

PL/16/20

Minutes of the PLANNING COMMITTEE meeting held on Monday 19th April 2021 at 7.00pm online via Zoom

Present:

| | |
|--------------------------|-----------------|
| Cllr. M. Cole JP | (Vice Chairman) |
| Cllr. G. Collins | Town Mayor |
| Cllr. J. Harvey | |
| Cllr. P. Hirons | |
| Cllr. A. Mahi | |
| Cllr. Mrs. L. O'Donoghue | (Chairman) |
| Cllr. A. Ralph | |
| Cllr. R. Stuchbury | |
| Cllr. M. Try | |

Also present:

| | |
|--------------------|-------------------------------|
| Mrs. N. Stockill | (Committee Clerk) |
| Mrs. K. McElligott | (Planning Clerk) |
| Mr P. Hodson | (Town Clerk) |
| Mrs. S McMurtrie | Town Planning Officer |
| Mrs Cumming | (co-opted) Buckingham Society |

PUBLIC SESSION

A resident of Buckingham attended the Public Session to oppose the development of an external fitness area at Bourton Mill Leisure Club, (planning applications [21/00953/APP](#) and [20/04324/ALB](#)). Concerns were raised over:

- Noise pollution
- Inaccuracies/omissions in the Ecological and Trees report
- Inaccuracies on the scale of site drawing and listing of security cameras
- No mention of the fact the premises is a building of Historical importance or at risk of flooding
- The development extensively overlooks the neighbouring property
- Light pollution
- Harm to the local wildlife
- Stress to neighbouring residents

Another resident of Buckingham attended the Public Session to raise objections over the same planning applications, highlighting an additional 11 comments had been added to the Planning Portal from neighbouring residents.

Cllr. Stuchbury assured residents that he had reported the application to Enforcement at Buckinghamshire Council.

1230/20 Apologies for Absence

Members noted apologies from Buckinghamshire Councillors Mills and Whyte.

1231/20 Declarations of Interest

Cllr. Harvey declared an interest in agenda item 7.2 as a member of the League of Friends of Buckingham Hospital.

Cllr. Stuchbury declared an interest as a member of the Buckinghamshire Fire Authority and Member of Buckinghamshire Council North Bucks Area Planning Committee and refrained from voting on planning applications.

Members agreed to take these planning applications next, for the convenience of the members of the public attending.

1232/20 Bourton Mill Health & Leisure Club

The following two applications were considered together

20/04324/ALB & 21/00953/APP

OPPOSE & CALL-IN

Bourton Mill Health and Leisure Club, Bourton Road

External fitness area with decked area and artificial grass, including fencing, floodlights and CCTV (part retrospective)

It was noted that proposed outdoor exercise area was already in operation and it was therefore easy to gauge the effect on the neighbours, including those on the far side of the Bourton Road.

The noise was judged to be excessive, and included the commands and exhortations of the instructor as well as music.

Members criticised the siting of the cameras on the building, where they could view the immediate neighbours' property, invading their privacy; the cameras should be pole-mounted and pointing towards the gym area and building.

Astroturf is not an effective sound insulation; a more appropriate material must be substituted.

The effect on the Listed Building was more difficult for Members to judge, but work was being carried on, including fixings to the structure, even after the second application had been submitted, rendering the 'part retrospective' description less and less accurate.

Covering the mill race would be likely to affect water flow rates even in times of mild flooding. Members left it to the SuDS officer to judge the merits and adequacy of the submitted FRA.

The noise, floodlights, and presence of gym users would have an adverse effect on the environment and diverse wildlife of the riverside area.

The comment was made that timely posting of site notices was provably important in this case. [Only two of eight applications on the agenda had a notice posted at the date of the meeting].

Members unanimously opposed (Cllr. Stuchbury abstaining) the applications on the grounds of damage to the amenity of the neighbours from noise and invasion of privacy, contrary to GP8; unauthorised work on a Listed Building; effect on the dispersal of floodwaters; and detrimental effect on the environment and wildlife of the area.

Cllr. Stuchbury volunteered to call the applications in.

Agenda order was resumed.

1233/20 Minutes

Members received and **AGREED** the minutes of the [Planning Committee Meeting held on Monday 22nd March](#) 2021 to be put before the Full Council meeting on Monday 17th May 2021.

1234/20 Buckingham Neighbourhood Plan/Vale of Aylesbury Plan

1234.1/20 Members received a verbal report from Cllr. Cole on the VALP hearing of 15th April 2021. These were further draft VALP hearings into questions which the Inspector had for Buckinghamshire Council. Since this process started in 2017, there had been 2458 representations to the VALP hearings, which had raised 120 questions which the Inspector had put to the Council. The Inspector originally rejected the draft VALP for lack of consultation by AVDC with neighbouring authorities in MK, Luton and Bedfordshire and their unmet housing needs, but other questions related to transport strategies in Aylesbury and Buckingham. It was the latter which Cllr. Cole was attending on behalf of the Town Council and it was being heard in conjunction with the challenge to the inclusion of MMO006 as a designated site, but due to the large number of speakers the session ran over until the following day.

Cllr. Cole told the Inspector that despite his summary, Buckingham did not want to be removed as a second settlement. He said that 'We are committed to upholding and delivering our made Neighbourhood Development Plan, and would be disappointed to lose second settlement status; this would be the unfortunate consequence of the inadequate transport strategy being proposed, that is no strategic planning for a Western Relief Road.'

Cllr. Cole told the Inspector that Buckingham Town Council has two main objections which have still not been resolved by Buckinghamshire Council's responses to the Consultation. These are:

1. That the much-modified Buckingham Transport Strategy and T3 policy are not fit for purpose, and a result we no longer recognise T3
2. That this highly selective quick fix to the issue of the Western Relief Road jeopardises Buckingham's placement in the settlement hierarchy as a second settlement, as it prevents positive planning for development of housing to ensure vitality and planned growth to provide infrastructure to secure the provision of services in the north of Buckinghamshire.

Cllr. Cole provided evidence of the impact that including Buckinghamshire Council's three allocated housing sites – BUC046 Osier Way, BUC043 Moreton Road Phase III and MMO006 Walnut Drive Maids Moreton – would have on the centre of Buckingham both in terms of traffic. A potential solution, Cllr. Cole suggested, would be the removal of all three until a more comprehensive and robustly evidence transport strategy can be prepared.

Nick Freer for Hallam Land management supported Buckingham's argument, saying that he had sympathy for our Neighbourhood Development Plan, which was sound and was delivering housing where we wanted it, but it was not being made clear to developers what or how much their s106 contributions would be going towards; he too acknowledged the need for a West Link Road before sites could move forward.

In response, Buckinghamshire Council's representative Suzanne Ormsby QC said that her Council remained committed to bringing forward the 720 homes on those three sites, and there were other mitigations which could be used to address the town centre traffic problem.

Proposed by Cllr. Cole, seconded by Cllr. Stuchbury and unanimously **AGREED** for Committee to work with Maids Moreton and Foscott Parish Councils on a joint submission to Buckinghamshire Council insisting that the Section 106 legal agreement for Maids Moreton 006 Walnut Drive is not signed until issues with the transport strategy were resolved.

1234.2/20 No further updates were received.

1235/20 Action Reports

Members received the updated Action report and Cllr. Cole highlighted the one-year anniversary of Well Street bollard having been reported to Enforcement.

1236/20 Planning Applications Draft Responses 19th April 2021

21/00744/APP

NO OBJECTIONS

42 Mallard Drive

Proposed first floor extension to enlarge an existing bedroom

21/00947/COUC

OPPOSE & CALL-IN

Harpenden Building Society, 23 Market Hill

Determination under Class C of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as to whether prior approval is required in respect of noise impacts, odour impacts, impacts of storage and handling of waste, impacts of hours of opening, transport and highways impacts, impact of the change of use, and the siting, design or external appearance of the facilities to be provided, for the change of use of the premises from retail (A1) to A3 takeaway

- noise impacts:
 - The premises are surrounded by residential property, much of it at first floor level over adjacent shops
 - There will be the noise of the extraction fan, wherever it is sited
 - There will be the noise of customers waiting for their food
 - After closing there will be noise from the clearing up and cleaning of the kitchen and putting out the refuse
- odour impacts:
 - Very much depends on the siting of the extraction system and its efficiency; presumably 'the rear' of the premises refers to the small well in the middle of the block which may not be adequate from a technical point of view; siting it on the front of the building would certainly be resisted. The siting must be agreed before approval, not after as proposed on the application form
- impacts of storage and handling of waste:
 - There is no indication of where "the big green waste bin" is to be situated "outside", or if it can be housed elsewhere between refuse collections. After much campaigning the collection of household bins which used to be left all week in the

corner of Market Hill between № 22 and the (National Trust, Listed) Chantry Chapel has been rehoused off the street, many of them blocking The Chewar. Another, possibly skip-sized, bin cannot be accommodated, and none of the residents have the bag collection operated in other areas of the town where there is no possibility of having a wheelie bin.

- impacts of hours of opening:
 - Members expressed doubt that a takeaway business would close promptly at 10pm and miss trade from those leaving the pubs at closing time; slippage of opening times could cause friction with neighbouring residents
 - There is little town centre parking when designated bays for the disabled and loading are discounted; it is naïve to assume that a customer collecting a takeaway will park in Cornwalls Meadow and walk up – they will pull up in whatever space presents itself close by. This is a busy street in daytime hours, and the Royal Mail collects regularly from the Post Office. [Note to the Case Officer – the Post Office is labelled “Wool Hall” on the site plan]
- transport and highways impacts:
 - While Members appreciated the proposed occupation of empty premises, they pointed out this is a very congested area of the town centre, and the extra traffic generated by a takeaway – both customer and delivery – will exacerbate the congestion
 - As a food outlet, regular deliveries are to be expected; a delivery van will block the carriageway completely, and even away from the nip between Nos 22 and 23 there is barely room for another vehicle to pass; traffic will back up into the market area and may block access to the disabled parking bays and tail back into Market Square (A422)
 - There is no undesignated parking at all on market days
 - both sides of the one-way road have double yellow lines from the market place to West Street
 - the buildings are right on the street all along the eastern side from №23 to West Street; there is no pavement
 - such space as exists on the western side behind the yellow lines is privately owned and casual use such as the application describes by customers or delivery vans is not to be assumed acceptable
- impact of the change of use;
 - it is not clear whether this is takeaway only, or includes an eat-in section; both are mentioned in the documents
 - there is no detail of how both are to be accommodated; for example, are customers going to be on the ground floor only and the kitchen on the first floor (where noise will carry further to neighbours)? The ground floor is not very spacious and does not have access for those with restricted mobility unless something is arranged from the door to 23a, which may well have the stair to the first floor immediately inside it.
- the siting, design or external appearance of the facilities to be provided
 - The premises are within the Primary Shopping Area as delineated in the Buckingham Neighbourhood Plan and immediately adjacent to the Post Office – with shops between it and the market area and behind it in West Street. The application states that “it is not located in a key shopping area”.
 - The premises are in the Conservation Area with related restrictions on signage and appearance – internally lit signage, or flues / large extraction apparatus on the street frontage would not be permitted.

21/01114/APP

26 Shetland

Single storey rear extension

NO OBJECTIONS

21/01115/APP

1 Pearl Close

Garage conversion to form storage / office space

Members felt that there was inadequate parking remaining and a third vehicle would have to park on the street, to the detriment of traffic flow and pedestrian safety.

Members did not object to the alterations to the building itself.

OPPOSE

21/01148/APP

17 Gifford Place

Variation of condition 2 (Approved Plans) of planning permissions 18/00089/NONDET and 18/02726/APP (Two storey front extension and a garage conversion into habitable room) to allow for a single storey front infill extension

Members recalled that they opposed the 2018 application on the grounds that the proposed extension was very large and the gable out of character with the neighbouring properties, and opposed on the grounds of overdevelopment of the site, and the proposal being detrimental to the street scene. The addition of another section to the front elevation made the proposal even more bulky, and Members voted to oppose for the same reasons.

OPPOSE

21/01263/APP

28 Border Lane

Retention of fencing and change of use of land

No reason for the over-height fence was stated; Members assumed it was to lessen the noise from the adjacent bypass, or for security, given the proximity of the bridleway. The fence would be less visible from the bypass when the trees were in full leaf, but was much higher than the standard 2m; the bridleway had been much used over the last year for daily exercise, so the fence was seen by walkers, cyclists and riders.

The gate and possible acquisition of public land were left to the Case Officer to resolve.

It was however pointed out that laurels grow fast and bushy, and would need constant maintenance to prevent them encroaching into the public domain. [The landscaping drawings for this phase showed park railings and a beech hedge].

NO OBJECTIONS (but see comments)

Amended Plans

20/02511/APP

Garage Site 457999g Pightle Crescent

Demolition of the existing 20 garages and the erection of 8 x two-storey apartments of the following configuration: 4 x one-bed apartments, 2 x two-bed apartments, 2 x three-bed apartments. Each apartment would have undercroft parking giving a total of 14 spaces, including 2 visitor parking bays. 5 separate spaces would also be provided just to the east of the dwellings. The existing 12 spaces would be retained at Pightle Crescent, which makes 31 parking spaces in total for the development. A secure communal bin storage area is also proposed, sized for the proposed development from discussions with the Council's Waste Services Coordinator.

The new plans showed a separation between the rear of the building and the site boundary/woodland of about 30cm, and piled and raft foundations. There was still no consultee comment from Trees.

31 parking spaces for 36 existing and 8 new dwellings remained inadequate in Members' opinion, and the rear first floor access was not subject to the same level of surveillance as

OPPOSE (no change)

the front of the block, which was a safety and security issue. Members therefore voted to maintain their opposition.

Not for consultation

21/00730/ATC

OPPOSE

Land to rear of 2 Market Hill [old Nat West], MK18 1JX

Works specification as per recent Tree report prepared by Arbortrack Systems Ltd –

Prune 2 Yews, reduce back the canopies by 3m on T1 T2 away from the proposed development and fell 4 other trees Trees 4, 4a, 5 & 6 to be removed to allow development. The significant offsite yews trees 1-3 are retained with these proposals. The crowns of trees 1 & 2 are asymmetrical to south & west over-hanging the site and there is good scope to effect a crown reduction on this flank of both trees i.e. to prune back (sensitively) and deliver a sustainable separation (approximately 50cm minimum) between crown edges and the proposals. This proposed crown reduction equates to 30% by length of the western & southern crowns of trees 1 & 2 and respects current guidance in BS3998: 2010 Tree work - Recommendations. The application is to reduce back the canopies by 3m on T1 T2 away from the proposed development. An overall crown reduction will not be necessary. Work must be carried out by a fully qualified and insured tree surgeon after briefing from Arbortrack Systems Ltd.

The consensus of the consultees for tree applications was that this was premature as the related planning application had not yet been approved.

A Tree Warden had alerted the Planning Officer to the reduction of ground level over the site leaving the root areas of the trees to be felled exposed to a depth of approx. 1m. This had been reported to the Tree Officer at Aylesbury.

21/01143/ATP

NO OBJECTIONS

18 Waglands Garden

T1 Horse Chestnut reduction of south/southwest side of lateral limbs overhanging properties. Lower limbs only to be reduced by 3/4 metres back to previously pruned points to facilitate more light to small gardens.

There had been no objections to this work, providing the reduction was kept to the previous points.

21/01227/ACL

24 Moreton Drive

Application for a Lawful Development Certificate for the proposed rear extension

1237/20 Planning Decisions

1237.1/20 Members received and noted for information details of planning decisions made by Buckinghamshire Council.

Approved

| Application | Site address | Proposal | BTC response |
|--------------------|---------------------|---------------------------------------------------------|---------------------|
| 20/03602/APP | Royal Latin Sch. | Var. cond 13 of 17/02939/APP, hours of use of new pitch | Oppose |
| 21/00294/APP | 7 Bartlett Place | Pt.1 st floor & 2-st front ext'n & porch | No objections |
| 21/00449/APP | 25 Willow Drive | S/st extension & pt. garage conv. | No objections |

Refused

| Application | Site address | Proposal | BTC response |
|------------------------------|-------------------|---------------------------------------------------------------------------|---------------------------------|
| 20/03092/APP 20/03281/ALB | TJ's 4 Market Sq, | Ch/use ground floor A1 → A3 & Install extract flue + internal alterations | Oppose + Call-in (not actioned) |
| 20/04195/ALB | 32 Nelson St. | Internal alts. inc.demol ⁿ of partitions | No objections |

Withdrawn

| Application | Site address | Proposal | BTC response |
|--------------|----------------|-----------------------------------------------|--------------|
| 20/04044/APP | 61 Moreton Rd. | Add ^d condition, appl 19/00735/APP | Oppose |

1238/20 Planning Inspectorate (Min.1178/20 refers)

Appeals have been lodged against non-determination for applications 20/01332/AOP (Buckingham Primary Care Centre, [North End Surgery] - Outline planning permission for demolition of existing development and erection of up to 8 dwellings) and 20/01333/AOP (Verney Close Family Practice - Outline planning permission for demolition of existing development and erection of 1 residential building comprising 6 flats, off street parking, bin storage and bicycle storage). The individual Statements of Case and the BTC response to each application were circulated by email on 30th March 2020. The closing date is Tuesday 20th April.

Members discussed and **AGREED** the proposed response to the Inspectorate.

ACTION PLANNING CLERK

1239/20 Buckinghamshire Council Members

1239.1/20 Cllr. Stuchbury alluded to proposals to amalgamate the health and scrutiny committee of Buckinghamshire Council with other authorities.

1239.2/20 Buckinghamshire Council: Constitution Review - Proposals for Changes to the Constitution.

Members received for information the part of the Appendix A dealing with planning matters, to be put before the Buckinghamshire Council on 21st April 2021.

Cllr. Harvey raised the following concerns regarding the Appendix A of the draft constitution document, stressing that the Service Director has been given too much power to determine what is/isn't discussed on the agenda and there maybe occasions when the Planning Committee wants to object to an application but are denied a slot on the agenda. The Service Director should have equal status as the Committee Chair and equal sway as to what goes on the agenda.

Proposed by Cllr Harvey that Planning Committee reject the amendment as it is not fit for purpose as it is intrinsically an officer-led charter. As no seconder stood the motion fell.

Cllr. Stuchbury said the items of 'democratic creep' as raised by Cllr. Harvey should be proposed via an amendment at the appropriate time.

The Chair thanked Cllr Stuchbury for the work he had undertaken on the constitution so far.

1239.3/20 Committee **AGREED** for the following Buckinghamshire Councillors to be asked to call-in applications:
Bourton Mill – Cllr. Stuchbury
Harpenden Building Society – Cllr. W. Whyte
Pightle Crescent – Cllr. Stuchbury

ACTION PLANNING CLERK

1239.4/20 An updated list of undecided OPPOSE & ATTEND/CALL-IN applications was noted.

1240/20 Buckinghamshire Council Committee meetings

1240.1/20 N. Bucks Area Planning Committee (7th April 2021) No Buckingham applications

1240.2/20 Strategic Sites Committee (8th April 2021) No Buckingham applications

1241/20 Enforcement

Nothing to report.

1242/20 East-West Rail

1242.1/20 Members noted the E-W Rail Community Action Plan

1242.2/20 Members received an invitation from NBPPC to join a group of parishes experiencing problems with E-W Rail and HS2 works, and **AGREED** to postpone appointing a representative until the next Planning Committee meeting after the election.

ACTION MAY AGENDA

1243/20 Applications to fell trees

Members noted the updated list.

1244/20 Street Naming

Members noted that Street Naming have sent the following information:

Postal address for Lace Hill Care Home UPRN 010095502911

Bentley Grange Care Home

112 Needlepin Way

Buckingham

MK18 7RB

Cllr. Harvey suggested Lacemakers Hall to fit in with the Lace Hill Estate and Cllr. Stuchbury suggest Bent Hill Grange Care Home

ACTION PLANNING CLERK

1245/20 Matters to report

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

1246/20 Chairman's items for information

Cllr. Cole recorded his thanks to Cllr. Hirons for his support and advice during his time as Vice-Chair and representing the Council on the NBPCC. Cllr. O'Donoghue thanked Cllr. Cole for his guidance during her time as Committee Chair.

1247/20 Date of the next meeting: Monday 24th May 2021 at 7pm

Meeting closed at 22.00

Chair

Date