



BUCKINGHAM TOWN COUNCIL

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Town Clerk: Mr. C. P. Wayman

Tuesday, 30 May 2017

Councillor,

You are summoned to a meeting of the Planning Committee of Buckingham Town Council to be held on **Monday 5th June 2017 at 7pm following the Interim Council meeting** in the Council Chamber, Cornwalls Meadow, Buckingham.

PP 

C.P. Wayman
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 15th May 2017 to be put before the Full Council meeting to be held on 26th June 2017.
Copy previously circulated
4. **Terms of Reference**
To review and agree the Terms of Reference as agreed at Full Council (BTC/02/17)
Appendix A
5. **Buckingham Neighbourhood Plan/Vale of Aylesbury Plan**
To receive any update from the Town Clerk.
6. **Motion – Cllr. Bates**
The Town Council endorses the Building for Equality: Disability and the Built Environment report and requests that AVDC incorporate the finding of the report within the Vale of Aylesbury Plan.
Appendix B

Buckingham



Twinned with Mouvaux, France



7. Action Reports

- 7.1 To receive action reports as per the attached list.
7.2 (796/16) To receive a response from DCLG

Appendix C
Appendix D

8. Planning Applications

For Member's information the next scheduled Development Management Committee meetings are Friday 9th and Thursday 29th June 2017, with SDMC meetings on Wednesdays 7th and 28th June 2017.

To consider planning applications received from AVDC and other applications

1. 17/01694/APP 2 Butterfly Close, MK18 7RU
Insertion of front and rear roof lights *[with conversion of the loft to double bedroom and bathroom]*
Black

2. 17/01927/APP 10 Bath Lane, MK18 1DU
Demolish existing conservatory/lean-to and replace with rear single storey extension.
The application also includes for replacing the existing mixture of single glazed timber and UPVC windows to the main property with double glazed timber units painted white, except on the first floor to the rear elevation of the property where these will be replaced with white UPVC
Dyke

“Not for consultation”

17/01891/ACL 15 Badgers Way, MK18 7EG

Application for a Lawful Development Certificate for a proposed replacement of existing conservatory with single storey rear extension
Moore

3. 17/01906/INTN Site outside 12 Embleton Way, MK18 1FJ
Notice of intention to install electronic communications apparatus pursuant to the town and country planning act (general permitted development) (England) Order 2015 and the electronic communications code (conditions and regulations) 2003
Harlequin Group Ltd.

The following have been circulated by email

4. 17/00803/ATP Strip of land on left side of entrance to Waglands Garden
[opposite the side garden wall of No1]
Remove two small self set sycamores, growing through a cypress hedge.
Westley [Keyholder Lettings and Management]

[Clerk's note: it is the cypress hedge that is TPO'd; consensus comment NO OBJECTIONS]

5. 17/01699/ATP “Dawn Rise”, Avenue Road, MK18 1QA
Sympathetic crown lift on lower branches on two Horse Chestnuts
Taylor

[consensus comment: no work without tree survey justification]

9. Planning Decisions

To receive for information details of planning decisions made by AVDC as per 'Bulletin' and other decisions.

	BTC response	Officer recommⁿ
9.1 Approved		
16/04279/APP Land@London Rd.[Lace Hill] Electrical substation	No objections	
17/00620/APP HSBC/Costa, Market Hill Pavement tables and chairs	Oppose&Attend	Approve
<i>Members may like to note that Conditions 2 & 3 of the approval are</i>		
2 No tables, chairs, pedestrian impact barriers or other street furniture shall be placed on the footway directly in front of the premises on market days.		
3 The tables, chairs and pedestrian impact barriers shown on Drawing No 3.0C shall be removed from the footway at the end of each trading day for Costa Coffee (i.e. by 20:00 Mondays to Fridays and 18:30 on Sundays, Bank and Public Holidays.)		
<i>Costa had given an undertaking not to put them out on Sundays and Bank Holidays.</i>		
17/00870/APP 16 Boswell Court	Single storey rear extension	No objections
17/01112/APP Waitrose, 14 Meadow Walk	Install 4 ram-raid bollards	No objections

9.2 Refused

16/00847/APP West End Fm,Brackley Rd	72 bed care home	Oppose&Attend	Refuse
17/00602/APP Little Oaks, Brackley Rd.	Conv. of garage to bedsit	Oppose&Attend	

9.3 Planning Inspectorate/Secretary of State decision

Moreton Road Phase III – to receive and discuss a letter from DCLG on a delay to the decision caused by a recent Supreme Court judgement. A note from the Town Clerk is also attached.

Appendix E

10. Development Management Committee

10.1 Strategic Development Management (2017)

10.2 Development Management (2017)

10.3 To receive written reports on the 18th May SDMC meeting and a verbal report from Cllr Hirons on the 19th May DMC meeting.

Appendix F

11. Enforcement

11.1 To receive the April update

11.2 To report any new breaches

Appendix G

12. s106 Quarterly update

To receive and discuss the updated list from AVDC; BCC update not yet received.

Appendix H

13. Parking

13.1 Parking on pavements

Members to receive and discuss the attached document from the RICA at the request of Cllr. Newell

Appendix I

13.2 Parking at Bourton Meadow Academy.

To discuss a letter circulated to local residents, and agree any response

Appendix J

14. Lace Hill Employment/Health site

14.1 Care Home application to be considered at the preceding Interim Council meeting

14.2 Medical centre application expected in a week or so (Cllr. Mordue)

15. Transport

To report any damaged superfluous and redundant signage in the town.

16. Access

To report any access-related issues.

17. Correspondence

17.1 (46.2: Clarence Park) To receive further emails from Mr. Finnis

Appendix K

18. News releases

19. Chairman's items for information

20. Date of the next meeting: Monday 3rd July 2017 at 7pm.

To Planning Committee:

Cllr. Ms. J. Bates

Cllr. M. Cole (Chairman)

Cllr. J. Harvey

Cllr. P. Hirons (Vice Chairman)

Cllr. D. Isham

Cllr. A. Mahi

Cllr. Mrs. L. O'Donoghue

Cllr. M. Smith

Cllr. Mrs. C. Strain-Clark

Cllr. R. Stuchbury

Cllr. M. Try

Mrs. C. Cumming (co-opted member)



Buckingham Town Council

Terms of Reference

Date Agreed: 08/05/17
Minute Number: 19.3/17
Prepared by:
 Christopher Wayman
Version: 3.0

Name

1. The Committee shall be known as the **PLANNING COMMITTEE**.
2. The Committee may be referred to as Planning.

Membership

3. Membership of the Committee is open to any Councillor who wishes to be a member
 - 3.1. Councillors who are not Members of the Committee may attend the meeting, but they may not vote on a decision.
4. The Committee shall be subject to a quorum of 3 or one third of its membership, whichever is greater.
5. In the event of an inquorate meeting, the Chair/Chairman, Vice-Chair/Chair/Chairman and the Mayor may agree a response to a time-sensitive application, either by re-arranging the meeting or, should time not allow, agree a decision in line with Council Policy and planning history. Should one or all of the designated Councillors not be present or available then those present, numbering not less than three, shall agree a response.

Chairman

6. The Committee shall elect a Chair/Chairman at the first meeting after the Annual Town Council Meeting. The Chair/man's period of office is for one year.
7. The Committee shall elect a Vice-Chair/Chairman at the first meeting after the Annual Town Council Meeting. The Vice-Chair/Chairman's period of office is for one year.
8. The Chair/Chairman if present shall Chair the Committee meeting.

Conduct of the Meeting

9. All meetings of the Planning Committee shall be convened in accordance with the Town Council's standing orders and current legislation.
10. All business undertaken at the Planning Committee shall be done in accordance with the Town Council's standing orders and current legislation

Area of Operations

11. The Committee shall be responsible for and have the authority for (unless stated elsewhere) the following aspects of the Town Council's functions:

- Reviewing Planning Applications (excluding those for more than 10 houses or for new multi-unit retail and multi-unit industrial developments)
- Transport
- Forward planning
- Planning Enforcement

12. In addition to the areas of operation above the Planning and Development Committee has the following responsibilities:

- 12.1 to undertake all powers and duties of the Council in respect of the powers conferred on it from time to time under the Town and Country Planning Acts and the Orders and Regulations including development control and the Local Development Framework process and any other strategic plans for Aylesbury Vale
- 12.2 to undertake all powers and duties of the Council in respect of Neighbourhood Planning and Development under the Localism Act
- 12.3 to make representations to the Local Planning Authority on applications for planning permission which have been notified in accordance with the relevant legislation which are for fewer than 10 housing units and for non-mixed development.
- 12.4 to consult with the committee and tree wardens by email in respect of all applications relating to trees and tree preservation orders, and convey collated comments to the AVDC Tree Officer.
- 12.5 to make suggestions in respect of street naming.
- 12.6 to make representations involving Listed Buildings and the Conservation Area in Buckingham
- 12.7 to act as the consultee and make representations as required in respect of all matters relating to roads and highways including, road signs, street furniture, street lighting, car parking, traffic management, footpaths, traffic regulations and bus services
- 12.8 Public Services – to act as the consultee, make representations, and support as required all matters relating to
 - housing strategy
 - public/community transport including Local Transport Plans
 - utility services (gas, electricity, telecommunications, water, sewerage, flooding, etc)
 - waste infrastructure
 - mineral extraction
 - planning policy changes

Further Information

13. The Committee has authority to proceed with all items within its budget, but must refer to Full Council when non budgeted expenditure is anticipated.
14. The Committee shall appoint sub committees and working groups as and when it is deemed necessary and shall set out Terms of References for those bodies
15. The Committee shall undertake reviews of Terms of Reference as and when appropriate for sub-committees and working groups under its remit, and should make recommendations to Full Council regarding its own Terms of Reference.



Building for equality: Government must lead the charge



25 April 2017

The Women and Equalities Committee says the Government must act to lead the charge in improving access and inclusion in the built environment. This should include public procurement, fiscal initiatives and transparently modelling best practice – and bringing the full range of work on improving access and inclusion in the built environment into a coherent and transparent strategy, with the Department for Communities and Local Government held responsible for making this happen.

- [Report: Building for Equality: Disability and the Built Environment](#)
- [Easy read version: Building for Equality: Disability and the Built Environment \(PDF 2.86 MB\)](#)
- [Large print version: Building for Equality: Disability and the Built Environment \(PDF 998 KB\)](#)

Disability and the built environment

The report highlights the challenges disabled people face in accessing homes, buildings and public spaces. Many workplaces are inaccessible, there is very little choice of where to live and the public spaces through which people need to move can be prohibitively excluding. The Committee argues that these factors constitute an unacceptable diminution of quality of life and equality.

Disabling features of the built environment do not only pose problems for people with physical impairments, but also for people who have less visible disabilities including mental health and neurological conditions, or who are neuro diverse (such as people with autism).

The report proposes a range of practical policy solutions. Above all, the Committee calls for improved engagement with disabled people to ensure that they have a meaningful input – both nationally and locally – to the creation of inclusive buildings and environments.

The Equality Act 2010 requires reasonable adjustments to be made so that disabled people are not excluded from workplaces, public buildings, and places that serve the public. However, the Act is not having the kind of impact that it was expected to have: the Government has left change to be achieved through a model of enforcement that relies on litigation by private individuals.

Key recommendations

- **Strategic leadership:** The Government has a range of levers that can be used to achieve more accessible built environments, but is not using them well enough. Greater co-ordination and leadership is needed to make this framework effective, and to make it clear that inclusive design is a statutory requirement, not just a 'nice to do'.
- **Designing for equality:** The Government should make it easier for local planning authorities to follow this lead through revision and clarification of national planning policy and guidance. Local plans should not be found sound without evidence that they address access for disabled people in terms of housing, public spaces and the wider built environment; to support this, the Equality and Human Rights Commission should investigate the Planning Inspectorate's compliance with the Equality Act. Planning consent should only be given where there is evidence that a proposal makes sufficient provision for accessibility.
- **Housing:** More ambition is needed in the standards the Government sets for the homes that the country desperately needs. Housing standards need to be future-proofed and to produce meaningful choice in housing, not just to respond to immediate local need. The Government should raise the mandatory minimum to Category 2, the equivalent of the former Lifetime Homes standard, and apply it to all new homes – including the conversion of buildings such as warehouses or former mills into homes.
- **Public buildings and places:** Much more can be done to make the public realm and public buildings more accessible: through building accessible workplaces, and incentivising employers to improve existing ones; by updating the regulations for new buildings and amending the Licensing Act 2003. Greater provision of Changing Places toilets should be a specific priority: such facilities should be required in all large building developments that are open to the public.
- **Shared Spaces:** Shared spaces schemes are a source of concern to many disabled people across the country, particularly features such as the removal of controlled crossings and kerbs and inconsistency in the design of schemes from place to place. The report recommends that the Government halt the use of such schemes pending the urgent replacement of the 2011 guidance on shared spaces, ensure that the new guidance is developed with the involvement of disabled people – and that it is followed in practice.

Comments on the report

Maria Miller MP

Committee Chair Maria Miller MP said:

"Poor accessibility affects us all. Even if not disabled ourselves, most people are related to, work with or are friends with someone who is. Increases in life expectancy will mean that over time, an ever greater proportion of us will be living with disability, and our understanding of 'disability' has developed to recognise that those with mental health problems, autism or other less visible impairment types also face disabling barriers.

Yet the burden of ensuring that an accessible environment is achieved falls too heavily at present on individual disabled people – an approach which is neither morally nor practically sustainable. Instead, we need a proactive, concerted effort by 'mainstream' systems and structures – including national and local government and built environment professionals – to take on the challenge of creating an inclusive environment.

The Government must be more ambitious. Our current environment was not created overnight and will not be mended overnight – but those with the influence to do so have had over 20 years since the Disability Discrimination Act 1995 first set out the standards expected of them. Disabled people have the right to participate in all parts of life under the law; this is undermined if the built environment locks them out. Our report sets out a realistic but challenging agenda that, if adopted, can give this issue a priority and deliver the changes that we all need."

Baroness Deech

Baroness Deech, who chaired the House of Lords Committee on the Equality Act 2010 and Disability in 2016–17, said:

"I welcome the recommendations made today by the Women and Equalities Committee. They support and reinforce those made by the Lords' report into the Equality Act 2010 and Disability. Our aim in that report was to enable disabled people to enjoy life, to participate in society, work and travel on an equal basis, as is required by the law. The ability to access public and private buildings, city centres and other parts of the public realm, is central to this and I urge the government to take the proactive leadership that this report recommends.

This is not a minority issue. As the population lives longer more and more of us will find ourselves disabled by the barriers that remain in our built environment – whether through sight, hearing or mobility impairment or illness. If we are going to remain active into older age the government must respond to the wealth of evidence in both this report and the report of the Committee that I had the privilege of chairing, and ensure that all our buildings and public spaces – present and future – are accessible by everyone."

Lord Holmes of Richmond

Lord Holmes of Richmond, who gave evidence to the Committee's inquiry, said:

"I'm grateful that the Committee has recognised the importance of this issue and consulted so widely with stakeholders and disabled people as well as disability groups. The impact on people's lives when public spaces are not accessible is devastating. Inclusive design must be the golden thread that runs through all new buildings and works in the public realm.

I'm also delighted that the committee agree with my recommendation that a moratorium on shared space schemes is necessary. Local authorities require clarity in this space and the exclusion of people from their communities and potential waste of public money must end."

ACTION LIST

Min.	Planning Responses posted on AVDC website: 18/5/17	Min.	News release	Date of appearance
37/17		47/17	1. Grand Junction Care Home 2. Clarence Park trees	
22/17	Response to 17/00746/APP (amended plans) from Full Council posted on 23/5/17 following formal advice of same.			
Subject	Minute	Form	Rating	Response received
AVDC			√ = done	
1. Vinson Bldg, Hunter Street	317/16	Make complaint re 16/01850/APP about request to revise response	√	
2. IT problems	660.3 and others	Rejection of request-to-speak; non-communication of new/amended applications and decisions on tracked applications.	√	22/3/17 Cllr. Paternoster looking into points raised
3. Enforcement concerns	976/16	Lack of investigation, losing revenue	√	
BCC:				
2 Bridge St	586.2	Response re actual parking available	√	Thank you for your email. I will have this look at and will send you a response as soon as I am able. Cllr. Mark Shaw 16/3/17
Street lighting	664.1	Request details of savings made by removal/turning off	√	I was not involved in the energy side of the street light switch off scheme and any officers who were have now left Transport for Bucks, as this was a small part of the switch off scheme I will need to locate the calculations based on this location. I will look into this next week as I am now on leave until Monday and forward to you. Stuart Labross 16/3/17
Local Infrastr. List	710	Respond with list as agreed	√	
CIL	796	Letter as minuted	√	
Cotton End steps	865/16	Incorrect drawings supplied	√	Quotation agreed; funding bid made. Decision awaited.
Cycle path	984/16	Signage as minuted Write to appropriate parishes	√	To do

Subject	Minute	Form	Rating √ = done	Response received
		re Community Spring Clean Article for Newsletter		
Bernardine's Way	664.2	Report signs	√	
HS2 transport routes	706	Respond to consultation	√	
School Travel Plan (Bourton Meadow)	709.1	Respond as minuted	To do	
East-West Expressway	803.1	Write to Bicester TC as minuted	√	
Access	805.2	Cllr. Strain-Clark to liaise with Access 4 All over A-board obstructions		
Lace Hill medical centre	865/16	Write to Swan Practice	√	14/4/17: Thanks for your letter dated 6/4/17. I agree that John Horsman's e-mail is rather confusing, but I think he is just commenting on the Care Home side of things, so please reassure Robin that from our perspective there is no change to the plans I discussed with the Planning Group some weeks ago. We are trying to work out who else might want to join us in the Medical Hub, and most importantly how on earth we are going to pay for this... We remain keen to progress to full planning asap, but until we have a robust business plan in place and the funding we are unable to proceed. Dr Jonathan Pryse
E-W Rail	942.1	Write to developers & doctors as minuted	To do	
Accessible banking	983/16	Arrange meeting	To do	
S106 motion	947	Respond per minute	√	
VALP	950	Letter as minuted to Barclays and Santander	√	
AVALC	976/16	Send copy to NBPPC & neighbouring councils	To do	
	982/16	Town Clerk to write as minuted	To do	
	35/17	Compile additional data as requested	To do	
	46.1/17		To do	

Subject	Minute	Form	Rating √ = done	Response received
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Clarence Park riverbank	46.2/17	Letter of support as minuted	To do	
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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.
Enforcement attitudes	976/16	Check with neighbouring Councils whether their LPA is pro-active	To do	
Gate into rear of 6 Middlefield close	981/16	Check if gate and related clearance of planting permitted	√	3/5/17 We have not given permission for the gate. Property and Estates are aware and have written to the residents to address the issue. Neil Pasmore, Community Spaces Officer



Department for
Communities and
Local Government

*Department for Communities and Local
Government*

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www.gov.uk/dclg

Our Ref: 3300294

Date: **10 May 2017**

Dear C Wayman,

Thank you for your e-mail of 16 March to the Department for Communities and Local Government concerning the CIL Review. I have been asked to reply as I work in the Planning Infrastructure division.

A review of the Community Infrastructure Levy (CIL) was commissioned in November 2015, to be undertaken by an independent group. The CIL review group were specifically asked to look at the extent to which the levy provides an effective mechanism for funding infrastructure, and to recommend changes that will improve its operation in support of wider housing and growth objectives. The review covered a wider range of issues including the relationship between the levy and section 106.

The CIL review group's report was published on 7th February alongside the Housing White Paper "Fixing our Broken Housing Market". The consultation on the Housing White Paper closed on 2 May. Any reforms on this issue will now be a matter for the next Government.

A move to a unitary authority will necessarily mean that planning decisions are made at one tier of local government. However those decisions may, for instance be made by more localised planning committees possibly with a focus similar to that of a district council, or smaller area.

Yours sincerely,

Selina Wilson
Planning Infrastructure Division



Department for
Communities and
Local Government

Mr G Armstrong, Armstrong-Rigg
Planning

Our Ref: APP/J0405/V/16/3151297

Sent by email only

26 May 2017

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY BELLWAY HOMES, BELLCROSS CO LTD & FOSBERN
MANUFACTURING LTD
LAND WEST OF CASTLEMILK, MORETON ROAD, BUCKINGHAM MK18 1YA
APPLICATION REF: 14/02601/AOP**

1. The Secretary of State is considering the report of the Inspector, Clive Hughes, BA (Hons) MA DMS MRTPI, who held a public local inquiry from 7 February 2017 into the above called-in planning application.
2. The Secretary of State takes the view that the Supreme Court judgment on the cases of Cheshire East BC v SSCLG and Suffolk DC v SSCLG, which was handed down on Wednesday 10 May 2017, includes new information which may be material to the application before him. Please find a link to this judgment here: <https://www.supremecourt.uk/cases/docs/uksc-2016-0076-judgment.pdf>.
3. The purpose of this letter is to ensure that you are aware of this judgment and have the opportunity to submit written representations if you consider that it affects the case you put to the Inspector at the inquiry.
4. The Secretary of State considers that a period of 2 weeks to submit representations is reasonable in the circumstances of this case. You are therefore asked to submit any representations you wish to make by email to **pcc@communities.gsi.gov.uk** by 12 June, making clear the case to which you are referring.
5. Please note that representations are invited on this issue to enable the Secretary of State to come to a fully informed decision, and this letter should not be read as any indication of his attitude to the application scheme. Comments should be confined to the matters arising from this judgment and should not seek to raise any other matters.

Philip Barber, Decision Officer
Planning Casework
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel 0303 444 2853
pcc@communities.gsi.gov.uk

6. The Secretary of State will circulate any responses he receives as a result of the above invitation, and will give parties a further 5 working days in which to make any further comments arising from the responses.

Variation of timetable

7. The Secretary of State considers that he will not be in a position to reach a decision on the above appeal by 13 July 2017, as previously notified, because of the need to allow parties time to consider the matter set out above. Therefore, in exercise of the power conferred on him by paragraph 6(2) of Schedule 2 to the Planning and Compulsory Purchase Act 2004, the Secretary of State hereby gives notice that he has varied the timetable for his decision which was previously set, and he will now issue his decision on or before 20 July 2017.
8. A copy of this letter is also being sent to Aylesbury Vale District Council and Buckingham Town Council. If these parties wish to submit comments in response to this letter and enclosures, they should do so within the timescale set out above.

Yours faithfully

Philip Barber

Authorised by Secretary of State to sign in that behalf

The Town Clerk has reported on the judgement:

My interpretation of para 56 is that policies should not be labelled out of date and just be a determined weight by the decision maker . Therefore it might be argued that AVDC may have come to a different decision.

Para 57 also restricts the definition of para 49 (based on the context of para 47) of the NPPF to those policies of the supply of housing ie. HP1 for numbers but not those affecting housing supply - in my interpretation therefore not the section about a settlement Boundary. (However I am sure that the developers would say it is restrictive on delivering housing - but it does make the distinction about that these out her policies maybe restrictive.

Para 61 backs this up with a good example of a green belt policy recently adopted should not be decided as out of date.

But in Para 63 the court agrees with the decision of the court of appeal that the Settlement Boundary was reduced weight because of the out of date housing requirements (as it was based on a period till 2011 - I think this application was 2013 or 14). We could argue that ours is not too far out of date. (But they would argue that because of the change with student housing that we under deliver)

Para 66 also indicates that reduced weight should be given to settlement boundaries even in a new plan.

However the proviso is that these decisions are all in relation to where there is no 5 year land supply and therefore as AVDC has a 5 year land supply then it shouldn't matter too much

CW 30/5/17

Report SDMC 18/5/17 – 16/00847/APP**West End Farm, Brackley Road – Demolition of existing buildings and erection of 72 extra care units, ancillary community facilities, guest room, parking, landscaping and associated works**

The Committee reconvened at 1.00pm having started on the previous day and adjourned. Apologies & declarations etc were taken as being the same as the previous day, so the meeting started with this application at 1.00pm. Cllr. C Paternoster substituted for Cllr Sir Beville Stanier), and two BCC Highways officers also attended (at the table) - Suzanne Winkels and David Marsh.

My speaking notes are appended.

I was asked by Cllr. C. Adams about other accommodation for older people in the town and I responded including Paynes Court as it is restricted to over-55s.

Cllr. King asked about traffic on West Street. He also asked about the site opposite (site M) and why it had been included in the BNDP if West Street and the Town Hall junction was such a problem. I said Site M was a reserve site, and a western bypass extension was included in BCC's latest strategy. It was possible that the bypass would materialise before site M was needed, but in any case the Town Council would consider plans and their effects as and when presented in whatever conditions applied at that time.

Cllr. Whyte (as BCC Ward Cllr.) spoke about accessibility, quoting recent accidents, the pinch points in West Street, the effect of the steep slope from the access into town for pedestrians with limited mobility or scooter users and the pavement parking (many existing houses have no driveways). He was happy to support Refusal.

Cllr. Foster asked why he differed from BCC Highways, who had said the access was acceptable; he said he was not arguing the technical figures, but extra traffic would make existing problems worse.

Cllr. Renshell asked about speeding stats; he said that the area was judged too dangerous for a Speedwatch survey, but c 50mph was a reasonable guess.

Mr. M. Halstead for the applicant then read out his contribution, noting that the documents had not mentioned the 55 – 60 jobs that would be created.

Committee Members then asked for additional information:

Cllr. J. Blake felt that the 'extra care' offer was not demonstrated, that the buildings were not suited to more dependent later life situations, and that it looked like a housing scheme. Furthermore it was only before the Committee because it had been called in by Cllr. S. Cole, who had not attended. Why?

Cllr. Paternoster asked Mr. Denman for an explanation of 'extra care' and Classes C2 & C3; and what BCC Social Services defined as 'extra care' and what they had put in the HEDNA figures for this.

Cllr. Edmonds noted that the site was outside the town envelope, and under AVDLP it would have fallen under policy RA14, and asked Mr. Denman what was currently in place.

Mr. Denman (Case Officer) replied

- that he had emailed Cllr. Cole for his reasons, but received no reply;
- C3 = dwellings; C3a family accommodation, which could include live-in carers; C3b, supported housing; C3c housing for groups of unrelated people needing support. C2

= hospitals, nursing homes, assisted living without carers being part of the household.

C2 housing formed of individual units (ie self-contained with kitchen, bathroom & living rooms behind a front door) was considered under planning policy as being C3.

- 'Extra care' – there is no planning definition; there may be a Social Services definition. It is expected that residents would be purchasing a care package, which would probably expand over time. He had consulted BCC Social Services, but got no response.
- Under RA14, development was permitted on a site if three sides of it were already built on. In this case the BNDP stated that development would be supported within the boundary only and AVDC were obliged to take note of this.

Cllr. Paternoster then asked if this might count as Sheltered Housing – with a warden; she was also unhappy about the pedestrian access, and asked the BCC officers to comment on why it was considered acceptable.

Mr. Denman said that there was no staff accommodation designated; the management could set aside one of the flats for staff use if they wished.

Ms. Winkels said that the existing B1 use was estimated to generate 40 movements in the am peak and 49 in the evening peak and the care home would be much the same. She was aware the footway was used for parking, but there would be little pedestrian use.

Cllr. Monger, seconded by Cllr. Renshell, moved that the officer's recommendation of Refusal be agreed, on the grounds of

- the issues surrounding access to the town centre
- conflict with the BNDP
- para 198 of the NPPF. He recognised there was a need for this type of accommodation, but the BNDP would be reviewed, and perhaps figures for care accommodation would be available via VALP by then.

Vote to Refuse was unanimous.

(2.00pm).

Speaking notes

I was surprised to see this application on an agenda as the officer has recommended refusal. Mr. Denman has done a thorough job with his report so I will confine myself to our principal objections.

As the Committee can see from the agenda the Town Council has had two care home applications to consider, and thus the opportunity to compare provision.

A lay person might well consider that 'extra care' would involve nursing staff or care workers being based on the site. There is no evidence of provision of nurses' stations or staffrooms, for instance, in the plans, and the layout of the buildings makes ready access to all flats awkward as they are grouped around stairwells and there is no horizontal communication – to go from one stairwell to another means descending to the ground floor and walking outside the building to the appropriate doorway. Many ground floor units have French windows into communal gardens, unsafe for dementia sufferers.

The Town Council maintains that the development is a retirement complex of self-contained flats – albeit with a qualifying clause that a minimum of 1½ hours *per week* care package is required. That is less than a quarter of an hour per day.

This has implications both for an affordable housing provision (25 dwellings in this case) and, if individual care is being bought in for residents who need more than 1½ hours per week, increased traffic. To get a person up, washed and dressed, and put to bed, never mind other daytime personal care, generates several trips a day – not the same as staff working shifts and caring for several residents during those shifts. Until the details of the minibus link are made available we cannot see whether it will be suitable for use by carers for short visits, especially if they have a number of visits to make in the surrounding area.

At present, the cemetery forms a green edge to the town with the farmland lying beyond. The Neighbourhood Plan Settlement Boundary runs along the eastern edge of the site where it meets the cemetery. The proposed access is in the valley where the stream runs, and the road into Buckingham rises quite steeply and bends – as will the verge path proposed by Highways. The proposed lighting – at 5m intervals around each block – will be an intrusion into this rural aspect.

Mr Halstead in his email to Cllr Simon Cole mentions the recent approval of 400 houses on the Tingewick Road; I would point out that this is Outline Permission, therefore it is not expected that the actual house types and sizes will be described. The Town Council will consider the offer when the detailed ADP application is submitted.

Members also have concerns that the facilities – including a bowling green, when there is a long-established Bowls Club a few yards away - and the remoteness from the town's social life will obviate need for community interaction and residents will effectively inhabit an enclave.

KM

19/5/17

16/03302 LAND REAR OF GRAND JUNCTION, BUCKINGHAM

The SDMC approved the Crown Care application despite representations against it from me and from County Cllr Warren Whyte, deciding that it was not contrary to the Buckingham Neighbourhood Development, and that the flood risks could be met with conditions requested by the Environment Agency. It was deferred and delegated to officers for approval subject to Section 106 agreements.

I prefaced my presentation by asking as point of procedure whether the committee was satisfied that there was no conflict of interest in deciding it, as AVDC is the joint landowner and would enjoy a financial gain if approved. The council's solicitor Katherine Hamilton assured the SDMC that there was not, as joint owner (along with Star Pubs and the Marriott family) AVDC Estates Department was a separate entity from Aylesbury Vale District Council.

I put our case as below, then Warren spoke against the lack of pedestrian access from the care home to shops, bus stops and doctor surgeries. He also advocated robustly worded conditions so that design features could not be watered down. I was not questioned on my presentation.

During the discussion which followed, Winslow District Cllr Llew Monger spoke strongly against the application, also saying that it was contrary to BNDP Policy EE5 as the land was zoned for parking, picnic area and riverside walk, claiming that the planning officer 'had dismissed this in a couple of lines' by saying that *"Policy EE5 is merely stating that provision of town centre parking will be supported, this does not preclude consideration of other uses. Therefore, the current application is not in conflict with the Buckingham NDP."*

Llew argued (as I had done in my presentation) that the Policy was quite clear that this land was allocated for town centre parking, as the BNDP had supported it for this purpose and that precluded it from any other use.

The SDMC asked Planning Officer Susan Kitchen for her view on this, and she said *"Policy EE5 supports car parking, but it does not specifically preclude any other use. Regarding car parking, my officers were concerned that there was no detail of where the money might come from to develop additional parking."*

"They have looked at this very carefully, and they take NDPs very seriously. But this is not a matter of law, but a matter of judgment for decision takers. There is no reason to question their integrity in reaching this decision."

Ms Hamilton backed her up saying *"my reading of this policy is that it supports car parking, that is the BNDP preference, but it does not say that it will strongly resist other usage. The officers have considered this at length, and come to the conclusion that there is no evidence how the proposed parking would be delivered."*

Cllr Janet Blake added *"the BNDP's intent is not explicit, so as committee members we have to second-guess its intention."*

The application was then put to the vote, and approved by 5-2, Cllrs Monger and Roger King against.

Two Councillors said they had no idea that AVDC land was involved, and Cllr. Monger added that, had he known, he would have asked for declarations at the beginning of this meeting (we were not present for any such declarations, as this was Wednesday's meeting carried over to Thursday, and apologies, declarations etc were not repeated).

Recommendation: that when the BNDP is reviewed, more careful phraseology is employed, such as "...provision of town centre parking will be supported, *and only this use*"

BTC PRESENTATION

Mr Chairman, councillors and officers, I am here representing Buckingham Town Council to object to this development for the following reasons:

1. The proposal is contrary to Policies EE5 and CLH18 of the Buckingham Neighbourhood Development Plan, which identify this land for much-needed additional car parking – including disabled parking and electricity-charging points - together with a riverside walk and picnic area. The BNDP specifically excludes this site from housing because of the flood risk, to conform with Objective 3.6 "to mitigate and improve the capability of the town to deal with flooding."
Your officer suggests in his report at 9.19 that "Policy EE5 is merely stating that provision of town centre parking will be supported, this does not preclude consideration of other uses. Therefore, the current application is not in conflict with the Buckingham NDP."
My council strongly disagrees with this, and believes that there is a conflict. As the policy supports the objective of providing a public car park on the site, any proposal which frustrates that objective is resisted by the policy.
2. The site is in Flood Zones 2 & 3, the use of which for housing, especially for vulnerable people, is contrary to the National Planning Policy Framework. Evacuation of the care home in the event of a major flood incident -- such as those we had in 2007, 2012 and 2016 - would be difficult and risky, so to where would the 90+ elderly and infirm residents be evacuated, and how would ambulances reach those requiring them?
3. Development on this site, which is on the floodplain of the River Great Ouse, would increase the flood risk both above and below it, and in particular to housing in Cecil's Yard and Wharfside Place, and to the Buildbase/Central Tyres industrial area and Linden Village. Above the site is Cornwall's Meadow, the main parking for the town, which frequently floods after heavy rainfalls, and the Verney Close medical centre which would also be at risk.
4. Buckinghamshire County Council's SuDS officer accepts that there is a residual risk of fluvial, surface water and groundwater flooding to the site, but suggests that this could be mitigated by a whole-life surface drainage scheme secured by a Section 106 agreement. What any SuDS provision and maintenance plan would not address is the increased flood risk to other properties.

5. AVDC Ecologist Paul Holton draws attention to the need to maintain a 10m wide wildlife buffer alongside the river through Buckingham, which is also addressed by our BNDP Policy DHE3 protecting local priority species and habitats. The application talks vaguely of “gardens well-landscaped throughout to provide generous amenity space”, which would meet neither requirement.
6. The parking provision on this site falls far short of that required for staff, visitors and residents. The Cornwall’s Meadow car park is full to capacity at weekends, when most visitors might be expected.
7. The applicant talks of the development providing C3 accommodation, but we consider it to include C2 accommodation, as the main block has nurses’ stations, treatment rooms etc.
8. Regarding welfare of residents, your officers have recommended a planning obligation that they should have a minimum of 2 hours care per week; we would point out to the committee that this is just 17 minutes per day.
9. Members will be aware that there are number of objections to this development on the AVDC Planning Portal, not least by the Buckingham Society, most drawing attention to the flood risk and some to the traffic hazards to elderly and disabled residents of the care home who would have to cross the busy car park entrance to reach shops and other facilities. Your own committee criticised the town council’s plans for new toilets on this corner site after they had approved the application, citing the risk to pedestrians crossing the busy entrance and exit to the car park.
10. The Section 106 agreement for the Lace Hill development, reinforced by the BNDP, earmarked a 14-acre site for healthcare south of the A421 – well away from any from potential flooding – and while it might not meet Crown Care’s own town-centre criteria, we submit that this is a suitable alternative site.
11. I would remind members that the BNDP was made in 2015, and with the Vale of Aylesbury housing supply now met for the next five years, the local planning authority is obliged to give full weight to its Policies. We accordingly urge this committee to refuse permission for this development on the flood plain.

Cllr MARK COLE JP
Chairman, Planning Committee
Buckingham Town Council

Enforcement Investigations
Received During April 2017

17/00152/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised breach of approved plans/details - 14/03316/APP refers - appears higher and the glass corridor is on the North side instead of the South
Police Station 50 Moreton Road Buckingham Buckinghamshire MK18 1LA
Case Officer: Pauline Hawkins

17/00165/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised erection of boundary fence in excess of 2 metres high
Greenways Stowe Avenue Buckingham Buckinghamshire MK18 1HX
Case Officer: Nazia Begum

17/00169/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised breach of approved plans/details - 15/02125/APP refers
1) Compressor unit has not been installed in the correct position
2) Increase in number of refuse skips in alleyway
3) Parking of delivery motorbikes in alleyway
Domino's Pizza 2 Bridge Street Buckingham Buckinghamshire MK18 1EL
Case Officer: Nazia Begum

17/00170/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised breach of condition and change of use of garage to residential accommodation use in breach of Condition 7 of 75/01002/AV (Permitted Development Rights removed)
6 Cropredy Court Buckingham Buckinghamshire MK18 1UX
Case Officer: Nazia Begum

17/00171/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised vehicle repair business being conducted from a residential dwellinghouse
4 Cropredy Court Buckingham Buckinghamshire MK18 1UX
Case Officer: Nazia Begum

17/00174/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised siting of a satellite dish to front of property in a Conservation Area
Kinetic Properties Ltd 7 Bridge Street Buckingham Buckinghamshire MK18 1EL
Case Officer: Nazia Begum

17/00176/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised commencement of works whilst 17/00602/APP (Conversion of detached garage to residential bedsit) is pending
Little Oaks Brackley Road Buckingham Buckinghamshire MK18 1JD
Case Officer: Nazia Begum

Members will note that the application has been refused, see agenda 9

17/00191/CON3

BUCKINGHAM NORTH WARD

Enquiry regarding a proposed extension

1 Wharf Hill Terrace Stratford Road Buckingham Buckinghamshire MK18 7AT

Case Officer: Pauline Hawkins

Enforcement Investigations

Closed During April 2017

17/00152/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised breach of approved plans/details - 14/03316/APP refers - appears higher and the glass corridor is on the North side instead of the South

Police Station 50 Moreton Road Buckingham Buckinghamshire MK18 1LA

Closed: No breach of control

Case Officer: Pauline Hawkins

Why do we campaign on pavement parking?

Cars parked on pavements are a dangerous obstacle for people who are blind or partially sighted, often forcing them out into the road. This can be particularly dangerous for people with sight loss as they cannot see oncoming traffic. In the worst cases, pavements obstructed by cars can stop people who are blind or partially sighted from leaving their homes.



The Problem of Pavement Parking

Pavement parking is dangerous for pedestrians, especially those who are blind or partially sighted, parents with pushchairs, wheelchair users and other disabled people. People with sight loss are particularly affected as they can be forced into the road where they can't see oncoming traffic.

The lack of clear legislation on pavement parking allows drivers to assume it is an acceptable practice. A YouGov survey for Guide Dogs found 54% of drivers admit to parking on the pavement. It is also expensive - local authorities paid over £1bn on repairing kerbs, pavements and walkways between 2006 and 2010. £106million was paid in compensation claims to people tripping and falling on broken pavements during the same five year period.

Limitations of Existing Powers

Local authorities report measures available to them to prevent pavement parking are expensive and insufficient. The limited geographical scope of Traffic Regulation Orders means that often problems are simply displaced to surrounding roads. Physical barriers similarly just transfer the location of a parking problem so, to be effective, barriers must cover large areas and become prohibitively expensive. The insufficient tools available to local authorities mean that 78% councillors support a law across the country to make parking enforcement more manageable. The Transport Select Committee, a cross party group of MPs, considered pavement parking in a recent inquiry. Their subsequent report recognised “there is a confusing patchwork approach across the country”.

Guide Dogs Recommendation

In London, parking on pavements is prohibited unless specifically permitted – a law that has been in place since 1974. Expanding the Greater London law to the rest of England and Wales would reduce regional disparity, improve clarity, empower local authorities and properly tackle the problem of pavement parking. Flexibility for local authorities is retained, allowing them to permit pavement parking where unavoidable through markings on the pavement to allow a minimum space for pedestrians to pass.

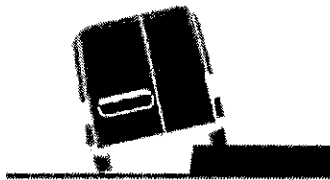
You can support the campaign by taking our **latest online action**.

Share: **[Share on facebook](#)** **[Share on twitter](#)** **[Share on email](#)** **[Share on print](#)** **[More Sharing Services](#)**²³

Take Action!



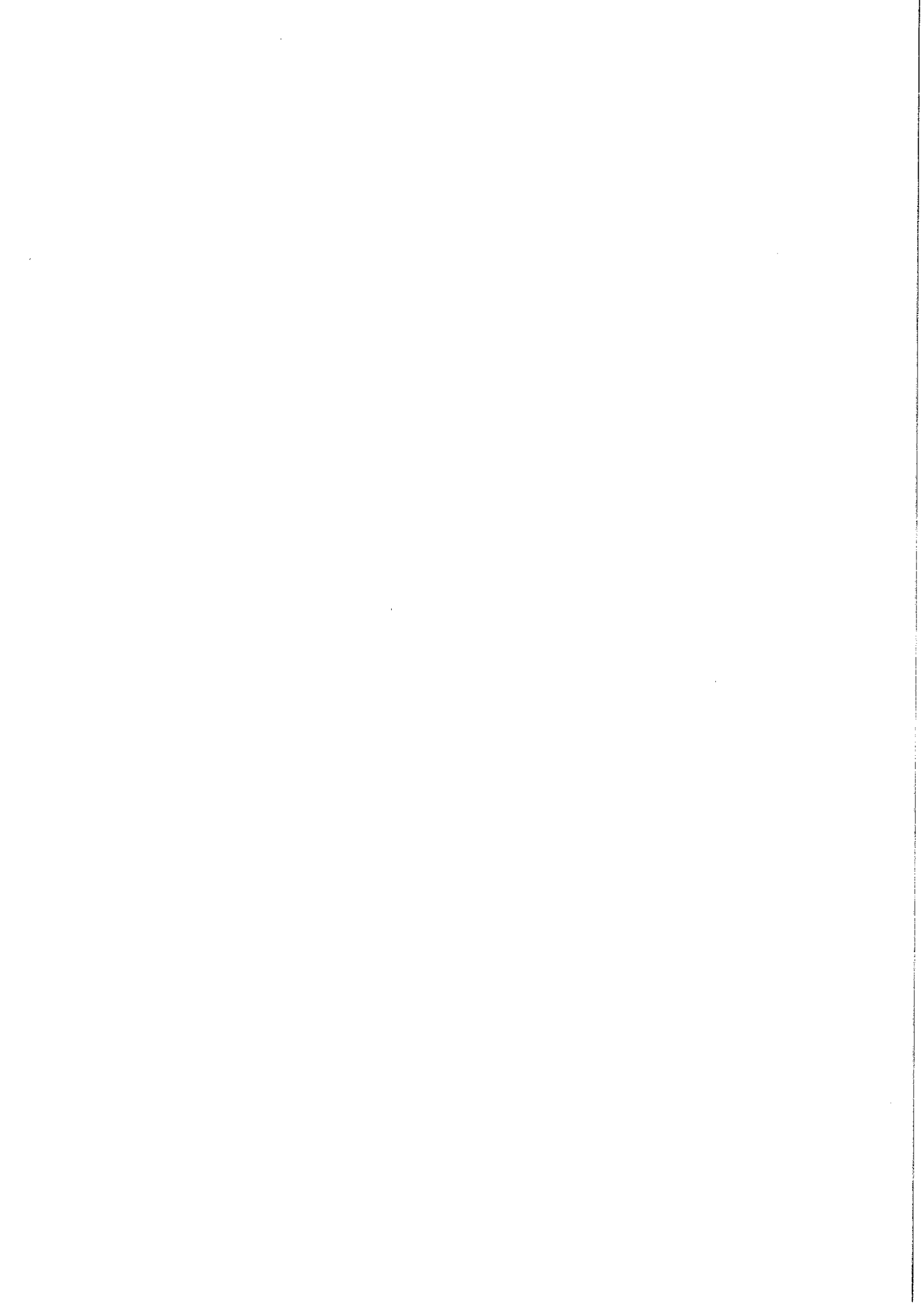
Take action! Add your support for a Pavement Parking Bill



"Pavement parking is a problem for the Council as it costs us a great deal of money to repair broken pavements, in addition to the obvious problems not only for blind people but also for those in wheelchairs, mobility scooters and with double buggies and prams."

Local Councillor

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Bourton Meadow Academy

Dear Linden Village Resident,

March 2017

We are writing in response to some concerns raised by residents and parents about the parking and traffic around the school at the start and end of each school day.

Parking and traffic around the school at the start and end of each school day has been a problem for many years and the school and our local Councillors are regularly contacted by residents affected by this.

In the past there have been many meetings between the School, Police, residents, parents and Councillors to find a resolution but with little success. The school regularly appeal to the attendees to be considerate about parking and driving around Linden Village and to try and walk or cycle if possible. The school has a travel plan in place and newsletters regularly remind parents about parking and encourage other methods of travel to school.

We understand how frustrating it must be for residents when a small minority of parents park inconsiderately when collecting or dropping off their children at the school. We have heard of complaints of parking across drive ways, blocking the view when leaving driveways etc.

We are aware from social media that there is a view that the school "keeps getting bigger" and that this is one of the root causes of the problem. Can I assure you that the school has no plans or capacity to grow in size. The school did expand from two form entry (420 pupils) to three form entry (630 pupils max) but this was over 15 years ago. This was at the request of Buckinghamshire County Council due to lack of school places for local children. We can reassure residents that we do not exceed the 30 children per class limit and have caps on the number of children in the nursery.

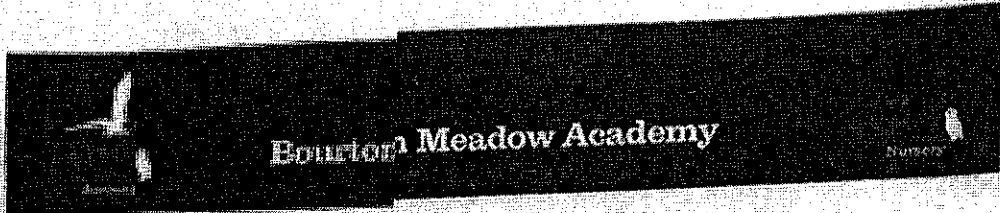
In the past we have worked with the Police and Councillors to explore various options such as:

- One way systems
- No right turn from Burleigh Place
- Yellow line markings
- Dropping the curbs and parking on grass verges

A year ago, we held a working group meeting with local residents and councillors to discuss this issue. None have been viable with these parties in the past but we continue to work with Cllr Warren Whyte at Buckinghamshire County Council (*Cabinet Member, Planning & Environment*).

We have however worked on a range of measures to alleviate the problem:

- Introduced a drop off zone in the mornings to allow less cars to have to park
- Introduce an 8:20am drop off to spread the cars and drop-offs where a little
- Promoting and encouraging walking to School wherever possible
- Weekly parking reminders in the bulletin



May 2017

Dear Linden Village resident,

We are writing to ask for your thoughts on an idea raised by a parking working group consisting of residents, parents, a county councillor, school governors and school staff.

The idea is a 'driveway share' scheme for parents when dropping off or collecting pupils. Residents participating in the scheme would allow parents to park in their driveways when they are not in use. If you were willing for your driveway to be used, you would be 'matched' by the school to a family. Of course, your driveway is always yours to use, should you need it, but if it is sitting empty and you are prepared to share it, this may help to alleviate the strain on parking at key times around the school.

We welcome your thoughts and ask you to spare a few minutes to complete the questions below:

- | | | |
|--|---------------------------------|--------------------------------|
| 1. Do you support the idea of residents letting parents use their drive if they aren't using it? | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> |
| 2. Would you be willing to lend your own driveway to a designated family? | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> |
| 3. If yes tell us more... | | |
| a. Could a family use your drive between 8.30am - 9.00am daily | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> |
| b. Could family use your drive between 3.15 - 3.45pm daily | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> |
| c. Could a staff member use your drive all day? | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> |

We are always keen to hear suggestions or feedback - please outline them below:

Please return this form to Bourton Meadow Academy, Burleigh Piece, Buckingham, MK18 7HA, by email to office@bourtonmeadow.ac.uk or by hand.

Please be assured the school does take this issue seriously and is actively looking for solutions to the problem.

Yours sincerely,

Mr L. Brown, Acting Headteacher

Planning

From: Office <office@buckingham-tc.gov.uk>
Sent: 23 May 2017 09:07
To: planning@buckingham-tc.gov.uk
Subject: FW: CLARENCE PARK

From: Anthony Finnis [mailto:████████████████████]
Sent: 22 May 2017 16:41
To: cbayley@aylesburyvaledc.gov.uk; Holton, Paul
Subject: CLARENCE PARK

Hello Claire/Paul

The wildlife zone has been strimmed again today so what is happening here? Taylor Wimpey are thumbing their noses at AVDC and getting away with it. They still have not completed plantings. I suggest a meeting involving yourselves, two from The Wildlife Group, two AVDC councillors and representatives from Taylor Wimpey (decision makers not customer relations people). Alternatively we can go the tedious Freedom of Information route to see what dialogue you have had with the developer and (by process of elimination) what you have not.

Kind regards

Tony Finnis

Planning

From: Office <office@buckingham-tc.gov.uk>
Sent: 30 May 2017 11:50
To: planning@buckingham-tc.gov.uk
Subject: FW: CLARENCE PARK

From: Anthony Finnis [mailto:████████████████████]
Sent: 30 May 2017 11:45
To: Elizabeth & Tony Finnis
Subject: CLARENCE PARK

On 22 May, I advised Claire Bayley at AVDC Planning that I planned to continue with Freedom of Information requests if no information was forthcoming on enforcement at Clarence Park. In response on the same day she referred to the need to arrange a meeting with Paul Holton (Environmentalist) and the enforcement team **to establish the facts** and then to discuss matters with Taylor Wimpey.

Both of these observations are troublesome as it appears no attention has been paid in recent months to ongoing problems at the site. This is not a small development within AVDC and there has been considerable controversy over the wildlife zone. It is therefore somewhat surprising there is now a need **to establish the facts**.

If there is no progress by 12 June, I will send FOI requests to AVDC and The Environment Agency. Meanwhile, those who have not already done so, may wish to leave further objections at <https://publicaccess.aylesburyvaledc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OB87B1CL00300>.

Regards

Tony Finnis