

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. C. P. Wayman

Tuesday, 26 June 2018

Councillor,

You are summoned to a meeting of the Planning Committee of Buckingham Town Council to be held on **Monday 2nd July 2018 at 7pm** in the Council Chamber, Cornwalls Meadow, Buckingham.

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

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 4th June 2018 ratified at the Full Council meeting to be held on 25th June 2018.

Copy previously circulated

4. Buckingham Neighbourhood Plan/Vale of Aylesbury Plan

To hear and discuss an address from Mr. David Saunders, adviser to Great Horwood PC on the defence of Neighbourhood Plans against incompatible decisions. Cllr. Cole's report at 9.1 is relevant, and the judgement referred to in the attached email can be found at here.

Appendix A

5. Action Reports

5.1 To receive action reports as per the attached list.

Appendix B

5.2 (845.2/17) Bourton Meadow containers. To receive a response from the school

Appendix C

Buckingham







Email: office@buckingham-tc.gov.uk

5.3 (117/18) Station Road Car Park/Right of Way. To receive a copy of a letter sent to Mrs. Pilcher at AVDC. Note that Mr. Stocker was invited to this meeting but no response has been received at 26th June – retained in case of late response.

Appendix D
5.4 (116.2/18; Anglian Water event) To receive a response from Anglian Water and discuss and agree a date and venue.

Appendix E

6. Planning Applications

For Member's information the next scheduled Development Management Committee meetings are 12th July and 2nd August 2018, with SDMC meetings on 11th July and 1st August 2018.

To consider planning applications received from AVDC and other applications

1. 18/01816/APP

2 Hubbard Close, MK18 YS

Garden shed

Cissell

2. 18/01833/APP

Nationwide Building Society [actually Duke's Music],

24 Market Hill, MK18 1JX

Change of use of first floor to residential flat

Easton

The following two applications may be taken together:

21 Woodlands Crescent, MK18 1PJ

3. 18/01841/APP

Application for a Lawful Development Certificate for a proposed conversion of the existing loft void with flat roof

dormer to rear

4. 18/01842/APP

Installation of 2no. pitched roof dormers to the existing front

slope

Tuttlebee

5. 18/01864/APP

19 Lenborough Road, MK18 1DH

Two storey and single storey rear extension

Newman

6. 18/01866/APP

61 Badgers Way, MK18 7EU

Two storey side and storey front/rear extensions

Jarvis

7. 18/01883/APP

Land adjacent to 5 Deerfield Close, MK18 7ET

2Nº 1 bed flats

Midon Property Ltd

Note that the application form gives this address for the site, but the site drawings show that it as the land between 51-53 Badgers Way (previously the shop) and 1 Deerfield Close.

The following two applications may be taken together:

8. 18/01953/APP

Costcutters, 40-41 Nelson Street, MK18 1DA

9. 18/01955/ALB

New shopfront including new lighting above shop signage

Prasath

10. 18/02042/APP

24 Moreton Drive, MK18 1JQ

Single storey front extension

Thompson

Email: office@buckingham-tc.gov.uk

11. 18/02126/APP

University of Buckingham, Verney Park MK18 1AD

Installation of a Portakabin building

University of Buckingham

The following responses to questions have been received, and a revised drawing found on the website (but not notified for response)

Appendix F

12. 18/00328/APP

1 to 2 Market Hill, MK18 1JS [ex NatWest Bank]

Conversion of building to create 8 new 1 bedroom dwellings. Reconstructed and remodelled elevation façade facing Market Hill including new shop fronts. Infilling of covered front

arcade on ground floor to create increased retail area.

Conversion of retail space involving alterations to the external

envelope of the building.

Morrison Property Consultants Ltd.

Amendment: window at ground floor level on rear elevation has been reinstated

The following Minor Amendments /Additional Information have been received, for information only:

13. 18/00638/APP-

Roseway, Stratford Road, MK18 1TE

Proposed demolition of existing rear extension and erection of

single storey rear extension

Wakeman

New Amendments: existing chimneys and side and rear dormers added to drawings (both dormers unapproved; Enforcement case launched). Note that this application was considered at Development Management on 21st June (see below). There was no end date on the Amended Plans response sheet.

14. 18/00977/APP

Manor Farm, Bourton Road, MK18 7DS

Retention of farm shop and café.

Verev

At the 9th April meeting Members responded:

"The lack of any drawings was noted, and the retrospective nature of the application. Members had no objections to the café use, but commented on the plethora of advertising signage in the surrounding area including the A413 by-pass."

The following have been supplied:

- Floor plan
- Front elevation (with a note that the rear elevation is blank)

Not for consultation

15. 18/01298/ATC

Well House, 35 High Street, MK18 1NU

T1. Tulip tree – fell to above current soil level – unhealthy

specimen;

T2. Yew – prune to give 1.m clearance from building;

T3. Holly – fell to above current soil level – unhealthy

specimen.

This was originally sent out for comments in April. Members asked for more information, in particular what constituted 'unhealthy'; the officer promised a report.

Report received 14/6/18: "Having undertaken a site visit, It was felt that T1, the Tulip tree, appeared in reasonable health, with good public visibility, although of moderate form – there was a borderline case for a TPO based on that. The works To T2 appeared reasonable, and T3 was judged completely unworthy of a TPO. Further information was requested. The agent responded that the tree has extensive storm damage and previous failure which is responsible for the poor form. It is suggested that the tree compromised in

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its ability to reach full maturity and size, and is retainable only with significant ongoing management works.

On balance I do not consider that a TPO can be justified in this case."

This was recirculated, and Members' comments were: ask for TPO on Tulip tree, other work OK.

16. 18/01835/ATP

Land adjacent to 3 Orchard Dene, MK18 1PX

Fell and stump grind due to advanced state of decline.

Another tree will be planted in its place after consultation with

the residents

MacNewman [AVDC]

Three comments only have been received, only one from a Councillor, all 'No Objections'.

17. 18/01836/ATP

Land at Fishers Field

Crown lifting of Weeping Willows and Horse Chestnut over

the footpath until 2028.

Felling of excessively leaning willow trees over river to prevent future blockages especially when flooding occurs. Felling of 2 sycamore trees by the road with Kretzschmaria

duesta present on butts.

MacNewman [AVDC]

Three comments only have been received, only one from a Councillor, all 'No Objections'.

18. 18/02024/ATC

Browns Hairdressing Group, Market Hill MK18 1JX Conifer and elder – cut overhanging limbs in car park

(Verney Close)

Officer

Parker, Browns Hairdressers

Tree officer is seeking additional information from applicant as description is too vague. Members comments indicated elder – no objection; conifer (a yew) – apply for TPO. This has been done.

19. 18/02213/ATC

11 Church Street, MK18 1BY

T1 Yew Crown Spread - 8m, Height 9m. Work required 2m

BTC

crown reduction

Parish

7. Planning Decisions

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

Approved		response	recomm ^{n.}
17/02939/APP Royal Latin School	New pitch/sports bldg./floodlighting	No objections	
17/03386/APP Land@ Wharf Hill Te		Opp. & Attend	
17/04725/APP Rear 10 Market Sq.	Erection of 4 dwellings	No objections	
17/04776/APP Willowby, Bath Lane	Replace Bungalow with house	Opp. & attend	
18/00638/APP Roseway, Stratford R	d. Replace rear extension	Opp. & attend	
18/01157/APP 26 Bourton Road	Two storey side extension	No objections	
18/01203/APP 1 Naseby Court	1 st fl. side ext'n & front overhang	No objections	
18/01312/ALB 19 High Street	Various alterations	No objections	
18/01337/APP 1 Badgers Way	Two storey front extension	No objections	
18/01363/APP 1 Homestall	Ch/use to café & front extension	No objections	

^{*}Agreed at 30/4/18 meeting following deferrals and 'Conditional Support'.

Refused

Email: office@buckingham-tc.gov.uk

18/01145/APP 38 Bourton Road

Two storey side and rear extension, No objections single storey rear and front extension

(Notified to us as "Two storey/first floor side extension and single storey front extension" which matches with the drawings, as the single storey rear extension was permitted under an earlier application (18/01041/LDO). There was no amended plan in the document list)

Planning Inspectorate

16 Meadow Gardens: retention of new garden fence (AVDC ref 17/02448/APP), appeal against

Inspector has allowed the appeal.

8. Development Management Committee

8.1 Strategic Development Management (20th June 2018)

8.1.1 To receive a report from Cllr. Cole on 16/03302/APP Care Home rear of the Grand Junction PH Appendix G

8.2.2 To consider whether to ask the Secretary of State to call in the decision and agree the content of the letter.

8.2 Development Management (21st June 2018)

8.2.1 To receive a report from the Clerk on 17/04776/APP Willowby, Bath Lane

Appendix H

8.2.2 To receive a report from the Clerk on 18/00638/APP Roseway, Stratford Rd.

Appendix I

9. Enforcement

9.1 To receive the May update [per Clirs Mills and Stuchbury]

Appendix J

9.2 To report any new breaches

10. Streetnaming

10.1 To receive any update on the name for the houses by Verdun.

10.2 To discuss and agree names to be put forward for the two areas of the Tingewick Road development per the map and list circulated separately by email on 6th June (smaller version attached)

Appendix K

11. Consultation – Cycleway Phase 2

To discuss and agree a response to the Consultation (closing date 3rd August 2018). Details were circulated by email 22/6/18, and attached. Appendix L

12. Matters to report

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

13. Chairman's items for information

14. Date of the next meeting:

Monday 23rd July 2018 following the Interim Council meeting.

To Planning Committee:

Cllr. M. Cole

(Chairman)

Cllr. Mrs. L. O'Donoghue

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)

From: David Saunders Sent: 20 June 2018 15:01

To: Mark Cole Cc: Llew Monger

Subject: SDMC this afternoon

Good afternoon Mark

I've been watching the webcast of the SDMC meeting today, and heard Susan Kitchen say that it is for the officers, in advising the committee, to interpret the wording of policies in the development plan or any part of it (such as BNDP).

That is wrong. I've attached a copy of the famous Supreme Court judgment from 2012, Tesco v Dundee. If you look at paragraph 20, the quote from an earlier judgment says

"If there is a dispute about the meaning of the words included in a policy document which a planning authority is bound to take into account, it is of course for the court to determine as a matter of law what the words are capable of meaning. If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy."

As stated in the final sentence of the previous paragraph:

"Nevertheless, planning authorities do not live in the world of Humpty

Dumpty: they cannot make the development plan mean whatever they would like it to mean."

BTC might wish to consider whether they feel that AVDC have made an error of law, in that Policy EE5 is not capable of supporting the meaning given to it in the Officer's report.

Best wishes

David Saunders Great Horwood

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Subject	Minute	Form	Rating	Response received
	-		√ = done	
website		details for report		
Decision	44.2/18	Write to Claire Bayley as	To do	
		minuted		
ם ככי				
Bourton	7/3/1	Chock 2015 and ication		Contained and 2015 continuing (an Occupantion)
Meadow	-	conditions	>	application received at AVDC in November) and augment a single structure in
containers				place since at least 2009. There are no amendments/variations/discharge of
				co nditions associated with the application. Photos attached. (agenda 5.2)
	845.2/17	Write to County Member as	7	
		minuted		
Tingewick	961.4/17	Find out how long permit for	7	
Road gas main	ww.		~	
		Prompt sent	7	
Bypass bollard	963/17	Report.	7	
& A-frames		If A-frames are NCC's, action		
		as illituted		
Footpath	47/18	Investigate and report	To do	
Detween		blockage		
ond Doilyway				
Neighbourhood Plan Review	f Plan Revi			
Ideas for	962/17	Inc Maids Moreton in		
Working Group		boundary?		
Other:				
		(2) 日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日		
Secure by Design	186.4/17	Circulate main points for assessing applications	started	by Design
Street/Estate	852/17	Check suggested names for	7	Awaiting required from AVDC
Naming	: }	duplication in Vale	-	
Tingewick Road				
Well St. toy shop	929/17	Write re flyposting	7	
		Community and Community and Community of the Community of		to man

Subject	Minute Form	Form	Rating √= done	Response received
University	956/17	Mayor to circulate notes	7	
Archaeology, 10 Market Square	42/18	Ask about bones	7	See agenda 7.2

Subject	Minute	Form	Rating √ = done	Response received
Enforcement reports and queries	eports and	queries		
13 High Street	795.3/15	New signage & lighting	>	P Dales: 12/5/17, 13 High Street, Buckingham: we had in the past met with the
	004.7	Chase response (done regularly)		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
	148/17	Prompt sent 14/9/17 Chase via Parish Lisison		Down of may be may be may be 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. 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. J Wilmot Planning Enforcement Consultant
		Chased 13/4/18		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 signals 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.
	957/17	Advise no longer advertised;		Jim Wilmot
,		from description	7	Acknowledged
Dominos	313.2/17	Compressor unit not as	7	17/00169/CON3
		plans; motorbikes and skips		**
		blocking alley		
		Awaiting response from officer on discharde of		Pansh Liaison Officer has in hand
	FC	Condition 4 – Waste disposal		alley.
	717/17	Investigate costs & liability		
Reasons for case closure	743.1	Cllr. Stuchbury to investigate further		
16 Hilltop	743.2	Fence encroachment into	>	18/00027/CON3
Avenue		AVDC land		Referred to AVDC Property & Estates for action
	850.2	Investigate Bulletin report	7	Property & Estates have passed to Open Spaces
2 Hilltop Avenue	961.3	Report over-high wall	~	
200				



Burleigh Piece - Buckingham - Ivikto 711X Tel: 01280 823374 - Fax: 01280 823988 - email: office@bourtonmeadow.bucks.sch.uk Headteacher: Mrs L. Berry

To Mr C. P Wayman Town Clerk Town Clerk Offices Buckingham Centre Verney lose MK18 1JP 11 JUN 2018

7th June 2018

Dear Mr Wayman,

Thank you for your letter dated 5^{th} June regarding the storage units.

We are currently in discussions with AVDC planning Enforcement regarding these small storage units. If you wish to discuss this matter further we encourage you do so through this team.

Kind regards

Mrs L Berry Headteacher













Aylesbury Vale District Council Planning Department The Gateway Aylesbury Buckinghamshire HP19 8FF

The University of Buckingham Buckingham MXIS IEG United Kingdom

Tel +44(a) 1280 814080 Fax +44(a) 1280 822245 Info@buckinsham.ac.uk www.buckingham.ac.uk 6th June 2018

Dear Ms Pilcher,

17/00746/APP Former Railway Station Site, Station Road, Buckingham

Erection of a new student accommodation (C2) building including ground floor parking with associated landscaping and access

I am writing in respect of the above planning application and in particular with regard to discussions that have taken place with regard to the provision of a footpath through the site. Within this application we are happy to allow the public to walk through the site. Indeed this is a recognised desire of Buckingham Town Council and Buckinghamshire County Council. The planning application provides improvements to the current situation and provides a permissive path through the site which will ensure connectivity and sustainable improvements in this location. This approach has been accepted by the County Highways Department and Rights of Way Officer. The Local Planning Authority would like to provide conditions on the end planning permission that would require the path to be surfaced to required standards and for no means of enclosure to be constructed without prior approval of the Council to ensure that the site is kept open for the public. The University are happy for these conditions to be imposed.

It is our understanding the Buckingham Town Council would like this path to be a formal public right of way. It is our view that it is not appropriate to secure a formal public right of way through this application as this requires a separate legal process. There are a number of parties involved in the ownership of the public right of way and trying to deal with this through a condition on this application is outside of the University's control which is why we have agreed to a permissive route that is within the University's control. It would be unreasonable to have a condition imposed on this application saying no development can occur until a Public Right of Way is constructed as this is not in the sole control of the University and should be dealt with via a separate legal process.

Taking the above into consideration and in order to move forward with this application and to try and overcome the Town Council's objection, the University believe that the best approach is to pursue the permissive path through the current planning application and also enter into discussions with the third parties, outside of this planning application process, in regard to securing a public right of way through the site. We envisage that the path can be dedicated through Section 25 of the Highways Act 1980 and that this process will be concluded 6 to 12 months after the site is fully constructed. This will allow time for negotiations between the parties to secure public rights across the site.

I trust this sets out the University's position and overcomes the Town Council's concerns and that the application can move forward to a decision.

Yours sincerely,

Colin Stocker Estates Bursar

University of Buckingham

Katharine McElligott

From:

Community Ambassador < Community Ambassador @anglianwater.co.uk >

Sent:

22 June 2018 11:47

To:

Katharine McElligott

Subject:

RE: Interactive Talks offer

Hello Katherine,

Thank you for getting back to me, this information is great!

We have a few dates available for 2018 and available most of 2019 too.

- W/C 20th August Mon-Fri
- W/C 3rd September Mon-Fri
- W/C 22nd October Mon-Fri
- W/C 19th November Mon-Fri
- W/C 10th December Mon-Fri

Hope this information helps.

Kind Regards

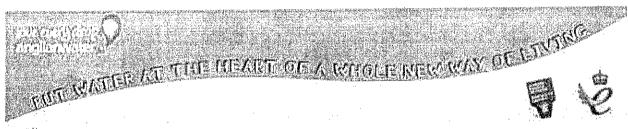
Hannah Moulds

Ambassador Programme Co-ordinator

Anglian Water Services Limited

Lancaster House, Lancaster Way, Ermine Business Park, Huntingdon, Cambridgeshire, PE29 6XU

Mobile: 07976310642 www.anglianwater.co.uk



W.

Please do not print this e-mail unless you really need to

From: Katharine McElligott [mailto:planning@buckingham-tc.gov.uk]

Sent: 20 June 2018 10:32 **To:** Community Ambassador

Subject: RE: Interactive Talks offer

EXTERNAL MAIL - Please be aware this mail is from an external sender - THINK BEFORE YOU CLICK

18/00328/APP

1 to 2 Market Hill [ex NatWest Bank]

Conversion of building to create 8 new 1 bedroom dwellings. Reconstructed and remodelled elevation façade facing Market Hill including new shop fronts. Infilling of covered front arcade on ground floor to create increased retail area. Conversion of retail space involving alterations to the external envelope of the building.

Members reviewed this application on 19th February:

RESPONSE DEFERRED

Members had several criticisms of the proposal:

- The arcaded frontage provided interest in the street scene and ramped access to the retail units and side door which would serve the flats; doubts were expressed that the difference in height could be adequately provided for in the space of a recessed doorway.
- It was unclear whether flats would have individual refuse bins or communal bins; if the former, storage space for 16 bins was not provided (the under-stair bin store is 3m x 1m) and if just left in the ground floor corridor between collection days would block access to the basement stair and auxiliary exit to the rear garden. If the latter, it was doubtful if large enough capacity bins could be accommodated in the bin store or manoeuvred through the front door for emptying. In both cases it would cause a considerable obstruction on the pavement on a market day, especially if the proposal to move the front elevation to the pavement edge were to be permitted; even if the arcade were retained, 8 bins + 8 food caddies would fill much of it and block access to the flats and the shop. There was no rear access for refuse collection.
- The building would lie between two Listed Buildings, and the rear would be clearly visible from Verney Close, a well-used route from the public car park to the town centre shops and other facilities. The rear elevation was described as Brutalist, and it was not felt that a design referencing Candleford Court was a positive aspiration for any building on a prominent site in the town centre.
- The fumes from the dry cleaners have not been taken into consideration at all, nor as Members heard at the preceding Public Session had the business been informed of the proposal though moving the front wall forward would significantly affect his ability to trade while the alterations were made, and there were doubts about putting a structural wall over the basement void. (There was no yellow notice at the premises at the date of the meeting, though the application had featured in the local paper on the previous Friday). Members look forward to Environmental Health's comments on this aspect.
- The kitchens of the flats had no natural light, and ventilation of the kitchens and bathrooms was not described.
- Concern was also expressed at the detrimental effect of the construction work on the paving slabs of Market Hill/Market Square, and of the necessary scaffolding and associated safety measures on pedestrian and vehicle traffic through the town centre adjacent to a pedestrian-controlled crossing.

Proposed by Cllr. Harvey, seconded by Cllr. Isham and **AGREED** that no formal response be made at this time to enable the Authority to post the 'yellow notice' and allow townspeople to comment, but that the above comments be conveyed to AVDC so that the further information or amendments can be sought.

On 30th April Members responded to Amended Plans:

DEFERRED: FURTHER INFORMATION REQUESTED

Amended Plans: entrances amended, retail staircase amended, alterations to retail unit, bin area added, rooflights added to apartments 6 & 7.

Members response at the 19th February meeting was circulated with the agenda, and included an agreement "that no formal response be made at this time to enable the Authority to post the 'yellow notice' and allow townspeople to comment, but that the above comments be conveyed to AVDC so that the further information or amendments can be

sought." A yellow notice had been posted at the end of February and subsequently removed; no new notice had been posted for the amended plans.

Access from Verney Close for bin emptying was proposed via a new gap in the wall at the rear of the parking bays, and the consequent loss of a parking place, but no confirmation of the land-owner's permission for this had been provided. Members await confirmation of the feasibility of this access, and whether this will also be used for the delivery of materials and other construction traffic which might otherwise disrupt the town centre.

Some, but not all, of the questions have been answered by the new officer (6th June 2018)

Good afternoon Ms McElligott

RE: 18/00328/APP Conversion, alterations and roof extension to create eight new 1 bedroom dwellings. Reconstructed and remodelled elevation facade facing Market Hill including new shop fronts.- Infilling of covered front arcade on ground floor to create increased retail area.- Conversion of retail space involving alterations to the external envelope of the building.

National Westminster Bank Plc 2 Market Hill Buckingham Buckingha

I am the new case officer for the above. I note your response on 2nd May, however I have only recently taken on the application as of last Wednesday.

I was not clear from your response if you were expecting clarification from the previous case officer, or if you had received this, hence my colleagues e-mail yesterday.

The application has been progressing and the scheme now proposes to use a weekly sack collection.

Regarding the deliveries to the rear and construction traffic, it is expected that any development in the Town Centre might result in some temporary impact on traffic. That said, the agent has stated that that they intend to bring materials into the rear of the property - but they we have satisfied the Highways Department by obtaining the necessary skip, bay closure and scaffolding permits as back up. The applicant has also stated that 'Suffice it to say we will do our very best to minimise street disruption and as soon as we have legal access to the rear we will use that as much as possible'.

Considering the above, from a planning perspective, these do not pose any material planning issues that may justify a delay in the processing of the application.

I intend to make a decision on this application in the foreseeable future. I wonder if there are any other mechanisms to allow you to provide a Council response, as under the circumstances I am not entirely sure it is justifiable to keep the application opened, due to the modest nature of the concerns.

Kind regards and I look forward to your response

Colm McKee MRTPI Consultant Planning Officer

Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks, HP19 8FF

Tel: 01296 58 5731 | www.aylesburyvaledc.gov.uk |

GRAND JUNCTION CARE HOME 16/03302/APP

SDMC 20/06/2018

I attended the SDMC at AVDC on June 20th 2018 and spoked against this development on behalf of Buckingham Town Council. Also speaking was Rory Kirkwood, who lives in Cecil's Yard, and who was representing his neighbours as well as their landlady Carol Payne; Crown Care Homes was represented by Hugh Daglish and Mark Massey.

Before speaking, I raised a point of order, saying that I was concerned that when members were asked at the start of the meeting for any declarations of interest, nobody responded. I asked if the SDMC was aware that AVDC owned the strip of land across which access was planned, which suggested that AVDC had a financial interest in this development.

Susan Kitchen responded that this was a planning committee, not a financial or resources committee, so individual members had no financial interest. Cllrs Llew Monger (Winslow) and Richard Newcombe (Wendover) both disagreed, saying that after recent interest 'events', they were concerned they could be held publicly accountable if they did not declare an interest. AVDC legal advisor Jimmy Walsh assured them that they could not be held accountable individually.

I then outlined BTC's objections:

- 1. As members will be aware from our previous representation, this 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 more disabled parking and electricity-charging points together with a riverside walk and picnic area. The BNDP, which was made in 2015 and is still current and has been tested and found sound by the Secretary of State specifically excludes this site from housing because of the flood risk.
- 2. Dealing with the flood risk first, your officer notes at 1.14 in his report that this is indeed in contravention of the BDNP, but believes that the flood risk can be mitigated by "an absence of harm", that policies can be met "by a non-tilted balance", and that "any flood risks do not significantly and demonstrably outweigh the benefits of this development".

Buckingham Town Council cannot agree with this; the site floods frequently, and has done so for many years; I would remind this committee that the applicant has previously ignored the major inundations of 2007, 2012 and 2016 when this site, along with much of Buckingham, was flooded.

Are members happy to ignore the National Planning Policy Framework, which specifically excludes Flood Zones 2 & 3 for use for housing, and especially for vulnerable people? Evacuation of the care home in the event of a major flood would be difficult and risky; to where would 90+ elderly and infirm residents be evacuated, and how would ambulances reach those requiring them?

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, which your officer is recommending as a condition. Again, BTC – which has the best knowledge of its own town – argues that any SuDS provision and maintenance plan would not address the increased flood risk to other properties.

3. In the original application, the applicant emphasised the need for care home facilities in Buckingham; this need no longer exists, as two separate care home applications have since been approved, one at West End Farm after appeal, and the other at Lace Hill by yourselves, providing respectively 72 and 62 bedrooms, totalling 134. We therefore submit that this application should be refused on this alone.

Buckingham is currently meeting all its housing needs identified in the BNDP, which I would remind you was endorsed by your own council, whose own housing need is fully met for at least the next 11.7 years.

4. 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 conflict. We noted that when this application first came before you for consideration in May 2017, Mrs Kitchen advised you that her officers "were concerned that there was no detail of where the money might come from to develop additional parking." This, I would submit, is irrelevant and not a planning matter. I would once again stress that the BNDP is a made and tested plan which must be given full weight, representing the wishes of the residents of Buckingham, who desperately need more parking space, and would welcome more riverside amenities.

- 5. The parking provision on this site falls far short of that required for staff, visitors and residents, and staff parking requires additional spaces for the shift handover periods. Relying on bus services serving local villages is not an option: few have seven day services, or indeed more than one or two buses per day. Cornwall's Meadow car park is full to capacity with shoppers at weekends, when most visitors might be expected.
- 6. 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, citing the danger to pedestrians crossing the busy entrance and exit to the car park.

In closing, I would urge you to refuse this application, which no longer meets any identified need. It is in flood zones in the Conservation Area, posing a danger to residents, and is unwanted by the residents of Buckingham, who voted by referendum for this this area to be for parking and community open space, and for no other purpose.

I was then questioned about the flood risks (it was suggested to me that a car park would be equally susceptible to flooding as a care home!) and about the bus services. The councillor questioning me on the latter said there were perfectly good services between Buckingham and Aylesbury Milton Keynes and Bicester; I pointed out I had specifically said services to and from villages, not towns.

Rory Kirkwood then spoke well about the loss of amenity and "the beautiful wild gardens" they look over; the overshadowing and loss of sunlight of their properties by the 3/4 storey buildings proposed; and the parking and "appalling" traffic problems in the town centre to which it would add.

The Crown Care Homes agents made their case, saying that it would be "state of the art and much needed in Buckingham town centre, with 27 car parking spaces. It will be a £6.1m construction on a dilapidated site, will enhance the site, and will meet an identified housing need. This is the one chance to provide a high-quality care home here in the centre of Buckingham."

Questioned on flood storage, he said this would be under their permeable surface car parks; on emergency evacuation, he said that the plans were acceptable to AVDC officers, with whom they had been working for two years on this proposal. He said that what happened to residents once they had been safely evacuated could not be made a planning condition.

Asked about loss of power should there be a major flood, Mr Daglish said that electricity supply would be protected to ensure that lifts and lighting were safe; "we would invoke the emergency routine we have in all our homes."

Surprisingly, no member asked about the need for a third new care home.

Technical questions followed – Cllr Chris Adams (Riverside) asked in reference to my comment if the SDMC could go against the referendum which decided the BNDP policies. "If the people of Buckingham decided in their referendum that they didn't want building there, how can AVDC override their wishes?"

Mrs Kitchen replied that BNDP Policy EE5 stated that two car parking sites were identified, "but as planning officers we have look at a neighbourhood plan and what its policies say, and how we interpret a particular policy. We have to consider what the policy actually says, not what we think it might say, and to take a view, and our view is that while EE5 supports car parking, it does not preclude any other use. I would have expected that if any other use was restricted, that should have been in the policy.

"I and my officers were concerned that there was no indication of where the money would come from to achieve delivery of another car park. Interpretation of this policy is not a matter of law but a matter of judgment. We have to take a view, and while we might decide that this is in conflict with the policy, we have to take it at face value, and as the land is in private ownership, we cannot find a reason for refusal."

Cllr Monger said that the BNDP was a made plan, that it had passed public examination; if Policy EE5 supported parking on this site, it followed that any other uses were not supported; building a care home on the site would prevent that policy from being followed. The question of financing a car park was irrelevant, he added, and not a planning matter.

Cllr Monger pointed out that of the 75 bedroom/apartments proposed, only the 14 apartments could be considered as meeting any housing need, "and that number would make no impression whatsoever. We have heard today that AVDC now has two-and-a-half times its housing need, there is no need for this development, and there is no public benefit."

Mrs Kitchen said she believed that there <u>was</u> a public benefit to having 14 further units. Asked about flood risks, Mrs Kitchen replied that Paras 1.13 and 1.14 of her officer's report were enough to justify the contravention of BNDP policies regarding flooding.

Proposing approval of the application, Cllr Roger King (Mandeville) said "Cornwall's Meadow is an eyesore, and needs tidying up with a good building like this, and the proposed trees. I am satisfied with the evacuation plan, the design is pretty good; I'd like to see more of this in Aylesbury, it will enhance the area. I have no problem with it, and it will bring Buckingham economic benefit." Cllr Susan Renshell (Winslow) seconded it.

Opposing it, Cllr Monger was disappointed that members had received a six-page corrigendum only minutes before the meeting, giving them little time to digest it.

"I have serious concern about this unwanted development; Buckingham Town Council has maintained its opposition throughout; its elected members speak for the town, and the BNDP has been tested and found sound. I am concerned that the most recent floods have not been addressed, and we have been presented with no evidence of the 100-200 year flood risks.

"The officers have interpreted the BNDP policies wrongly; that interpretation is the officer's recommendation, but we have to make our own interpretation of that policy; mine is that this land is reserved for parking and picnic areas."

There were no other speakers, and the application was approved by 4-1, with two abstentions, subject to 28 conditions. Many of these address BTC's previous concerns, including inclusion of the riverside wildlife buffer, a SuDS scheme with whole-life maintenance, and Section 106 contribution agreements.

Clir MARK COLE JP

Chairman, Planning Committee, Buckingham Town Council

Following the SDMC, the following was received from Great Horwood planning expert David Saunders, who has agreed to attend the July 4th Planning Committee and address members:

I've been watching the webcast of the SDMC meeting today, and heard Susan Kitchen say that it is for the officers, in advising the committee, to interpret the wording of policies in the development plan or any part of it (such as BNDP).

That is wrong. I've attached a copy of the famous Supreme Court judgment from 2012, Tesco v Dundee. If you look at paragraph 20, the quote from an earlier judgment says

"If there is a dispute about the meaning of the words included in a policy document which a planning authority is bound to take into account, it is of course for the court to determine as a matter of law what the words are capable of meaning. If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy."

As stated in the final sentence of the previous paragraph:

"Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean."

BTC might wish to consider whether they feel that AVDC have made an error of law, in that Policy EE5 is not capable of supporting the meaning given to it in the Officer's report.

Development Management Committee 21st June 2018

1) 17/04776/APP Willowby, Bath Lane

Demolition of existing bungalow and construction of a part single storey, part two-storey house with integral garage mainly based on the re-use of the existing footprint.

Residents Mr. M. Parsonage and Mr. J. Richardson also attended and spoke.

The proposed soakaway disposal of surface water has been replaced by a large underground tank, collecting grey water to be used for washing the car and watering the garden.

The existing foul water system (septic tank) will be replaced by a pumped disposal to the sewer in Bath Lane (which is 3m higher).

The footprint of the proposed house is rather larger than that of the bungalow and the floor level is raised above 1/100yr flood level and the ground floor decking is raised on supports.

The building is partly in Flood Zone 2, with the rest and all of the garden in Flood Zone 3.

I spoke before the residents, and by agreement I concentrated on the flooding aspect, while they dealt with such considerations as the higher building intruding into the green aspect of the surrounding Conservation Area.

I noted that the SuDS officer had reservations about the pumped sewage and the attenuation tank, for which she had not been provided with enough detail (levels, pipe sizes, pump power, etc) to agree support. She listed required information in the conditions.

I said that this was of concern, because there was no indication of what would happen if the pump failed. I noted that a two storey building, being heavier, would reduce the porosity of the soil, and the attenuation tank would reduce the existing capacity of the garden to absorb water even further. I pointed out that in 2007 the river level rose 4 feet in one July afternoon due to a single heavy storm, and that sort of storm was predicted to occur more frequently. Raising the floor levels of the proposed house might ensure the safety of the applicant, but the displaced water could well flood houses in Nelson Street and Well Street as happens when the river rises. I did not get the impression that any of the Committee comprehended the problem, and Cllr Cooper asked me if I could vouch personally for the existing bungalow having flooded in the past – I said no, as it was the other side of town from where I lived and it would be have been impossible for me to get there, even if I had had need to. Later Mr. Parsonage confirmed that the watermarks left on the bungalow walls by the 2007 flood showed that it had.

Despite the applicant's agent not having asswers to many of the Committee's questions, the officer declared that the proposal complied with the tests in the NPPF and it was approved unanimously.

I saw that the permission document conditions refer to the November 2017 Flood Risk Assessment, rather than the Revision A of February 2018 which clearly shows the extent of the flood zones and has more up-to-date figures, and the officer has agreed this was an error and has corrected it.

KM 24/6/18

2) 18/00638/APP Roseway Stratford Road

Proposed demolition of existing rear extension and erection of single storey rear extension.

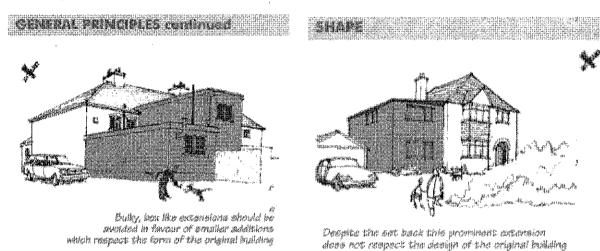
The Chairman pointed out that the extension could have been submitted as an HPDE application, but a full application had been made.

I noted that new drawings showing the existing (unapproved) large side and rear dormers had been advised to the Town Council too late for Members to have the opportunity of commenting on them. However the dormers are now the subject of Enforcement action; they are gabled with sloping tiled roofs.

I pointed out that these made the box-like extension even less like the original dwelling, and the substitution of a tent-shaped 'lantern' instead of the three flat square skylights, and a wall around the roof with coping stones (supposedly to address the initial criticism) was not dimensioned, and when the 'before' and 'after' drawings were laid over each other and held up to the light there was no difference whatsoever.

The agent felt the extension was sympathetic in style and subordinate as per the Guidelines for domestic extensions.

[The Design Guide for Residential Extensions includes the following:



The X in the corner indicates 'wrong'.]

Approved unanimously with an additional condition about materials.

KM 24/6/18 Agenda 9.1.

Enforcement Investigations

Received During May 2018

18/00172/CON3

BUCKINGHAM SOUTH WARD

Alleged unauthorised construction of a conservatory in breach of Condition 9 of 00/02155/APP (removal of PD Rights re enlargements)

15 Bernardines Way Buckingham Buckinghamshire MK18 1BF

Case Officer: Mr Jim Wilmot

18/00174/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised:

- 1) installation of illuminated fascia signage
- 2) window advertisements
- 3) external frontage works inc. rendering/new step/painting of door and window frames
- 4) installation of security grill to front door

(Grade II LB/Con Area)

28 West Street Buckingham Buckinghamshire MK18 1HE

Case Officer: Nazia Begum

BUCKINGHAM NORTH WARD

18/00199/CON3

Alleged unauthorised siting of advertising signage on front elevation including 1x flagpole/2x hanging signs and a plaque on a Grade II Listed Building in a Con Area

Stoneleigh House 17 Castle Street Buckingham Buckinghamshire MK18 1BP

Case Officer: Nazia Begum

18/00203/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised siting of company advertising signage on Grade II Star Listed Building in Buckingham Conservation Area

Spratt Endicott Solicitors The Old Town Hall Market Square Buckingham Buckinghamshire MK18 1NJ Case Officer: Nazia Begum

Enforcement Investigations

Closed During May 2018

16/00414/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised:

- 1) use of garage as separate residential accommodation
- 2) use of extension as separate residential accommodation

Manor Farm House Moreton Road Buckingham Buckinghamshire

Closed: Planning permission granted

Case Officer: Pauline Hawkins

17/00379/CON3

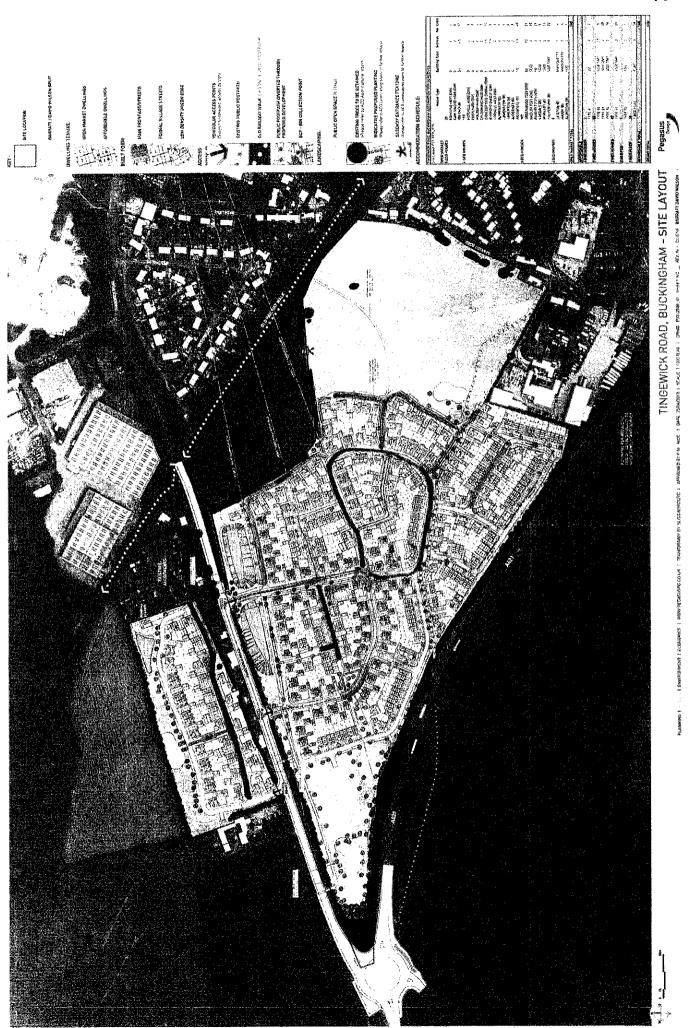
BUCKINGHAM NORTH WARD

Alleged unauthorised clearance of land and felling of trees

Land To Rear Of Wharf Hill Terrace Stratford Road Buckingham Buckinghamshire MK18 7AT

Closed: Planning permission granted

Case Officer: Nazia Begum



Saxon words

Alchrid

Alfred Alfred Rose Community Centre, Aylesbury

Athelstan

Botolf nearest Botyl Road in Botolph Claydon

Bucca's Rise

Cyneburga

Dunstan nearest Dunsham, Dunsmore,

Dunstable, Dunton

Eadwald

Ebbe Ebble Close, Aylesbury

Edburg

Edmund Edmonds Close (Page Hill) Buckingham

& Edmund Lane, Tingewick

Also St Edmunds Church, Maids Moreton

& St Edmunds Close Aylesbury

Edward Close & Walk, Aylesbury

Emma nearest Emmett Drive, Aylesbury

Ethelfleda

Ethelred

Ethelwald

Ethelwulf

Godiva

Kenelm nearest Kennel Lane, Whaddon

Offa Offas Lane, Winslow

Osburg nearest Osprey Walk Buckingham

& Ossulbury Lane, Aylesbury

Oswald

Padda nearest Paddock Close, Coldharbour

Penda nearest Penn Road, Aylesbury

St Frideswith/ Frideswide. Frideswide.

Wendover & St Frideswide Square in Oxford

Safrida nearest Saffrey Mews, Haddenham

Saxi

Swithun St Swithun's Church, Mursley

Tochi

Widerin nearest Widdowson Place and Withers

Close, Aylesbury

Wulfstan

Roman words

Augustus

Aulus Didius Gallus

Aulus Piautius

aureus

Britius nearest Britain, Britannia, Britten

Caliqula

Claudius

Decimus Clodius Septimus Albinus

Nearest Albany, Albion

denarius nearest Dene, Denham, Dennis

Domitian nearest Domino, Dormer

Natalis

Publius Ostorious Scapula

nearest Pumpus Green, Winslow

sestertius

solidus

Tiberius nearest Tibbs Road, Haddeham

& Tibbys Lane, Cuddington

Vitellius nearest Villiers Close, Buckingham

other

Conduit There is a Conduit House at Stowe, but this is unlikely to bother the Royal Mail

Fowler Fowler Road, Avlesbury

& Fowlers Field, Haddenham

Guild nearest is Guildway Bungalow, Radclive

& Guildford Close, Gawcott

High Acre Farm on Gawcott Road

& High Acre, Easington

Kings Sutton Square various King and Kings, but no Suttons at all or Kings Square

Pilgrims Way Pilgrims Way, Long Crendon

& Pilgrims Rest, Edlesborough

Wellhouse The Wellhouse, Bierton

& also Well Lane, Meadow and Street,

Wellside Lane, Stoke Hammond, & Welsh Lane



Buckingham - Winslow Cycleway Extension (Phase 2) Consultation

Dear Stakeholder,

Buckingham - Winslow Cycleway Extension (Phase 2) Consultation

We are writing to let you know about the planned new cycleway and improved walking route in.

Buckingham. The proposal covers the route along the London Road to connect with The Buckingham and
Royal Latin schools and Swan Pool & Leisure Centre: Please see the below route map for more detail.

We would like to invite you to let us have your views on this proposal by taking part in the consultation, which is open for comments from Friday 22 June 2018 until Friday 3 August 2018 (6 weeks consultation period).

Background

These works are a continuation of the cycling and walking improvements already completed along the A413 from Winslow town centre to the Lace Hill roundabout in Buckingham. The scheme is funded by developer contributions of £350,000.

This is the <u>second phase</u> of the Buckingham to Winslow Cycleway Extension scheme, which is part of the Buckingham Cycling Strategy. The strategy aims to create a cycle network within Buckingham and was developed by Buckinghamshire County Council in partnership with Buckingham Town Council.

Two phases

It is our intention to deliver the works in two phases.

<u>Phase 1</u>: Public consultation for this phase was completed in January 2018. Works on phase 1 is expected to start in July 2018 for a period of 6 weeks.

Phase 1 is the route from where the completed works finish on the east side of the A413 to Buckingham town centre. The route uses Hare Close and progresses on-road towards Badgers Way, takes a left hand turn and follows Badgers Way to the junction with Bourton Road. The path will then continue into Bourton Park using existing footpath which will be resurfaced where required, crossing the river twice and finishing in the Cornwall's Meadow car park.

Phase 2: Is the route we are now writing to you about from where the A413 cycleway ends, and continuing up the western side of London Road towards the Swan Pool & Leisure Centre (see above).

Connections would be provided to the Swan Pool, The Buckingham School and The Royal Latin School.

If you have any comments please come back to us at <a href="https://doi.org/10.100/j.com/https://doi.or

Further Information

Further Information about this scheme can be found on our website at www.buckscc.gov.uk/ouckinchamcycleway. If you have any specific questions, please email the project manager, Tayo Akinyosade, on https://www.buckscc.gov.uk or phone him on 01296 383895.



