

Minutes of the **PLANNING COMMITTEE** meeting held on 2nd July 2018 at 7.00pm in the Council Chamber, Town Council Offices, Cornwalls Meadow, Buckingham

Present: Cllr. M. Cole (Chairman)
 Cllr. P. Hirons (Vice Chairman)
 Cllr. D. Isham
 Cllr. A. Mahi
 Cllr. Mrs. L. O'Donoghue
 Cllr. R. Stuchbury

Also present: Mrs. C. Cumming (co-opted member)
Invited .: Mr. David Saunders
 Mr. Colin Stocker University of Buckingham
 Mr. Mark Panter Panter Hudspith Architects

For the Town Clerk: Mrs. K. McElligott

Public Session

Mr. Rory Kirkwood, a resident of Cecil's Yard, reiterated his opposition to the Approval of the Care Home behind the Grand Junction at Strategic Development on the 20th June. The pleasant green area at the end of Cecil's Yard is to become carparking, and the windows of the four-storey building would look into the skylights (the flats have no windows). Cecil's Yard would flood more readily, and the additional amount, both during building and occupation, of traffic would have a detrimental effect on the whole town. Having a huge building like this would change the atmosphere of the town centre and the parkland setting of Cornwalls Meadow. The car park use proposed in the Neighbourhood Plan would have been for public use – a benefit.

He was critical of the decision on the conflict of interest decision, and their ignoring of the Care Home provision they had already approved this year.

Public session ended at 7.10pm.

170/18 Apologies for absence

Apologies were received and accepted from Cllr. J. Harvey (Town Mayor).

171/18 Declarations of interest

There were none

172/18 Minutes

The minutes of the Planning Committee Meeting held Monday 4th June 2018 ratified at the Full Council meeting held on 25th June 2018 were received and accepted. The Recommendation had not been approved..

173/18 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.

Mr. Saunders said that there were two possible routes to question the decision.

1. Ask the Secretary of State to call it in on the grounds of conflict with the Neighbourhood Plan (use of the site) and the NPPF (floodability), the statements made about interpretation of the Plan (which contradicted the judgements in

Tesco v Dundee (2012) and *Canterbury v Gladman* (2018)), and AVDC's not declaring an interest in the matter of granting access across their land. The Castlemilk decision following its calling-in, reinforcing the terms of the Neighbourhood Plan, is now quoted as a reference in other cases. However, the idea of Neighbourhood Plans is no longer a novelty, and the Secretary of State might decline to call in this decision as there is no point of national importance in case law to be made, but asking the National Planning Casework Unit for their views would stop AVDC's confirmation of the approval until their report was made.

2. Ask the High Court for a Judicial review, either alone or with a third party, as it can be expensive. The decision is plainly unlawful from the *Canterbury* judgment of the previous week, and the arguments are very similar, so that is quite likely that the judge would quash the decision a) because AVDC have declared publicly that the interpretation of the Neighbourhood Plan is for their judgment, which the *Dundee* case stated not to be so – the words are to be taken as written. "Car park... supported" is an objective; allowing a care home on the land frustrates that objective.

A Judicial Review can only proceed after permission has been granted, and a statement of factual grounds provided within 6 weeks of the approval. The Court will look at the case to see if it is viable and arguable, then there would be 2-3 days in court, and the judge would make a decision.

Cllr. Stuchbury pointed out that the conflict of interest had been pointed out on the previous occasion the application had come before the SDMC, so they could not argue that the Committee members were unaware of it. He also asked if a call-in would prevent a Judicial Review. Mr. Saunders said not, but it would stop the process on confirming the approval.

Cllr. Hirons asked about costs. AVDC would pay if BTC 'won', as it was their decision that was being challenged; BTC would have to pay if AVDC won. A subsequent appeal would add to the costs.

Mr. Saunders remained at the table for the rest of the meeting.

Cllr. Cole reported to Members that the site at Walnut Drive, Maids Moreton, (undecided application 16/00151/AOP, 170 houses) had been removed from the VALP list of sites as being unsustainable/ inaccessible; this did not however preclude the developer persisting with the application

The VALP Inspection sessions would take place over the next two weeks; Cllr. Cole, Cllr. Hirons and Cllr. Harvey would attend on different days, accompanied by the Town Clerk.

174/18 **Action Reports**

174.1 To receive action reports as per the attached list.

Noted.

174.2 (845.2/17) Bourton Meadow containers. To receive a response from the school. Members commented that the letter was rather curt; a response would be sent thanking them for their advice.

ACTION COMMITTEE CLERK

174.3 (117/18) Station Road Car Park/Right of Way. To receive a copy of a letter sent to Mrs. Pilcher at AVDC and discuss University applications with Mr. Stocker and Mr. Panter.

Mr. Stocker said that the University was willing to pursue the idea of a Right of Way through the old station area, just not as part of the current application for a residence block. The matter was holding up the decision and the University wanted to progress the building.

Cllr. Stuchbury pointed out that the Council had been trying to get the routes through and across the station land designated as Rights of Way from well before the University plan, and now had a continuous cycleway from Tingewick Road to the bypass, linking the Scenic Walk and Railway Walk via the station land, written into the s106 agreement for the Tingewick Triangle site. For the s106 to be implemented the developer would need assurance of transit through the University's land. He suggested a s38 agreement with the County Council. Following considerable further debate, Mr. Stocker agreed to investigate the s38 proposal.

Mr. Panter announced that a solution to preserving the walnut tree in the entrance into the Hartridge's site had been found. Plans would be submitted in due course.

Mr. Stocker and Mr. Panter were thanked for attending and left the meeting.

174.4 (116.2/18; Anglian Water event) To receive a response from Anglian Water and discuss and agree a date and venue.

Of the suggested dates Members selected week commencing 22nd October and week commencing 19th November 2018. The Clerk would see what room was available.

ACTION PLANNING CLERK

175/18 Planning Applications

To consider planning applications received from AVDC and other applications

18/01816/APP

2 Hubbard Close
Garden shed

Members had no objections providing the unapproved existing structure was demolished first.

NO OBJECTIONS

18/01833/APP

~~Nationwide Building Society~~ [Musicopia Ltd.], 24 Market Hill
Change of use of first floor to residential flat

NO OBJECTIONS

The following two applications were taken together:

18/01841/APP & 18/01842/APP

21 Woodlands Crescent

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

Installation of 2No. pitched roof dormers to the existing front slope

Members opposed on the grounds of overdevelopment of the plot, inadequate parking within the curtilage for a 5-bedroom dwelling, and overlooking of the neighbours garden.

OPPOSE & ATTEND

18/01864/APP

19 Lenborough Road

Two storey and single storey rear extension

Members noted that there was no parking within the curtilage for one vehicle, let alone two, per guidelines. Parking space on the verge opposite was restricted, and any additional vehicles could obstruct passage for other residents and emergency

OPPOSE & ATTEND

vehicles (the collapsible bollards at the southern end of Lenborough Road are intended to allow access for fire engines to the eastern part of Mount Pleasant).

18/01866/APP

OPPOSE & ATTEND

61 Badgers Way

Two storey side and storey front/rear extensions

Member considered this proposal to be an overdevelopment of the plot; the loss of the side driveway parking would lead to parking on the front garden, and the front extension would detrimentally affect the uniformity of the street scene.

18/01883/APP

DEFERRED PENDING CORRECT INFORMATION & SITE NOTICE

~~Land adjacent to 5 Deerfield Close~~ partially corrected to Land adjacent to 51-53

Deerfield Close

2Nº 1 bed flats

Members noted that the site was between 51-53 Badgers Way and 1 Deerfield Close, and that no site notices had yet been posted at any of the three possible locations. The history of the actual site was not attached to the application file, which would have shown that a previous application for a two storey house (06/00543/APP) had been refused. It was very difficult to tell from the drawings whether a parked car would overhang the pavement, and the outline marked 'GARAGE TO Nº1' on drawing DC1305/2 was unexplained, as no garage appeared in the other drawings. The amenity space was inadequate, contrary to BNP policy DHE6. Given the actual site was at the entrance to a street housing some 60 dwellings, and not in a cul-de-sac, a revised comment from Mr. Newton was sought, especially if it turned out that the parking spaces were not wholly accommodated within the curtilage.

[Clerk's note: the reasons for refusing the 2006 application were:

1. Cramped form of development detrimental to the appearance of the locality.
2. Adverse effect on neighbouring properties.
3. Unsatisfactory parking arrangements.]

It was agreed that the neighbouring properties would be advised of the proposal, Cllr. Stuchbury volunteering to deliver the letters. **ACTION CLLR STUCHBURY**

The following two applications were taken together:

18/01953/APP & 18/01955/ALB

DEFERRED PENDING FURTHER INFORMATION

Costcutters, 40-41 Nelson Street, MK18 1DA

New shopfront including new lighting above shop signage

Concern was expressed that the new shop windows were inappropriate in the Conservation Area on a Listed Building.

Members felt that inadequate detail of the proposed lighting and signage had been submitted, and would like to see the Historic Buildings Officer's comments as well before offering their response.

18/02042/APP

NO OBJECTIONS

24 Moreton Drive, MK18 1JQ

Single storey front extension

18/02126/APP

OPPOSE & ATTEND

University of Buckingham, Verney Park

Installation of a Portakabin building

Members felt that placing the cabin in the car parking area was even more of a visual intrusion than siting it close to the building; it would still be an unlovely addition to the London Road street scene, especially in winter when the branches were bare, and there was plenty of alternative space on the site where the cabin would be hidden.

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.

Amendment: window at ground floor level on rear elevation has been reinstated; some of Members queries had been answered.

Members asked whether the proposed bag refuse collection was to be from Verney Close (evidence of an agreement from the intervening property would be ideal), or from Market Hill (which would be unsightly and adjacent to the door of the retail premises); either way, experience shows that bags (and bins) are not always left out only on collection day.

It was unanimously agreed that if satisfactory answers to the above were received, Members response would be changed to No Objections.

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

18/00638/APP

(OPPOSE & ATTEND); APPROVED

Roseway, Stratford Road, MK18 1TE

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

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

18/00977/APP

NO OBJECTIONS

Manor Farm, Bourton Road

Retention of farm shop and café.

Additional drawings::

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

Members asked that action be taken about the plethora of unapproved signage linked to these premises on and around the A413 Bourton Road roundabout.

Not for consultation

18/01298/ATC

TPO ON TULIP TREE; OTHER WORK NO OBJECTIONS

Well House, 35 High Street

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.

The Tree Officer had sent his report, which was circulated to Members. He did not feel the Tulip Tree, though healthy, was of sufficient quality for a TPO.

Members nevertheless decided to ask for a TPO on Tulip tree; other work acceptable.

18/01835/ATP

NO OBJECTIONS

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

18/01836/ATP

NO OBJECTIONS

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 duستا present on butts.

18/02024/ATC

TPO ON YEW; OTHER WORK NO OBJECTIONS

Browns Hairdressing Group, Market Hill
Conifer and elder – cut overhanging limbs in car park [Verney Close]
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.

18/02213/ATC

RESERVATIONS EXPRESSED

11 Church Street
T1 Yew Crown Spread – 8m, Height 9m. Work required 2m crown reduction
Members felt this was a substantial amount of work on a slow-growing tree, and the wrong time of year to do it, especially in light of the heat and lack of rain. Leaving the work to the autumn was advocated, and after adequate rain.

176/18

Planning Decisions

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

Approved

		BTC	Officer response recommⁿ
17/02939/APP	Royal Latin School	New pitch/sports bldg./floodlighting	No objections* Approval
17/03386/APP	Land@Wharf Hill Terr.	Erection of two dwellings	Opp. & Attend Approval
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 Approval
18/00638/APP	Roseway, Stratford Rd.	Replace rear extension	Opp. & attend Approval
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

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)

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EQUALITIES ACT 2010/CRIME AND DISORDER ACT, 1988: the decisions made during the course of the meeting were duly considered and it was decided that there were no resulting direct or indirect implications in respect of crime and disorder, racial equality or diversity.

Initial.....

Planning Inspectorate

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

Inspector has allowed the appeal.

177/18 Development Management Committee

177.1 Strategic Development Management (20th June 2018)

177.1.1 A report from Cllr. Cole on 16/03302/APP, Care Home rear of the Grand Junction PH, had been circulated with the agenda.

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

Proposed by Cllr. Cole, seconded by Cllr. Hirons, and AGREED unanimously to ask the Secretary of State to call in the decision; and if he declined, to **consider supporting** a Judicial Review. **ACTION CLLR. COLE/PLANNING CLERK**

Cllr. Stuchbury pointed out that the Council had a duty of care for vulnerable residents, despite what had been said in the meeting about planning for emergencies such as a major flood, and should the Inspector not be satisfied with the VALP submission, the BNDP would be the only plan in place.

Cllr. Stuchbury proposed a Recommendation to Council, seconded by Cllr. O'Donoghue (and agreed unanimously) that a Judicial Review should be pursued by the Council if required, working with the developers of the Lace Hill Care Home.

Formal thanks were offered to Mr Saunders for his help and advice, and to Cllr. Cole for pursuing the application at AVDC meetings.

177.2 Development Management (21st June 2018)

177.2.1 A report from the Clerk on 17/04776/APP Willowby, Bath Lane, had been circulated with the agenda.

177.2.2 A report from the Clerk on 18/00638/APP Roseway, Stratford Rd., had been circulated with the agenda.

Both applications had been approved.

178/18 Enforcement

178.1 To receive the May update [*per Cllrs Mills and Stuchbury*]

Noted

178.2 To report any new breaches

Cllr. Cole had noted a new shed in Busby Close.

[Clerk's note: not reportable, Busby Close does not have any relevant condition in its approval document]

179/18 Streetnaming

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

No further information had been received. If the developer did not accept the BTC choice, the AVDC officer would select a name. The new block of flats in Chandos Road had already been named (Midwinter Court).

179.2 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 2018.

Members decided on a selection of Saxon names from the list of suggestions submitted earlier in the year:

Kings Sutton Square for the 'focal square';

Alfred;

Edburg;

Offa;

Athelstan;

Edward;

Oswald;

Botolf;

Emma;

Penda;

Bucca's Lane;

Ethelwulf;

Swithun;

Dunstan;

Kenelm;

Toki

ACTION COMMITTEE CLERK

180/18 Consultation – Cycleway Phase 2

To discuss and agree a response to the Consultation (closing date 3rd August 2018).

Members felt that the small bridge over the brook was too narrow for a cycle and footpath. They would also like to see a maintenance schedule, as Winslow – Buckingham did not have one at the outset, apparently because AVDC were not aware of the addition as it was not s106 funded.

ACTION COMMITTEE CLERK

181/18 Matters to report

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

None reported.

182/18 Chairman's items for information

Cllr. Cole noted the substantial bollards installed as part of the Addington Road traffic calming measures. The dropped kerbs were also much less steep, which would be safer in winter conditions.

183/18 Date of the next meeting:

Monday 23rd July 2018 following the Interim Council meeting.

Meeting closed at 9.12pm.

Chairman..... Date.....