

MINUTES OF THE PLANNING COMMITTEE MEETING
HELD ON MONDAY 30th NOVEMBER 2009 AT 7.15 pm following the Public Session

PRESENT: Councillors P. Hirons
 G. Loftus
 A. Mahi
 M. Smith
 R. Stuchbury
 M. Try
 W. Whyte (Chairman)
 Also attending Mrs. H. Hill (Co-opted member)
 Mr. P. Dales AVDC Enforcement Team Leader
 Ms. C. Hack AVDC Enforcement Team (North)
 For the Town Clerk Mrs K.W. McElligott

Apologies for absence

Apologies were received and accepted from Councillors Mrs. P. Desorgher and Mrs. P. Stevens.

659/09 Declarations of Interest

Cllr. Loftus declared an interest in application 14 as the original applicant was his employer.

660/09 Minutes of the previous meeting

The minutes of the meeting held on Monday 2nd November 2009 ratified by Full Council on 23rd November 2009 were accepted.

*Proposed by Cllr. Whyte, seconded by Cllr. Stuchbury and **AGREED** to move item 9.2 to be taken next, and to suspend Standing Orders to allow the guests to address the meeting.*

661/09 Enforcement

Mr. Dales circulated copies of his presentation and various enforcement leaflets. He then outlined the system and procedures of enforcement, and when and why cases were pursued or not. A guiding principle was whether any harm was considered to ensue from the breach of condition or unauthorised work, and the enforcement action had to be proportionate to the 'offence'.

A Temporary Stop notice could take effect immediately, and was of use, for example, if unauthorised works to a protected tree were threatened. However turned out to be no breach the contractor could sue for compensation. An enforcement notice allowed 28 days for compliance and then took effect so the two could be used in combination. Further action could be taken via a High Court injunction, but this was expensive.

Whereas a breach of conditions was not illegal, failure to comply with a Notice was. A question and answer session then followed.

How was 'harm' defined, especially in the Conservation Area? – in the vast majority of confirmed breaches an application to regularise the position would be invited; if this was not received, then advice would be sought from the Historic Buildings Officer or Conservation Area Officer. If, in their opinion, no harm was being caused the matter would not be proceeded with.

If action over, say, a change of use classification was not taken because no harm was perceived, then the new use could be established over time and a change of ownership could trade on the de facto usage class which was deemed harmful; surely it was better to regularise the position for the avoidance of doubt: - action cannot be taken to correct a usage class; harm has to be provable. Members should ask themselves what their response would be should an application be submitted.

Some enforcement actions in the past have taken so long the statutory time period has elapsed enabling a Certificate of Lawfulness to be applied for and granted: - investigations can take time, especially if there is non-co-operation from the offender. A complaint may not be made at the time of the offence, only later when, for example, neighbours fall out.

If change of use is allowed as in the retail use of industrial estate properties, it makes it difficult to forward plan employment and economic development provision: - surveys and appraisals are done to provide statistical bases for forward planning, but enforcement action cannot be taken in order that statistics are accurate.

But how can effective planning be carried out if there are no accurate figures for B1/B2/B8 premises?: - the AVDLP protects retail frontages in the town centre, and the policy is to retain retail premises. The team would look at the street scene and consider the effect of the change of use.

It would help if AVDC could give some idea of what they would like reported, and what not to bother with; it would save time and effort in both Councils: - agreed, but there is no definition of what is a breach and what is not. "What harm is being caused" is the most important consideration.

Mr. Dales and Ms. Hack were thanked for attending and left the meeting.

Proposed by Cllr. Stuchbury, seconded by Cllr Try, and AGREED to resume Standing Orders.

Proposed by Cllr. Whyte, seconded by Cllr. Stuchbury and AGREED to take item 9.1 next.

662/09 Enforcement Action list

21-22 Market Hill - to be removed; Mr. Dales had suggested that the phraseology had been an error.

Connies Tea Room – Clerk to check if it was listed on the Scores on the Doors website and advise Environmental Health of the changed emphasis of the business if not.

Satellite dishes, Pizza2U, Otters Brook, 22 Nelson St. all remained awaiting response/update.

White Hart – a letter would be sent to Lagan Homes, copied to the Conservation Area officer, re the wall and damaged kerbstones.

ACTION THE CLERK

Agenda order was resumed.

663/09 Action List

All items had either been dealt with or were on the agenda.

664/09 Planning Applications

The following planning applications were received and discussed. –

09/01771/APP

SUPPORT

6 Orchard Dene

Creation of decked area to rear of property

The Planning Officer had confirmed that the decked area projected over the applicant's (and not AVDC's) property.

Members regretted the intrusion into the green edge of the open space and asked for additional planting to diminish the effect.

09/02070/APP

OPPOSE

3 The Villas, Stratford Road

Erection of No.2 semi detached dwellings and additional works to existing terraced dwelling to provide vehicular access under 2 bed apartment over

Members noted that there was no demolition element to the application: the remodelling of No.3 to include the access tunnel would seem to require this, and an elevation of the entire existing terrace would enable the effect of the demolition to be judged.

The access was totally inadequate, and would require vehicles to swing out into the opposite carriageway to get a straight run in to the tunnel. Due to the bend in the Stratford Road sightlines east would lead to emerging vehicles being well into the road before being assured of a clear space; vehicles turning into the entry would not have a clear view of whether there was a vehicle coming out. Open access could be arranged further east via the garden area proposed and this would also enable the new dwelling to become a continuation of the terrace without interruption. No Highways assessment was included with the application.

The restricted parking is related to the overdevelopment of the site. A more proportionate proposal could make access and parking easier and safer.

There are no parking restrictions on the Stratford Road at this point. Those who found the 6 courtyard spaces difficult to manoeuvre in (vehicles will be obliged to turn so as to emerge forwards), and visitors, might well choose to park at the kerb.

Nowhere on the drawings is the finished floor level shown, to relate to the minimum demanded by the EA. All of the parking area, including the brick garden wall, appears to be in the flood plain.

The orientation of the new dwellings does not address the street; they are set back in relation to the existing terrace.

The drawings do not show the remainder of the terrace and there is some doubt about the treatment of the common entrance to the rear of Nos. 1 & 2.

The remodelled No.3 does not reflect the fenestration or size of the stucco panel on Nos. 1 & 2.

The bin store was in the entry and this could make vehicle access difficult. There is no footpath on this side of the road, and it is a difficult place to cross.

The loss of the green aspect to a principal entry to the town was regretted, and more planting was requested.

09/02081/ACL

NO COMMENT

5 Otters Brook

Conversion of garage into residential use

Members declared an insufficient knowledge of the relevant law.

The following applications were considered together:

09/02113/AAD & 09/02114/ALB

SUPPORT

Replacement non-illuminated signage comprising one projecting sign and one fascia signs

09/02120/APP

SUPPORT

23 London Road

Single storey rear conservatory and two storey rear extension

09/02121/ATC

SUPPORT

12 Chandos Road [*actually No. 11 Chandos Road*]

Removal of Norway Spruce

The officer had agreed the address was incorrect and rectified the website entry.

09/02122/APP

SUPPORT

Little Oaks, Brackley Road

Demolition of existing garage and erection of single storey double garage

09/02128/APP

OPPOSE

20 Kestrel Way

Erection of side garage and first floor side extension

Members sought confirmation that the red line was correct on the plan and deplored the loss of the open aspect on a corner site. The setting back of the new garage seemed to make access difficult if not impossible. The proposal was opposed on the grounds of overdevelopment of the site and a detrimental effect on the street scene.

09/02177/ATP

SUPPORT

Garden House, Castle Street

Fell №1 Cupressus Leylandii and №1 Spruce

Members supported the felling of the T7spruce as it was dead, but asked that the cypress be replaced with a slow-growing evergreen such as a yew rather further away from the wall, to preserve the green aspect of the area.

09/02186/APP

2 Treefields

Replacement front ground floor window with bay window

SUPPORT

09/02187/APP

17 Westfields

Erection of detached garage

Members expressed concern at the lack of any access to the garage for vehicles and asked for clarification of its actual intended use.

SUPPORT

09/02210/APP

55 Moreton Road

Two storey rear extension

SUPPORT

09/02226/APP (05/01564/REP)

Former Railway Station Site, Station Road

Extension of time limit for 05/01564/AOP for erection of 4 dwellings

SUPPORT

The following minor amended plans were posted for Members' information only:

Additional Plans

09/01838/APP

17 Gilbert Scott Road

Conversion of garage into residential use, block pave front area. Single storey rear extension and extension of porch.

Plans show proposed alterations to front of dwelling (omitted from original application)

Members asked that it be minuted that a request had been received from AVDC for the Council's views re the sale of a small (25m²) piece of land in the front garden of 24 Plover Close which had inadvertently been incorporated in the adjoining public amenity land on the map. The owners had offered to purchase the land at the market price in order to regularise the legal position and turn their occupation into freehold ownership. AVDC's Leisure Services officers and Leisure Member had agreed to the sale, given that the position of the land and the long-established boundary hedge meant that the area had never been used as public amenity space (it has been treated as a private garden) and will remain incapable of being used for this purpose for the foreseeable future. The owners would be made responsible for the maintenance of the hedge.

In view of the lack of response time the email had been circulated to the Committee who had no objections, and the officer had been informed.

665/09 Planning Control

The following planning decisions were received from Aylesbury Vale District Council;

Approved

09/01035/AOP Land S of A421/E of A413

Comprehensive development inc. 700 houses Oppose

09/01631/APP Castle House	Repair west wall, render & add coping	Support
09/01632/ALB Castle House	Repair west wall, render & add coping	Support
09/01683/APP Garage,B.Ind.Est.	Change cladding to metal & alter doors	Support
09/01740/ATP Glanwin House, Avenue Rd.	Crown reduction of oak tree	Support
09/01859/APP 2 Watchcroft Dr.	S/s rear extn and 2 front infill extensions	Support

Refused

09/01589/ATP 1 Bostock Ct.	Works to trees	Oppose
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Application Withdrawn

08/02379/AOP	Land to S. of A421/E. of A413	Comprehensive development
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Planning Appeal withdrawn

08/02379/AOP	Land to S. of A421/E. of A413	Comprehensive development
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Planning Appeal Lodged

09/00417/APP 5 Catherine Ct.	Single storey rear extension and re-alignment of boundary to extend garden area.	
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666/09 Reports to Development Control

The following reports were available from the office:

22 & 23 Castle Street ("10-11 Castle Court") (retrospective)

09/01498/APP	Change of use of upper floor from B1 (office) to create 2 flats
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09/01543/ALB	Internal alterations 2 flats
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09/01684/APP	Post Office, Market Hill
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Variation of condition 5 of 08/02725/APP deleting requirement for tracker system

Members noted the above information.

667/09 Buckingham Plan

(502.1) To discuss the agenda for the meeting scheduled for 18th December 2009 with Mr. Byrne and others.

Attendees from AVDC: Mr. Byrne, Head of Planning; Mr. Barton, Forward Plans; Mr. Cannell, Development Control Manager; Mr. Acton, Design and Conservation Manager.

Topics for discussion:

- updating the Buckingham Plan in view of the 700 houses beyond the bypass
- Rural areas timetable
- Sustainable and green options on older buildings/in the Conservation Area
- Influence of the Plan on the LDF

The meeting would be attended by the Chairman, Vice Chairman, Cllr. Smith, Mrs. Hill and (if available) Cllr. Try and clerked initially by the Deputy Town Clerk, the Committee Clerk to take over when available (est. 5.30pm). In view of the numbers involved the office space would be inadequate and the Old Gaol was suggested for the meeting, to be booked from 5pm – 7pm (budget 601/4019).

ACTION THE CLERK

668/09 AVA

The Chairman reported that the parking strategy consultation had gone out to tender the previous week. He hoped to have the tenders back in time for the next meeting, aiming to make an appointment before Christmas so that the project could be started in the new year. A draft press release was approved.

The Vision & Design Statement needed to be revised in line with changes in planning law and PPSs since 2000, and would be intended as a longer term document than the Buckingham Plan which dealt with more social issues, and include both the new Conservation Area and periphery issues. The consultant would provide guidance on the revision, and local groups would be consulted.

Proposed by Cllr. Whyte, seconded by Cllr. Stuchbury and AGREED that Standing Orders be suspended to allow Mrs. Cumming to address the meeting.

The revised Statement needed to consider landscape and environment - the setting of the town. The peripheral areas must be included, such as the phase II of Moreton Road, and the land at Tingewick Road. She could suggest a name for tendering.

Members asked whether there was available stock of the original document, and whether it could be pdf-ed. Cllr Try would scan in a copy.

ACTION CLLR. TRY

Sufficient copies might be available for the members of the Committee.

ACTION MRS. HILL

Attention should be paid to employment areas; otherwise Buckingham could become a commuter dormitory.

Proposed by Cllr. Smith, seconded by Cllr. Stuchbury and AGREED that Standing Orders be reinstated.

During the following item, permission to continue past 10pm was sought and given.

669/09 Transport

Items 1 & 3 were taken together.

669.1 To receive a report from Cllr. Hirons on BCC's LTP3

Members had been asked to read through the list of strategic options circulated with the report and consider their choices for top 7 and bottom 7 options.

669.3 To receive for information the Chairman's comments on the Transport Symposium Data as this related to the LTP3 review.

Cllr. Hirons had circulated his report with the agenda but summarised the plan as lacking vision. There was no acknowledgement of the role of the A421/A422 as a link between the M1 and M40. The Chairman noted that long-term strategy for the upgrading of the A421, described in both the MK&SM Plan and the SE Plan, had been ignored.

Members then made suggestions for the options and **AGREED** on

Top priorities:

Option 2: Improve rural bus coverage

Option 11: Make roads more usable and attractive

Option 12: Build roads to relieve congestion

Option 14: Develop demand responsive community transport

- Option 22: Sustainable travel including cycling and walking
- Option 26: Proactive road maintenance
- Option 28: Parking provision
- Lowest priorities:
- Option 8: Grants for low emission technology for freight and buses
- Option 10: Transfer freight to rail or water
- Option 15: Countywide journey planning service
- Option 19: Congestion charging
- Option 25: Vehicle lanes for cars with 2+ passengers
- Option 29: Fewer town centre car parking spaces + increased parking charges
- Option 32: Multi-mode ticketing for public transport

Cllr. Hirons was thanked for his work on the Plan.

669.2 To receive a response from BCC to the Chairman's comments on 'Civil Enforcement Area - Parking Policy and Enforcement'

The response had been circulated with the agenda. The Chairman pointed out the difficulties arising from BCC producing a policy when AVDC owned and operated the car parks. It also had little relevance in the rural areas where public transport was no suitable alternative to car use, and thus a standard policy for the whole County was not sensible.

Members pointed out that raising a local levy to pay for parking was effectively a tax on residents when many users of the town car parks were from surrounding villages, who did not pay anything. If it was a Countywide policy then it should be funded by BCC, or by the District Councils as operators.

Members **AGREED** the Chairman's comments as circulated as the Committee view with the additional paragraph above.

670/09 Planning – other matters

670.1 Core Strategy

To note receipt of the Core Strategy Proposed Submission Document & CDs.

Noted. The document was handed to the Chairman for review.

670.2 To consider the request from AVDC re attendance at Inspector's hearings

The Chairman, and possibly the Vice Chairman, would attend the pre-meeting on 17th December.

Members decided that the following points should be defended personally to the Inspector:

- i) lack of evidence for the allocation of Tier 2 status to Buckingham
 - ii) lack of definition of a strategic site, and the implications for the Core Strategy
 - iii) lack of public consultation on the AV Transport Strategy, lack of agreement with BCC Members and therefore flawed
 - iv) no employment areas for Buckingham, and the nearest designated areas without public transport connections or viable roads for additional traffic
- but that the final judgement of which points deserved personal evidence to the hearing would be deferred until after the 17th December meeting

DECEMBER AGENDA

671/09 Correspondence

671.1 Response from Mr. Bercow re Hallam Land plans
Noted.

672/09 News releases

None agreed.

673/09 Chairman's Items

None.

Date of the next meeting:

Monday 21st December 2009 following the Interim Council meeting.

Meeting closed at: 10.17pm

CHAIRMAN DATE

