cllr. Mrs. C. Paternoster	Aston Clinton
	Mr. J. Byrne	Head of Planning Services
	Mr. J. Cannell	Development Control Manager
	Mr. A. Barker	Case Officer
	Mr. M. Dalby	Forward Plans
	Mrs. S. Fleming	Senior Solicitor
	Mr. D. Willmer	Democratic Services
In attendance:	Cllr. H. Cadd	
	Cllr. D. Isham	
	Cllr. H. R. Lewis	
	Cllr. T. Mills	
	Cllr. H. Mordue	
	Mrs. K. McElligott	
	Mrs. C. Cumming	Buckingham Society
	Mr. E. Grimsdale	Access for All / ASHTAV
	Mr. Newton	for Benthll residents
	Mr. Tierney	
	Mr. M. Hyde	DLP (for the applicants)
	Mr. N. Hawes	representing the landowner
	an officer from BCC Highways	
	<i>and others</i>	

A supplementary report was handed out at the meeting indicating that

- the EA had confirmed no objections providing there was compliance with PPS9 (Biodiversity & Geology), PPS23 (Pollution Control) and PPS25 (Flooding). These issues will be dealt with by the imposition of conditions.
- Anglian Water will have to apply for a variation of the current discharge consent for the sewage works to accommodate this development.

and listing s106 Agreements as follows:

- (with BCC; not yet finalised) improvement works to A421/A413 roundabout and Tesco roundabout + new roundabout on A413; toucan crossings on A413 and A421; linkages of the crossings to the development and to Badgers Way with 3m wide surfaced footway/cycling network; contributions towards upgrades to existing footway and cycle network; pegasus crossings to link to existing bridledways; increased bus services to Aylesbury; provision of bus shelters

- provision of 35% affordable housing (agreed) divided 75% rented: 25% shared ownership (agreed but not yet finalised)
- (with BCC; agreed) 210 place primary school with nursery + financial contribution towards secondary and special needs provision, library and adult learning
- (agreed) 3.87 hectares open space for formal sports + on site facilities (3 play areas, pavilion); (ongoing negotiations) contribution to wider leisure requirements for town
- detention basin to accommodate storm water
- (not yet agreed) primary healthcare facility (PCT have raised issues re size of site and their need for financial contribution towards provision of facility)
- (agreed) policing infrastructure
- (confirmed) first phase of additional parking in town centre – 40 places at Buckingham Athletic FC
- (agreed) contribution towards additional flood protection in town centre (Phase 2 Property Protection Scheme)

Cllr. Isham indicated that he did not wish to speak, Cllr. Cadd that he may do depending on the points raised, Cllrs. Lewis & Mills that they did.

The Chairman outlined the rules of the meeting: normally the Parish/Town Council, the entirety of other representations, and the applicants get 5 minutes each. Local Members can speak for as long as they wish. This was challenged by the 'other' speakers who said 5 minutes between them was not enough and a denial of democracy. A break was taken after which, with the Chairman's agreement, Mr. Newton & Mr. Tierney had agreed that Mr. Newton should represent them both, and have 5 minutes to do so, and that Mrs. Cumming & Mr. Grimsdale should have 5 minutes between them.

The later **(09/01035/AOP)** application was taken first.

Mr. Barker presented his report with the supplementary information. His recommendation was that the application be supported and deferred for officer decision pending finalisation of satisfactory s106 agreements.

I spoke for the Town Council with the 4 main points:

1. The bypass is a physical and mental barrier to integration with the town and the development is contrary to the existing local plan and the Buckingham Plan.
2. Without adequate employment on site, and no bus service or pedestrian access to the industrial parks, residents will be adding considerably to the traffic at the bypass roundabout, and a second pedestrian controlled crossing (which all secondary age pupils will have to use) will add to the tailbacks. Similarly at such a distance from the town centre and up a steep hill, it is not to be expected that residents will walk into the town centre, adding to the parking problems.
3. While average rainfall can be absorbed by the field, and then drain away slowly through the existing culvert, heavy and continual rainfall causes flooding into the housing at the back of the Badgers Estate. Building on the field will cause the proposed pond to fill rapidly and once full, it will overflow and cause the same problems. The application and reports only address the town centre flood area.
4. The two secondary schools in Buckingham are expected to take pupils from the whole of the north of the county; the large estates being proposed in both Buckingham and Winslow will put pressure on both schools with no suggested solution.

Councillor Jones asked me for further details on the flooding problems over the bypass, which I gave. I was also asked for an example of an alternative site within the bypass and mentioned the Tingewick Road site put up for the AVDLP and rejected by the Inspector.

Mr. Newton pointed out that the traffic noise survey had been carried out in the school holidays and that 313 objections by residents could not be ignored. He also alleged numerous breaches of planning procedure and PPS23 clauses by AVDC. He over-ran his allotted time.

Mrs. Cumming said that the application was prejudicial to proper growth planning; that there had been no proper consultation on the second tier status allocated to Buckingham, the housing numbers had not been agreed nor the appropriate sites; an increase of 12% on the existing housing was too much for one site. Conditions should be agreed at the 'allocated sites' stage, not before; the people of Buckingham had been excluded from democratic process.

Mr. Grimsdale advocated development within the bypass, where there were similar, more sustainable, greenfield sites available with less impact on the bypass traffic. Development of this site would open the way

to development ever further south along the London Road. The infrastructure in the town was inadequate for the additional housing – the town would become a dormitory, which would undermine its vitality. Increasing the frequency of the Aylesbury bus service was not the right solution, extending services into the evening would be better. The application needed to be examined in the wider context and contrasted with other available sites.

Mr. Hyde ran through the benefits the development would bring to the town, and pointed out that his company was already involved in Berryfields and Weedon Hill which had been praised and won awards. The site would provide 366 jobs.

Cllr. Paternoster asked how Hallam Land could deliver when other developers were faltering: he said that they had willing landowners, housebuilders willing to build, and successful negotiations with AVDC, whereas others had negotiated their s106s before the recession and were looking to renegotiate in the light of changed economic circumstances.

Cllr. Jones asked about what would happen when the drainage pond was full: the answer was that the EA had looked at the drainage from the site and an attenuation of run-off rate of 20% was stipulated – he was not qualified to speak on the exact technicalities. Cllr. Jones then pointed out that all the hard landscaping and buildings would reduce the absorbency of the site. Mr. Hyde said that this would have to be managed, possibly via slower run-off via the culvert under the bypass.

Cllr. Edmonds asked if Buckingham was a more deliverable site than Weedon Hill; Mr. Hyde said that his client intended to progress as soon as approval was received.

Cllr. Mills, referring to AVDC's inability to demonstrate a 5-year land bank, said that a 3.8 year land supply was no reason to be forced into granting permission on this site, and that the developer's assertion that serviced parcels of land would be available for sale to builders by early 2010 had not been demonstrated. The market might be picking up, but it remained uncertain.

Cllr. Lewis pointed that the Authority had been minded to refuse the previous application, and the proposal did not fit with AVDC strategy. The second application was opportunistic, and relied on the Government target for additional housing provision, which he personally did not agree with, but he reluctantly accepted that Buckingham would have to take some percentage of the allocation. The A421 was a concrete barrier and could lead to the site becoming a 'town within a town' like the settlements in MK. The s106 payments amounted to a large bill.

The Authority was not in a position to disregard the application, if it was refused, it was likely to be overturned on appeal, and in the long run he saw that the site would be used for housing eventually anyway. However, it was not appropriate to delegate the decision to an officer, it should be deferred to articulate the conditions in great detail to leave no ambiguity. A costed infrastructure was necessary before fixing s106 payments, and these should be indexed to follow an improving market. He would expect to see a report from the officer with detailed conditions listed and a timescale of compliance. All the infrastructure should be in place before housebuilding started, not carried out in conjunction with it (or later) which would put burdens on the existing community. He would be minded to reject the application, and saw this second application as a bullying tactic; a postponement of the appeal on the first application should be sought pending a decision on the second.

The Committee then discussed the application.

Cllr. Paternoster expressed concerns at the traffic data, and also asked how the proposal fitted with the Core Strategy Allocated Sites, Buckingham's status as second tier settlement, and whether this site should be considered before the people of Buckingham had been asked about preferred directions of growth of the town.

Cllr. Davies noted that PPS23 was topical in her own ward at present.

Mr. Cannell agreed that AVDC does not have a 5-year supply of building land. The timetable had a window of opportunity which sat within the policy framework of the SE Plan and Core Strategy. The report set out in detail how housing land availability was calculated. The Council was required to consider this application. On deliverability, the developer had refused to work within a time limit. The affordable housing could be built early on. He noted that there were not enough brownfield sites in Buckingham to accommodate the amount of housing proposed for the town and so greenfield would have to be considered; there were no technical problems with this site as there were with others. The s106s on drainage and infrastructure were close to completion, and the size of the site allowed some benefits such as the primary school. The s106s could be used to implement phased introduction of facilities.

The applicant will not withdraw the appeal, and there was a need to determine this application quickly. The appeal would be based on the situation as at the date lodged, but the subsequent discussion of solutions to the problems with the first application might be used to postpone the hearing if it appeared that these could be resolved quickly. The appeal would cost the Council money, and detailed issues of design and layout

could be brought back to the Committee if it wished. In respect of the drainage & Badgers estate, controlled release & SUDS was being looked at. Buffer zones of planting would cut down the noise. There were no powers to control construction traffic but details of dust control etc would have to be submitted. There would be a substantial raft of conditions to be complied with. Tingewick Road was an option, but building south of the A421 would happen eventually.

Ms. Fleming indicated that it was possible to index contributions from the approval date so that they kept their value.

The BCC representative was then questioned.

BCC was keen to promote sustainable transport and the proximity of Tesco and the industrial park would aid this. The proposed crossings would also aid sustainability. It was proposed to double the number of buses on route 60 (Buckingham-Aylesbury; formerly 66) so that they ran every half hour. He couldn't answer for the conditions under which the traffic count was taken. He was confident the significant improvements to the bypass roundabout and Tesco access roundabout, plus the new roundabout further south on the A413 would negate any effects of additional traffic numbers. The new pedestrian crossings would not cause any disruption.

Cllr. Cadd pointed out that as County Councillor for Buckingham South he had received no communication on this matter and no consultation had taken place.

Cllr. Paternoster noted that Weedon Hill was a victim of the recession and not going well, but possibly better than Berryfields. She was not convinced that Buckingham would be any different. There were still s106 agreements to be sorted out. The design code could be agreed when the detailed applications were received. She proposed that the officers recommendation be supported. Cllr. Edmonds seconded.

Cllr. Davies argued that, if the problems with drainage, transport, etc. had not been resolved for the first application at the time limit of determination, it was irrelevant to the appeal that they had subsequently been agreed. Mr. Cannell disagreed. She also noted that she had made a motion to council earlier in the year that there should be proper consultation with the Rural Areas, but this had fallen through lack of support. The site should have been properly evaluated, and the people of Buckingham should have had a say. The proposed primary school may disadvantage the development of other areas, and would exacerbate the division of the estate from the town. She agreed with Cllr. Mills that the project was undeliverable in the time stated, the s106 agreements amounted to 'do anything to get approval' and the site drainage was a real problem. She suggested an amendment to the effect that the amelioration of the drainage problem was too complex to be sorted out in the time available, therefore this site should not be included in the land bank. (The amendment fell due to lack of a second).

Mr. Byrne reiterated that

1. The officer recommendation for support was not based on there not being a 5-year land bank; he believed approval was appropriate on other grounds.
2. re drainage – the principles had been agreed with the EA and Anglian Water and he believed an engineering solution could be found.

Cllr. Jones asked what would happen if no decision was made that day – had this decision to be made before the appeal date of the other application? Mr. Cannell replied that AVDC had to supply their evidence to the Inspector, as had the appellant, two weeks before the due date, so that each side's papers could be circulated to the other. The appellant had refused to support postponement of the appeal date so that the second application could be resolved. The s106 agreements could not be finalised in two weeks.

The Committee then voted on the motion to support the officer recommendation; voting was 4:1 and the motion was carried.

08/02379/AOP – comprehensive development of land to the east of the A413, south of the A421.

The earlier application was then dealt with summarily, and the officer recommendation to amend the Committee's position in light of the appeal, as agreement over the outstanding issues was being reached and would be subject of conditions and s106 agreements, and to permit the officer to write to the Planning Inspectorate with this decision and seek the most appropriate course of action in respect of the inquiry, was carried 5:0.