



BUCKINGHAM TOWN COUNCIL

TOWN COUNCIL OFFICES, BUCKINGHAM CENTRE,
VERNEY CLOSE, BUCKINGHAM. MK18 1JP

Telephone/Fax: (01280) 816 426

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

Town Clerk: Mr. P. Hodson

Wednesday, 10 April 2019

Councillor,

You are summoned to a meeting of the Planning Committee of Buckingham Town Council to be held on **Monday 15th April 2019 following the Interim Council meeting** in the Council Chamber, Cornwalls Meadow, Buckingham.

Mr. P. Hodson
Town Clerk

Please note that the meeting will be preceded by a Public Session in accordance with Standing Order 3.f, which will last for a maximum of 15 minutes, and time for examination of the plans by Members.

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. **Minutes**
To receive the minutes of the Planning Committee Meeting held on Monday 25th March 2019 to be put before the Full Council meeting to be held on Monday May 20th 2019.
Copy previously circulated
4. **McDonalds application (18/02959 etc)**
To receive representatives from the design team to discuss Members' concerns.
5. **Buckingham Neighbourhood Plan/Vale of Aylesbury Plan**
To receive any update.
6. **Action Reports**
To receive action reports as per the attached list.

Appendix A

Buckingham



Twinned with Mouvaux, France

Members are reminded to declare any prejudicial interest as soon as it becomes apparent. All Committee documents can be found on the Buckingham Town Council's website. Alternatively, the Clerk send you a copy of any minutes, reports or other information. To do this, send a request using the contact details set out above.

7. Planning Applications

For Member's information the next scheduled Development Management Committee meetings are **Friday 26th April** and **Thursday 16th May 2019**, with SDMC meetings on **Wednesday 24th April** and **Wednesday 15th May 2019**.

To consider planning applications received from AVDC and other applications

1. 19/01103/APP Scout Hall, Adams Close
Demolition of existing vacant former scout hall and erection of 4N₂ terraced dwellings with car parking (10N₂ spaces), vehicle turning facilities and related works
Pargeter [Brickhill Homes]
2. 19/01147/APP The Coach House, Wharf Yard, MK18 1TD
Infill of front display window and side opening, insertion of rooflights and window replacement plus alteration to internal walls
Alway

The following Minor Amendment has been received, for information only:

3. 18/04641/AAD Mark Green Scissors Barbers, Bull Ring
4. 18/04642/ALB Proposed attachment of barber pole and shop fascia signage to the front of the property (retrospective)
Green

Amendment: removal of proposed air conditioning units from the application

Not for consultation

5. 19/000928/ATC 22 Chandos Road, MK18 1AH
G1 – Reduce a group of two Leylandii down in height by 5m
T1 – Remove three overhanging Hazel branches away from the building
T2 - Prune small self-set Ash Tree away from fire exit on the care home
G2 – Reduce a group of six Leylandii down in height by 7m
Johnston
6. 19/00956/ATP Bin Store 7 – 16 Waglands Garden, MK18 1EA
T2 & T4 – Crown lift lower branches on the Yew and Holly over the bin store by 2m
T17 – Overall crown reduction on Ash tree by 2-3m. This Ash tree has Daldinia on the main stem
Westley [Keyholder Lettings & Management]

Not for consultation for information only: only these are included for Members' information in case they notice the work being carried out; the ADJ 'application' is a courtesy notification from BCC to the Planning Authority]

7. 19/00955/ADJ Rear of Moorhen Way
Carrying out cycleway works in the Aylesbury Vale Area
TfB
8. 19/00959/ADJ Land adjacent Swan Pool, London Road
Carrying out cycleway works in the Aylesbury Vale Area
TfB

8. Planning Decisions

To receive for information details of planning decisions made by AVDC

Approved	BTC response	Officer recomm ⁿ
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Refused

19/00441/APP 1 Highlands Road Rear dormer, rooflights & s/st ext'n No objections

Not Consulted on:

Approved

19/00352/ATC 23 Chandos Road Works to trees No objections

9. Development Management Committee

9.1 Strategic Development Management (3rd April 2019)

To receive a report from Cllr. Cole on 17/00746/APP Station Road car park **Appendix B**

9.2 Development Management (4th April 2019) *No Buckingham applications*

10. Enforcement

10.1 To receive any update

10.2 To report any new breaches

11. Deferred from last meeting (119/18)

11.1 (**Agenda 12.1 CCTV**) – Tesco bypass roundabout – Cllr. Stuchbury **Appendix C**

To consider the continuing lack of CCTV installation on this roundabout

11.2 (**Agenda 12.2 HS2**) – (Full Council Min. 817/18 refers) to discuss and agree the content of the letter delegated to Planning on 18/3/19.

11.3 (**Minute 120/18**) Bridge Street footbridge – flooding problem

12. AVDC Planning System

To receive a report on the computer system briefing held on 10th April 2019 at The Gateway
To be circulated separately

13. s106 Quarterly update

To receive the updated details from AVDC

Appendix D

14. Written questions

14.1 To receive for information a written question & response on Lace Hill Balancing Pond from Cllr Stuchbury. **Appendix E**

14.2 To receive for information a written question & response on Maids Moreton application 16/00151/AOP from Cllr Stuchbury. **Appendix F**

15. Matters to report

Members to report any damaged, superfluous and redundant signage in the town, access issues or any other urgent matter.

16. Chairman's items for information

17. Date of the next meeting: Monday 13th May 2019 at 7pm.

To Planning Committee:

Cllr. M. Cole	(Chairman)	Cllr. A. Ralph	
Cllr. J. Harvey	Town Mayor	Cllr. R. Stuchbury	
Cllr. P. Hirons	(Vice Chairman)	Cllr. M. Try	
Cllr. D. Isham			
Cllr. A. Mahi		Mrs. C. Cumming	(co-opted member)
Cllr. Mrs. L. O'Donoghue			

Subject	Minute	Form	Rating √ = done	Response received	Date of appearance
Min. 114/18	28/3/19 13 via Parish Channel + 1 via Parish Support		Min.	News release none agreed	
Subject	Minute	Form	Rating √ = done	Response received	
AVDC					
2 Bourtonville	598.2.2	Contact BCC with concerns	√		
18/02959/APP (McDonalds)	703/18	Invite applicants to meeting	√	See agenda 4.	
Walnut Drive application complaint	111/18	Cllr Harvey to sign letters as minuted. Clerk to redact and send copies to all	√		
BCC:					
Other:					
Lace Hill balancing lakes	654/18	Write to Chamonix as minuted	To do		
Projection Equipment for Chamber	762/18	Town Clerk to order screens	√	In hand; broadband connection installed.	
Deferred items	119 & 120/19	Place deferred items on next agenda	√	Agenda 11.1, 11.2, 11.3	
Enforcement reports and queries					
13 High Street	795.3/15 664.2	New signage & lighting Chase response (done regularly)	√	P Dales: 12/5/17, 13 High Street, Buckingham: we had in the past met with the owner to secure the removal of the signs. Whilst this had not materialised we had been aware that its ownership may change and had hoped that the new owner may be have their own plans and/or may be receptive. However, this has not materialised and so I have asked our consultant enforcement officer Will Holloway to take on the case and we will keep you informed of progress.	
	148/17	Prompt sent 14/9/17 Chase via Parish Liaison	√	26/10/17 I have written to the operator of the premises asking them to confirm a timetable for the removal of the signage. If a timetable is not agreed then the Council will have to consider formal action. I will update you further when I have received a response from the operator.	

Subject	Minute	Form	Rating √ = done	Response received
	<p>957/17</p> <p>8/10/18</p> <p>528/18</p>	<p>Chased 13/4/18</p> <p>Advise no longer advertised; Listed Bidg status omitted from description</p> <p>Update requested</p> <p>Broken window, water leak and damaged front door reported</p> <p>Details to Cllr. Stuchbury for action</p>	<p>√</p> <p>√</p> <p>√</p> <p>√</p>	<p>J Wilmot Planning Enforcement Consultant 25/4/18: Thank you for your email. The update is that we have been in applying pressure to the owner to either remove the signage or sell the property. We noted that the property had been put back on the market a few weeks ago and appears to be under offer. We are continuing to maintain pressure in order to resolve the issue. Jim Wilmot</p> <p>Acknowledged</p> <p>Acknowledged and given case number 18/00478/CON3</p> <p>Response 5/12/18: I've now had the chance to have a look at the attached and to review progress to date. Apologies that those concerned feel that they haven't been kept in the loop. In short it has historically been very difficult to get any engagement with the building owner, who is very evasive. Certainly we had hoped that progress with this case would be made once the property was sold, but this has since stalled. Given the above - I have asked that we take a fresh look at this and an officer is going out to visit this week. We'll also check land registry to see if the building has changed hands in the meantime. I should add that any building disrepair is not a planning enforcement issue, rather whether this is an at risk historic building. We'll make the necessary referrals if this is the case. I'll update you again once a case officer has visited. Peter Brown > Interim Group Manager - Regulatory Services Customer Fulfilment See agenda 6.2 21/1/19 Update reported to 25/2/19 meeting</p>
<p>Reasons for case closure</p> <p>'Unresolved' case load</p>	<p>743.1</p> <p>528/18</p> <p>759/18</p>	<p>Cllr. Stuchbury to investigate further</p> <p>Write to Cabinet Member as minuted</p> <p>Respond to Cabinet Member as minuted</p> <p>Photo and report</p>	<p>√</p> <p>To do</p> <p>√</p>	<p>& added to list of concerns for 21/1/19 meeting Cabinet Member's response to 25/2/19</p> <p>9/1/19 BCC have acknowledged report and (10/1/19) referred it to the EA to see if they have granted a permit. Application 19/00391/APP refers</p>
<p>New fence, Tingewick Road</p>	<p>528/18</p>	<p>Photo and report</p>	<p>√</p>	<p>9/1/19 BCC have acknowledged report and (10/1/19) referred it to the EA to see if they have granted a permit. Application 19/00391/APP refers</p>

17/00746 STATION ROAD CAR PARK

SDMC 03.03.2019

I attended the AVDC Strategic Development Management Committee to raise our concerns about the footpath along the site of this application, accompanied by Cllr O'Donoghue, who was observing the proceedings.

We were not objecting *per se* to this application – which was first validated in March 2017 – but asking that the current Permissive Path be adopted as a Public Right of Way, as a landowner can withdraw permission at any time without notice. We were aware that this could not in itself be a planning issue, but wanted this fully aired.

There was lengthy discussion after the recommendation by officers that it should be deferred and delegated subject to conditions, mostly around the footpath issue, although parking concerns were also raised. In addition to myself, speakers were District Cllrs Stuchbury and Mordue, and the developer's agent David Green.

Cllr Llew Monger (Winslow) asked why, in view of BTC's concerns, "the University did not just accept the option of a public right of way?" Mr Green responded that he "thought it disingenuous that the University was being asked to provide a formal public route across the site, when it is happy to provide a permissive route, like many farmers do, and I don't see any difference. He added that the University would agree to maintenance condition for the upkeep of the path, but pointed out that it would be closed for one day each year to preserve its Permissive status.

Asked by Cllr Monger whether the University had any plans in the pipeline for the future for the future of this site, Mr Green replied "You're being disingenuous." Cllr Monger responded "you may well consider that, but I think it is the University which is being disingenuous." Mr Green would not be drawn further on this.

Cllr Janet Blake (Stewkley) spoke for most when she said "the legal advice we have been given is so clear that I support this application."

"But," she added, "on a personal level, I think that the University is the flagship of this county, and perhaps there were other places they could have decamped to, to give them more flexibility than the constraints of Buckingham town. I would not want to thwart them on this application, just because there is a thought that they're being bloody-minded, or that they have ulterior motives in the future, but as the freeholder it's their gift to do what they want."

Cllr Monger raised parking concerns. "Having it in the tenancy agreement that students cannot park on the site does not mean that they will not bring cars and park them elsewhere in Buckingham. I cannot believe that BCC Highways agreed to that

tenancy condition, they can't have been to the site. While I don't object to the student housing, there are a lot of issues that still need sorting. This committee should not kow-tow to the University, it should have to make its case like anyone else."

Put to the vote, the officer's recommendation was approved six in favour with one abstention, with conditions including a s106 agreement towards traffic management, path maintenance, access and appropriate signage.

I have added my concern about the competence of the chairman of the SDMC at the end of this report.

BTC statement to SDMC:

May I start by expressing concern that the consultation period for this application has been further renewed until April 17, two weeks hence, and over the past weekend further objections have been made by residents. I am sure I am not alone in finding it somewhat unusual that this committee should be considering this application before the consultation period has ended, as there may yet be further material objections.

Having said that, I would point out that Buckingham Town Council not only supports, but welcomes this application for student dwellings; although it not zoned for housing in the Buckingham Neighbourhood Plan, the Plan specifically encourages housing for students as the University of Buckingham expands. Although Mrs Pilcher lists a two-year trail of BTC comments, most were satisfactorily answered by September 2018.

But what do we have great concern about is the Permissive Path which runs the length of this development. The University is going some way towards meeting the town's needs by dedicating a Right of Way to connect Station Terrace with Station Road, but it is not prepared to make the Permissive Path a Right of Way.

This is of concern to BTC because:

1) In her corrigendum, your Planning Officer says that 'the creation of a formal public Right of Way is not a planning issue'. That may be, but I would point out that a s106 agreement for the 380-dwelling Tingewick Triangle estate, adding to and improving the Buckingham Circular and Railway Walk public right of way to the former Station, was signed six weeks before the Station Road application was validated.

AVDC & BCC should surely have ascertained whether it was feasible before signing? An s106 clause that cannot be carried through is a loss of community benefit, in this case a safe traffic-free path to three schools - the Royal Latin, the Buckingham School, and the George Grenville Primary School - and beyond, as there is no public transport to this new estate. A clause dictating a cyclepath that cannot be adopted and maintained because a central part of it is not public land is worthless.

2) This Permissive Path is a key part of the Walk, which has been in use since 1966 when Dr Beeching's axe fell upon Buckingham Station. We are currently gathering evidence of its continuous

use by walkers and cyclists over the past 53 years, with a view to establishing a Right of Way by usage.

3) A landowner may withdraw a Permissive Path without notice at any time. The Walk would be blocked should that permission ever be withdrawn.

As a town council, we are endeavouring to encourage walking and cycling for schoolchildren, and to reduce the number of car journeys made by parents to take their children to school. Without a Right of Way suitable for continued walking and cycling through the former station, that ambition is thwarted.

There is no indication given of how this Permissive Path will be upgraded or maintained; however, Bucks CC has stated that should it be called on to maintain the path, its Permissive status would dissolve, and it would automatically become a Public Right of Way.

There are also other matters which BTC would ask to be considered:

** There is currently no Construction Traffic Management Plan for the site; once building starts, there will be little room for construction traffic on an already crowded residential road which also serves the Royal Latin and George Grenville schools, or for trucks delivering construction material, and then fittings and furniture.*

** There are no allocated pull-in bays for taxis, refuse trucks or delivery vehicles which would be servicing the 112 student bedrooms; we also note that although there is motorcycle parking within the undercroft car park, the 22 cycle spaces are not but out in the open, uncovered*

** The Planning Officer mentions that there will be alternative parking during construction at Ford Meadow, but this is the subject of an enforcement procedure and retrospective application and has yet to be approved. It is currently opposed by neighbours with regard to increased traffic and floodlighting.*

** We thank the SuDS officer for her report; those with local knowledge are well aware of the flooding and winter icing hazards on the steep slope of Station Road, and we would hope that you will include her recommendations amongst the conditions if you are minded to defer and delegate with a view to approval.*

Cllr Mark Cole JP
Chairman BTC Planning

COMPETENCE OF SDMC CHAIRMAN

I am questioning the competence of District Cllr Brian Foster, chairman of the AVDC Strategic Development Management Committee, evidenced by yesterday's meeting to determine Station Road Car Park development, and would propose that BTC makes a formal complaint.

Following the Maids Moreton housing application SDMC, at which he had made remarks which suggested bias towards the developers, yesterday:

* He failed to hear or understand the order of speakers, despite requests from Cllrs Stuchbury and Mordue, and asked Cllr Stuchbury to speak first despite his request to be last

* He permitted the developer's agent to speak for 5m 30s, because he had failed to stop him at 5m, and had to be prompted by the legal adviser. Some salient points were made during those final 30s. He also failed to stop Cllr Stuchbury when he reached 5m, and again had to be prompted by the legal adviser.

* He failed to switch on his microphone when speaking a number of times until prompted; this is quite apparent from the webcast

* He did not notice members wishing to speak, and had to be prompted several times

* He closed the meeting before being prompted to let the Democracy Services Clerk read out of the decision

As the Local Planning Authority, this committee has powers which involve millions of pounds and affect the lives and welfare of thousands of residents, and it accordingly requires robust but equitable chairmanship. We did not see this yesterday.

Katharine McElligott

To: Katharine McElligott
Subject: FW: Buckingham Roundabout (information CCTC)

From: Shaw, Mark (County Councillor)
Sent: 24 February 2016 18:47

Cc: Stuchbury, Robin - (County Councillor)
Subject: Buckingham Roundabout

Dear Kate,

We were made aware of the incident which occurred on Tuesday 2nd February. Following discussions with Thames Valley Police the following statement was issued on the 8th February:

"TVP have confirmed that this was a single vehicle loss of control collision which occurred after the driver had successfully exited the roundabout. Therefore the roundabout or lane markings were not contributory to this collision".

It is believed the accident was speed related, albeit we are still waiting for the formal report and reference number from Thames Valley Police. It is the drivers responsibility to obey legal orders and excessive speeding is a matter of enforcement.

We are pleased to hear that the road markings have improved the operation of the roundabout. The signage was installed prior to Christmas, in order that we could review how the changes affected how vehicles used the junction before resurfacing and making the changes permanent. There is a list of outstanding remedial actions that the developer is required to undertake prior to formal adoption by the County Council. These include additional speed limit roundels' and signage on the approach to the roundabout from Stoney Stratford, which was a recommendation of the Stage 3 Road Safety Audit.

The toucan crossings are installed with MOVA. As such the signals consider both traffic flows and vehicle speeds approaching the crossings to ensure optimum safety and use. There will be CCTV coverage of the roundabout, which will be connected to Buckinghamshire County Council's communication centre. The pedestrian/cycle phase is timed to allow for the safe crossing of the A421 by all users.

The County Council is currently in discussions with Thames Valley Police to arrange for the speed partnership vehicle to periodically visit this location. It is suggested that Ms Sewell contact her local community police officer in relation to speed enforcement.

Consideration will be given to the implementation of a yellow boxes on the roundabout, in discussion with Thames Valley Police, as part of the outstanding remedial works.

Mark

Development	Planning application	AVDC/BCC	Sum agreed	Amount spent	Amount committed	Amount remaining	Date payment due	Use by /lose by date	classification	For	Comment as of Sept 2018
CHANDOS ROAD	09/01205	AVDC	£29,975	28,219	1,756	£0		31/01/2024	SPORTS AND LEISURE CONTRIBUTION	£1750 committed to fit out new Scout HQ/Community Centre at Embleton Way	
TESCO	10/00360	BCC	£9,147	9,147	0	£0			POLICING CONTRIBUTION	Spent by TVP - laptops for Neighbourhood Team at Buckingham Police Station	
LACE HILL	09/01035	AVDC	£197,162	3,122	0	£194,040		01/10/2022	FLOOD ALLEVIATION	flood mitigation for properties at 'medium' risk of flooding	
		AVDC	£118,795	100,841	0	£17,954		06/02/2023	EXTRA CAR PARKING AT BUCK ATH	additional parking facilities at Buckingham Athletic FC	
		AVDC	£6,338	3,535	0	£2,803		n/a	CONSULTANCY FEES	to engage consultants for delivery/approval of sports pitches & community hall	
		AVDC	£210,997	0	0	£210,997		26/04/2021	POLICING CONTRIBUTION	to be spent by TVP, projects to be advised	
		AVDC	£100,315	0	0	£100,315		26/04/2026	SPORTS AND LEISURE CONTRIBUTION	not yet known	
		BCC	£50,000			£250,000				Footway/Cycleway contribution	Lace Hill (cycleway) – The scheme is proposed to be delivered in two phases. The preliminary design for phase 1 has been subject to a public consultation held from 13 December 2017 to 24 January 2018. Based on consultation response, BCC Cabinet Member for Transportation has approved delivery of Phase 1, via Badgers Way and Bourton Park
		BCC	£95,000			£380,000				Bus/Public Transport subsidy	Funding to be drawn down by BCC Passenger Transport team depending on service requirement
STATION ROAD/STATION TERRACE	14/02685	AVDC	£29,547	11701	0	£17,846		12/06/2025	SPORTS AND LEISURE CONTRIBUTION	balance not yet committed	
MARKET HILL	12/02104	AVDC	£138,863	0	0	£138,863		03/11/2025	SPORTS AND LEISURE CONTRIBUTION	not yet known	
		AVDC	£77,358	0	0	£77,358		03/11/2025	AFFORDABLE HOUSING CONTRIBUTION	Provision of Affordable Housing within Aylesbury Vale	
TINGEWICK ROAD	11/02116	AVDC	£345,344	0	0	£345,344		09/12/2026	SPORTS AND LEISURE CONTRIBUTION	not yet known	
POLICE STATION, MORETON RD	14/03316 &	AVDC	£29,975	0	0	£29,975		12/05/2027	SPORTS AND LEISURE CONTRIBUTION	Stratford Fields Play Area improvements	
MORETON ROAD (PHASE II)	13/01325	AVDC	£367,056	0	0	£367,056		n/a	SPORTS AND LEISURE CONTRIBUTION	not yet known	
		BCC	£166,207		£166,207					transport contribution	Moreton Road – Scheme included in 2018/19 programme for delivery. TfB to be commissioned to design and deliver footway improvements along Moreton Road, RTPI bus shelter opposite Balwen and at Market Hill and cycle parking facilities in town centre. Local BCC councillors consulted as part of scheme development.
LENBOROUGH ROAD	16/00145	AVDC	£4,812	0		£4,812		28/09/2027	SPORTS AND LEISURE CONTRIBUTION	equipped play facilities at Embleton Way Open Space	
HAMILTON PRECISION, TINGEWICK RD	16/02641	AVDC	£135,590					31/01/2029	SPORTS AND LEISURE CONTRIBUTION	Skate Park	
MONIES TO BE PAID LATER IN DEVELOPMENT											
MONIES DUE IF/WHEN DEVELOPMENT COMES FORWARD											
NORTH OF A421 TINGEWICK RD	15/01218	AVDC	£1,086,725						SPORTS AND LEISURE CONTRIBUTION	Verney Road Synthetic Pitch, Buckingham Tennis Club, University Playing Fields Pavilion and/or St Rumbolds Well	
LAND ADJ 73 MORETON ROAD	15/04106	AVDC	tbc						SPORTS AND LEISURE CONTRIBUTION	Overn Avenue Play Area	
LAND REAR GRAND JUNCTION PH	16/03302	AVDC	£34,650						SPORTS AND LEISURE CONTRIBUTION	Stratford Fields Play Area	
		AVDC	£13,000						FOOTPATH CONTRIBUTION	footpath/cycleway extending access to Riverside Walk along Great Ouse	
WEST END FARM, BRACKLEY ROAD	16/00847	AVDC	£160,600						SPORTS AND LEISURE CONTRIBUTION	mitigating impact of development	Appeal indicates monies to be used for improving access or street furniture, provision of pedestrian/cycling bridge and linking hard surfaced paths at Heartlands/Bourton Park and/or Landscape Masterplan for Castle House POS and car park
New information highlighted	AVDC	BCC									

MEMBER'S WRITTEN QUESTION



Name of Member submitting the question: Councillor Robin Stuchbury

Date received by Democratic Services: 5 March 2019

To the Cabinet Member for Planning and Enforcement (Councillor Strachan)

Balancing Pond on the Lace Hill Estate, Buckingham

Written question

A – Regarding the balancing pond on the Lace Hill estate: is a balancing pond designated an open space?

B – What is the definition of an open space according to the Council?

C – The balancing pond had to be and was constructed for the Lace Hill development. What rights, if any, do other users of Lace Hill: Lace Hill Academy, the employment land consisting of Lidl, the pending health centre, Beefeater, Premier Inn have to discharge their surface water into this balancing pond?

D – Does the Lace Hill Academy have to pay charges the same as Lace Hill residents are expected to pay to a management company for the balancing pond?

Response:

A - The balancing ponds were excluded from the calculation on the formal recreational open-space requirements (given that the land would permanently hold water and as requested by the TC under the 2017 application the land has in part been fenced off for safety reasons). In the case of the London Road development site the formal recreational open space was provided through the delivery of the pocket parks, the pavillion and formal sports pitches. The balancing ponds would be considered to form part of the wider amenity land (and is included within the definition of amenity land in the S106).

Part XI of the original S106 addresses the obligations for the flood detention basin, and at Part XIII paragraph 5 states that after the issuing of the certificate for the flood detention basin not to permit the use of the flood detention basin for any other purposes than as a detention basin for flood waters.

B - In its widest sense, AVDLP advises that the term "open space" includes all open land ranging from formal sports fields and parks to planted areas in housing estates and roads. Open space is required to accommodate a variety of special recreational pursuits and also to serve a general need and contribute to the visual amenity of the locality. Whilst some areas may be set aside for a particular purpose and others may serve more than one function, open space is dealt with in AVDLP in terms of the following distinct categories:

- playing space, which incorporates sports fields and formal and informal play areas;
- amenity areas including footpaths, verges, shrub beds, woodland, parks etc.; and
- allotments.

C - Application 11/01961/ADP – Granted reserved matters consent for the site infrastructure including the creation of detention basin, pumping station, roads, sewer routes, landscaping and all ancillary works

Subsequently, application 17/00111/APP granted permission for the excavation of a drainage detention basin and associated network of sewers and swales. . The proposal would allow for surface water from the adjacent commercial uses to be conveyed via a network of sewers to the proposed drainage basin. The basin will then outfall via a swale/piped connection to the detention basin to the east which forms part of the site wide infrastructure. (it is understood that the network of pipes would be adopted by Anglian Water)

D - The developer has retained responsibility for maintaining the landscaping around the Balancing Ponds which they are seeking to pass to the Management Company. The balancing ponds together with the other open space/amenity land will be managed by a private management company and AVDC are not involved in the charging regime for the future maintenance - this is a civil matter between third parties and falls outside the S106 agreement or planning remit. This would have formed part of purchase contracts and should have been considered accordingly by future residents.

Signed: Councillor Peter Strachan

Date: 20 March 2019

Written questions:

- must be submitted to the Democratic Manager
- will be replied to within 10 working days
- will be published on the last Friday of each month

MEMBER'S WRITTEN QUESTION



Name of Member submitting the question: Councillor Robin Stuchbury
Date received by Democratic Services: 18 March 2019
To the Cabinet Member for Planning and Enforcement (Councillor Strachan)
<p>Maids Moreton Planning Application 16/00151/AOP Written questions</p> <p>Preamble with questions:</p> <p>I would like information about the amendment made to the HELAA following the planning application made by David Wilson Homes. I understand HELAA is the document which informs the VALP as to which sites should be allocated for development. In HELAA v3 (published May 2016), this site was designated as 'unsuitable' for 170 dwellings on the grounds that:-</p> <p>"Development would not relate to existing pattern of development of the village and there is no suitable access to the land. Would extend village significantly north east into open countryside."</p> <p>Is this correct and, if so, why was it considered unsuitable?</p> <p>Response: There were both landscape and highways concerns about the site at that time that led to a conclusion that the site was unsuitable.</p> <p>In HELAA v4 (published Jan 2017) the site is designated as 'suitable' for the development of 170 houses. I understand that no grounds or evidence-based reasons were given for this re-designation and that there was no public or formal consultation with the Maids Moreton PC or Foscoote PM and no notification of the change. Is this correct?</p> <p>Response: No.</p> <p>It is my understanding that in the seven months between the publication of HELAA v3 and HELAA v4, nothing about the site changed - AVDC simply received a planning application from David Wilson Homes. Is that correct?</p> <p>Response: No. Further information had been submitted in support of the planning application and this informed the HEELA</p> <p>Providing additional information, including any legal rationale, on the above would allow me to better understand the answer to the following three questions:</p> <p>A. Who made the decision to amend the HELAA? Are there any minutes of a meeting in which this decision was made and any supporting information or report? If so then I'm also requesting this information or a written explanation of relevant information content.</p>

Response: The HELAA is a high level technical evidence document produced by officers who make the decisions about its content. Written records of decisions are not kept. Information on the site MMO006 was received by officers through the progression of the planning application which justified the change in designation. The purpose of the document clearly states that it is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. The allocation of a site for development can only be made in the Local Plan or through a Neighbourhood Plan. The Plan-making process will determine which suitable sites should come forward for development and for what level of development.

B. On what grounds was the site now 'suitable' for development? It would be helpful to see the fact-based evidence supporting this change to the HELAA.

As explained at the committee meeting during the technical questions to officers, the reason for the change was that applicants had submitted a revised landscape proposals and further work in relation to a potential access arrangement which indicated that the previous landscape and highway concerns highlighted in the previous HELAA could be overcome. The site is a proposed allocation in VALP, which was published and consulted on, and subject to Examination.

C. Was this change communicated to David Wilson Homes, or indeed discussed with them at any point before or during the Strategic Development Control meeting where the contentious decision was made?

David Wilson Homes (DWH) were not specifically informed of the alteration to the HELAA, but the HELAA is a public evidence document on the council's website though so they did not need to be informed. Officers preparing the HELAA also did not discuss the content of the HELAA with DWH.

Signed: Councillor Peter Strachan

Date: 4 April 2019

Written questions:

- must be submitted to the Democratic Manager
- will be replied to within 10 working days
- will be published on the last Friday of each month