



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. P. Hodson

Wednesday, 28 October 2020

PLANNING
COMMITTEE

Councillor,

You are summoned to a meeting of the **Planning Committee** of Buckingham Town Council to be held on Monday 2nd November 2020 at following the Interim Council meeting online via Zoom, Meeting ID 871 2899 7691.

Residents are very welcome to ask questions or speak to Councillors at the start of the meeting in the usual way. Please email committeeclerk@buckingham-tc.gov.uk or call 01280 816426 for the password to take part.

The meeting can be watched live on the Town Council's YouTube channel here:
<https://www.youtube.com/channel/UC89BUTwVpjAOEIdSlfcZC9Q/>

Mr. P. Hodson
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.

Buckingham



Twinned with Mouvaux, France; Neukirchen Vluyn, Germany

Members are reminded when making decisions that the Public Sector Equality Duty 2010 requires Members to have due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act, advance equality of opportunity between people who share a characteristic and those who don't, and to foster good relations between people who share a characteristic and those who don't.

All Committee documents can be found on the Buckingham Town Council's website. Alternatively, the Clerk send you a copy of any minutes, reports or other information. To do this, send a request using the contact details set out above.

3. Minutes

To receive the minutes of the Planning Committee Meeting held on Monday 12th October 2020 to be put before the Full Council meeting to be held on 23rd November 2020.

[Copy previously circulated](#)

4. Buckingham Neighbourhood Plan/Vale of Aylesbury Plan

4.1 To receive and discuss the the implications for VALP and the Neighbourhood Plan of a press release arising from the Buckinghamshire Council meeting held on 21st October 2020.

[Appendix A](#)

4.2 To receive a report from the Town Plan Officer on a Humanities Research Institute seminar held at the University on 22nd October entitled *The Triumph of Beauty? Britain's cities and the contemporary revolution in urban design.*

5. Action Reports

5.1 To receive action reports as per the attached list.

[Appendix B](#)

5.2 (724.1) To receive a report from Cllr. Cole on the Town & Parish Liaison meeting held on 13th October 2020.

[Appendix C](#)

5.3 (724.2) To receive as requested a copy of the agreed HGV routes for East West Rail works.

[Appendix D](#)

6. Planning Applications

For Member's information the next scheduled Buckinghamshire Council – North Buckinghamshire Planning Area Committee meetings are on Wednesday 18th November and 16th December at 2.30pm. Strategic Sites Committee meetings are the following day at 2pm.

Additional information provided by the Planning Clerk is attached

[Appendix E](#)

To consider a response to planning applications received from Buckinghamshire Council and whether to request a call-in.

The following two applications may be considered together and an ALB is expected; if it arrives before the meeting it could also be considered as the documents are likely to be identical

1. [20/03092/APP](#) TJ's, 4 Market Square, MK18 1NJ
Change of use of ground floor A1 unit to A3 and installation of an extract flue to the rear of the ground floor unit
2. [20/03439/AAD](#) Erection of a fascia sign
Sayar
3. [20/03287/ALB](#) The Old Brewery House, 4 Castle Street, MK18 1BS
Installation of cast iron vents to improve damp levels in gable wall
Wakeman
4. [20/03387/APP](#) 14 Glynswood Road, MK18 1JF
Two storey front extension
Fazackerley
5. [20/03392/APP](#) 8 Moreton Road MK18 1LA
Garage conversion and erection of side conservatory
Kemp

6. [20/03412/APP](#) 15 Chandos Road, MK18 1AH
Single storey rear oak framed garden room extension
Bicheno
7. [20/03417/APP](#) 40 Kingfisher Road, MK18 7EY
Enlargement of existing roof over existing double garage with dormers and conversion of ½ the garage into a playroom
Trigg
8. [20/03453/APP](#) 8 Moreton Drive, MK18 1JQ
Two storey front extension and rear dormer window
Brizell
9. [20/03467/APP](#) 1 Hilltop Avenue, MK18 1TY
Single storey rear extension, bricking up of existing porch and lower section of front window with additional window to side
Finney
10. [20/03494/APP](#) 71 Overn Crescent, MK18 1LY
Two storey side extension with ground floor rear extension to create additional habitable and ancillary areas
Carr
11. [20/03588/APP](#) 14 Gilbert Scott Road, MK18 1PS
Change of use from amenity land to residential curtilage, new 2m high fence and driveway with a new 4.6m pavement crossover with dropped kerbs
Tomes
12. [20/03602/APP](#) The Royal Latin School, Chandos Road MK18 1AX
Variation of condition 13 on application 17/02939/APP relating to hours of operation
King [RLS]
13. [20/03606/APP](#) 6 Stowe Avenue, MK18 1HT
Erection of two storey rear extension
Parker
14. [20/03640/APP](#) 7 Hillcrest Way, MK18 1UH
Removal of condition 2 (all goods removed once Mr & Mrs Stone cease trading as Spektacle Solutions) relating to application 11/01539/APP
Stone
15. [20/03650/APP](#) 11 Treefields MK18 1GP
Single storey rear extension
Pickering

Amended Plans

16. [20/0886/ADP](#) Land at Tingewick Road [*St. Rumbolds Fields*]
Variation of condition 10 of planning permission 17/04668/ADP as amended by 17/A4668/NON - To vary drawing references within condition 10 to allow amended distribution, and amendment, of proposed homes and give effect for 10 additional homes to the layout of homes south of Tingewick Road.

BDW North Thames

The Clerk recommends that this re-consultation be postponed; see Report for details

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

Not in our parish

17. [16/00151/AOP](#) Land off Walnut Drive and Foscoote Road, Maids Moreton
Outline application with all matters reserved except access for up to
170 dwellings, public open space and associated infrastructure
BDW

Consultation circulated by email as response required by 27th October.

Revised Plans: Topographical Plan; Site Location Plan; VALP Compliance Table

Not for consultation

18. [20/03545/HPDE](#) 23 Overn Avenue, MK18 1LG
The erection of a single storey rear extension, which would extend
beyond the rear wall of the house by 3.50[m] for which the maximum
height would be 3.50m, and for which the height of the eaves would
be 2.50m
Hadden

Tree Applications

The following application was approved on 22nd October.

19. 20/03306/ATP Buckingham Primary School, Foscott Way, MK18 1TT
We are currently applying to work on 2 trees in our grounds. One
tree (T53) [*sycamore*] is overhanging a childrens play area posing
a substantial risk The other tree T(38) [*Ash*] is overhanging a
property and poses a risk.
Milne [Buckingham Primary School]

The following application was approved on 23rd October.

20. 20/03367/ATP 3 Pine Close, Maids Moreton MK18 1HQ
T1 Beech Height - 20m Crown spread - 9m. Work required - 1.5m
partial reduction, to 2011 reduction points, on northern crown
T2 Sycamore Height - 16m Crown spread - 9m. Work required -
2m partial reduction, to 2011 reduction points, on northern crown.
T3 English Oak Height - 26m Crown spread - 7m. Work required -
7m reduction to suitable reduction, as detailed in tree survey
(FEB/2016) Reason : see Tree Survey (FEB/2016).
Dix

21. 20/03373/ATP Open Space opposite 1-6 Watchcroft Drive [*adjacent to*] The
Bungalow Buckingham Primary School, Foscott Way MK18 1TT
T1 Sycamore. Fell to ground. Dying and diseased, large limbs
already dead, possible suffering from Sooty Bark disease.
Bordering school so it is a high risk. |
Pasmore [Buckinghamshire Council]

22. 20/03375/ATP [*Maids Moreton Avenue - land to the rear of*] Avenue Lodge,
Stratford Road MK18 1NY
T1 Prunus. Remove 2 stems in photo and wildlife hedge-lay the
remaining stems to form a hedge. Overhanging greenhouse and
and been progressively leaning over further in the last few years.
Works to abate possible future damage and to form a hedge for

wildlife. Remove regrowth from previous fells on stumps within red area on map and fell dead trees in same area
Pasmore [Buckinghamshire Council]

23. 20/03495/ATP 20 Waglands Garden MK18 1EA
G1 - Thuja hedge - Re-reduce group to previous points. Approx. 1m off the top and trim the sides.
Cove

7. Planning Decisions

To receive for information details of planning decisions made by Buckinghamshire Council.
BTC response

Approved

18/01098/APP 23,23A,23B Moreton Road	Erection 6 s/c flats and boundary wall	Oppose
19/04428/ALB 2 White House Cottages, Bourton Road	Internal refurb. & repair timber frame; replace windows	Support
20/02798/APP 70 Moreton Rd. Alterations to garage wall & roof		No objections
20/02981/APP 100 Pillow Way Single storey rear extension		No objections

Withdrawn

20/02161/APP 14 Gilbert Scott Rd. New driveway and crossover		No objections
20/02589/APP 4 Hillcrest Rise Partial ch/use from B1 to B1/D1	manufacture of lenses and eyesight testing	No objections

Not Consulted on:

Approved

20/02626/ACL 11 Linen La. Loft conversion		n/a
20/03367/ATP 3 Pine Close Reductions of Beech, Sycamore & Oak		

Planning Inspectorate

An appeal has been launched against the Refusal of **19/04481/PIP**; erection of 9 dwellings on land adjacent to Tesco, London Road. Member's response as attached (with AVDC's reason for refusal appended for information) will automatically be sent to the Inspectorate.

[Appendix F](#)

The Appellant's Statement of Case is also attached

[Appendix G](#)

To discuss and agree whether the Committee wishes to add any additional information.
(Response date 17th November).

8. Buckinghamshire Council Members

8.1 To receive news of Buckinghamshire Council new documents and other information from Council Members present

8.2 To discuss applications to be called-in, as decided above, and which Buckinghamshire Councillor wishes to volunteer for this

8.3 An updated list of undecided **OPPOSE & ATTEND** applications and call-ins, is attached for information
[Appendix H](#)

9. Buckinghamshire Council Committee meetings

9.1 N. Bucks Area Planning Committee (28th October 2020) *No Buckingham applications*

9.2 Strategic Sites Committee (29th October 2020) *Cancelled*

10. Government Consultations

10.1 To note that the White Paper responses have been sent to DCLG and NALC, and acknowledged by the latter.

10.2 To receive for information Milton Keynes press release on their response to the White Paper (via NBBPC)

[Appendix I](#)

10.3 To receive a response from Mr. Greg Smith MP

[Appendix J](#)

11. (postponed from last meeting) Draft Milton Keynes Planning Obligations SPD)

“Members noted the Draft Milton Keynes Planning Obligations Supplementary Planning Document. Cllr. Harvey proposed, seconded by Cllr Stuchbury that a copy of the protocol document between MKC and local parish councils be brought back to a future meeting of the Planning Committee for discussion.” <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/draft-planning-obligations-supplementary-planning-document-spd>

11. Enforcement

To report any new breaches

12. Trees

To receive the requested list of applications for tree felling received (1st January 2016 – 27th October 2020)

[Appendix K](#)

13. Matters to report

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

14. Chairman’s items for information

15. Date of the next meeting: Monday 30th November 2020 at 7pm.

To Planning Committee:

Cllr. M. Cole JP (Vice Chairman)

Cllr. G. Collins (Town Mayor)

Cllr. J. Harvey

Cllr. P. Hirons

Cllr. A. Mahi

Cllr. Mrs. L. O’Donoghue (Chairman)

Cllr. A. Ralph

Cllr. R. Stuchbury

Cllr. M. Try

Mrs. C. Cumming (co-opted member)



Press Release from Buckinghamshire Council

22 October 2020

Decision made on the Chiltern and South Bucks Local Plan

On 21 October, Buckinghamshire Council resolved to withdraw the Chiltern and South Bucks Local Plan (CSB Plan). This means that the independent examination of the plan, which has been on hold because of COVID-19 and pending this decision, will close. The plan and its supporting documents will also now be removed from the Council website and all locations where they have been available for public inspection.

Buckinghamshire Council inherited the draft Chiltern and South Bucks Local Plan (CSB Plan) on 1 April 2020 and took the opportunity over the summer to review the plan in the light of the Planning Inspectors' comments in May, the unprecedented impact of COVID-19, and the new Government White Paper *Planning for the Future*, which envisages a new plan-making system for England.

Councillor Warren Whyte, Cabinet Member for Planning and Enforcement, said: "In May 2020 the Planning Inspectors who were examining the draft CSB Plan pointed out that there was a strong likelihood that the only option will be for the Council to withdraw the Plan. This was because, in their view, Chiltern and South Bucks District Councils had not cooperated with Slough Borough Council to identify sites in the plan for meeting some of Slough's housing needs which would otherwise not be met. Whilst we did not agree with the findings of the Inspectors, we do believe the time is right to refocus our efforts and resources on completing a new Local Plan for the whole of Buckinghamshire."

He added: "The impact of COVID-19 has also been considerable and has brought significant changes to how and where we work, future shopping needs and our town centres. All this will need careful consideration and our strategy for addressing these issues should now be incorporated into the new Buckinghamshire Local Plan."

The Government's recent changes in planning law, and the Planning White Paper proposing a brand new way to create local plans, reinforces the benefits of a new Buckinghamshire Local Plan. The Council is currently reviewing the proposed changes set out in the White Paper: *Planning for the Future*. This consultation document proposes significant changes to the current planning system in England covering plan-making, development management and development contributions. The Council will be responding to the White Paper before the close of the consultation on 29 October.

Work has started on the new Buckinghamshire Local Plan which will set out the Council's planning framework for years ahead. It will respond to the Government's planning reforms, identifying areas for growth, renewal and protection across Buckinghamshire.

Regular actions

Minute	Actions	Minute	News Releases	Date of appearance
716/20	5 via Parish Channel (1 Tree decided before meeting)			

Other actions

Subject	Minute	Form	Rating √ = done	Response received
Buckinghamshire Council				
Neighbour comments	41/20	Write as minuted	√	
Call-in system	69/20	Town Clerk to forward WW response to MP		
Policy on Neighbourhood Plans	70/20	Cllrs. Cole & Stuchbury to formulate Written Question	√	
Housing need survey	240.2/20	Town Clerk to enquire if basis will be changed to reflect post-Covid circumstances		
Trees	715.1/20	Town Clerk to set up SubGroup Town Clerk to contact Beaconsfield Soc. as minuted Planning Clerk to create list of applications tp fell trees	√	See agenda 12
Tingewick Rd roundabout signage	308/20 352.1/20 360.1 360.2	Contact Highways re previously reported sign damage etc. not yet repaired Raise change to signage and LH lane & dropped kerbs School crossing signs	√ √ √ √	A replacement now needs to be provided, so I have taken advantage of the situation and have had them add ' University ' to the Tingewick Road arm, so as to hopefully direct the some of the traffic into the town this way. We have left the 'Town centre' destination as it is, with traffic signed along the A421, as the Tingewick Road route into the town is not considered to be ideal, mainly as a result of the pinch point on Castle Street in the vicinity of the Villiers as well as the other narrow roads in that area. This also then remains consistent with other traffic signs around the bypass. The issue of the missing part of the sign is likely to delay completion of the works slightly, although they are still likely to finish all the current works within the next 4

ACTION LIST

Appendix B

Subject	Minute	Form	Rating √ = done	Response received
	723.3	Suggest 'New Road Markings' warning sign	√	weeks or so. Insofar as the new estate is concerned, we are not aware of a particular lacking in the number of dropped kerbs, but I am having a colleague take a look just to check the situation when he is next on site. Finally, as requested, I have forwarded the issue with the school flashing lights to appropriate colleagues in TfB Street Lighting for them to investigate. Kind regards Steve
Moreton Rd Temp Crossing	304/20	Ask about survey	√	
Town & Parish Charter	722/20	Town Clerk to circulate when available		
Call-in requests				
Call-in Procedure	244.3/20	Town Clerk to seek clarification on timing	√	
Call-in requests	355.2/20 & 718.3	Cllr. Mills , 20/02752/APP, M&Co; Cllr. Cole , 20/02511/APP, Pightle Crescent	√ √	Cllr. Mills declined after consultation with officer No response from Cllr. Cole (twice); Cllr. Mills asked instead, declined 27/10/20
Enforcement reports and queries				
Summerhouse Hill	162.1/20	Mrs Cumming/Cllr. Stuchbury/Clerk to investigate & report lack of management of landscaping at entrance	√	Response received from Weston Homes (7/8/20) The landscapers are attending early next week with a view to ascertain quantities of material. The reinstatement works will follow soon after.
Administration	244.1	Ask about budget allocation	√	
Evaluation and review	244.1	Ask about formulating base data for evidence-based review and measuring progress	√	
Other:				
Surgery applications	40/20	Town Clerk to investigate whether North End and Verney Close surgeries can be designated Community Assets		

ACTION LIST

Appendix B

Subject	Minute	Form	Rating √ = done	Response received
		Environment Committee to set up meeting with Swan Practice		
Future plans	155.2	Letters to BC & MKC as minuted	√	
Page Hill Footpaths	163.2/20	Report deterioration with photos	√	
Signage for Pegasus crossing	208.1	Report signs for 'new' crossing	√	
Bypass river bridge		Report further deterioration	√	
Lace Hill Health Centre	247/20 299.2	1. Check s106 status 2. Town Clerk to warn practice about use-by date Get answer in plain English	√ √	See agenda 6.2 (17/8/20)
S106 use	247/20	Town Clerk to check with other Districts re Sport & Leisure projects	√	
Moreton Road parking	296/20	Write to Akeman & AVE re loss of parking	√	Hoardings have gone up around parking area site (18/7/20)
Government White Paper consultation	719/20	File response to DCLG & NALC Town Clerk to send to BC & MP	√ √	NALC has acknowledged receipt. MP's response at agenda 10.3
MK SPG	298.3 & 722/20	Bring back for discussion		See Agenda 11
Neighbourhood Plan Group	714	Town Clerk implement Recommendations as agreed		
Gilbert Scott Road	361/20	Recommend resident contact Cllr. Chilver	√	See agenda 6.11
SOLD sign	723.1	Request removal, over time		Sign removed 27/10/20
Litter	723.4	All Members to encourage public to act		
HGV routes	724.2	Obtain maps used in presentation		E-W Rail maps at Agenda 5.3

BUCKINGHAMSHIRE COUNCIL/BMKALC PARISHES LIAISON MEETING

I attended the October 14th on-line BC/BMKALC Town and Parishes Liaison meeting (as did our Town Clerk as an observer), the first since January 2020, which attracted no less than 55 attendees.

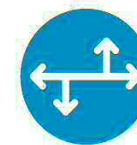
Whilst at first sight that number might have appeared unwieldy, it was interesting to hear of issues from the south of the county, and of course we can raise Aylesbury Vale specific issues at the community board meetings.

I had a couple of questions to raise, one about the future of the VALP, but they were asked by others, so for once (probably a first!) Cllr Cole did not speak.

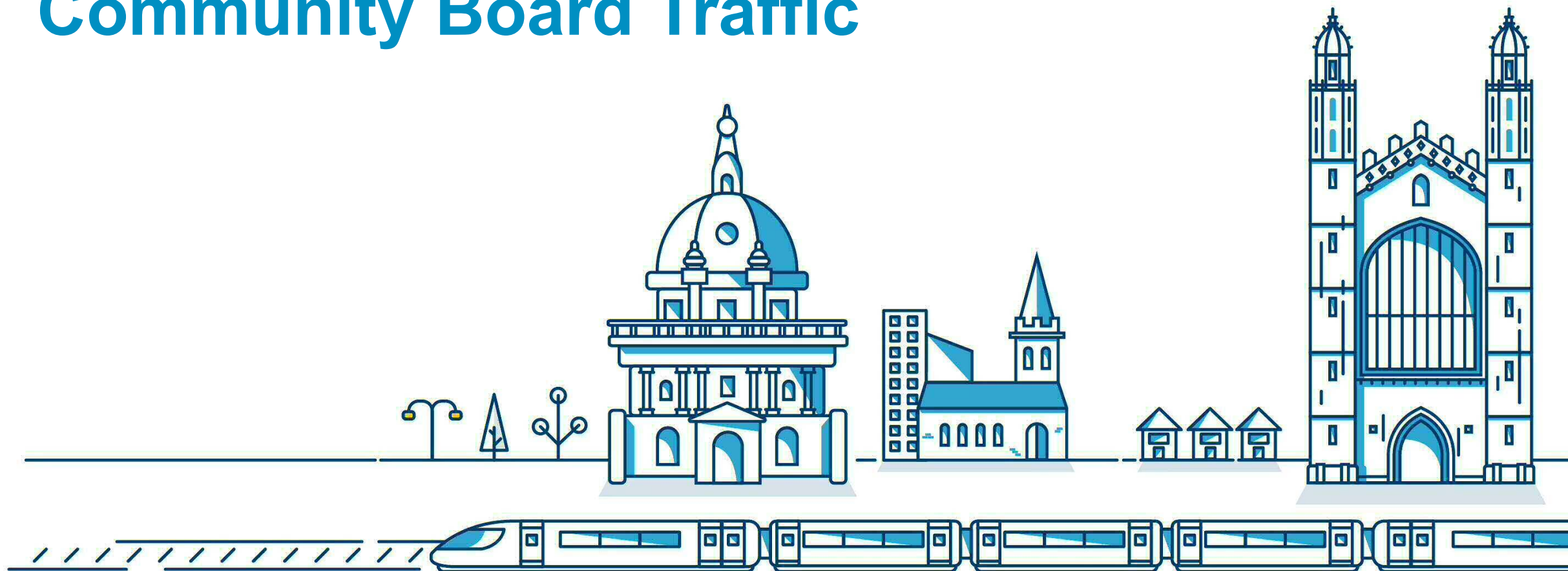
Cllrs Martin Tett (BC Leader) and Gareth Williams (Cabinet Member Communities and Public Health) brought everyone up to speed on the current situation within Bucks, most worryingly the £8.8m budget shortfall this year due to Covid-19, through lost revenues from parking, business and household council taxes, leisure centres and property income, as well as pay-outs to the vulnerable, now totalling 6670 residents, not all of which can be claimed back from central government.

Cabinet member for Housing and development Cllr Warren Whyte reported on enforcement, and in particular on the Complex Cases Task Force which he was set from Monday 19th October. That was most encouraging, as was the work he said which Buckinghamshire Council Planning is putting in to clear the backlog of planning applications here in the north of the county. It is recognised that we have a different planning ethos to the rest of Bucks, and he wants to consult with us further about the planning process. The Parish Charter will be ready for consultation mid-November ('hopefully', he added.)

Cllr Mark Cole JP
Vice-Chairman Planning, BTC

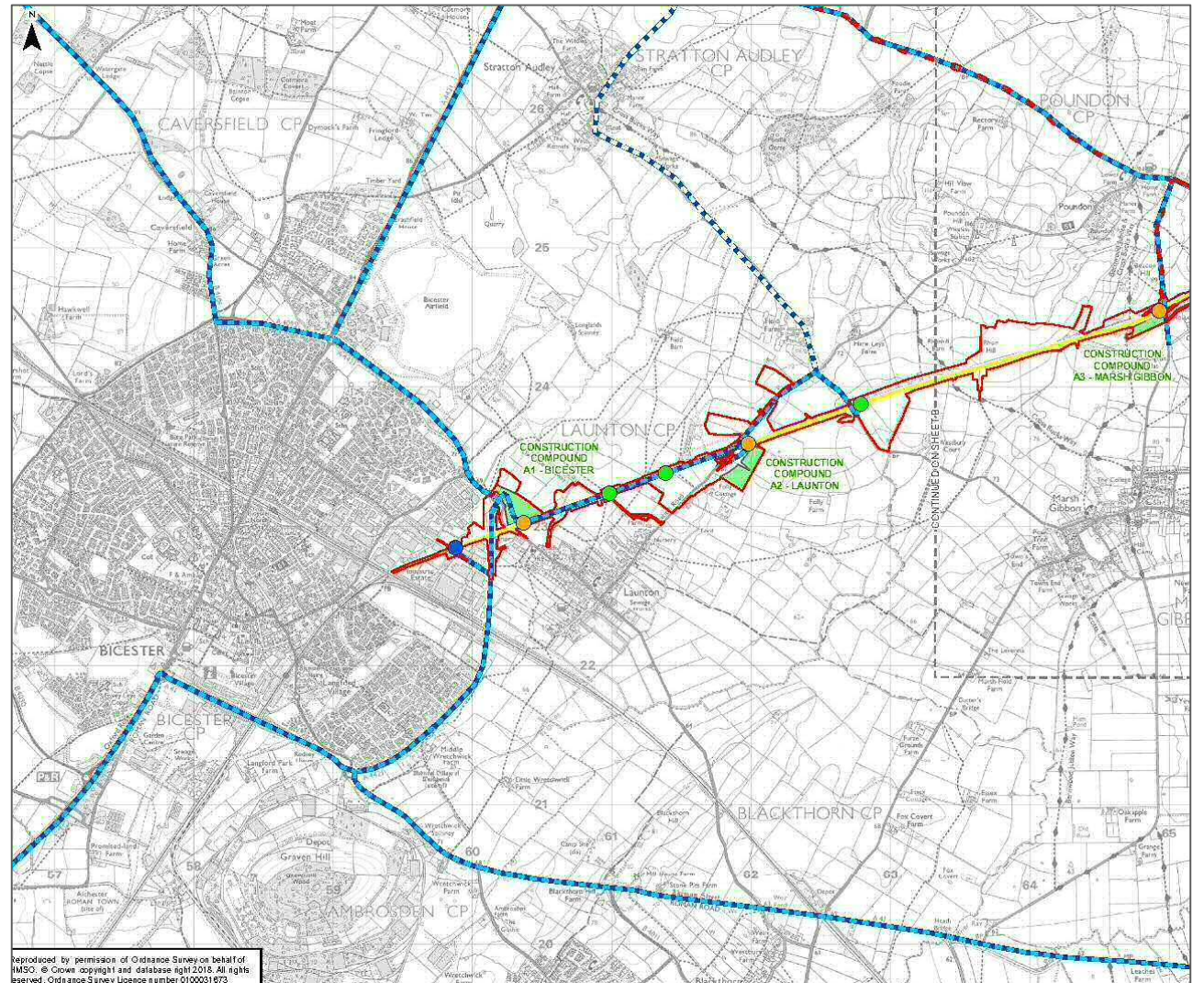


Community Board Traffic



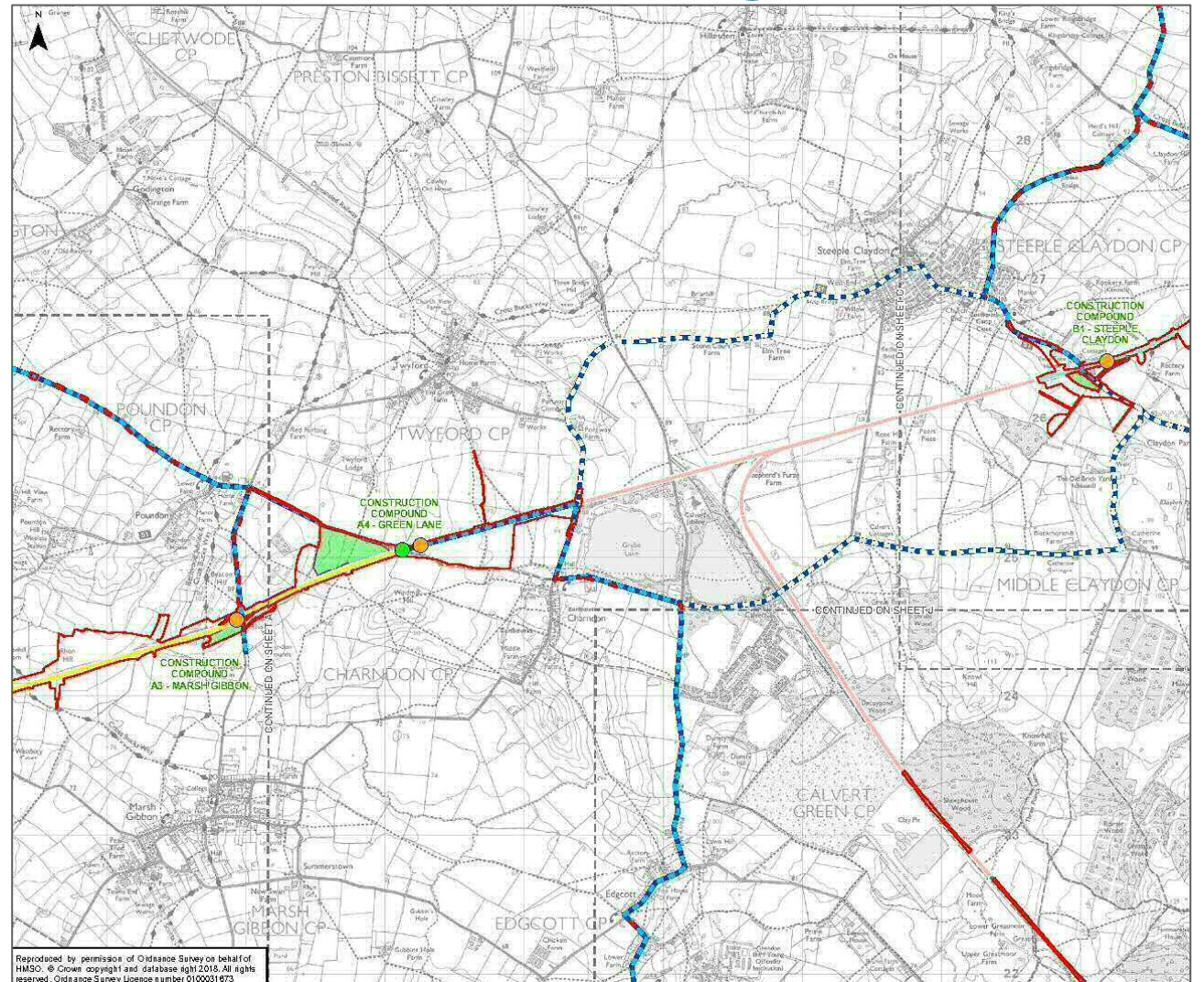
Detail – Bicester to Marsh Gibbon

- No HGV or LGV construction traffic through Launton Village
- No HGV or LGV construction traffic through Marsh Gibbon Village
- Only LGV construction traffic through Stratton Audley Village, HGVs go past Stratton Audley Park and Poundon
- Abnormal Loads considered on a case-by-case basis



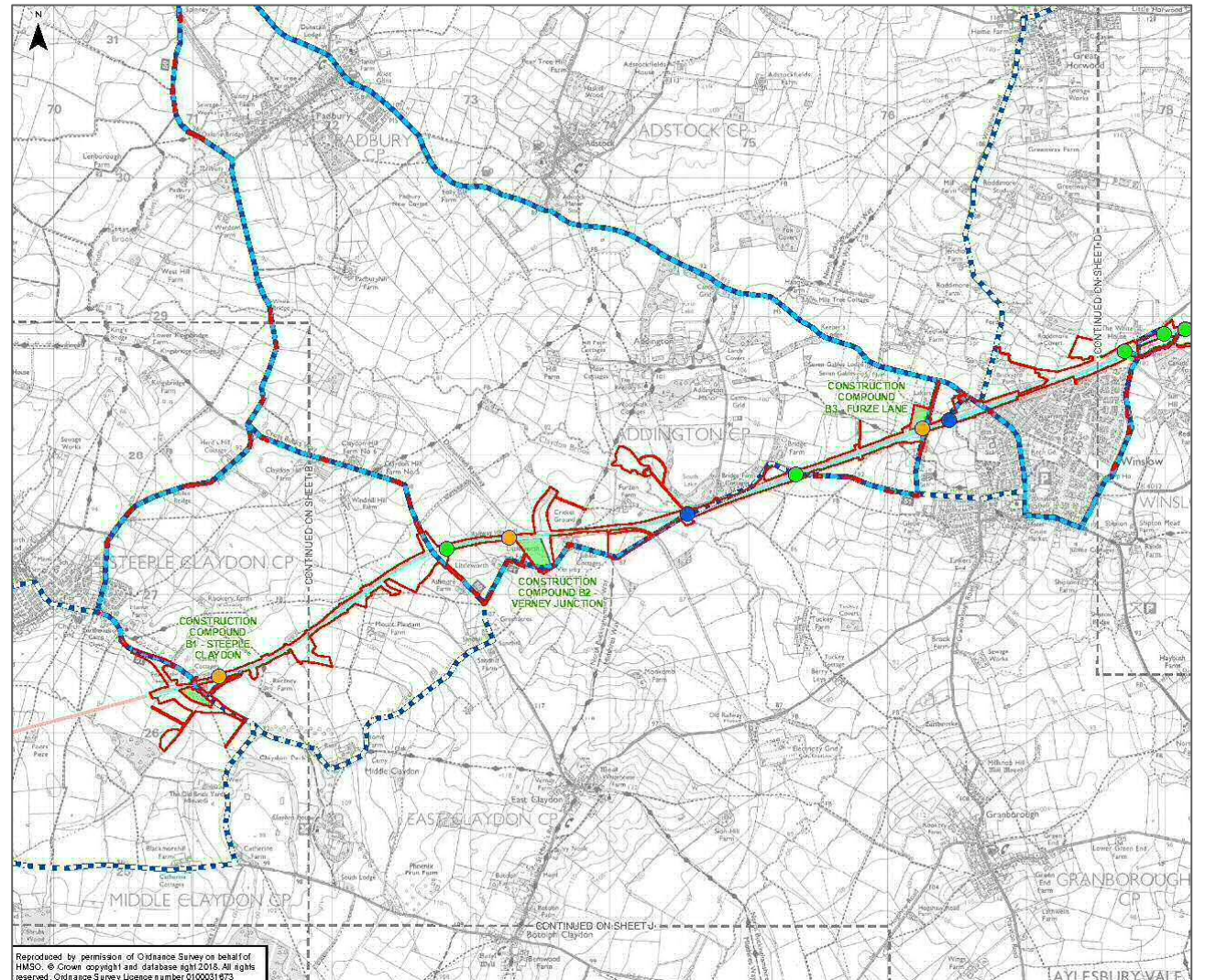
Detail – Marsh Gibbon to Steeple Claydon

- No HGV or LGV construction traffic through Marsh Gibbon Village, Twyford, Charndon or Calvert
- HGVs go past Poundon, Charndon and Calvert
- HGVs go through Edgcott and past Grendon Underwood
- LGVs go through Steeple Claydon and HGVs go through a small portion of Steeple Claydon
- Abnormal Loads considered on a case-by-case basis



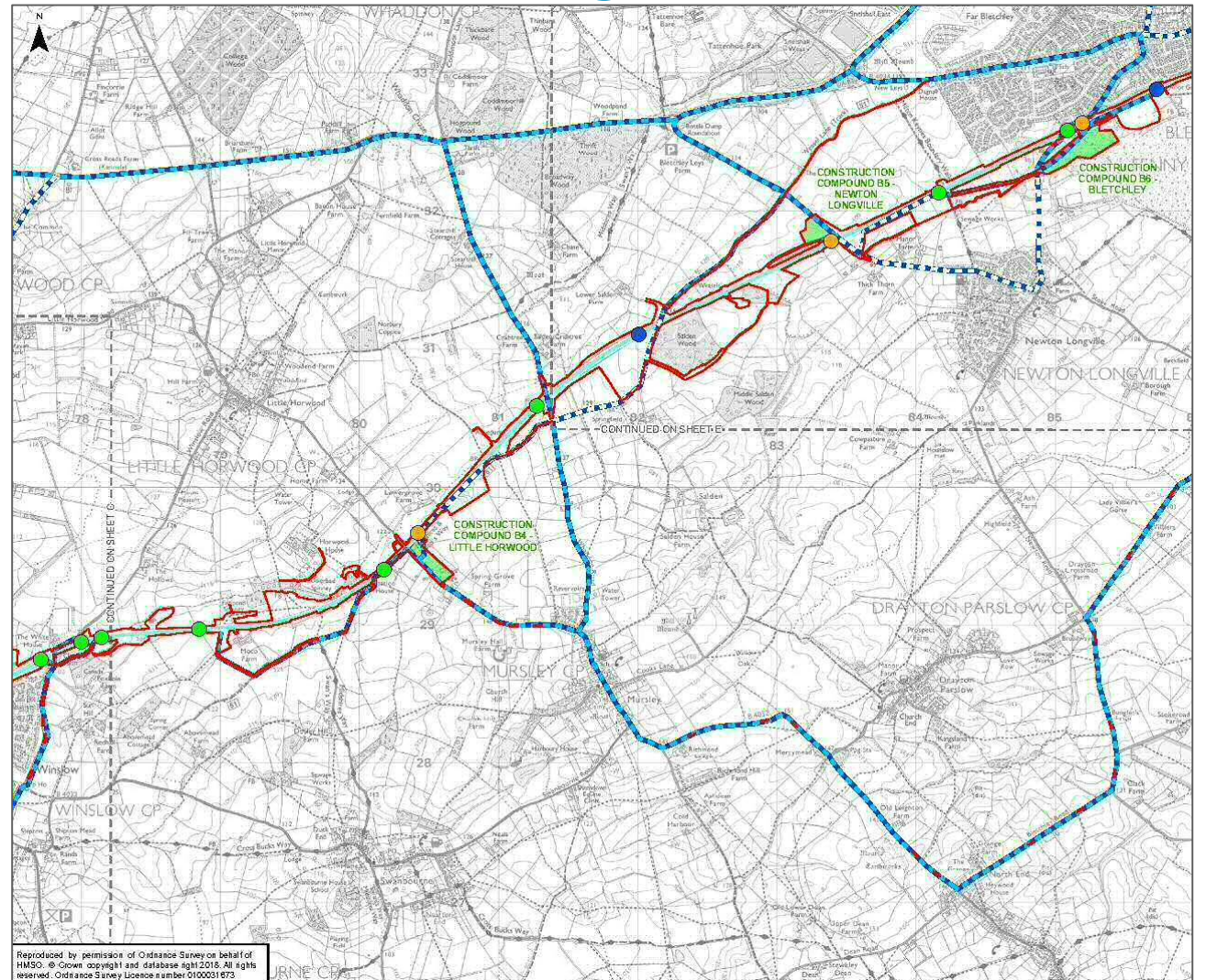
Detail – Steeple Claydon to Winslow

- HGV Routes skirts through and past Padbury, past Adstock, through Verney Junction and through Winslow
- HGV Route goes through Verney Junction
- LGV Route goes through Great Horwood
- No HGV or LGV construction traffic through Addington, East Claydon, Granborough, Adstock
- Abnormal Loads considered on a case-by-case basis



Detail – Winslow to West Bletchley

- HGV Routes go through Mursley and past Drayton Parslow and North End as well as West Bletchley (B4034 and Newton/Bletchley Rd)
- No HGV or LGV construction traffic through Little Horwood
- LGVs only will transit through the north of Newton Longville
- Abnormal Loads considered on a case-by-case basis



Delivery Management Tool Overview

- Voyage Control
 - Is a delivery management tool that will allow us to fully comply with the TWAO conditions and commitments in terms of routes and timings
 - All Contractors and Supply Chain will be required contractually to comply with the EWRA Delivery Management System
 - Any issues with EWRA Construction Traffic can be submitted to the Network Rail Enquiries line 24/7 - **03457 11 41 41**
 - The enquiry is then passed to the appropriate EWRA desk for a response which will be given (please ensure you provide your contact details) as soon as possible
 - Please include as much factual detail as possible

Commitments Overview

- We will

- Be considerate constructors
- Be CLOCS Champions and achieve FORS Silver Standard
- Keep to operating hours unless agreed by exception (0700 – 1800)
- Keep to the routes as identified within the Environmental Statement of the TWAO
- Robustly manage the supply chain to ensure compliance and safety
- Follow the approved process for abnormal loads
- Be sustainable in our practices
- Minimise impact on the highways whenever and wherever reasonably possible
- Maximise use of construction compounds as hubs of activity



- We will give utmost practicable consideration to our impact on neighbours and the public

CLOCS (Construction Logistics and Community Safety)

FORS (Fleet Operator Recognition Scheme)

- Improves Road Safety
- Reduces fuel emissions and enhances fuel efficiency
- Aims for zero collisions between construction vehicles and the community
- Aims for fewer vehicle journeys
- Aims for improved operational reputation



Traffic Management

- Each journey booked and tracked (speed, distracted driver, sharp breaking, harsh turning)
- Carrying out training programme for contractors and drivers
- Supply chain training event
- Non compliance – vehicles turned away at the contractor expense
- Non compliance – removal of contracts
- Signage strategy – reviewed with local authority and procured

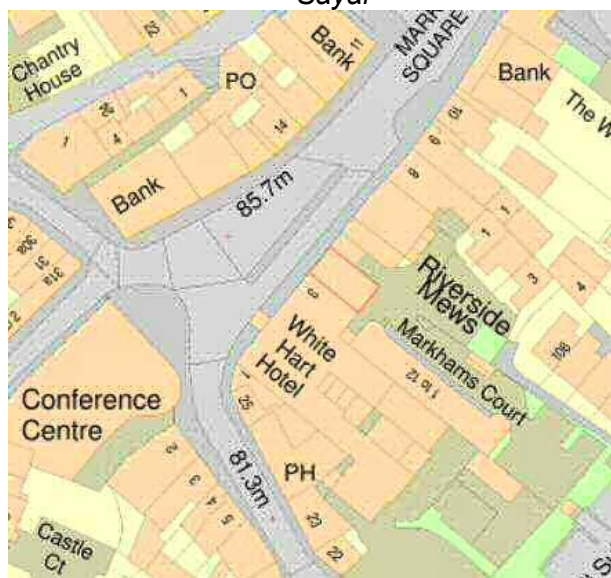
PLANNING COMMITTEE

MONDAY 2ND NOVEMBER 2020

Contact Officer: Mrs. K. McElligott, Planning Clerk

Additional Information for applications on the agenda

1. **20/03092/APP** TJ's, 4 Market Square, MK18 1NJ
Change of use of ground floor A1 unit to A3 and installation of an extract flue to the rear of the ground floor unit
2. **20/03439AAD** Erection of a fascia sign
Sayar

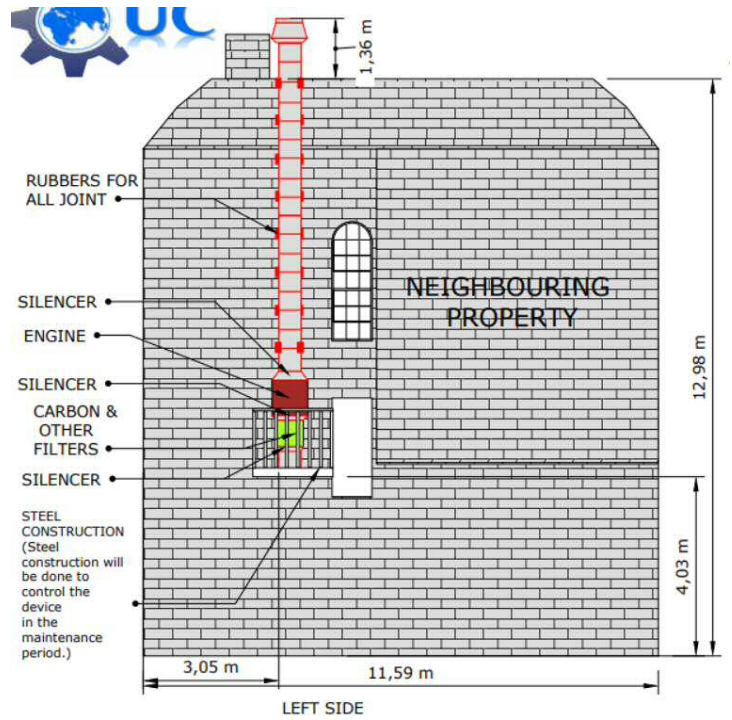
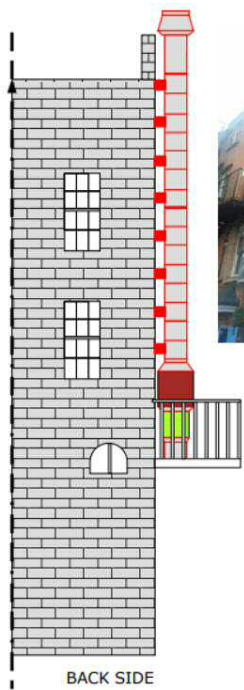


1	86/02045/AAD	ILLUMINATED SHOP FASCIA AND HANGING SIGNS	Refused
2	86/02046/APP	ALTERATIONS TO SHOP FRONT	Refused
3	86/02047/ALB		
4	99/02483/AAD	Non-illuminated replacement fascia sign	Approved
5	99/02485/ALB		
6	08/02634/ALB	Replacement signage and repainting shopfront (Retrospective)	Approved
7	08/02635/AAD		
8	20/03092/APP	Change of use of ground floor A1 unit to A3 and Installation of an	Pending
9	20/03439/AAD	extract flue to the rear of the ground floor unit	Consideration

The site is the off-licence between the White Hart's main door and the archway that leads through to Markhams Court and Riverside Mews. It is the ground floor only, and occupies the full depth of the building. The proposal is to turn the shop into a restaurant under the Class E regulation introduced on September 1st 2020. Planning permission is sought for the external flue needed for the extractor unit, and the change of signage.

There are L-shaped banquettes with tables inside the two front windows, and 10 tables seating four in the main body of the restaurant. The kitchen, servery, and public and staff toilets are at the rear. The cooking area is on the south wall of the kitchen, and the archway on the north, so ducting will have to be installed across the whole width of the ceiling to an exterior chimney, 'engine' and filter unit, the latter contained within a cage 4m up the flank wall behind the archway. The chimney protrudes 1.36m above the roof. Silencers are fitted to the installation.

Very little of the remaining refitting of the shop involves structural alteration.



It is not clear if these measurements start from ground level or are diagrammatic only; the entry slopes considerably



The rear of the White Hart is quite messy already



Ventilation duct

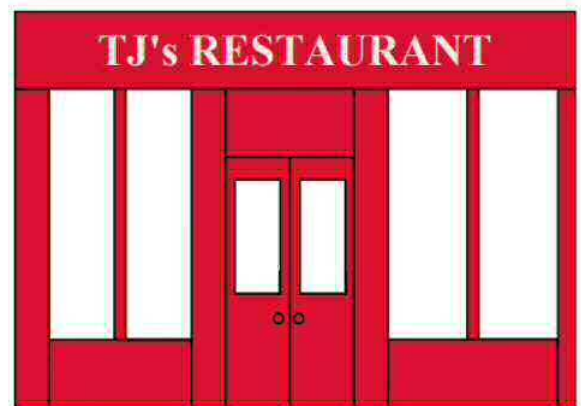
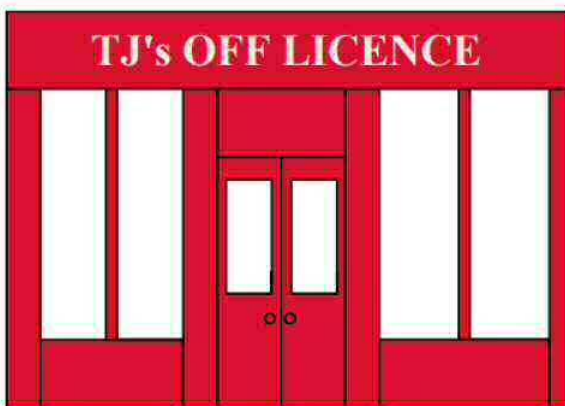


The flank wall in the drawing above

Signage application:

EXISTING FRONT ELEVATION PLAN

PROPOSED FRONT ELEVATION PLAN

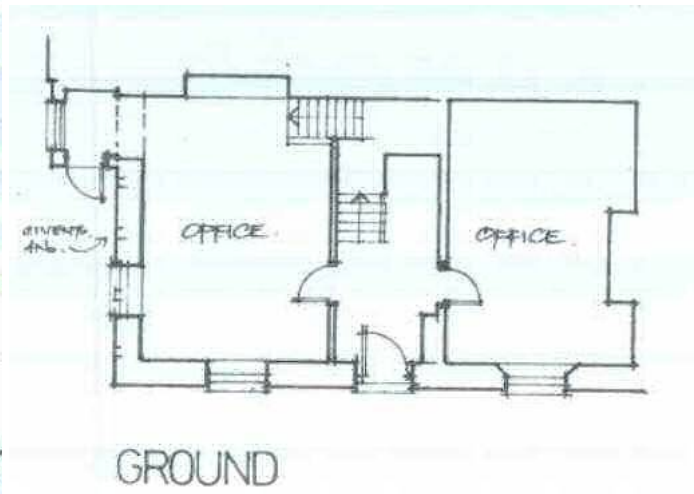
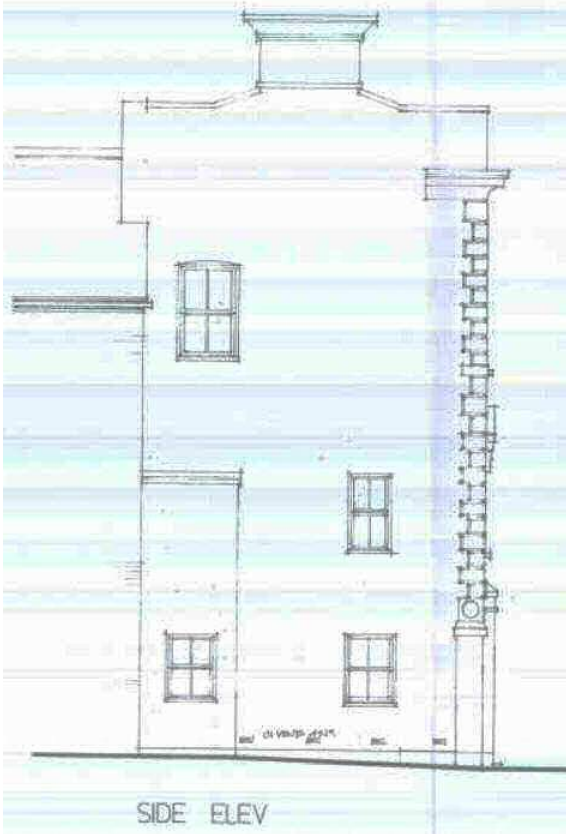


- 3. **20/03287/ALB** The Old Brewery House, 4 Castle Street, MK18 1BS
Installation of cast iron vents to improve damp levels in gable wall
Wakeman

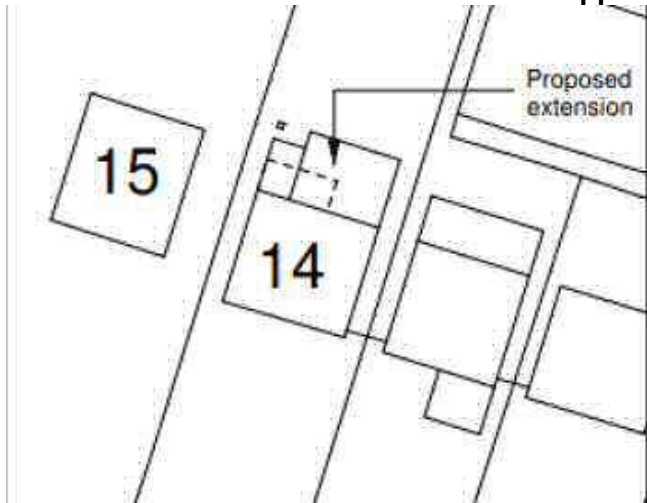


1	79/01203/AV	ALTERATIONS TO EXISTING PREMISES TO FORM A NEW SIDE ACCESS	APPROV
2	79/02108/AV	GROUND FLOOR SIDE WINDOW TO BE ENLARGED	Approved
3	80/00303/AV	CHANGE OF USE FROM OFFICE TO TWO RESIDENTIAL UNITS FIRST AND GROUND FLOOR OFFICES	Approved
4	80/00988/AV	USE OF GROUND FLOOR FOR RETAIL PURPOSES	APPROV
5	96/01599/ALB	REFURBISHMENT ALTERATIONS AND EXTENSION TO MAIN BUILDING TO PROVIDE 5 FLAT	Listed Building Consent
6	96/01631/ALB	DEMOLITION OF ANNEXE	L. B. Consent
7	96/01724/APP	REFURBISHMENT OF OLD BREWERY HOUSE DEMOLITION OF ANNEXE AND ERECTION OF REPLACEMENT TO PROVIDE 5 FLATS	Approved
8	14/01810/APP	Change of use of ground floor from A1 (shops) to A2 (Financial and Professional services)	Approved
9	15/00421/ALB	One fascia company signage "Spratt Endicott Truman" on the gable end of the building (retrospective)	LB Consent Advert Consent
10	15/00422/AAD		
11	18/03777/ALB	Replace existing windows (beyond repair) with new double glazed windows	Listed Building Consent
12	20/03287/ALB	Installation of cast iron vents to improve damp levels in gable wall.	Pending Consideration

The building is suffering from damp in the gable wall; following discussions with the Heritage Officer it has been agreed that the wall be repainted internally, and four cast iron vents fitted low on the external wall to see if the problem can be resolved without the use of waterproof render internally and a chemically injected damp proof course.



4. 20/03387/APP 14 Glynswood Road, MK18 1JF
Two storey front extension
Fazackerley



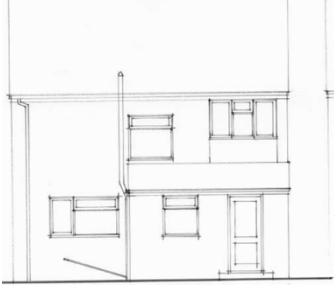
↑ No14

1	82/01285/AV	EXTENSION TO DWELLING	APPROV
2	20/03387/APP	Two storey front extension	Pending Consideration

The site is the penultimate property at the western end of Glynswood Road, and extends from the Brackley Road to the river, with the detached house approximately in the centre and slightly beyond the extent of the tarmac road. The ground floors of all the houses are below road level and reached by steps; there are garages on the north side of the road, backing onto Brackley Road. Of the other 14 houses in Glynswood Road, 2 have had no work done, 1 an extension, whereabouts unspecified, 4 a 2-storey front extension, 5 single storey extensions and 2 a new porch. There are plain front elevations, gables and double gables and a cat-slide roof. There is no discernible consistency of design in the street scene.

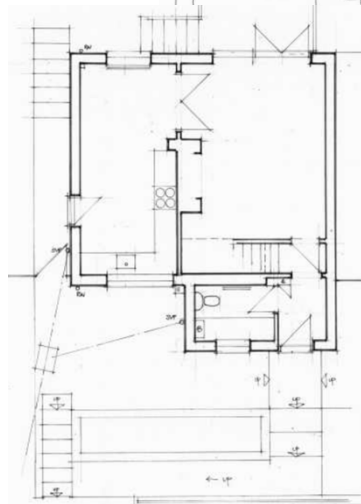
The application proposes extending the existing porch (housing a cloakroom) 7 feet forwards to make a utility room/studio and bringing the front wall of the kitchen forward to match, and the hall wall/front door forward about half that. This will necessitate removal and rebuilding of the front steps. The rear part of the enlarged kitchen will be closed off with folding doors and the dividing wall knocked through to form a single L-shaped room with the existing living room. French doors are to be added at the back of the old kitchen giving onto a new extended deck. The front extensions add a larger and smaller gable roof to the front elevation; the higher appears to match the original ridge height.

The existing house appears to have three bedrooms and bathroom upstairs (the rooms are not labelled); the upper floor of the proposed extension will give a much enlarged bedroom with ensuite bathroom and dressing room with new (obscured glass) side window, while the existing bedrooms 1 & 3 will be amalgamated into one bedroom with access to the dressing room.

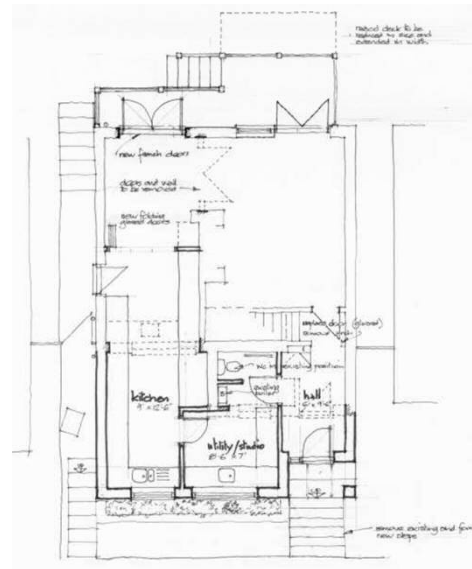


Existing front and rear elevations

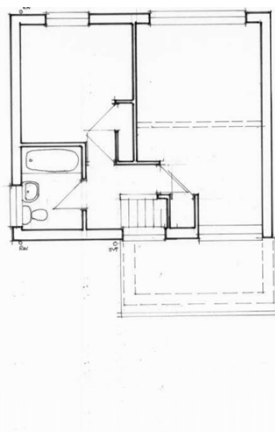
Proposed front and rear elevations



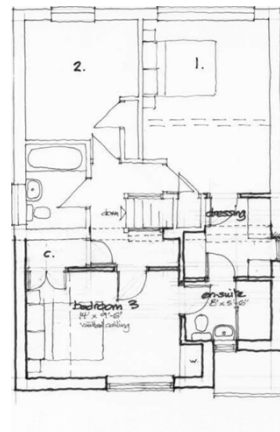
Ground floor – existing



proposed



First floor – existing



proposed

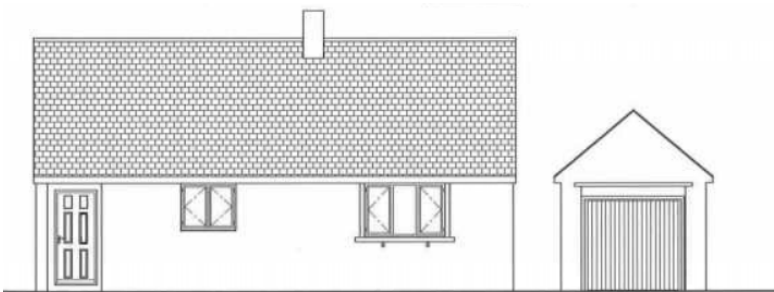
5. 20/03392/APP 8 Moreton Road, MK18 1LA
Garage conversion and erection of side conservatory
Kemp



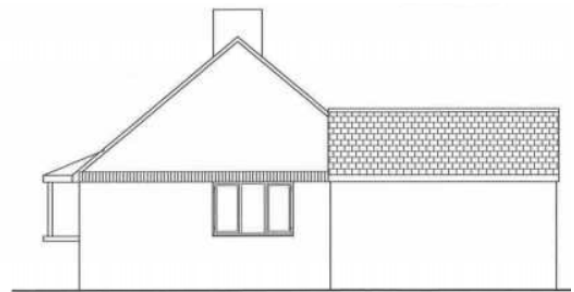
1	83/00264/AV	ERECTION OF DOMESTIC GARAGE BUNGALOW	APPROV
2	20/03392/APP	Garage conversion and erection of side conservatory.	Pending Consideration

The site is a large plot on the inside of the bend on Moreton Road, opposite the entrance to Summerhouse Hill, and is a detached bungalow with a detached garage. There is a thick hedge along the road frontage.

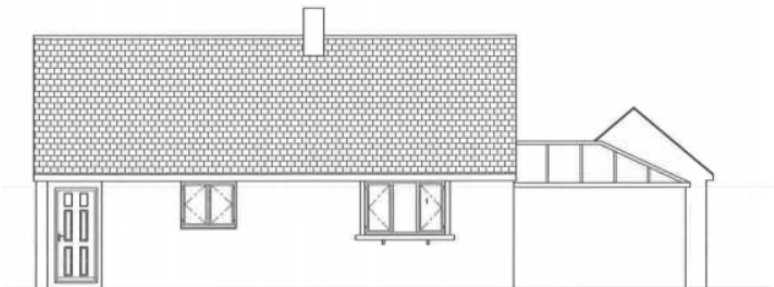
The proposal is to link the garage to the house with a conservatory, replacing the up-and-over garage door with a single side-hinged domestic door and using the garage as a hobby room.



Existing Front Elevation (In Part)



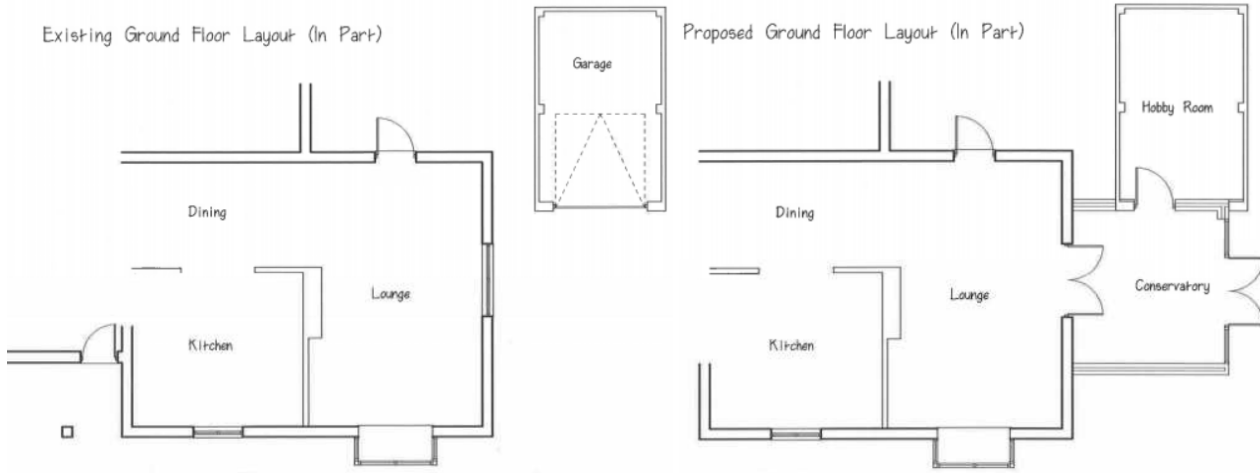
Existing Side Elevation (In Part)



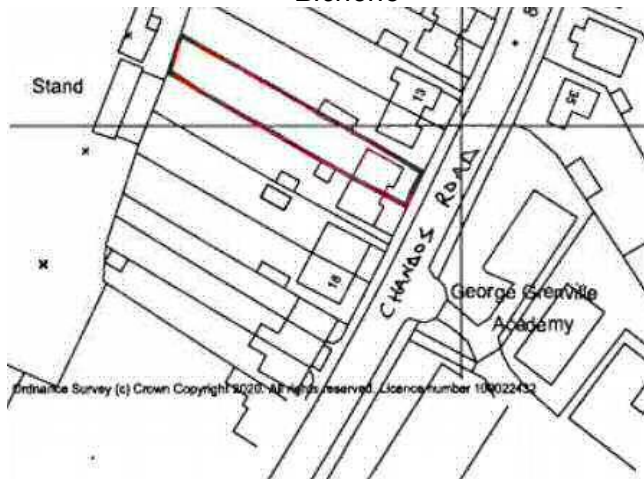
Proposed Front Elevation (In Part)



Proposed Side Elevation (In Part)



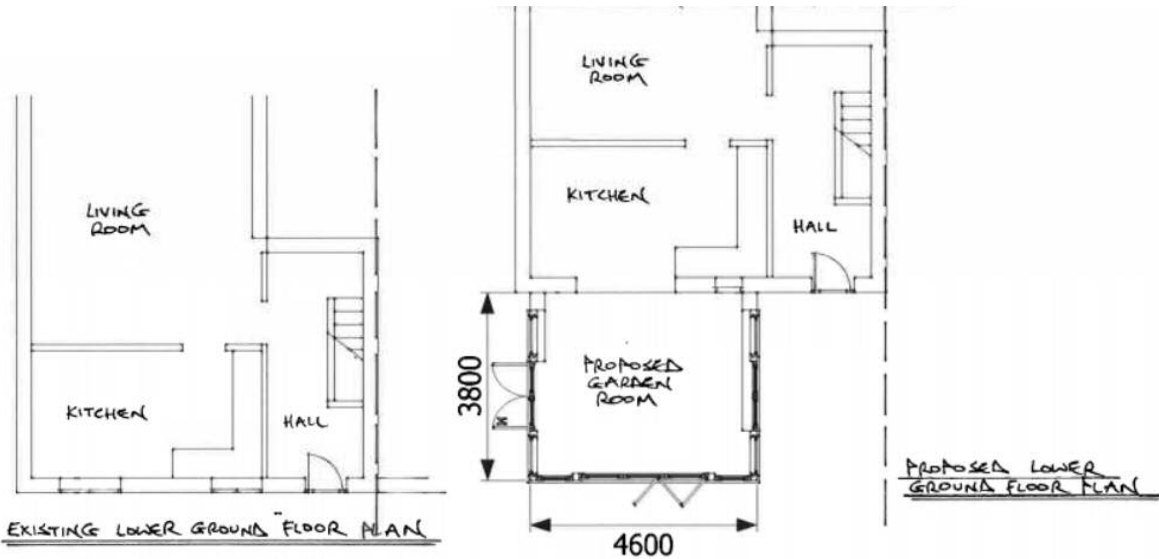
6. 20/03412/APP 15 Chandos Road, MK18 1AH
 Single storey rear oak framed garden room extension
 Bicheno



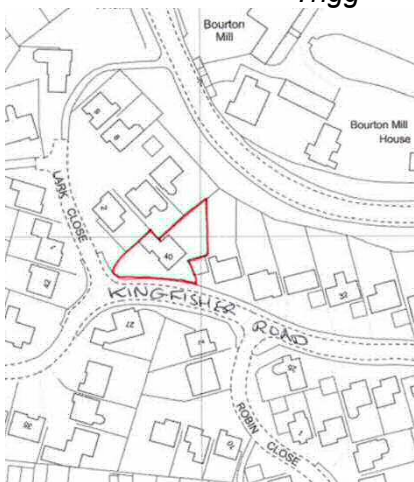
1	17/03794/ATC	T1 Skyrocket Conifer Height - 8m Crown spread - 1m Work required : Fell to ground level; T2 Amelanchier lamarckii Height - 4m Crown spread - 6m Work required : 2m reduction; T3,T4,T5,T6 Betula pendula jacmontii Height 3m crown spread - 1m work required : 1.5m crown lift; T7 Sycamore Height - 10m Crown spread - 8m Work required : Crown lift 4m from ground level; T8 Apple Height - 6m Crown spread - 6m Work required : Partial reduction 2m to reduce overhang	Trees - Proceed with works
2	20/03412/APP	Single storey rear oak framed garden room extension	Pending Consideration

The site is the right hand side of a pair of 3-storey + basement Victorian semidetached houses on Chandos Road, opposite the school. The building is in the Conservation Area but not Listed. It has a long garden stretching down to the Ford Meadow boundary. The rear of the basement level is the garden level, and the new building would be sited to the rear of the kitchen. The present use of the area is a paved patio. The building is to be constructed of sustainably sourced oak and would be invisible from the public domain.

None of the trees requiring work in 2017 were close to the house.



7. **20/03417/APP** 40 Kingfisher Road, MK18 7EY
 Enlargement of existing roof over existing double garage with dormers and conversion of 1/2 the garage into a playroom
 Trigg

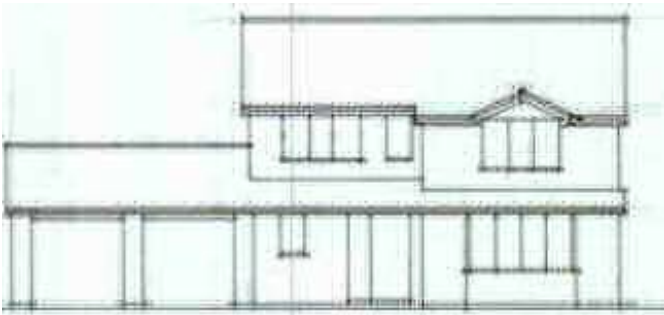


Google 2009

Appendix E

The site is a large and irregular plot at the junction of Kingfisher Road and Lark Close, and reaches almost to the Bourton Road opposite Bourton Mill. The house is a 4-bed detached, with attached double garage with a gabled tiled roof. There is adequate driveway parking for 4 vehicles. The proposal is to turn the half of the garage nearer the main house into a playroom and lobby, and add a storey with 2 gabled dormer windows to the front and a smaller flat-roofed dormer and small skylight to the rear, and a hipped roof. The ridge is subsidiary to the existing. This new room has a shower room (with the skylight) and storage space accessed from a passage (lit by the rear dormer) formed by partitioning off part of the current Bedroom 2 (front left). Materials to match the existing, reusing the tiles from the existing garage on the front part of the 'loft' roof, with new tiles on the rear. Dormers like the front ones proposed are not common on this part of Badgers, although many of the houses have the shallower type shown over the master bedroom window.

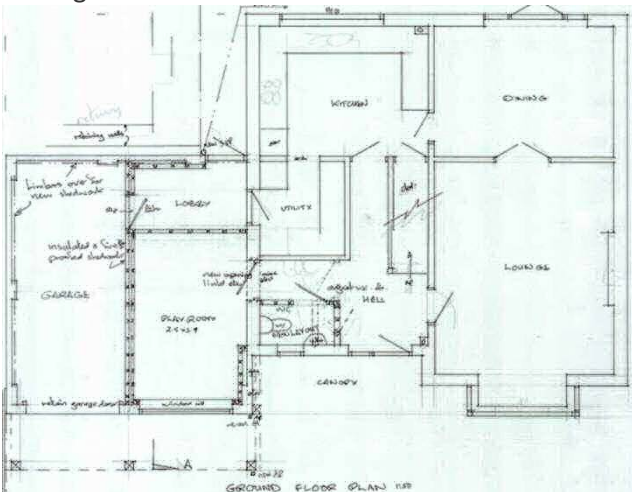
Highways have no objections to the proposal. Ecology would like a bird box to be installed under the apex of the gable.



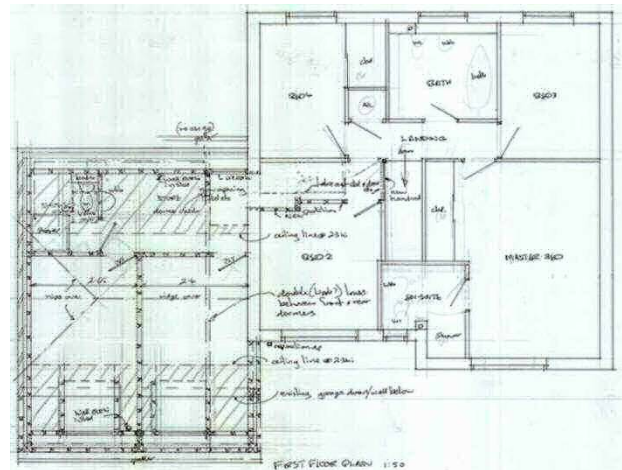
Existing front elevation



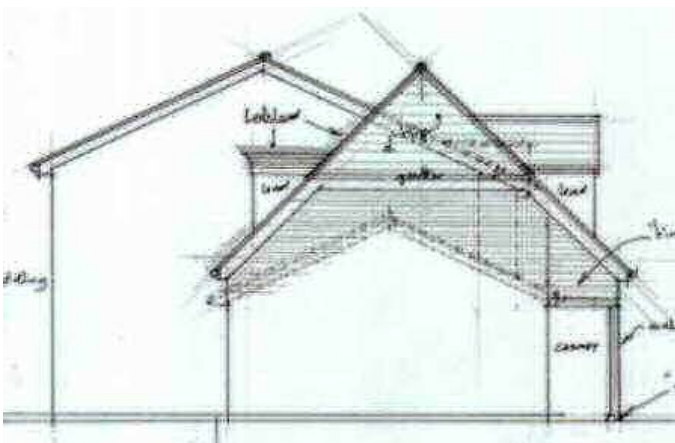
Proposed front elevation



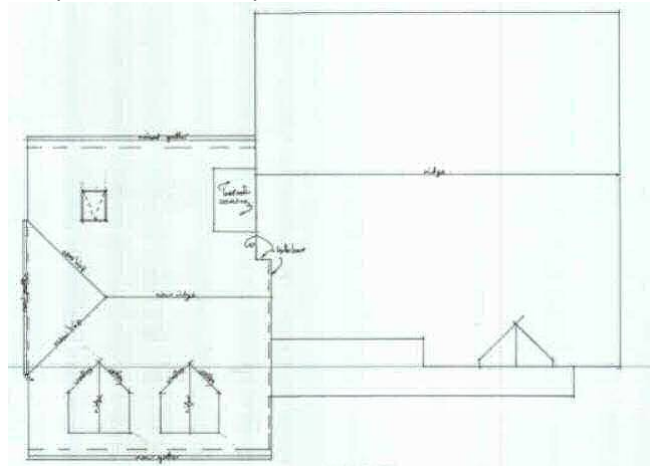
Proposed ground floor plan



Proposed first floor plan

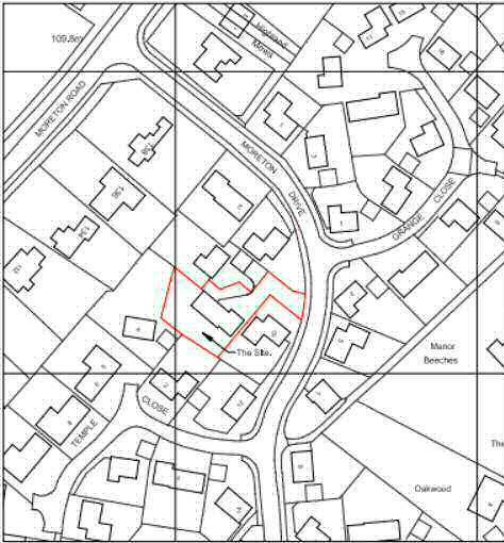


Side view (north); new roof shaded



Proposed roof plan

8. 20/03453/APP 8 Moreton Drive, MK18 1JQ
Two storey front extension and rear dormer window
Brizell



1	15/01477/HPDE	The erection of a single storey extension which would extend beyond the rear wall of the original house by 7m, for which the maximum height would be 3.99m and for which the height of the eaves would be 2.40m.	Householder PD - Refused
2	15/02010/HPDE	The erection of a single storey extension which would extend beyond the rear wall of the original house by 7m, for which the maximum height would be 3.75m and for which the height of the eaves would be 2.40m. ¹	Householder PD - Prior Approval not required
3	20/03453/APP	Two storey front extension and rear dormer window	Pending Consideration

The site is at the southwestern corner of a short cul-de-sac on the Moreton Grange estate. None of the adjacent houses are built to the same design. The house is a 5-bed detached with a double-width garage with a high roof housing a dressing room for the master bedroom and extending as a wrap-around section forming a porch over the front door. A section of the garage behind the right-hand door has been partitioned off, meaning that this half of the garage cannot be used for a car. It is proposed to turn the space behind the partition into a utility room and to move the rear wall of the remaining garage forward, reducing the depth of the garage by 20%, to form a study/games room out of the existing utility room. A considerable number of other alterations are proposed to the internal layout and new folding patio doors to access the rear garden. The porch is to be extended forward and taken through to the first floor to extend the 4th bedroom, and a new access made into the former master bedroom's ensuite. The dressing room in the garage roof is to be extended to form a new ensuite for the master bedroom, and a flat-roofed dormer window (rear) and two skylights (front) inserted into the roof. The neighbour to the rear is a good way away, so overlooking should not be an issue.

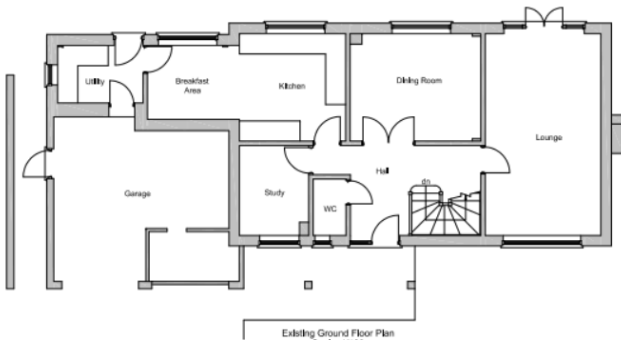


Existing front elevation

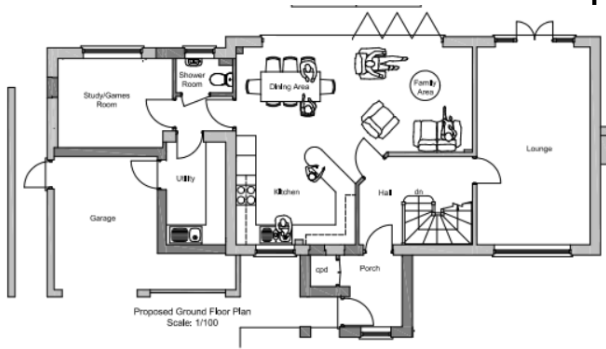


Proposed front elevation

¹ The 2015 extension was at right angles to the rear of the garage and does not appear to have been built.



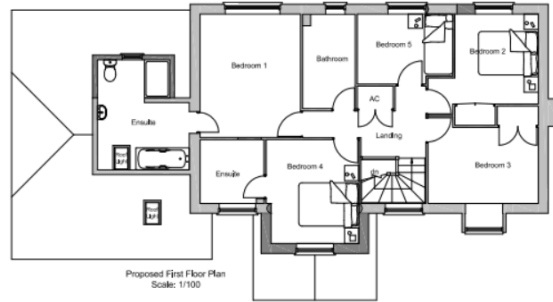
Existing ground floor plan



Proposed ground floor plan



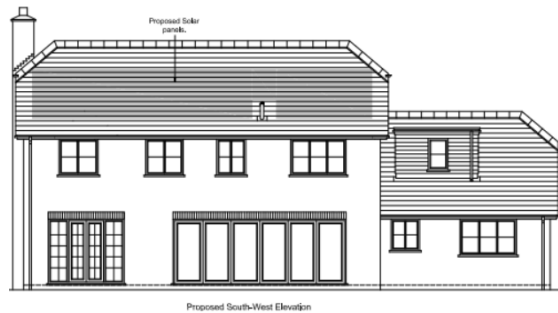
Existing first floor plan



Proposed first floor plan

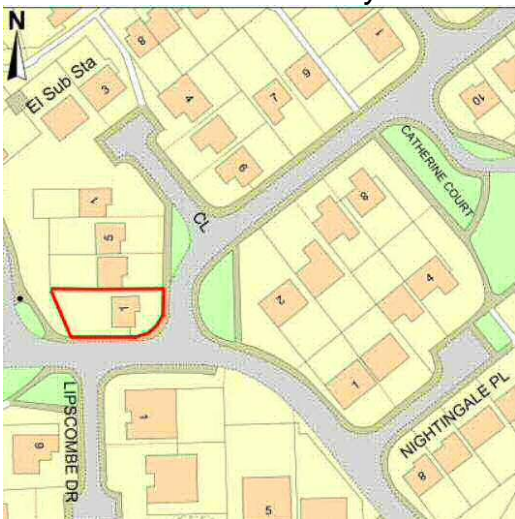


Existing rear elevation



Proposed rear elevation

9. 20/03467/APP 1 Hilltop Avenue, MK18 1TY
 Single storey rear extension, bricking up of existing porch and lower section of front window with additional window to side
Finney



The site is on the corner of Hilltop Avenue and Page Hill Avenue and slopes down from front to back, the standard height flanking wall stepping down to match the slope. The house is detached with an attached flat-roofed garage which projects forward of the building line with the porch, and remains much as built with the large front window echoing the glazing pattern of the porch. Most of the neighbouring houses have a similar front elevation; and although some have changed the fenestration with casement double glazing or added a sloping roof to the porch the dominance of the white glazed porch and double depth front window is noticeable in the street scene (which includes CHetwode Close).

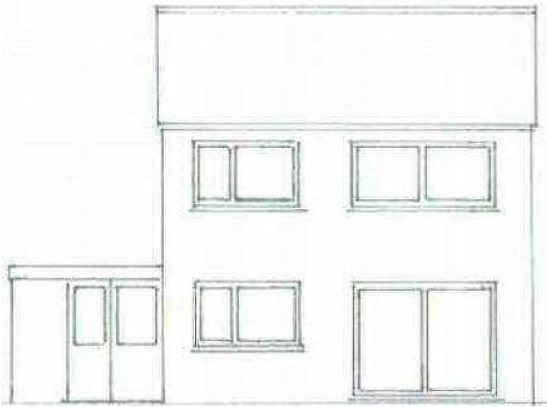
The proposal is (1) to brick up the porch glazed areas leaving a small side window and a narrow vertical panel beside a solid door with small window, and to infill the lower panel of the living room window, leaving a two pane window matching the one in the first floor above it, and (2) to add a full-width single storey flat-roofed extension at the rear. The rear wall of this would not reach beyond the line of the neighbour's rear house wall (the neighbouring house is stepped back from this one). Some, but not all, of the extension would be behind the garden wall.



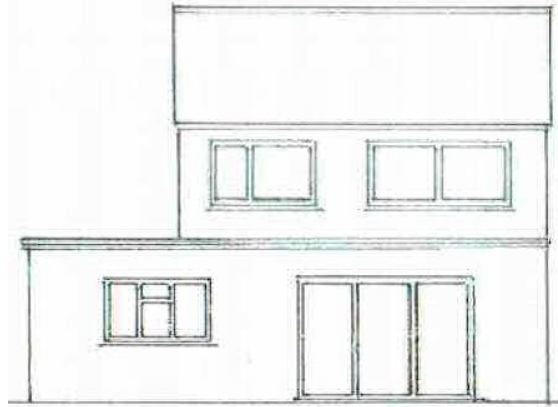
Side view to show where new side window will go



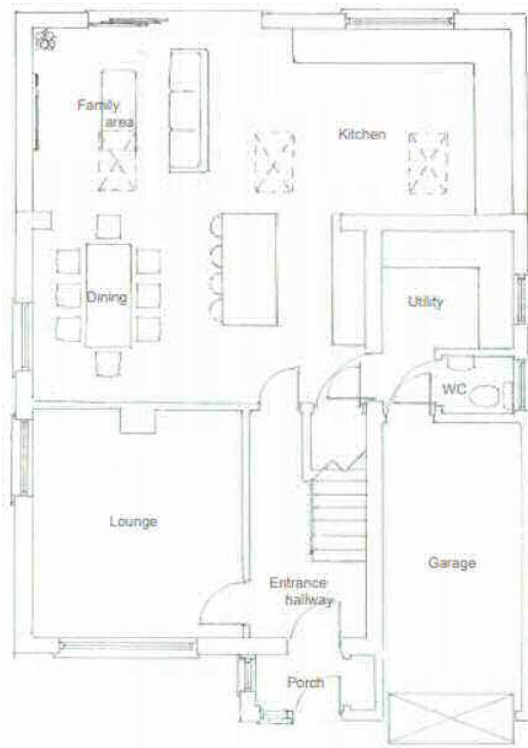
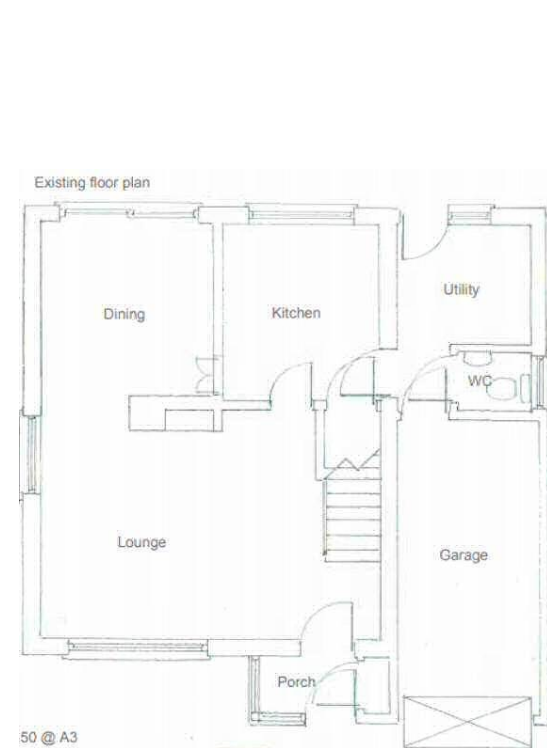
Rear view to gauge how much extension will show over wall



Existing rear elevation



Proposed rear elevation



10. 20/03494/APP 71 Overn Crescent, MK18 1LY
 Two storey side extension with ground floor rear extension to create additional habitable and ancillary areas
 Carr



↑ No 71

1	99/02302/APP	Front bay window	Approved
2	20/03494/APP	Two storey side extension with ground floor rear extension to create additional habitable and ancillary areas.	Pending Consideration

The site is at the inner corner of a triangular parking area on Overn Crescent, and is a 3-bed end-of-terrace property with a large garden backing onto other rear gardens. The house has three downstairs rooms one behind the other, with the front door giving onto a small lobby with the stairs and a door into the living room, a kitchen behind the living room and a laundry/storage room at the rear.

The proposal is to extend the laundry room by a third to form a single storey separate dining room with bifold doors to the garden and skylights, and add a same-depth two-storey side extension to house a new laundry room and cloakroom with the side wall extended forward to form a car port and support the first floor extension. At the first floor level, the existing bathroom is to be cleared to make an larger landing, the third bedroom is to become an office/storage room and two bedrooms and a bathroom are to be added in the extension. The ridge line of the extension is fore-and-aft, while that of the house is side-to-side, so the two are grafted together in a T-shape, the extension being clearly subsidiary. There will be one small window in the side wall of the extension, for the bathroom.

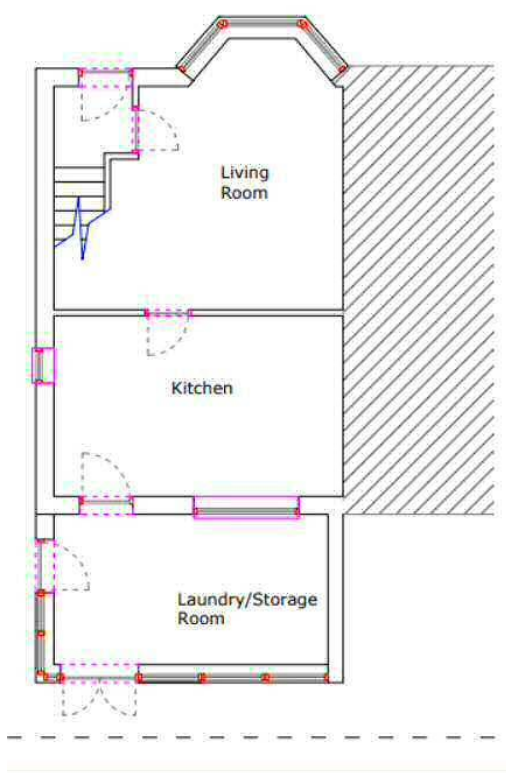
Members should note that the orientation of the plans is not consistent; for convenience, viewing the floor plans, the bay window faces south; the proposed extension is on the east/stairs side and the adjoining house on the west side. The drawings do have a north indicator, but it is confusing to have the layout orientated conventionally, with North at the top and a floor plan “upside-down” beside it. Also ‘Existing’ and ‘Proposed’ plans of the same aspect are not always to the same scale.



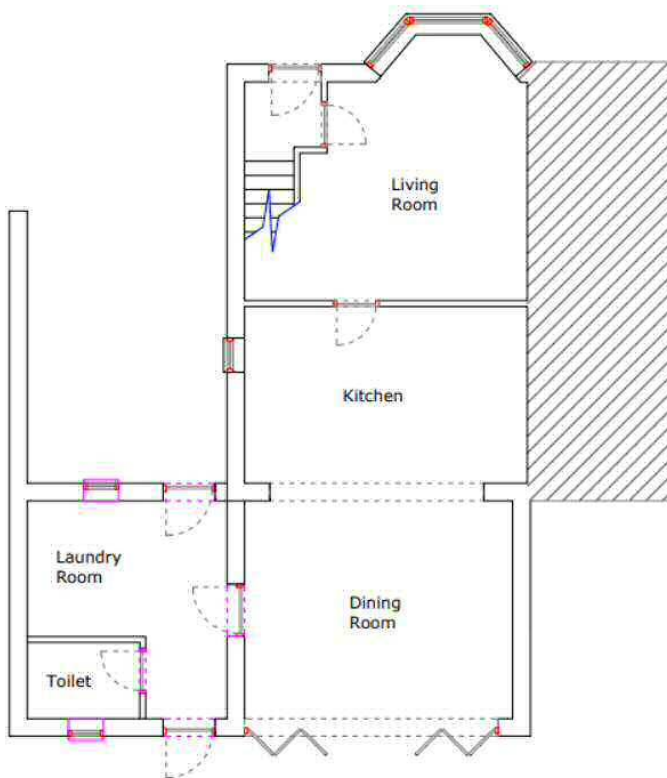
Front elevation (existing)

Front elevation proposed (note that the extension is stepped back and the door shown is at the rear of the car port)

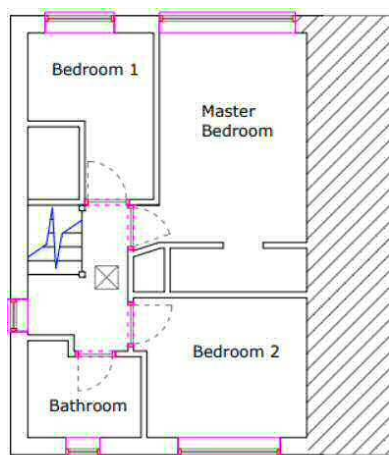
The following drawings are reproduced as submitted for ease of reading, but note that North is at the bottom of each.



Existing ground floor layout



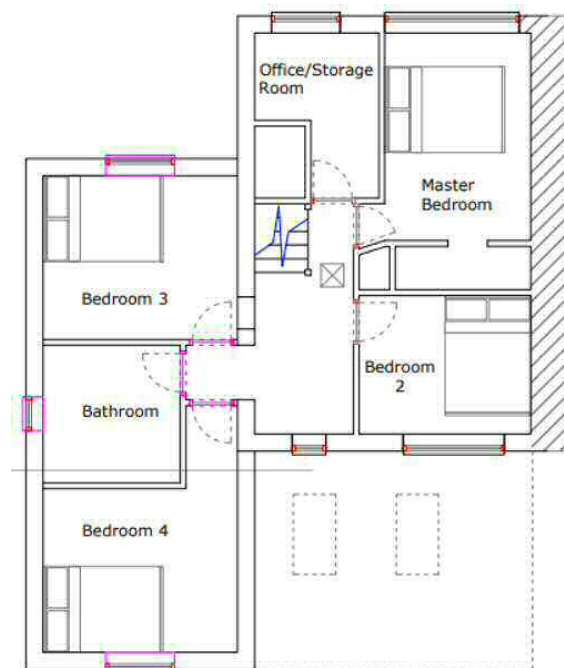
Proposed ground floor layout



Existing Layout
1st Floor Plan



Jdls Agelli Surveying Agency Court 77th Street 10 Street, MK18 2HL 10 Street Leidsdorp@surveying.co.uk	Client: Mr Les Carr Project: OOB - 71 Overn Cres Bucks MK18 1LY	Drawing Name: Existing First Flo Drawing Number: SAS OOB 01 101
-----------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------	--------------------------------------------------------------------------



The Clerk apologises for the extraneous matter in the drawing above left, but it is drawn at a scale of 1:50 and the one on the right at 1:75 and some juggling was required to get them to match for convenient comparison.

11. 20/03588/APP 14 Gilbert Scott Road, MK18 1PS
 Change of use from amenity land to residential curtilage, new 2m high fence and 4driveway with a new 4.6m pavement crossover with dropped kerbs
 Tomes

Potential Moreton Road Phase III



Bradfield Avenue elevation showing site of proposed parking and crossover

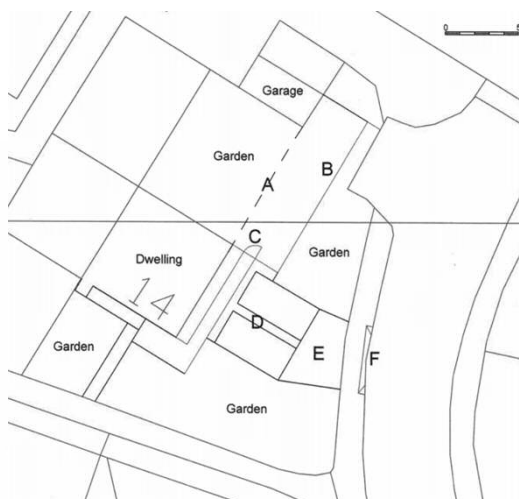
Planning History - 14 Gilbert Scott Road

1	01/00539/APP	Single storey side extension and inclusion of open space land within residential curtilage	Refused; Allowed on appeal
2	06/00350/APP	Single storey side extension and inclusion of open space land within residential curtilage - Renewal of planning approval 01/00539/APP.	Approved
3	20/02161/APP	New 2m high fence and driveway with a new 4.6m pavement crossover with dropped kerbs	Withdrawn
4	20/03588/APP	Change of use from amenity land to residential curtilage, new 2m high fence and driveway with a new 4.6m pavement crossover with dropped kerbs	Pending Consideration

The site is addressed as Gilbert Scott Road but actually lies sideways on to the end of Bradfield Avenue; a footpath joins the two roads, passing along the front of the pair of semi-detached bungalows, Nos 14 & 16. There is a garage at the bottom of the garden accessed from a parking court, and beyond this is the field which may become Moreton Road Phase III. A previous application (01/00539/APP) extended the bungalow to the side and acquired open space land, building a brick wall round the extended curtilage. This application seeks to replace the garden wall with a 2m high timber closeboard fence offset 3.6m from the wall line and construct a parking area for two vehicles in the side garden, with a dropped kerb to Bradfield Avenue.

KEY

- A Existing 1.8m high brick wall to be demolished
- B New 2m high, vertical close boarded, timber fence offset 3.6m from former wall line
- C New 2m high, timber gate
- D New, permeable parking area with concrete pavers of 5.6m x 5.6m for 2nr vehicles:- Bradstone Driveway Infilta Brindle pavers
- E New, permeable driveway with concrete pavers
- F New dropped kerbs for 4.6m width crossover to BC Highways standards by approved contractor



Members may remember the previous application to which they responded (20th July) **No objections**, and a later direct contact from the applicant (Minute 361/20 – 14th September) on a matter they have described on this application form under Pre-application advice as “LPA misinterpretation of existing garden as public amenity space” and the following map has been included, presumably to show that AVDC did not consider the land in question to be public space and therefore theirs to maintain.



12. 20/03602/APP The Royal Latin School, Chandos Road, MK18 1AX
 Variation of condition 13 on application 17/02939/APP relating to hours of operation
 King [RLS]



Planning History (new gym and sports field only)

1	17/02939/APP	Provision of new all weather pitch and sports building with associated flood lighting	Approved
2	19/02225/APP	Installation of 500 linear meters of 2.43 m high black mesh fencing and new pedestrian and mower gates to the rear boundary of the school playing fields.	Approved
3	20/01532/APP	Erection of two storey sports building (resubmission of 17/02939/APP)	Approved
4	20/03602/APP	Variation of condition 13 on application 17/02939/APP relating to hours of operation	Pending Consideration

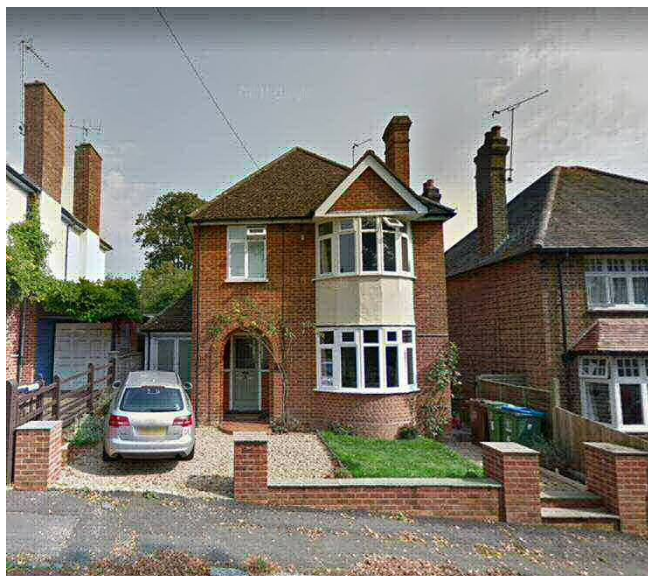
Condition 13 of application 1702939/APP states:

13 The All Weather Pitch and sports facilities hereby permitted shall not be used except between the hours of 8.30am and 10 pm Monday to Friday and between the hours of 9am and 8pm Saturdays, Sundays and Public Holidays and during the school holidays unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt the times specified includes closing and locking up by 10pm and 8pm respectively.

Reason 13 To ensure that ample parking is available on the site and that no danger is caused to highway safety or to the amenity of neighbouring residential properties and to accord with policies GP8 and GP24 and to comply with the NPPF.

The Royal Latin School is asking that the school holiday clause be deleted so that the pitch can be used to the later time of 10pm during the October and February half-term, and the Christmas and Easter holidays (1 week each). The pitch is hired out to local junior teams from 5pm to 9pm, and adults from 9pm to 10pm, so it is the community use that suffers from the restriction. The pitch has the benefit of floodlighting, which their own grass pitches do not. However, if the phrase is just deleted from the condition, it would leave it open to the school at some future date to rent out the pitch until 10pm in the summer holidays, when nearby residents may wish to have quiet enjoyment of their gardens in the evening.

13. 20/03606/APP 6 Stowe Avenue, MK18 1HT
Erection of two storey rear extension
Parker



1	10/01079/APP	Demolition of garage and erection of single storey side and rear extension	Approved
2	18/00151/APP	First floor side and rear extension	Withdrawn
3	18/02239/APP	First floor side and rear extension	Refused
4	20/03606/APP	Erection of two storey rear extension	Pending Consideration

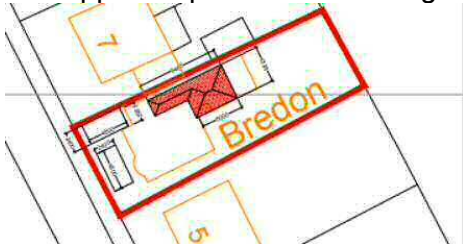
The site is on the eastern side of Stowe Avenue and backs on to the green space off Stowe Close between the back gardens of Stowe Avenue and Western Avenue.

The original house was a 3-bed detached with a detached garage behind the house at the end of the drive. The 2010 extension was built over the drive and garage site and wrapped around the rear of the house slightly. It accommodates a store, utility room and kitchen/diner. The store had a flat roof, and the remainder a pitched, tiled roof.

The 2018 applications proposed adding a first floor over $\frac{3}{4}$ of this extension initially over the whole width and then rather narrower. It would have housed a master bedroom, ensuite and dressing room. The third bedroom in the original building would have become a study. The reasons for refusal were:

The proposed development, by reason of its positioning, design and scale, would result in visual harm to the appearance of the building within the street scene resulting in an incongruous form of development which would be out of character with the design ethos and form of existing development in the street scene and locality. In addition insufficient parking provision would be available for the resultant dwelling to comply with the Local Authority's parking standards. The proposal would therefore be contrary to policies GP. 9, GP.35 and GP.24 of Aylesbury Vale District Local Plan and with the aims of the NPPF.

The applicant provided a drawing to prove that two vehicles could be accommodated within the curtilage:



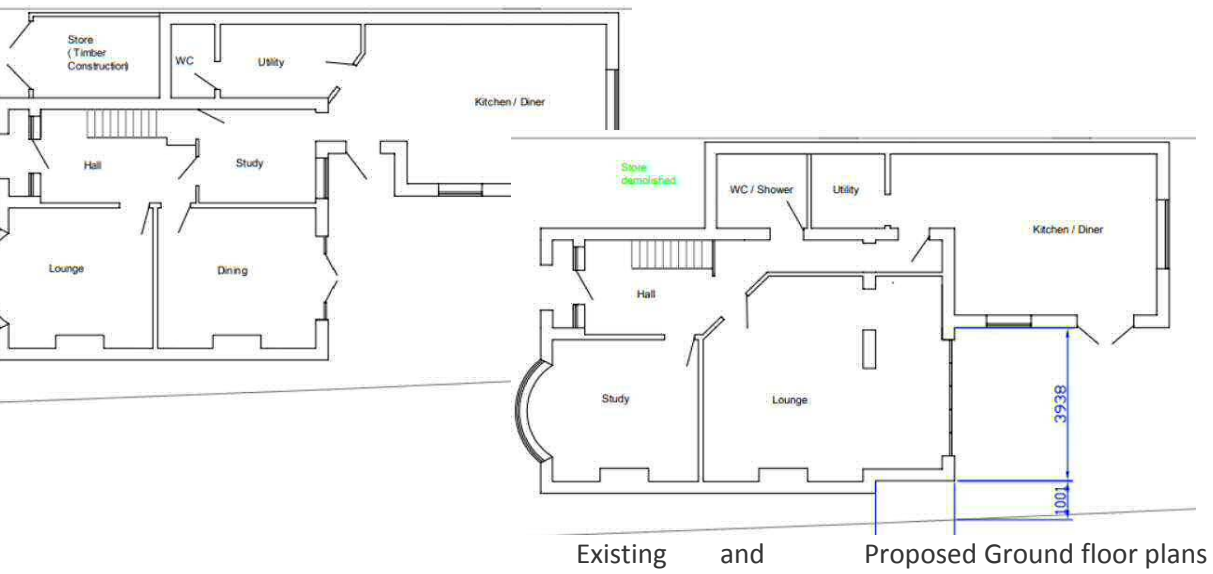
The current application seeks to extend the main house backwards by some 2m over two floors and demolish the store in the front of the previous extension. This would extend the master bedroom and allow the addition of an ensuite bathroom, while leaving the original bathroom for the other two bedrooms. The separate dining room on the ground floor would gain additional space from the extension and the present study and become the living room, with new glass doors into the garden, and the current living room (with the bay window) would become the study.

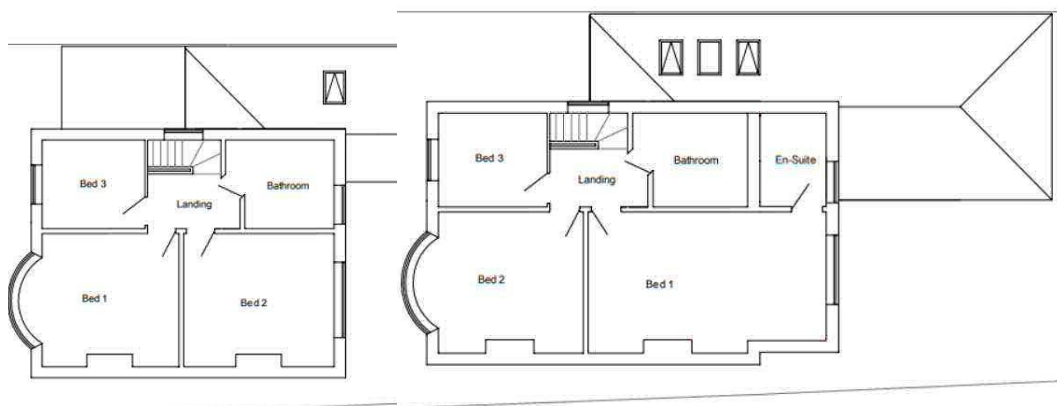


Existing elevations



Proposed elevations





Existing and Proposed First floor plans

14. 20/03640/APP

7 Hillcrest Way, MK18 1UH

Removal of condition 2 (all goods removed once Mr & Mrs Stone cease trading as Spektacle Solutions) relating to application 11/01539/APP
 Stone



1	11/01539/APP	Continued use for D1 purposes (Dispensing Opticians)	Approved
2	20/03640/APP	Removal of condition 2 (all goods removed once Mr And Mrs Stone cease trading as spektacle solution) relating to application 11/01539/APP	Pending Consideration

Conditions attached to the 2011 approval are:

Subject to the following conditions and reasons:

- 1) The premises shall only be used for dispensing opticians purposes and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: To ensure that inappropriate uses do not take place in this locality and to comply with PPS4.

- 2) The use hereby permitted shall be carried out only by Mr and Mrs Stone trading as Spektacle Solutions. When the premises cease to be occupied by, or on behalf of, Mr and Mrs Stone trading as Spektacle Solutions the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed.

Reason: Permission would not normally be granted but regard has been given to the particular circumstances of the applicant and to comply with PPS4.

It is very unusual to have a personalised condition like this, and Mrs. and Mrs. Stone would like it removed so that the business is in a marketable condition as a going concern when they eventually want to sell it on and retire.

Members may remember that at the September meeting they reviewed 20/02589/APP - proposed (partial) change of use from B1 to part B1 and part D1 at Unit 4 Hillcrest Rise Buckingham for Optical 2 Glazing Services Ltd., the unit behind this one marked with **X** on the map above, The Planning Statement for that application included the following:

This application proposes the expansion of the existing dispensing opticians business at 7 Hillcrest Way to allow for the manufacture of lenses, B1 (presently undertaken in 7 Hillcrest Way) and eyesight testing, D1, within the adjoining unit at 4 Hillcrest Rise. The present area to manufacture lenses within the existing premises is now too small hence the proposed business expansion into the adjoining unit to the rear. The use of this unit for the manufacture of lenses and eye testing will allow a complete optical service from test to the provision of the finished eyewear.... Expanding into the adjoining unit, 4 Hillcrest Rise, will mean that an additional 4 members of staff will be employed.

Application 20/02589/APP has subsequently been withdrawn (both B1 and D1 are now within the new Use Class E anyway).

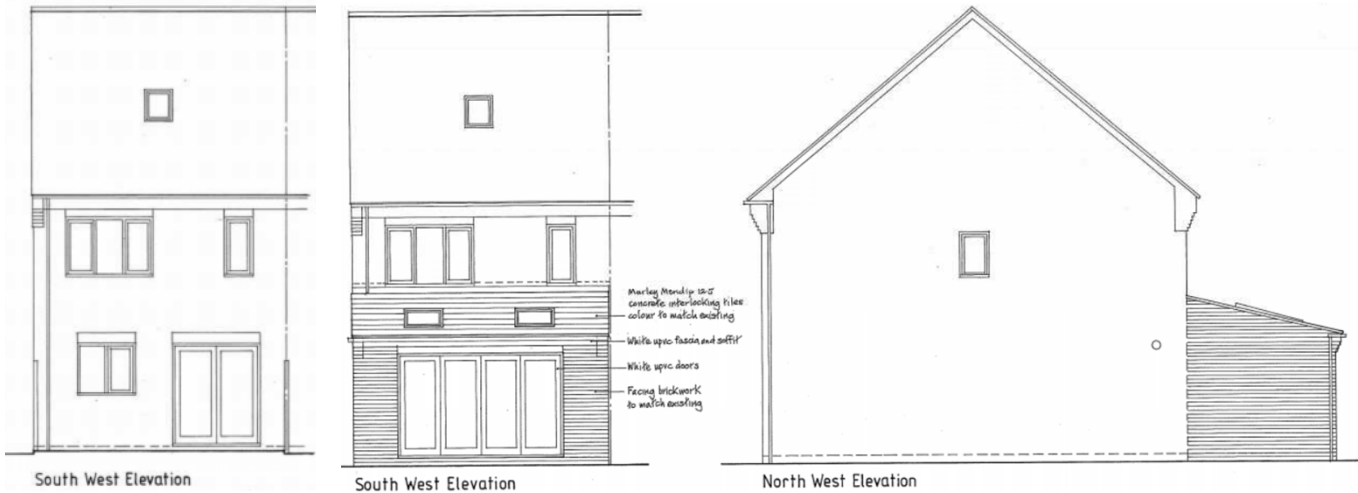
The Council's double unit is opposite, at 12 & 17 Hillcrest Way.

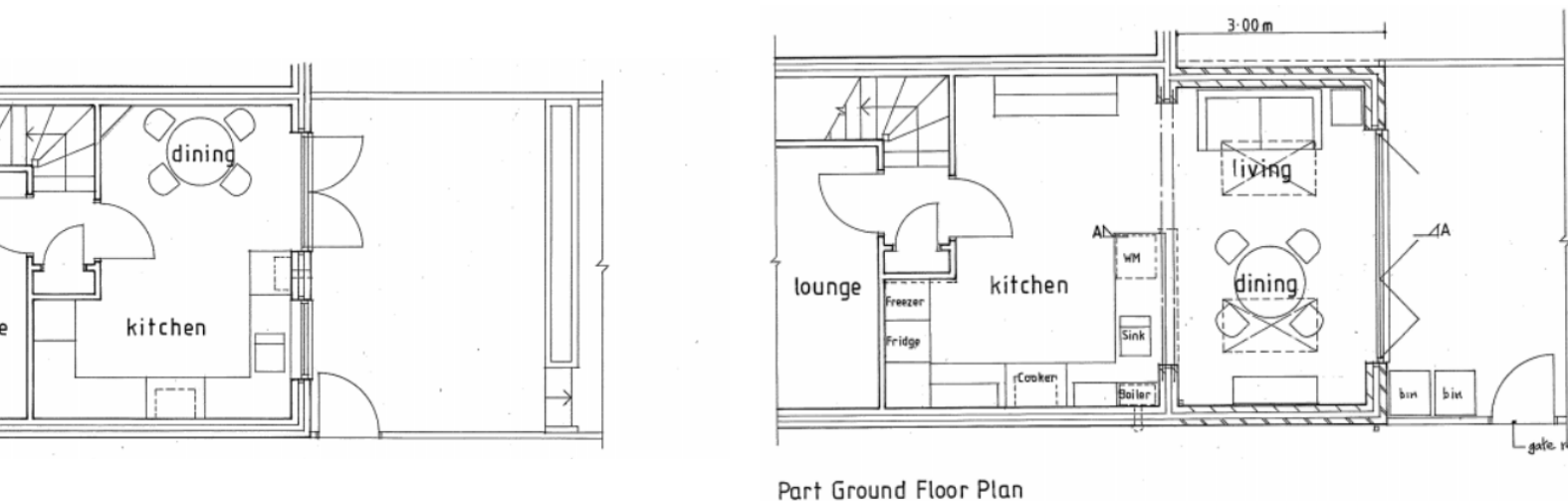
- 15. 20/03650/APP** 11 Treefields MK18 1GP
Single storey rear extension
Pickering



The site is a semi-detached house on the south side of Treefields, east of the cycleway, and next to a common access to the parking court.

The proposal is for a single storey extension across the whole width of the rear of the house with a single pitch roof with two skylights. The extension will accommodate a separate dining room, and have folding doors into the garden. The existing doorway from the kitchen into the garden will remain as an opening into the extension and the garden gate into the side access will have to be moved as it is right by the house wall. Materials as existing house.





Existing ground floor plan (part)

Proposed ground floor plan (part)

Amended Plans

16. 20/00886/ADP

Land at Tingewick Road [*St. Rumbolds Fields*]

Variation of condition 10 of planning permission 17/04668/ADP as amended by 17/A4668/NON - To vary drawing references within condition 10 to allow amended distribution, and amendment, of proposed homes and give effect for 10 additional homes to the layout of homes south of Tingewick Road. Substitution of stated approved layout plans within condition 10 with the submitted layout plan P17-2106_48 SHEET NO_02 REV (Note: the wording in the drawing title "SITE LAYOUT WITH 382 DWELLING FOR CONTEXT" refers to the context of remaining layout beyond the proposed changes, approved for 382 homes by 17/04668/ADP and not the sum total of homes that would result from this submission).

These added units are achieved by the following as stated in the notes to the revised layout plan.

- A. Additional unit inserted. Alderney house type replaced with a Morseby & Folkestone on plots 55 & 56.
- B. 2 x additional units inserted. Street 04 removed to allow for more continuous frontage along Street 01 and Green Lane 01.
- C. Additional unit inserted. Tamerton inserted between plots 165 & 167.
- D. Additional unit inserted. Buchanan unit has moved to plot 178 replacing a Tamerton house type, which has enabled space for 2 x Folkestone units on plots 190-191.
- E. 2 x additional units inserted. The Alnmouth and Oxford units have been replaced with Morseby/Folkestone types and Norbury's fronting Street 02. Plots 192-194 & 202-204 have been amended to accommodate the above changes. Shared Surface Street 08* removed to create a stronger frontage along Green

Street 04.

F. 3 x additional units inserted. Plots 257-269 have been revised to remove large 4 bed types, such as the Tamerton and Lamberton and replaced with smaller 3 bed

BDW North Thames

**It was pointed out in March that it was Shared Surface Street 05 not 08 that was being deleted, and I was assured that the description would be amended.*

Members reviewed the original application at the Interim Council held on 20th April, together with the companion application 20/00885/APP for the site North of Tingewick Road. 20/00885/APP was approved on 10th July 2020. Minor amended plans for both applications had been received on 27th March (considered with the originals on 20th April) and Members responded **No Objections** but added a extensive list of comments (Minute 916/19). The Minor Amendments were in response to the Affordable Housing Officer's request that a too-large cluster of Affordable Houses formed by the adjustments to the layout be redistributed. The 6 adjusted areas were detailed and compared with the previous arrangements in Report No. IM/194/19.

The following drawings were added to the website on 8th October 2020:

	Website listing	Rev	Drawing title and Reason for Revision
1	BDWNT21461-03B-LAYOUT1-A1	B	Tree Protection Plan, sheet 1 of 2 (West) Revised site layout (southern parcel)
2	BDWNT21461-03B-LAYOUT1-A1 (2)	B	Tree Protection Plan, sheet 2 of 2 (East) Revised site layout (southern parcel)
3	REFUSE VEHICLE TRACKING AREA 1 ADDITIONAL 7 UNITS@A2 (1)	B	As listed Updated southern parcel re-planned layout incorporated <i>Note that this drawing is for Area 1, north of the Tingewick Road, which was approved on 10th July, and does not cover any of the alterations to the southern area</i>
4	REFUSE VEHICLE TRACKING AREA 2@A0	L	As listed Updated southern parcel re-planned layout incorporated
5	BUS TRACKING@A0	E	As listed Updated southern parcel re-planned layout incorporated
6	FINISHED FLOOR LEVELS PLAN - AREA 1 ADDITIONAL 7 UNITS@A1	B	As listed Updated southern parcel re-planned layout incorporated <i>Note that this drawing is for Area 1, north of the Tingewick Road, which was approved on 10th July, and does not cover any of the alterations to the southern area</i>
7	FINISHED FLOOR LEVELS PLAN - SHT1@A0	G	As listed, Sheet 1 of 2 Finished Floor Levels updated in accordance with southern parcel re-planned layout <i>Details only for the revised areas</i>
8	17747-BUCK-5-SK005-B - PERMEABLE PAVING EXTENTS@A0	B	As listed Updated southern parcel re-planned layout incorporated
9	DRAINAGE STRATEGY - SHT1@A0	E	As listed Drainage Strategy updated in accordance with southern parcel re-planned layout
10	BDWNT21461 10E	E	Landscape Masterplan Layout revision to southern parcel.

We received formal notification of re-consultation on 23rd October, after three emails, one to the Case Officer and two to Parish Liaison. The drawings were ordered on 12th October (because I found the new

plans when checking the website before the last meeting) and had not arrived at 23rd October, and have been re-ordered. They were delivered on 27th October.

When this application went to Interim Council on 20th April the Site Layout was Revision A, dated 19th March. Revision B is not on the website. Revision C (dated 21st April) is the latest revision on the website, and shows the revised street layout described in the Application Description above, ie losing 1½ streets and realigning housing across the gaps to accommodate the extra 10 houses.

None of the 8 drawings above which pertain to the southern site have used this revised layout. The drawings themselves were sent in batches on 5th October, attached to three emails which are filed on the website. The first email, from Andrew Blackwell of Wessex Environmental Planning, includes the following paragraph:

“Account has been taken of the observations you and Hannah offered in your email dated 4th August. Not all the requested changes have been agreed but the more substantive changes sought have been provided. These are shown in layout plan P17-2106_48 SHEET NO: 02 REV: E and explained in note H to that drawing i.e. LAYOUT REVISIONS (14/08/2020) Steet 05 reinserted. One private unit lost which brings the total dwellings across the scheme to 398. 2 x Woodcotes, 1 x Buchanan & 1 x Tamerton have been replaced with 2 x Eskdale and 1 x Moresby “

Drawing #48 is the Site Layout; neither revisions D or E are available on the website, and it may be that the applicants have reverted to the original layout approved under 17/04668/ADP but I am unable to tell how they have fitted in the (now 9, according to the email) extra houses. The latest Site Layout drawing has also been ordered but has not yet arrived (27/10/20).

I can see no point in reviewing these amended plans until this is resolved.

Minor Amendments:

Not in our parish

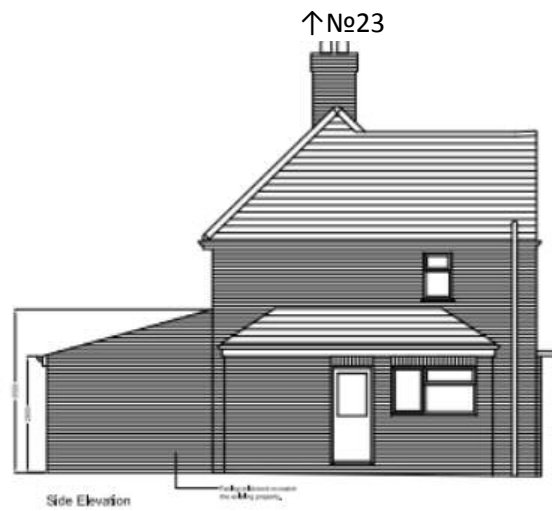
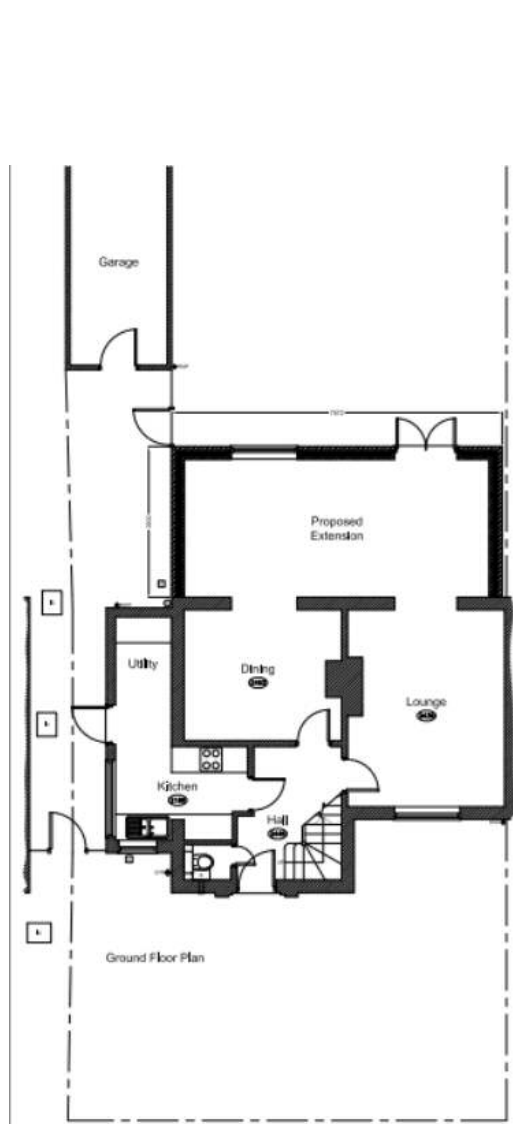
- 17. 16/00151/AOP** Land off Walnut Drive and Foscode Road, Maids Moreton
 Outline application with all matters reserved except access for up to 170 dwellings, public open space and associated infrastructure
BDW
Consultation circulated by email as response was required by 27th October. Only one response was received, so no response has been made.

Not for consultation

- 18. 20/03545/HPDE** 23 Overn Avenue MK18 1LG
 The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.50 for which the maximum height would be 3.50m, and for which the height of the eaves would be 2.50m.
Hadden

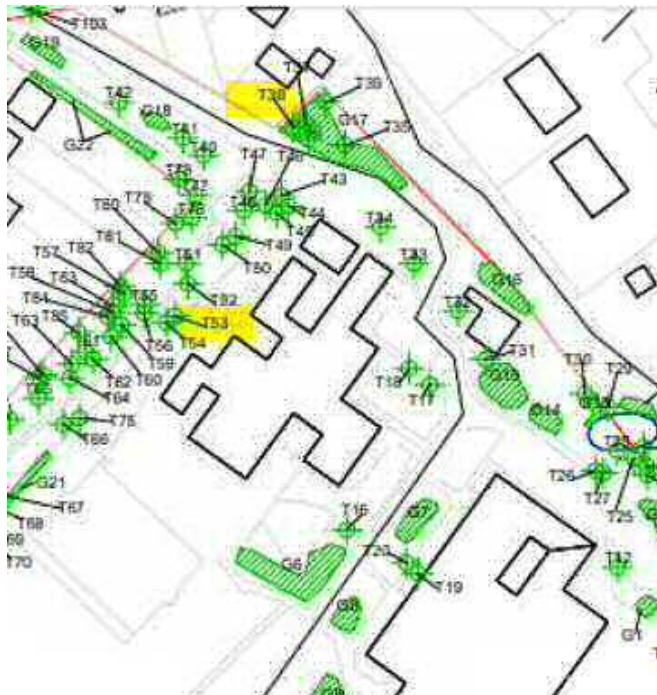
The site is on Overn Avenue close to the junction with Overn Close; it has a long garden which backs on to gardens of Overn Close houses.

The house is semidetached and has a paved frontage. The dimensions are as permitted by the GPDO as amended 2020



Tree Applications

- 19. 20/03306/ATC *changed to ATP 7/10/20*
Buckingham Primary School Foscott Way MK18 1TT
Milne

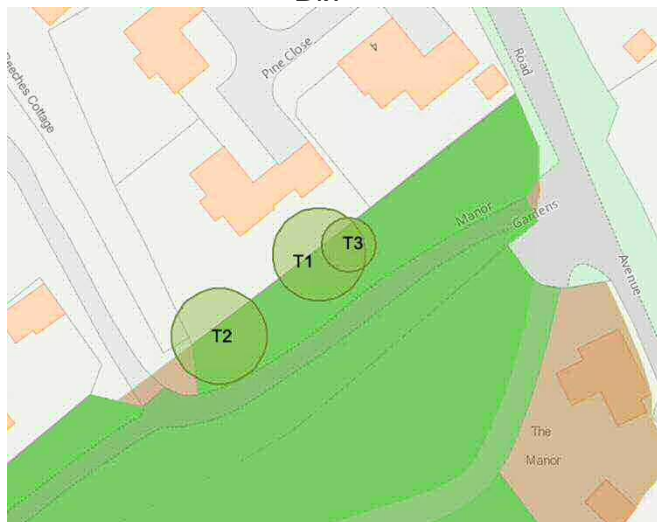


We are currently applying to work on 2 trees in our grounds . One tree (T53) is overhanging a childrens play area posing a substantial risk The other tree T(38) is overhanging a property and poses a risk.

First tree T53 - Sycamore - Mature age class. High priority Tag 1880. Large dead limb over play area. Lower easterly limb is twin stemmed and naturally fused. This will also help manage the tree into decline by presenting a smaller target to wind forces. This limb and crown apex previously reduced to a good standard but appears tree is still struggling to respond. Further deadwood through crown further indicates decline. Excellent habitat value due to numerous cavities. However, retention next to reception years play area is not recommended. Instead retention as a habitat feature felt more appropriate given setting. Proposed works: Reduce to leave as c. 4-5m pole. Reduce easterly limbs to 1-2m stubs.

2nd Tree T38- Common Ash - Early Mature Age class. Stem leans to north west, over property, but this does not appear to be progressive or indicate instability. Proposed Works: Sever ivy at base and strip 1-2m section from stem. Prune to clear building by 2-3m.

20. 20/03367/ATP 3 Pine Close Maids Moreton MK18 1HQ
Dix

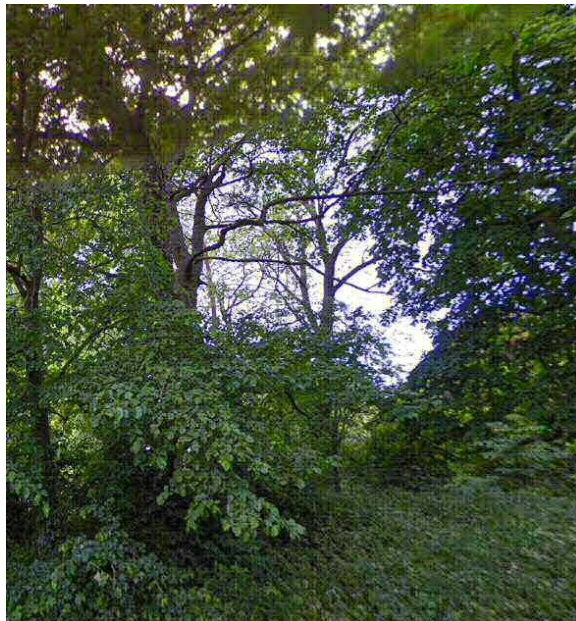


Planning History – trees only

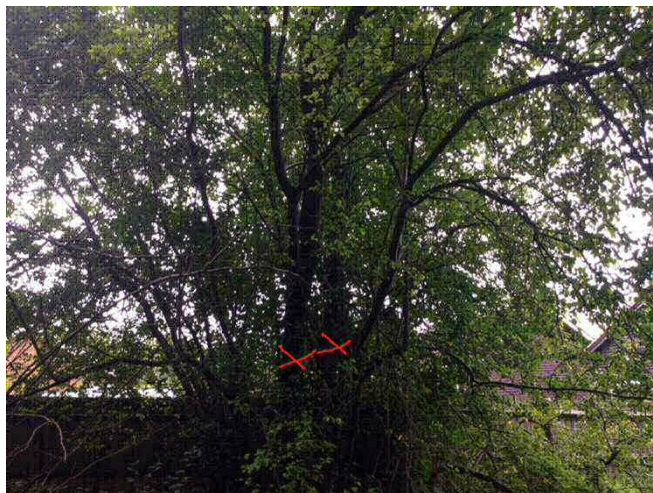
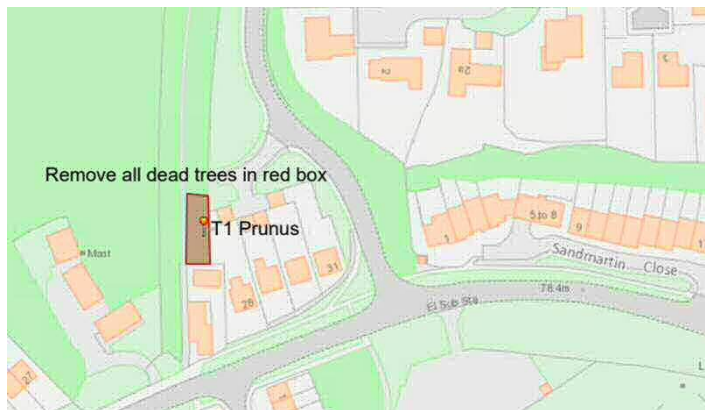
1	11/02028/ATP	Reduce by 25% approx. 1.5m of one Beech tree; reduce by 20% 1.5m of one Sycamore tree and reduce by 10% approx. 1 m of one Horse Chestnut tree.	TPO - Consent Granted
2	20/03367/ATP	<p><u>T1 Beech</u> Height - 20m Crown spread - 9m Work required - 1.5m partial reduction, to 2011 reduction points, on northern crown Reason : The tree has regrown approx. 1.5m on the northern crown since the last reduction in 2011. A repeat of the works granted in 2011 would not adversely impact the trees health or its amenity value.</p> <p><u>T2 Sycamore</u> Height - 16m Crown spread - 9m Work required - 2m partial reduction, to 2011 reduction points, on northern crown Reason : The tree has regrown approx. 2m on the northern crown since the last reduction in 2011. A repeat of the works granted in 2011 would not adversely impact the trees health or its amenity value. Squirrel damage to the regrowth has caused considerable dieback across the crown. The proposed reduction would remove this growth and allow new growth.</p> <p><u>T3 English Oak</u> Height - 26m Crown spread - 7m Work required - 7m reduction to suitable reduction, as detailed in tree survey (FEB/2016) Reason : see Tree Survey (FEB/2016).</p>	Pending Consideration

The 2016 Tree Survey referenced has been submitted with the application.

21. 20/03373/ATP Open Space opposite 1-6 Watchcroft Drive *[adjacent to]* The Bungalow, Buckingham Primary School, Foscott Way MK18 1TT
T1 Sycamore. Fell to ground. Dying and diseased, large limbs already dead, possible suffering from Sooty Bark disease. Bordering school so it is a high risk.
Pasmore [Buckinghamshire Council]



- 22. 20/03375/ATP** [Maids Moreton Avenue - land to the rear of] Avenue Lodge, Stratford Rd MK18 1NY
 T1 Prunus. Remove 2 stems in photo and wildlife hedge-lay the remaining stems to form a hedge. Overhanging greenhouse and and been progressively leaning over further in the last few years. Works to abate possible future damage and to form a hedge for wildlife. Remove regrowth from previous fells on stumps within red area on map and fell dead trees in same area
Pasmore [Buckinghamshire Council]



No application for previous work on these trees has been found.

- 23. 20/03495/ATP** 20 Waglands Garden MK18 1EA
 G1 - Thuja hedge - Re-reduce group to previous points. Approx. 1m off the top and trim the sides.
 Cove



Planning History (these trees only)

1	08/00508/ATP	Works to No.1 Lime and 12 conifers	Split Decision Lime refused, conifers approved
2	13/03049/ATP	Thuja and Lawson Cypress hedge reduce height by up to 1.5m	Consent Granted
3	17/04707/ATP	Reduce Thuja by approx 3m, Tree is excessively shading neighbour at 24 Chandos road. Light reduction on Norway spruce by 2m. Excessive shade on neighbouring property at 24 Chandos road	Consent Granted
4	20/03495/ATP	G1 - Thuja hedge - Re-reduce group to previous points. Approx. 1m off the top and trim the sides.	Pending Consideration

KM
26/10/20



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. P. Hodson

Appendix F



19/04481/PIP

OPPOSE & ATTEND

Land adjacent to Tesco Stores Ltd, London Road, MK18 1AB
Erection of 9 dwellings

Members' response was agreed before the application had been advertised in the neighbourhood. If, after the statutory notices have been posted, neighbours make comment and possibly raise valid planning reasons not obvious to Members viewing from the public domain, they reserve the right to amend their response.

The proposal is contrary to AVDLP Saved Policies GP17 (retention of employment sites), GP45 (security by design), GP86 & GP87 (provision of outdoor play space) and GP98 (housing should be located away from uses and operations likely to generate noise). BU3 was also considered relevant (allocation of land for employment development within and adjacent to the Buckingham Industrial Park, and to the south of the Buckingham bypass.)

The HELAA v4 lists this site for commercial development, with a 'No' under housing use, and the Buckingham Neighbourhood Plan site assessment, agreed by AVDC, (site 11) that it should be developed in line with the existing permission (10/00360/APP).

NPPF advocates healthy communities; this site is surrounded by retail (north) and industrial (west and south) uses, and a 24-hour petrol station to the east, and shares an access with a supermarket which has night-time deliveries.

The site is very large (0.72ha) for 9 dwellings (≈12.5dph) and Members doubted the saleability of such large houses, with large gardens, on such a site. It should be noted that the majority of the housing at Lace Hill is separated from this site by the employment complex comprising Lidl, Beefeater restaurant, Premier Inn and Costa drive-through, and the Tesco petrol station.

Members noted that the application documents made no mention of the McDonalds applications and related Unilateral Undertaking in which Tesco undertake to not pursue their expansion plans if the McDonalds application is approved, which releases this site. They deplored the short-sightedness of this when so many new houses are planned for the edge of the town, none with adequate public transport, and therefore increasing the need for parking space at the store.

The developers were warned that the site may be contaminated; the original (pre-Tesco) factory was demolished and the rubble used to level the site, and may well have included asbestos and other contaminants such as heavy metals. Furthermore there are existing problems with the site drainage, and the loss of absorbent ground on this site will exacerbate this.

Cllr. Stuchbury announced his intention of calling the application in.

Signed..... Date.....



AVDC refused the application on 28th February 2020 for the following reason:

Land Adjacent To Tesco Stores Ltd London Road Buckingham Buckinghamshire MK18 1AB

The reasons for refusing your application are:-

1. The proposal, by reason of its location and use, would result in a small cluster of residential units surrounded by unneighbourly, incompatible and highly intensive industrial and commercial uses. The development would appear out of place and thus as an alien feature, failing to respect the character and pattern of built development in this part of Buckingham. The land is currently allocated for employment land within the adopted Local Plan and therefore the siting of residential units result in the loss of designated employment land, therefore failing to comply with saved policies GP17 and BU3 of AVDLP. In addition, the residential development would be entirely enclosed, at close proximity to unneighbourly and incompatible industrial and commercial uses, resulting in an unacceptable and substandard living conditions for the occupiers of those units, resulting in a poor standard of design and amenity for future occupants of the development. The proposal would constitute an unsustainable form of development contrary to policy DHE6 of the Buckingham Neighbourhood Development Plan, saved policies GP8, GP17, GP35 and BU3 of the Aylesbury Vale District Local Plan, emerging policies D3, BE2, BE3 and NE5 of the Vale of Aylesbury Local Plan and the advice within National Planning Policy Framework.

WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal. AVDC works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the agent was advised of the Local Planning Authority's concerns with the proposed development however there are considered not to be any changes that could overcome the in principle issues with residential development on this site.



Full Statement of Case

LAND ADJACENT TO TESCO STORES LTD, LONDON ROAD,
BUCKINGHAM, BUCKINGHAMSHIRE, MK18 1AB

AUGUST 2020

PREPARED FOR
GADA PROPERTY INVESTMENTS LTD

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1. INTRODUCTION	1
2. BACKGROUND TO THE APPEAL	3
3. PLANNING POLICY CONTEXT	7
4. PLANNING ASSESSMENT	12
5. CONCLUSION	18

APPENDICES

- A1. PROPOSED BLOCK PLAN
- A2. POST-DELEGATED REPORT AND DECISION NOTICE (LPA REF: 18/02959/APP)
- A3. PRE-APPLICATION ADVICE LETTER (LPA REF: 19/01240/PREMTG) DATED 20 NOVEMBER 2019
- A4. CORRESPONDENCE BETWEEN HYBRID PLANNING & DEVELOPMENT LTD AND AYLESBURY VALE DISTRICT COUNCIL (04 FEBRUARY 2020 TO 27 FEBRUARY 2020)
- A5. DECISION NOTICE (LPA REF: 19/04481/PIP) DATED 28 FEBRUARY 2020 A6. VALP MAIN MODIFICATIONS POLICIES MAP
- A7. BNDP SITE ASSESSMENT – SITE 11 A8. HELAA 2017 – BUCKINGHAM SITES

**Hybrid Planning & Development Ltd. The
Old Vyner Street Gallery
23 Vyner Street
London
E2 9DG**

www.hpduk.com

Contact: Aaron Henecke



1.0 INTRODUCTION

1.1 This Full Statement of Case has been prepared in support of a Planning Appeal made on behalf of Gada Property Investments Limited (the 'Appellant'), pursuant to Section 78 of the Town and Country Planning Act, against the decision of Aylesbury Vale District Council (the 'Council') – now subsumed within the newly formed Buckinghamshire Council – to refuse an application for Permission in Principle for the erection of 9 dwellings on Land Adjacent to Tesco Stores Ltd, London Road, Buckingham, Buckinghamshire, MK18 1AB (LPA ref: 19/04481/PIP).

1.2 As the Inspector will be aware, the scope of Permission in Principle is limited to consideration of location, land use and amount of development. If the appeal is successful and Permission in Principle is granted, additional matters would then be considered at the Technical Details Consent stage.

1.3 The application for Permission in Principle the subject of this appeal was submitted to the Council on 06 January 2020. A full copy of the application submission is enclosed with this Statement on the Appeals Casework Portal.

1.4 Following email correspondence and discussions with Officers, the Council determined to refuse the planning application under delegated powers on 28 February 2020. The Council's decision was not accompanied by an Officer's Delegated Report. As per the Decision Notice, the Council's sole reason for refusal is as follows:

1. *The proposal, by reason of its location and use, would result in a small cluster of residential units surrounded by unneighbourly, incompatible and highly intensive industrial and commercial uses. The development would appear out of place and thus as an alien feature, failing to respect the character and pattern of built development in this part of Buckingham. The land is currently allocated for employment land within the adopted Local Plan and therefore the siting of residential units result in the loss of designated employment land, therefore failing to comply with saved policies GP17 and BU3 of AVDLP. In addition, the residential development would be entirely enclosed, at close proximity to unneighbourly and incompatible industrial and commercial uses, resulting in a unacceptable and substandard living conditions for the occupiers of those units, resulting in a poor standard of design and amenity for future occupants of the development. The proposal would constitute an unsustainable form of development contrary to policy DHE6 of the Buckingham Neighbourhood Development Plan, saved policies GP8, GP17, GP35 and BU3 of the Aylesbury Vale District Local Plan, emerging policies D3, BE2, BE3 and NE5 of the Vale of Aylesbury Local Plan and the advice within National Planning Policy Framework.*

1.5 This Full Statement of Case sets out the background to the appeal, including the characteristics of the site and its surroundings, and pertinent planning history. Section 3 summarises the planning policies of relevance to the consideration of this appeal. In Section 4, the planning issues relevant to the determination of this appeal and an analysis of the Council's sole reason for refusal is provided.

- 1.6 The Full Statement of Case concludes in Section 5 that there are no sound or clear-cut reasons for the refusal of permission in this instance. Indeed, as this statement demonstrates, there are compelling reasons why Permission in Principle should be allowed in this case.

Statement of Appeal Procedure

- 1.7 In accordance with article 5V of the Town and Country Planning (Permission in Principle) Order 2017 (as amended), this statement confirms the Appellant's preference for Written Representations as the procedure for determining this appeal.

2.0 BACKGROUND TO THE APPEAL

Site Description

- 2.1 The appeal site, which extends to 0.72 hectares, comprises overgrown and undeveloped land located just south of the Tesco Superstore off London Road in Buckingham. The Tesco Superstore car park adjoins the site to the north, whilst the site is bound by the Tesco access road on its three other sides. The Proposed Block Plan set out at **Appendix A1** identifies the extent of the appeal site.
- 2.2 The site is not located in a conservation area, nor is it the subject of any local or statutory listings. Situated within Flood Risk Zone 1, the site does not include any protected habitats, SSSIs, SACs, AONBs or any other designated or protected areas.
- 2.3 The surrounding area is of mixed commercial, employment and residential character. Immediately north of the site is the large Tesco Superstore with its associated surface car park. East of the site, between the Tesco access road and London Road, can be found a petrol station and car wash. To the west, beyond mature trees and hedgerows, can be found the Buckingham Industrial Estate and several buildings in varying commercial, warehouse and industrial uses. Approximately 45m to the south is the large single storey building occupied by Wipac Technology Ltd, a manufacturer for high-end exterior lighting products for premium car makers.
- 2.4 The large residential development of Lace Hill is located approximately 150m southeast of the site off Needlepin Way. Further housing developments are located 200m north at Badgers, just off the A421.
- 2.5 The site benefits from being within close proximity to a number of local services, including the Tesco Superstore, Lidl, two petrol stations, Costa, the Beefeater Buckingham restaurant and a new McDonald's being built on the Tesco car park. The Travelodge Buckingham and Premier Inn Buckingham can both be found within 200m to the east. The Buckingham Town Centre is an easy 20-minute walk or 10-minute bus journey to the north.
- 2.6 The site is also near several community and educational facilities. The Lace Hill Sports & Community Centre and the Lace Hill Academy (primary school) are both an easy 10-minutes' walk to the southeast. To the north are the Swan Pool & Leisure Centre, the Buckingham School and the Royal Latin School, all easily accessible either on foot (13 minutes), by bus (5 minutes) or by car (3 minutes).
- 2.7 The site is well served by public transport with bus stops being located less than 75m northeast (2-minutes' walk) on London Road, which serve local destinations including

Buckingham Town Centre, Milton Keynes, Aylesbury, Bicester, Oxford and the surrounding towns and villages. The site is just south of the A421, an important east/west primary distributor road in the Oxford-Cambridge arc which also provides quick access to the M40 and the M1.

Planning History

2.8 From a review of the Council's online planning register, we became aware of an extensive planning history related to the Tesco Superstore and the appeal site. Notwithstanding, we consider the following applications to be of most relevance to the appeal:

- 91/02203/ADP – Retail food store, petrol filling station, service yard and car parking an industrial site and replacement industrial unit for Wipac, associated car parking, service road and improved road access. Approved 19 March 1992.
- 98/00236/APP – Extension to food retail store. Approved 27 August 1998.
- 04/01359/APP - Extension to provide dot-com facility, bulk store extension and jet wash. Approved 29 June 2004.
- 10/00360/APP - Extension to Tesco Stores to create floorspace, access improvements, car park extension and alteration and associated works. Approved 03 May 2011.
- 10/A0360/DIS - Submission of detail pursuant to Condition No.8, No.11, No14 and No.15. Part Discharged 02 April 2013.

2.9 Of particular relevance is application ref: 10/00360/APP, which also involved the development of the pre-application site for car parking associated with the Tesco. Although works were undertaken to implement the development (discharge of pre-commencement conditions and installation of concrete pad foundations), the extension works were not progressed further and the appeal site remains undeveloped.

2.10 Also of relevance to the appeal, permission was granted on 07 February 2020 for development of a drive-thru restaurant (Class A3/A5) with associated car parking and landscaping works, along with the reconfiguration of part of the wider car park and the relocation of the click and collect facility (LPA ref: 18/02959/APP). This application relates to an area of car parking associated with the Tesco Superstore, whereupon it is proposed to construct a McDonald's drive-thru restaurant. As part of this application, a Unilateral Undertaking was completed on 04 February 2020 which prevents the construction of the previously approved Tesco extension as part of application 10/00360/APP, to include the car parking on the appeal site. Copies of the Post-Delegated Report and Decision Notice for this are included at **Appendix A2**.

Pre-Application Advice

- 2.11** Prior to the submission of the Permission in Principle application, the Appellant sought pre-application advice from the Council on 24 August 2019 (LPA Ref: 19/01240/PREMTG). The request for advice sought feedback from the Council regarding proposals for 35 new dwellinghouses with associated parking, gardens and access roads on the appeal site.
- 2.12** A pre-application advice meeting was held on 18 September 2019, with Jon Bishop (Planning Consultant, AVDC), following which a revised Site Plan was submitted to the Council which included a reduction in the number of houses to 25, alongside the addition of a four-storey apartment block of 15 flats and improvements to the overall layout. Formal written Pre- Application Advice was issued on 20 November 2019, a copy of which is enclosed at **Appendix A3**.
- 2.13** In summary, although the advice concludes that a residential scheme on the site would not be supported '*at this time*', the letter confirms that some form of development may be acceptable on the site. Other relevant comments from the Pre-App Advice letter are as follows:
- The Vale of Aylesbury Local Plan (VALP) 2013-2033 is at an advanced stage and will be a material consideration in determining any future planning application on this site.
 - Policy BU.3 of the AVDLP and the Proposals Map indicate that the site is allocated for employment development. The site does not have a site-specific allocation within the adopted Buckingham NDP (2015) however Figure 2.9 of the BNDP identifies the site within a wider Industrial Character Area.
 - The site does not have any site-specific designations or allocations within the emerging VALP. The Proposals Map identifies the site with the Tesco Superstore as an existing commitment (site BUC062) considered suitable for 2,490 sqm of Class A1 development according to the Housing & Economic Land Availability Assessment (HELAA) 2017. This is the reference to the planning permission to extend the superstore and provide additional car parking reference 10/00360/APP which has now lapsed.
 - Although you have not submitted any noise surveys for review I think it is unlikely that a suitable residential environment could be created in light of the industrial and commercial and retail properties which surround the site and the potential for noise and disturbance.

Permission in Principle

- 2.14** Following receipt of the Pre-Application Advice, an application for Permission in Principle was submitted to the Council for the erection of 9 dwellinghouses (LPA ref: 19/04481/PIP). This was subsequently registered and validated on 06 January 2020. A copy of the documentation, which comprised the planning application submission, has been submitted electronically alongside the appeal form.

- 2.15** Ahead of the target determination date, email correspondence was carried out with the Council to discuss the application and their likely recommendation. During this, the Council were reminded of the matters relevant for consideration as part of the Permission in Principle stage and the direction of travel of the emerging Vale of Aylesbury Local Plan 2013-2033, which removes the site's employment allocation.
- 2.16** Finally, attention was drawn to Article 5Q of the Town and Country Planning (Permission in Principle) Order 2017 (as amended), which states that local planning authorities may *'grant permission in principle for development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated'*.
- 2.17** To assist the Planning Officer with their assessment, an extension of time was agreed with the Council until 28 February 2018. A copy of the relevant correspondence with the Council is enclosed at **Appendix A4**.
- 2.18** This application, which is the subject of this appeal, was subsequently refused by the Council on 28 February 2020. No Officer or Delegated Report accompanied this refusal. A copy of the Decision Notice is enclosed at **Appendix A5**.
- 2.19** The following section sets out the relevant planning policy framework applicable to the appeal proposals.

3.0 PLANNING POLICY CONTEXT

- 3.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.2** For the purposes of this appeal, the development plan relevant to the site is comprised of the 'saved' policies of the Aylesbury Vale District Local Plan (2004) and the adopted Buckingham Neighbourhood Development Plan (2015).
- 3.3** In addition, the Council are in the process of adopting a new local plan, the Vale of Aylesbury Local Plan (VALP) 2013-2033, which is currently under examination. Consultation on the VALP Main Modifications closed on 17th December 2019 and publication of the Council's response to the representations was intended for March 2020. However, this was delayed due to the need for further transport modelling and then the Covid-19 crisis. Notwithstanding, given its advanced stage, the VALP is a material planning consideration for this appeal and the policies contained therein should be afforded substantial weight in the decision making process.
- 3.4** The revised National Planning Policy Framework (2019) is also a material consideration in the determination of this appeal.

Aylesbury Vale District Local Plan

- 3.5** The Aylesbury Vale District Local Plan (2004) was part 'saved' by direction from the Secretary of State on 24 September 2007. The 'saved' policies of the AVDLP form the basis for the Council's development plan, together with the made neighbourhood plans.
- 3.6** On the Proposals Map accompanying the AVDLP (2004), the appeal site is located within the development boundary for the settlement of Buckingham and is allocated for employment development (BU.3 – 'Tesco').
- 3.7** As such, the following policies are considered to be of relevance to the determination of this appeal, based on our understanding of the proposal and the Council's reasons for refusal:
- Policy GP.8 states that planning permission will not be granted where development would unreasonably harm any aspect of amenity of nearby residents when considered against the benefits arising from the proposals. Where planning permission is granted, the Council will use conditions or obligations to control or eliminate adverse impacts to neighbours.

- ◀ Policy GP.17 states that the Council will seek to retain existing employment sites and uses.
- ◀ Policy GP.35 sets out the design criteria which proposals for new development should respect and complement.
- ◀ Policy GP.95 confirms the Council will have regard to the protection of the amenities of existing occupiers in dealing with planning proposals. Development which exacerbates adverse effects of existing uses will not be permitted.
- ◀ Policy BU.3 allocates land for employment development within and adjacent to the Buckingham Industrial Park and south of the Buckingham bypass.
- ◀ Policy RA.13 states that within the built-up areas of settlements listed in Appendix 4, including Buckingham, residential development will be restricted to small-scale areas of land. In Buckingham, Wendover, Haddenham and Winslow larger schemes may be permitted.

Buckingham Neighbourhood Development Plan

- 3.8** In accordance with Figure 4.2 of the Buckingham Neighbourhood Development Plan (BNDP) 2015, the appeal site lies within the BNDP Area boundary, but is not allocated or designated for any particular use. Accordingly, the following policies are of relevance:
- 3.9** Policy HP7 'Guidelines for Windfall sites' states that development for small sites, of 10 dwellings or less, within the settlement boundary, including previously developed land will be supported.
- 3.10** Policy DHE6 'Provision of good quality private outdoor space' requires new developments to provide good quality private outdoor space and to demonstrate that amenity has been considered, with appropriate solutions incorporated into schemes.
- 3.11** Policy EE1 'Allocate land for employment development' identifies land at Site Q as allocated for 10 hectares of new employment development. This does not include the appeal site.

Vale of Aylesbury Local Plan 2013-2033

- 3.12** The Vale of Aylesbury Local Plan 2013-2033 (VALP) was submitted to the Secretary of State on 28 February 2018. Examination hearings were held in July 2018, with the Inspectors Interim Findings published in August 2018. Following this, public consultation on the VALP Main Modifications ran between 05 November 2019 to 17 December 2019. Given its advanced

stage, it is considered that the VALP Main Modifications version should be given substantial weight in determining planning applications and, therefore, this appeal.

3.13 In accordance with the VALP Main Modifications Policies Map, included at **Appendix A6**, the appeal site is located within the defined Strategic Settlement of Buckingham, but is not subject to any site-specific allocations or designations.

3.14 In particular, the following policies of the VALP Main Modifications are considered to be of most relevance:

- ◀ Policy S1 'Sustainable development for Aylesbury Vale' confirms the Council's support for development which complies with the principles of sustainable development as set out in the NPPF.
- ◀ Policy S2 'Spatial strategy for growth' sets a target of at least 28,600 new homes within the Vale of Aylesbury over the plan period. In particular, 2,166 new homes are to be provided within Buckingham.
- ◀ Policy S3 'Settlement hierarchy and cohesive development' suggests that the scale and distribution of development should accord with the settlement hierarchy set out in the accompanying Table 2. For reference, Table 2 defines Strategic Settlements as *'the most sustainable towns and villages in the district and the focus for the majority of development.'*
- ◀ Policy D3 'Proposals for non-allocated sites at strategic settlements, larger villages and medium villages'. Development proposals in strategic settlements, larger and medium villages that are not allocated in this plan or in a made neighbourhood plan will be restricted to small scale areas of land within the built-up areas of settlements.
- ◀ Policy D6 'Provision of employment land' sets out where employment development will generally be supported, to include through allocations within the plan and neighbourhood plans, intensification or extension of existing premises, farm diversification, appropriate re-use or replacement of existing buildings and in appropriate rural locations.

National Planning Policy Framework

3.15 The new National Planning Policy Framework (NPPF) was published on 25 July 2018 and updated on 19 February 2019. It sets out the Government's planning policies for sustainable development and positive growth. The Framework prescribes a 'presumption in favour' of sustainable development (Paragraph 11) and supports proposals that are in accordance with

the policies of an up-to-date development plan.

3.16 To achieve sustainable development, the following economic, social and environmental objectives need to be pursued in mutually supportive ways (Paragraph 8), and should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; however, they are not criteria against which every decision can or should be judged (Paragraph 9):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

3.17 Paragraph 9 of the NPPF continues by stating that planning decisions should play an active role in guiding development towards sustainable development solutions, but in so doing, should take local circumstances into account, to reflect the character, needs and opportunities of each area.

3.18 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (Paragraph 10). For decision-taking this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'* (Paragraph 11).

3.19 To support the Government's objective of significantly boosting the supply of homes, Paragraph 59 highlights the importance of bringing forward a sufficient amount and variety of land for development.

3.20 Paragraph 68 of the NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out quickly. To promote the development of a good mix of sites, local authorities should, amongst other matters, support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

- 3.21** Paragraph 117 of the NPPF confirms that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 3.22** Paragraph 118 goes on to state that planning decisions should encourage multiple benefits from both urban and rural land, should recognise that some undeveloped land can perform many functions and should promote and support the development of under-utilised land and buildings.
- 3.23** We now turn to address the main issues relevant to the determination of this appeal, in the context of the local and national planning policy set out above.

4.0 PLANNING ASSESSMENT

4.1 This section sets out the Appellant's primary case for the appeal, focusing on the Council's sole reason for refusal and the reasons why the application should have been approved in light of the Local Development Plan and all material planning considerations.

4.2 Again, the assessment of this appeal is based on the following sole reason for refusal:

1. *The proposal, by reason of its location and use, would result in a small cluster of residential units surrounded by unneighbourly, incompatible and highly intensive industrial and commercial uses. The development would appear out of place and thus as an alien feature, failing to respect the character and pattern of built development in this part of Buckingham. The land is currently allocated for employment land within the adopted Local Plan and therefore the siting of residential units result in the loss of designated employment land, therefore failing to comply with saved policies GP17 and BU3 of AVDLP. In addition, the residential development would be entirely enclosed, at close proximity to unneighbourly and incompatible industrial and commercial uses, resulting in a unacceptable and substandard living conditions for the occupiers of those units, resulting in a poor standard of design and amenity for future occupants of the development. The proposal would constitute an unsustainable form of development contrary to policy DHE6 of the Buckingham Neighbourhood Development Plan, saved policies GP8, GP17, GP35 and BU3 of the Aylesbury Vale District Local Plan, emerging policies D3, BE2, BE3 and NE5 of the Vale of Aylesbury Local Plan and the advice within National Planning Policy Framework.*

4.3 Accordingly, the following sections discuss in parts the various elements of the Council's reason for refusal, with a focus on the key areas of consideration for applications for Permission in Principle, set out within the Town and Country Planning (Permission in Principle) Order 2017 and the National Planning Practice Guidance (NPPG).

Land Use

4.4 The Appellant acknowledges that the appeal site is allocated for employment development in accordance with 'saved' Policy BU.3 of the AVDLP (2004) and the 'saved' Proposals Map. However, we would assert that the Council erred in referring to 'saved' Policy GP.17 in their reason for refusal. Policy GP.17 relates to existing employment sites and the protection thereof, referencing the potential for partial redevelopment in larger settlements or where this may help reduce adverse impacts to neighbours. However, the appeal site is only allocated for employment development in the AVDLP; there is no existing employment use on the site and, therefore, it should not benefit from the protections provided by Policy GP.17.

4.5 Notwithstanding the above, there has been a clear shift in the way the appeal site is viewed in policy terms from the 'saved' policies of the AVDLP (2004), on to the more-recently adopted BNDP (2015) and the emerging VALP. This change is evidenced by the removal of the site's designation as employment land in both the BNDP and the VALP, both of which leave the site as unallocated and undesignated land within.

- 4.6** As part of the evidence in support of the adoption of the BNDP (2015), a Site Assessment was carried out which included the appeal site, identified as 'Site 11: Ground between Tesco Store and Wipac, London Road.' The site is described as 'scrubland' and the Stage A assessment confirms the site may be suitable for development, allowing it to progress to the Stage B assessment.
- 4.7** The Stage B assessment looks at the various constraints for the site and states the following with regards to landscape and topography:
- 'The Site is flat and does not fall within a sensitive landscape. The LCT is classed as a settlement. Site is enclosed by a number of medium sized trees and hedgerows. As such development of this site is unlikely to have significant adverse landscape impacts.'*
- 4.8** The Stage B assessment concludes that the site should be developed in line with the existing planning permission at the time (i.e. LPA ref: 10/00360/APP), which it states is *'being progressed therefore no need to progress the site assessment further.'* The Site 11 assessment from the BNDP Site Assessment Submission Version is included at **Appendix A7**.
- 4.9** Notwithstanding the Stage B conclusion, it is a fact that the Tesco extension permission was never progressed or fully implemented and the appeal site remains undeveloped scrubland. Furthermore, this permission is no longer capable of being implemented due to the Unilateral Undertaking signed as part of the McDonald's permission (LPA ref: 18/02959/APP).
- 4.10** In terms of the VALP, the site allocations shown on the Policies Map are partially drawn from the 2017 Housing and Economic Land Availability Assessment (HELAA). A copy of the map of HELAA sites for Buckingham is included at **Appendix A8**. Site BUC062 (0.25 ha) relates to the Tesco Superstore just north of the site, and is assessed as being suitable for development with reference to the permission for 2,490sqm of additional Class A1 floorspace. However, the appeal site, which measures approximately 0.72 ha, is not included within BUC062 nor is it assessed anywhere within the 2017 HELAA.
- 4.11** It is clear from the above that the site has yet to be considered as part of the neighbourhood or local plan adoption process for its potential for residential use. The BNDP Site Assessment preferred to rely on the extant planning permission at the time for its assessment, rather than consider whether there was a potentially more optimal use of the site, such as for housing. Following this, the most-recent HELAA (2017) failed to consider the appeal site for any use at all, instead focusing on the Tesco site BUC062 which does not include the appeal site within its boundary.
- 4.12** In accordance with Paragraph 117 of the NPPF (2019), planning decisions should promote the effective use of land in meeting the need for homes. In making decisions, Councils should also recognise that some undeveloped land can perform many functions and they should

support the development of under-utilised land, especially if this would help meet identified needs for housing (Paragraph 118).

4.13 In addition, it is essential that planning policies and decisions reflect changes in demand for land (Paragraph 120), being informed by regular reviews of land allocations and availability.

4.14 In this case, the BNDP Site Assessment and the 2017 HELAA both suggest the site is no longer suitable for employment use. However, neither review has thoroughly assessed the appeal site for its development potential for other uses, including housing. As demonstrated by the lack of development or interest in the land for employment use, clearly there is no prospect of the appeal site coming forward for employment development, nor has there been over the past 16 years when it was first allocated as such. Meanwhile, despite the site's ties to the adjacent Tesco and its Class A1 retail use, there has been no demand or interest in the appeal site for retail use.

4.15 Accordingly, per Paragraph 120 of the NPPF, the Council should have supported this application for an alternative use of the land and its potential to contribute towards the Council's windfall housing targets.

4.16 With the employment designation falling away, there is clear policy support for development of the site for housing. 'Saved' Policy RA.13 of the AVDL, Policy HP7 of the BNDP and Policy D3 of the VALP Main Modifications version all support small-scale and windfall housing development within the settlement boundary of Buckingham in particular. This is further supported by NPPF Paragraphs 117 and 118.

Location of Development

4.17 Regarding reference within the reason for refusal to this being '*an unsustainable development*', the Appellant would quote directly from the Committee Report for the approved McDonald's application on the Tesco car park (LPA ref:), which states:

'In the Settlement Hierarchy Assessment 2017, Buckingham is identified as a 'strategic settlement'. Strategic Settlements each have population of above 4,000 which is considerably more than the remaining settlements. They have the greatest range of services and facilities in the district, playing an important role supporting smaller rural settlements. These settlements typically offer a choice of shops, post office, a fire and/ or police station, a library, and a range of employment opportunities. They are also well-served by public transport with hourly or more bus services. These settlements have all of the key services, however Buckingham does not offer a train station. Buckingham itself [is] therefore considered to be a highly sustainable location and should be a focus for growth.'

4.18 By default, then, development within the settlement boundary of Buckingham should be considered sustainably located. Again, 'saved' Policy RA.13 of the AVDL, Policy HP7 of the

BNDP and Policy D3 of the VALP Main Modifications version all support small-scale and windfall housing development within the settlement boundary of Buckingham. NPPF Paragraph 68 further confirms that local authorities should support the development of windfall sites through their decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

- 4.19** The proposed development will be sustainably located, in an established residential and commercial area, which benefits from a range of retail, health, schools and community facilities within a 10-minute walk. Additional quality of life services and facilities can be easily accessed within the nearby Buckingham Town Centre, located 20 minutes to the north by foot or 10 minutes by bus.
- 4.20** The location of the appeal site therefore minimises the need to travel, whereby future residents would be in close proximity to the majority of essential facilities and services. The site also offers realistic alternatives to the private car with nearby pedestrian footpaths and bus stops on London Road, ensuring a fully sustainable location.
- 4.21** By virtue of the appeal proposals, there will also be no harm to the character and appearance of the area, or as a consequence, to the built environment. Indeed, the development of the appeal site would provide an opportunity to infill an existing gap in the settlement with new high-quality housing, wholly supported by the adopted and emerging policies for Buckingham.
- 4.22** Regarding the Council's reference to unneighbourly and incompatible uses surrounding the appeal site, we would argue that these amount to broad and sweeping generalisations based on an out-dated view of commercial uses which is not grounded in reality. Mixed-use development is actively encouraged throughout the NPPF and the Council's own development plan. Meanwhile, town centres such as Buckingham's have historically consisted of retail, employment and residential uses all within close proximity to one another without significant conflicts. In fact, the Council's own allocation of and permission for residential and commercial development on Needlepin Way completely contradicts these assertions. The appeal site is no more surrounded by commercial uses than the nearest houses in Lace Hill, which are adjacent to a Costa Coffee Drive-Thru and are roughly equidistant to the Wipac Technology building.
- 4.23** Furthermore, the buildings directly west of the site at the Buckingham Industrial Estate primarily consist of small-scale warehouses, wholesale retailers and light-industrial units which are generally considered acceptable in residential areas. Indeed, the proximity to the surrounding commercial uses, especially the Tesco and Lidl, provides future residents with easily accessible and essential local goods and services.
- 4.24** Notwithstanding, the development could, via the Technical Details Consent stage, provide enhancements to the site which might off-set any perceived harm from surrounding uses. This

might include improvements to the natural environment and the quality of landscaping on the site through planting of additional trees and hedges, providing additional visual screening from nearby employment uses. Acoustic screening along the site boundaries could also be provided and has been suggested as a potential mitigation measure within the submitted Noise Assessment report which, combined with the separation distances between surrounding land uses, would ensure a suitable and enjoyable environment for future residents.

- 4.25** In light of the above, it is considered that the appeal site represents an entirely suitable, sustainable and appropriate location for residential development.

Amount of Development

- 4.26** The Council's reason for refusal makes no reference to the amount of development being unacceptable for the appeal site. The site is relatively large at 0.72 ha, providing more than adequate space for a development of 9 dwellings with ample land left over for significant soft landscaping, tree planting, car parking and access routes, etc. The submitted Site Plan demonstrates one option for the site layout, but the layout, form and design of the development is a matter for consideration as part of the Technical Details Consent stage.

- 4.27** Furthermore, the quantum of development proposed as part of the appeal application is significantly reduced in comparison to the Pre-Application proposals considered by the Council.

- 4.28** In light of the above, it is considered that the provision of 9 new dwellings is an acceptable amount of development for the appeal site.

Technical Details Matters

- 4.29** The Council's reason for refusal makes reference to several matters which the Appellant would look to address at the Technical Details Consent stage. In so doing, the Council have conflated the two stages and the matters for consideration therein. We would argue that this has caused the Council to err in their decision taking, failing to confine their consideration to those matters set out within the NPPG (Permission in principle - Paragraph 012).

- 4.30** Specifically, the Council makes reference to substandard living conditions, poor standard of design and amenity of future occupants. The reason for refusal also refers to 'saved' Policies GP.8 and GP.35, Policy DHE6 of the BNDP and emerging Policies BE2, BE3 and NE5 of the VALP. These policies primarily relate to neighbouring amenity, residential quality, design quality and environmental impacts (e.g. noise and light pollution, air quality and contamination).

- 4.31** These matters are best reserved for consideration at Technical Details Consent stage, where additional information on the form, layout, design, materials and landscaping would be

provided to and considered by the Council. As demonstrated by the accompanying Noise Assessment report, measures can be incorporated into the design of the development to mitigate against surrounding impacts and to provide a very high standard of accommodation for future residents. This might include details of floor plans and site layouts, acoustic glazing and screening, high quality soft landscaping and tree planting to name only a few.

- 4.32** Given the amount of information which remains to be provided at the Technical Details Consent stage, refusing the application on the above grounds was, therefore, both premature and inappropriate.

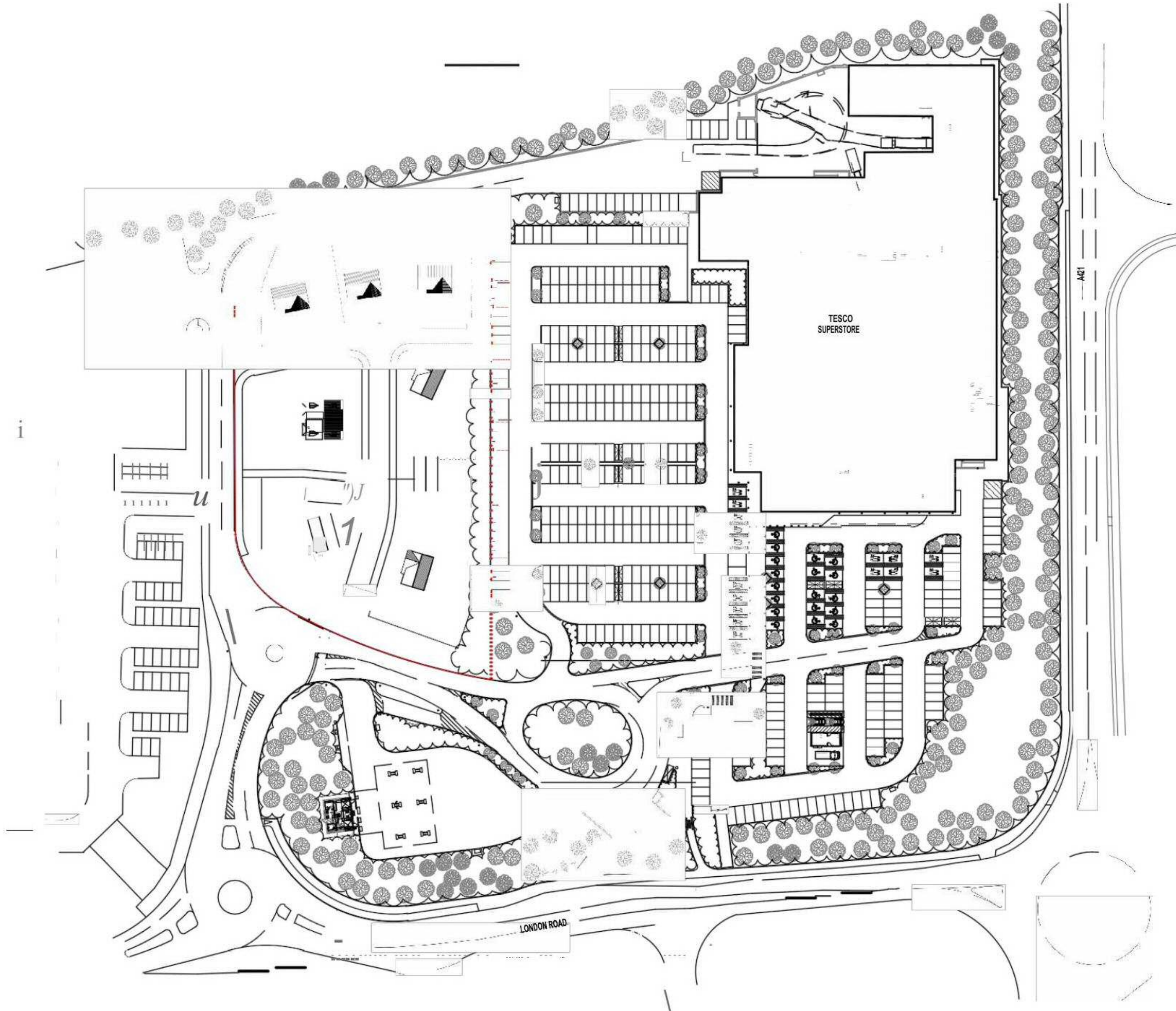
5.0 CONCLUSION

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 It has been demonstrated in this Statement of Case that the Council relied too heavily on an out-dated and unretained employment allocation in making their decision to refuse the application for Permission in Principle. Indeed, the Council failed to afford adequate weight to adopted policies which encourage small-scale and windfall housing development within settlement boundaries, as well as the quite advanced policies and allocations contained within the emerging Vale of Aylesbury Local Plan 2013-2033. This latter document, along with the NPPF and the Council's own HELAA and Site Assessment documents, should have been given substantial weight by the Council as a material planning consideration in the decision making process, all of which should have tilted the planning balance in favour of the principle of development.
- 5.3 Furthermore, the Council erred in their assessment of the application by inappropriately and prematurely considering matters which should have been reserved for the Technical Details Consent stage. In so doing, they failed to take a decision which was based solely on the acceptable matters of land use, location and amount of development set out within the NPPG, resulting in an overstated and confused reason for refusal.
- 5.4 Finally, in accordance with Article 5Q of the Town and Country Planning (Permission in Principle) Order 2017, it is within the power of Local Authorities to grant permission for development which does not accord with the local development plan. This power logically confers to the Secretary of State and, should the Inspector agree with the Council's view of the employment allocation, we would urge a thorough review of all material planning considerations and the potential benefits of the development, all of which weigh heavily in favour of the principle of the development.
- 5.5 Specifically, it is our view that the proposed development will achieve the following:
- ◀ The proposed dwellings will be sustainably located, in an established residential and commercial area, which benefits from a range of services and facilities in its immediate vicinity;
 - ◀ The appeal proposal will provide a highly quality, sustainable form of development, achieving economic, social and environmental benefits;
 - ◀ The proposals will contribute to the Council's targets for windfall housing in an established Strategic Settlement;

- The proposals will not lead to the introduction of a form of development which would be out of keeping with or detrimental to the pattern, visual amenities or general appearance of the area;
- The proposal will not result in any detrimental impact on neighbouring amenities, and will provide an appropriate standard of accommodation and adequate amenity space for future residents;
- There will be no detrimental impact in relation to car parking provision, or highways matters; and
- The proposal is wholly in compliance with the NPPF.

5.6 Having regard to the above, and in light of the NPPF's presumption in favour of sustainable development, the Inspector is respectfully requested to allow this appeal, and grant planning permission.

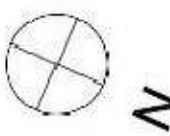
APPENDIX A1



i

KEY PLAN

--- Site Boundary



OUTLINE PLANNING

Land adj. Tesco, London Road, Buckingham scale 1:500
Proposed Block Plan @A1

1025 - SK07
dba Coleflax Bennett
architecture

Dimensions and levels to be checked on site by the contractor all dimensions in millimetres unless otherwise noted - all levels in metres unless otherwise noted
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APPENDIX A2

POST- DELEGATED DETERMINATION CHECKLIST

APPLICATION NUMBER: 18/02959/APP

PROPOSAL: Development of a drive-thru restaurant (Class A3/A5) with associated car parking and landscaping works. The reconfiguration of part of the wider carpark and the relocation of the click and collect facility.

LOCATION: Land adjacent to Tesco Stores Ltd, London Road, Buckingham.

The application was presented at the Development Management Committee on 09th January 2020 with the recommendation that permission be supported in principle and deferred and delegated to officers for approval following the satisfactory completion of a Unilateral Undertaking to prevent the construction of the previously approved Tesco extension which was granted on 03rd May 2011 as part of application 10/00360/APP and subject to those conditions as considered appropriate by Officers, or if this is not achieved for the application to be refused for reasons as considered appropriate by officers. During this Committee, Members voted in support of the recommendation.

The Unilateral Undertaking was completed on 04th February 2020.

Since the resolution to approve the above application one additional third party representation has been received raising the following objection:

"I oppose the planning application for McDonald's 24 hour drive-thru restaurant. It should not get the go ahead as there is a planning application for 9 dwellings on the spare land at Tesco London Road Buckingham. If this gets the go ahead, the houses are going to be very near the food outlet and the smell and more traffic is going to be a problem. Also if both applications get the go ahead, there will be no room for the click and collect to be positioned elsewhere in the car park so how will this affect jobs for those that work in it?"

In response to the additional representation received, each application needs to be determined on its own individual merits. Following the publication of the Officer's Committee report but prior to the Committee Meeting on 09th January an application (ref: 19/04481/PIP) seeking permission in principle for the erection of 9 dwellings was submitted to the Local Planning Authority. This application is currently pending consideration and therefore to date no decision has been made as to the acceptability of this scheme on land adjacent to the above application site. It is noted that both this parcel of land and the application seeking the erection of 9 dwellings is both on land currently associated with the existing Tesco superstore. There is no reason why the submission of this adjacent development should preclude the Local Planning Authority from determining the above application, however once this application is determined, its outcome would be a material consideration in the determination of application 19/04481/PIP. As part of this application, provision has been made for the relocation of the existing Click and Collect facility which is associated with Tesco. As the existing facilities are to be retained as a result of the proposed development there are not expected to be any job losses, furthermore the proposed development results in the creation of 65 full-time equivalent jobs.

During the Committee Meeting, Members advised that if the application were to be approved

conditions should be imposed including the securing a travel plan and cycle parking.

Consequently there have been no changes to policy since the resolution to approve the application and the additional representation received does not alter the determination of this application or conclusions reached, which would result in an alternative recommendation.

Having regard to the above, it is recommended that the application be APPROVED subject reasons as set out in the Committee report and the conditions outlined below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The materials to be used in the development shall be as indicative on approved drawing no. 6988-SA-8381-P005 A.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

3. No works other than the removal of the click and collect facility shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- ◆ Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary, demonstrating that water quality, ecological and amenity benefits have been considered.
- ◆ Existing and proposed discharge rates and volumes for the proposed surface water
 - system and wider network
 - Construction details of all SuDS and drainage components
 - Drainage layout together with storage volumes of all SuDS components
 - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus 40% climate change storm event should be safely contained on site.
 - Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance.
 - Details of proposed overland flood flow routes in the event of system exceedance or failure with demonstration of the flow direction.
 - Rainwater Collection

Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

4. No works other than the removal of the click and collect facility shall commence until details of the proposed means of disposal of foul water drainage have been

submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: The pre-commencement condition is required to ensure there is capacity within the existing network to support the proposed development and ensure the scheme can adequately drain in accordance with policy 15 of BDNP and the advice within the NPPF.

5. The development shall not be commenced until or unless the trees shown for retention on the approved plan No.9915 TPP 01 Rev B B have been protected by the erection of a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the TREE PROTECTION PLAN. The protection measures referred to above shall be maintained during the whole period of site excavation and construction. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, in particular:
 - There shall be no changes in ground levels;
 - No materials or plant shall be stored;
 - No buildings or temporary buildings shall be erected or stationed unless these are elements of the agreed tree protection plan;
 - No materials or waste shall be burnt; and
 - No drain runs or other trenches shall be dug or otherwise created.

Reason: In order to minimise damage to the trees during building operations and to comply with policy DHE1 of Buckingham Neighbourhood Development Plan, policy GP38 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

6. Notwithstanding the development hereby approved, no development shall take place above slab level on the building hereby permitted until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; where relevant. For soft landscape works, these details shall include how the scheme will maximise benefits to biodiversity, new trees and trees to be retained showing their species, spread and maturity, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

Reason: To ensure a satisfactory appearance to the development and to comply with policy DHE2 of the Buckingham Development Neighbourhood Plan, policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

7. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.
-

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 and GP38 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

8. Prior to the initial occupation of the development hereby approved, space shall be laid out within the site for parking and manoeuvring in accordance with the approved plans. This area shall be permanently maintained for this purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with policy GP24 of Aylesbury Vale District Local Plan, Parking Guideline SPG and the advice within the National Planning Policy Framework.

9. No development shall commence until a Construction Transport Management Plan, to include details of:
 - Parking for vehicles of site personnel, operatives and visitors.
 - Loading and unloading of plant and materials
 - Storage of plant and materials
 - Programme of works (including measures for traffic management)
 - HGV deliveries and hours of operation
 - Vehicle routing
 - Measures to prevent the deposit of materials on the highway
 - On-site turning for construction vehicles

Has been submitted to and approved in writing by the Local Planning Authority. The development there after shall be carried out in accordance with the approved details.

Reason: To minimise danger and inconvenience to highway users. This is a pre-commencement condition as development cannot be allowed to take place, which in the opinion of the Highway Authority, could cause danger, obstruction and inconvenience to users of the highway and of the development and to comply with the advice within the National Planning Policy Framework.

10. Prior to the occupation of the development hereby permitted a Servicing Management Plan (SMP) which fully details delivery and servicing arrangements for the site (including servicing hours) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved plan and maintained as such thereafter.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with the advice within the National Planning Policy Framework.

11. Notwithstanding the development hereby approved, the 1.8 metre high perimeter fencing shall not be installed. Prior to the initial occupation of the development hereby approved, details of all screen and boundary walls, fences and any other means of enclosure must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the building hereby approved shall not be occupied until the approved details have been fully implemented.

Reason: To ensure that the development does not result in any adverse impact on the character and appearance of the local area or cause highway safety concerns and to comply with policy GP35 of the Aylesbury Vale District Local Plan and the

National Planning Policy Framework.

12. Prior to the first occupation of the development a Full Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority to be in general accordance the, ' Buckinghamshire County Council Travel Plan Good Practice Guidance'. The approved Full Travel Plan shall be implemented upon occupation of the development.

Reason: In order to influence modal choice and reduce single occupancy private car journeys and comply with the National Planning Policy Framework. and Local Transport Policy.

13. No development shall take place above slab level on the development hereby approved, until details of cycle storage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the initial occupation of the development and maintained as such thereafter.

Reason: To encourage the reduction of car usage and to promote the availability of cycling opportunities and to comply with policy GP24 of the Aylesbury Vale District Local Plan and to accord with the National Planning Policy Framework.

INFORMATIVE(S)

1. If during the development works contamination is encountered which has not been previously identified the Environmental Health department must be contacted immediately at envhealth@aylesburyvaledc.gov.uk. Works must cease on site until an appropriate remediation scheme is submitted to and agreed in writing by the local planning authority. Failure to remediate site contamination during development could result in serious long-term health impacts to future users of the development.
2. For the avoidance of doubt, details relating to advertisement and their location do not form part of this application. Advertisements are subject to separate legislation and where appropriate, advertisement consent will be required.

DATE: 07/02/2020

SIGNED: Danika Hird

PROFESSIONAL CHECK:

Agree Recommendation / Officer exercising delegated powers*

DATE:07/02/2020.....

OFFICER: ...Mrs Claire Bayley.....
Associate Planning Officer

AYLESBURY VALE DISTRICT COUNCIL

Town and Country Planning Act 1990**18/02959/APP**

Miss Poppy O'Flanagan
 DPP Planning
 66 Porchester Road
 London
 W2 6ET

C/O Agent

Subsequent to your application that was valid on the **22nd August 2018** and in pursuance of their powers under the above mentioned Act and Orders, Aylesbury Vale District Council as Local Planning Authority **HEREBY PERMIT:-**

Development of a drive-thru restaurant (Class A3/A5) with associated car parking and landscaping works. The reconfiguration of part of the wider carpark and the relocation of the click and collect facility.

AT:- Land Adjacent To Tesco Stores Ltd London Road Buckingham Buckinghamshire MK18 1AB

Approved Drawing Number(s):-

- Existing Site Plan 6988-SA-8381-AL03 C
- Block Plan 6988-SA-8381-P002 H
- Site Layout Plan as Proposed 6988-SA-8381-P004 N
- Site Layout Plan as Proposed (Existing Proposed Landscaping) 6988-SA-8381-P007 E
- Site Location Plan 6988-SA-8381-AL01 B
- Elevations and Section 6988-SA-8381-P005 A
- Ground Floor, First Floor Roof Plans 6988-SA-8381-P006 A
- Proposed Car Park Exit Arrangement SP04
- Proposed Car Park Exit Arrangement Max Legal Tracking SP05
- Outdoor Climb 2017 Revision E09-004 Outdoor Climb 3x3 (Product Specification)
- Terrace Equipment: Range Euroline 3 - Mix 2015 (Europe) (Product Specification)
- Tree Protection Plan 9915 TTP 01 Rev B B
- Click and Collect External Elevations 72/9001749-311 Rev E

Subject to the following conditions and reasons:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The materials to be used in the development shall be as indicative on approved drawing no. 6988-SA-8381-P005 A.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 3 No works other than the removal of the click and collect facility shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- o Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary, demonstrating that water quality, ecological and amenity benefits have been considered.
 - o Existing and proposed discharge rates and volumes for the proposed surface water
 - o system and wider network
 - o Construction details of all SuDS and drainage components
 - o Drainage layout together with storage volumes of all SuDS components
 - o Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus 40% climate change storm event should be safely contained on site.
 - o Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance.
 - o Details of proposed overland flood flow routes in the event of system exceedance or failure with demonstration of the flow direction.
 - o Rainwater Collection

Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

- 4 No works other than the removal of the click and collect facility shall commence until details of the proposed means of disposal of foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: The pre-commencement condition is required to ensure there is capacity within the existing network to support the proposed development and ensure the scheme can adequately drain in accordance with policy 15 of BDNP and the advice within the NPPF.

- 5 The development shall not be commenced until or unless the trees shown for retention on the approved plan No.9915 TPP 01 Rev B B have been protected by the erection of a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the TREE PROTECTION PLAN. The protection measures referred to above shall be maintained during the whole period of site excavation and construction. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, in particular:
- o There shall be no changes in ground levels;
 - o No materials or plant shall be stored;
 - o No buildings or temporary buildings shall be erected or stationed unless these are elements of the agreed tree protection plan;
 - o No materials or waste shall be burnt; and
 - o No drain runs or other trenches shall be dug or otherwise created.

Reason: In order to minimise damage to the trees during building operations and to comply with policy DHE1 of Buckingham Neighbourhood Development Plan, policy GP38 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 6 Notwithstanding the development hereby approved, no development shall take place above slab level on the building hereby permitted until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and

circulation areas; hard surfacing materials; where relevant. For soft landscape works, these details shall include how the scheme will maximise benefits to biodiversity, new trees and trees to be retained showing their species, spread and maturity, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

Reason: To ensure a satisfactory appearance to the development and to comply with policy DHE2 of the Buckingham Development Neighbourhood Plan, policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 7 Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 and GP38 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 8 Prior to the initial occupation of the development hereby approved, space shall be laid out within the site for parking and manoeuvring in accordance with the approved plans. This area shall be permanently maintained for this purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with policy GP24 of Aylesbury Vale District Local Plan, Parking Guideline SPG and the advice within the National Planning Policy Framework.

- 9 No development shall commence until a Construction Transport Management Plan, to include details of:

- o Parking for vehicles of site personnel, operatives and visitors.
- o Loading and unloading of plant and materials
- o Storage of plant and materials
- o Programme of works (including measures for traffic management)
- o HGV deliveries and hours of operation
- o Vehicle routing
- o Measures to prevent the deposit of materials on the highway
- o On-site turning for construction vehicles

Has been submitted to and approved in writing by the Local Planning Authority. The development there after shall be carried out in accordance with the approved details.

Reason: To minimise danger and inconvenience to highway users. This is a pre-commencement condition as development cannot be allowed to take place, which in the opinion of the Highway Authority, could cause danger, obstruction and inconvenience to users of the highway and of the development and to comply with the advice within the National Planning Policy Framework.

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Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply

with the advice within the National Planning Policy Framework.

- 11 Notwithstanding the development hereby approved, the 1.8 metre high perimeter fencing shall not be installed. Prior to the initial occupation of the development hereby approved, details of all screen and boundary walls, fences and any other means of enclosure must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the building hereby approved shall not be occupied until the approved details have been fully implemented.

Reason: To ensure that the development does not result in any adverse impact on the character and appearance of the local area or cause highway safety concerns and to comply with policy GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 12 Prior to the first occupation of the development a Full Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority to be in general accordance the, 'Buckinghamshire County Council Travel Plan Good Practice Guidance'. The approved Full Travel Plan shall be implemented upon occupation of the development.

Reason: In order to influence modal choice and reduce single occupancy private car journeys and comply with the National Planning Policy Framework. and Local Transport Policy.

- 13 No development shall take place above slab level on the development hereby approved, until details of cycle storage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the initial occupation of the development and maintained as such thereafter.

Reason: To encourage the reduction of car usage and to promote the availability of cycling opportunities and to comply with policy GP24 of the Aylesbury Vale District Local Plan and to accord with the National Planning Policy Framework.

Informative(s)

- 1 If during the development works contamination is encountered which has not been previously identified the Environmental Health department must be contacted immediately at envhealth@aylesburyvaledc.gov.uk. Works must cease on site until an appropriate remediation scheme is submitted to and agreed in writing by the local planning authority. Failure to remediate site contamination during development could result in serious long-term health impacts to future users of the development.
- 2 For the avoidance of doubt, details relating to advertisement and their location do not form part of this application. Advertisements are subject to separate legislation and where appropriate, advertisement consent will be required.

WORKING WITH THE APPLICANT/ AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal. AVDC works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case as part of this application, amendments were received and following the receipt of such details the application was found to be acceptable.

Your attention is drawn to the notes on the back of this form.

Mrs Claire Bayley

For and on behalf of the District Council

7th February 2020

1. APPEALS

If you are aggrieved by the decision of your Local Planning Authority to grant permission for the proposed development subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990. If you want to appeal, you must do so within 6 months of the date of this Notice, using a form which you can get from the Planning Inspectorate, 3/15a Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. You can also lodge an appeal via the internet at www.planningportal.gov.uk/pcs

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission without the conditions they imposed, having regard to statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If either the local planning authority or the Secretary of State grants permission to develop land subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

2. BUILDING REGULATIONS

This Approval under the Town and Country Planning Act DOES NOT operate as a consent under the provisions of the Building regulations. A further application may be required under this legislation. You are advised to seek advice from the Council's Building Control section on this matter, by emailing bcontrol@aylesburyvaledc.gov.uk

3. PROTECTED SPECIES

Certain wild plants and animals are protected under UK and European legislation. Approval under that legislation is required if protected habitats or species are affected by development. If you discover protected species proceeding with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England. Further details are contained in our leaflet 'Biodiversity and the Planning process'.

4. SUSTAINABILITY

We support the principles of sustainable design and construction, including: carbon management (energy efficiency and micro generation) as a central theme in design, build and use; the re-use of materials in construction projects; the sustainable management of water through water conservation (rainwater harvesting and water reuse) and the use of sustainable drainage systems (SUDS). We have published a Sustainable Construction Advisory Guide to help those involved in new build gain a better understanding and encourage the use of sustainable construction techniques in new developments. We will also provide basic guidance for interested parties on request. Further information can be found at CIRIA's SUDS website www.ciria.org/suds/icop.htm and the Building Research Establishment website www.bre.co.uk

5. MATERIALS

Please note that we cannot accept samples of materials at our offices. You should submit a Discharge of Conditions application (see note 6 below) with the materials fully specified, and then the case officer will make arrangements to view samples on site as required. Application forms are available on our web site (see link below).

6. DISCHARGE OF CONDITION(S)

A fee is payable for applications seeking confirmation that a) information submitted satisfies the requirements of a condition (including planning permission that has been granted on appeal) and b) a condition has been discharged.

For our current fees please visit our website <https://www.aylesburyvaledc.gov.uk/section/step-2-you-apply> Please note that any number of conditions can be included on a single request but, if separate applications are made for each condition, a fee is required for each: i.e. if 4 separate application are made to discharge 4 conditions, total fees payable will be 4 x application fee.

You should submit a formal application using the standard 1APP form accompanied by the appropriate information, details or drawings. Applications can be made online via www.planningportal.gov.uk or you can download from our website at <http://www.aylesburyvaledc.gov.uk/planning---building/planning-and-building-control-applications/step-3-apply-for-planning-permission/planning-application-forms/>

7. STANDING ADVICE FOR DEVELOPMENT SITES WHERE THERE IS NO KNOWN HISTORICAL CONTAMINATION

If during development works contamination is encountered which has not been previously identified please contact the Environmental Health department immediately at envhealth@aylesburyvaledc.gov.uk. Works must cease on site until an appropriate remediation scheme is submitted to and agreed in writing by the local planning authority.

Failure to remediate site contamination during development could result in serious long-term health impacts to future users of the development.

APPENDIX A3

AYLESBURY VALE DISTRICT COUNCIL

Planning

Please ask for: J Bishop
Direct Line:
Switchboard: (01296) 585858
Text Relay: prefix telephone number with 18001
Email: devcon@aylesburyvaledc.gov.uk
Our Ref: 19/01240/PREMTG
Your Ref:



20th November 2019

Aaron Henecke
Hybrid Planning and Development
The Old Vyner Street Gallery
23 Vyner Street
E2 9DG

Dear Aaron,

Land adjacent to Tesco, London Road, Buckingham. Proposed redevelopment of the site for residential development

I refer to your pre-application enquiry received on 24th August 2019, and our subsequent meeting on the 18th September 2019 in regard to the above proposal.

Planning Constraints:

Site for employment development (BU.3)

Relevant Planning History:

10/00360/APP - Extension to Tesco Stores to create floorspace, access improvements, car park extension and alteration and associated works – Approved

Relevant Policy Context:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Buckingham Neighbourhood Development Plan (BNDP)
- Saved Policies within Aylesbury Vale District Local Plan (AVDLP) – GP2, GP8, GP17, GP24, GP35, GP38, GP39, GP40, GP45, BU3
- Emerging policies within the Vale of Aylesbury Local Plan (VALP) – S1, H1, H6, E1, E2, E3, E5, T1, T6, BE2, BE3, BE4, NE1
- 'The New Buildings in Towns and Villages' Design Guide

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004, indicates that the starting point for decision-making is the development plan. The current Development Plan for AVDC comprises the 'saved' policies of the Aylesbury Vale District Local Plan (AVDLP) 2004 and the adopted Buckingham Neighbourhood Development Plan (2015).

The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

DX 4130 Aylesbury 1

www.aylesburyvaledc.gov.uk



The Vale of Aylesbury Local Plan (VALP) 2013-2033 is at an advanced stage and will be a material consideration in determining any future planning application on this site. The consultation on the proposed modifications commenced on 5th November

Policy BU.3 of the AVDLP and the Proposals Map indicate that the site is allocated for employment development. The site does not have a site-specific allocation within the adopted Buckingham NDP (2015) however Figure 2.9 of the BNDP identifies the site within a wider Industrial Character Area. The BNDP allocates the land to the south of the site for 10ha of employment development this will reinforce the commercial character of the area.

Policy BU.3 seeks to retain existing and allocated employment sites for these purposes only. Any application which proposes an alternative use would be contrary to this policy and would not be considered to be acceptable in principal.

Policy GP.17 of the Local Plan would also apply to any proposal to develop the site for an alternative use. This policy seeks to retain existing employment uses and states that proposals for changes of use or redevelopment of employment sites will only be permitted where the following criteria are met:

- a) the existing use has an adverse impact on amenity of neighbours and its proposed replacement would be an improvement;*
- b) there are appropriate alternative employment opportunities either on other sites in the locality or as part of the proposed development; and*
- c) there are opportunities in larger settlements of a more advantageous land-use arrangement through redevelopment for mixed use, including residential, purposes.*

In order to satisfy the requirements of Policy GP.17 any future application for an alternative use would therefore need to be supported by an assessment which demonstrates that there is a surplus of employment land together with site specific justification to allow an alternative use on this site.

The site does not have any site-specific designations or allocations within the emerging VALP. The Proposals Map identifies the site with the Tesco Superstore as an existing commitment (site BUC062) considered suitable for 2,490 sqm of Class A1 development according to the Housing & Economic Land Availability Assessment (HELAA) 2017. This is the reference to the planning permission to extend the superstore and provide additional car parking reference 10/00360/APP which has now lapsed.

In summary, the site is currently allocated for an employment use within the Local Plan however, the allocation is not carried forward in the Buckingham Neighbourhood Plan or the VALP. As it currently stands an application for residential development on this site would be contrary to policy and not acceptable in principal. As discussed at the pre application meeting having visited the site it is considered that the site is not appropriate for residential development. It is poorly related to the nearby residential areas and contained by commercial industrial and retail development. Although you have not submitted any noise surveys for review I think it is unlikely that a suitable residential environment could be created in light of the industrial and commercial and retail properties which surround the site and the potential for noise and disturbance. In particular large numbers of HGV's and delivery vehicles would regularly pass the site to serve the adjacent superstore and this is likely to lead to an unacceptable level of noise and disturbance.

Similarly due to the location of the site there would be a very poor outlook and the adjoin land uses reinforce the commercial character of the area. A residential development in this location would appear isolated and at odds with the surrounding commercial and industrial buildings.

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Design and Scale

Notwithstanding the principal of development I have the following comments in respect of the design and layout of the proposed development. The revised plans/ layout you have produced are an improvement over the original submission however, I do not consider the scheme to be acceptable as proposed. Having reviewed the site context in detail it is considered that the scale of what you are proposing would need to be reduced further. In terms of maximum height, three storeys should be considered as a maximum where this can be justified in urban design terms. There is very limited space within the layout to allow for landscaping and it appears dominated by hardstanding and car parking which is an indication that too much development is being proposed for the site. The parking layout is not considered to be acceptable. Notwithstanding the fundamental objections raised, it is considered that the following aspects could be improved further.

- For semi-detached and detached properties such as plots 10 to 21 would require a 2 metre separation distance required between the houses;
- Additional space would be required between the parking and side wall of plot 10;
- The block of apartments should be set further into the site to provide greater separation distance and a landscape buffer with the road. Similarly the houses should be set further into the site to provide greater separation and more scope for landscaping;
- An alternative design solution required for the north western corner of the site (Between plots 9 and 10) rather than just abutting the access road to the side/site boundary;
- The layout of the houses in the centre of the site would need further consideration to avoid rear boundaries fronting the public realm; and
- Is it necessary to have a full width road throughout the entire site? Could there be small area of private drive for example so the road width could be reduced?

In terms of appearance a traditional design approach would be preferred in this location and it is advised to look at the recently built our scheme to the east of London Road. In terms of materials it would be expected that red brick be the primary building material reflective of the wider character and appearance of the area.

Trees and landscaping

Additional information would be required with regards to trees and landscaping. You have increased the landscaping in the scheme however the layout would still be dominated by hardstanding and parking areas. Additional landscaping would be required to the front of the dwellings and the opportunity should be taken to provide a tree lined end to the scheme along the site frontage which will help soften the appearance of the development and enhance the wider landscape character of the area. We would not encourage large amounts of communal open space on a site of this scale. Should there be any small areas of open space details of how this will be managed and maintained will need to be provided with any application.

Residential amenity

The site is located in a commercial/ industrial area in close proximity to existing commercial and retail uses. As such you would need to demonstrate that the site is appropriate for residential development given the proximity of industrial/ commercial uses. There is significant potential for the future residents to be subjected to adverse levels of noise and disturbance arising from HGV deliveries to Tesco as well as the industrial uses immediately to the west of the site. It is considered that this is unlikely to be an appropriate location for residential development given the proximity of the commercial uses and the likely noise and

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disturbance which would result for any future residents in conflict with policy GP8 of the AVDLP and the NPPF.

Highways and parking

With regard to parking provision, your attention is drawn to policy GP24 of the AVDLP and the Council's Car Parking Standards, any proposal would need to adhere to the standards outlined within this document. The site is located in a relatively sustainable location and there would be some flexibility however parking close to the maximum standards will be required. Adequate cycle parking in accordance with the Council's standards will also be required. Cycle sustainable location, in close proximity to the town centre and with access to public transport. The level of parking provision is considered to be appropriate given the location of the site however, as discussed above the form of parking provision is not considered to be acceptable in design terms. There area to the front of the houses appears dominated by car parking which is an indication that too much car parking is being proposed. The majority of the car parking spaces are tight against the front of the house with no space available for landscaping which would not bae an acceptable approach and would result in an unattractive street scene.

As discussed at the meeting if you would like detailed advice on the highways implications of the proposal you are advised to contact BCC highways directly who operate their own pre application service.

Other matters

Affordable housing would need to be provided in accordance with policy GP2 of the Local Plan. At our meeting you indicated that the site is not likely to be viable with full affordable housing provided. Any reduction in the amount to be provided would need to be justified by a full viability assessment which the Council would have independently reviewed.

Conclusion

Having considered the relevant planning history, and current national and local planning policy, it is considered that a residential scheme on the site proposed would not be supported at this time. The above considerations appear to indicate that some form of development may be acceptable, provided it meets the relevant planning policies and national guidance.

I hope this advice is useful. Please be aware that this advice is informal and merely seeks to offer guidance on the identified issues based on the limited level of information submitted. It does not represent a detailed assessment of the full range of planning considerations and as such, addressing the above does not necessarily guarantee that any future application will be approved. This advice is offered without prejudice to the future assessment and decisions of the council and any other authority.

Yours sincerely

Mrs Claire Bayley

Associate Planner
For and on behalf of Aylesbury Vale District Council

APPENDIX A4

Aaron Henecke

From: *Danielle St Pierre*
Sent: *04 February 2020 15:31*
To: *Aaron Henecke*
Subject: *FW: 19/04481/PIP Land Adjacent To Tesco Stores Ltd London Road*

FYI

From: Williams-Crowe, Paul [REDACTED]
Sent: 04 February 2020 15:29
To: Danielle St Pierre [REDACTED]
Subject: 19/04481/PIP Land Adjacent To Tesco Stores Ltd London Road

Dear Danielle

I have spoken to Danika and she has advised the application will be determined in accordance with the national and local planning policies, including the emerging local plan (VALP). In accordance with this type of application the matters being considered are location, land use and the amount of development. Any other remaining material considerations would be reserved for the technical details stage if permission were to be granted.

Kind regards

Paul Williams-Crowe

Account Manager – Business Development.

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

[REDACTED] www.aylesburyvaledc.gov.uk |

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Aaron Henecke

From: *Danielle St Pierre*
Sent: *27 February 2020 10:46*
To: *Hird, Danika; Aaron Henecke; Williams-Crowe, Paul*
Subject: *RE: [EXTERNAL] RE: 19/04481/PIP - Land Adjacent to Tesco Store, London Road*

Thanks for your response Danika.

Given the need to refuse this solely on policy grounds which relate to the use, only (as the application only relates to the principle of the use), can I assume the Council will refuse the proposal as being contrary to 'saved' Policy BU3?

Best,
Danielle

From: Hird, Danika [REDACTED]
Sent: 27 February 2020 10:43
To: Danielle St Pierre [REDACTED] Aaron Henecke [REDACTED] Williams-Crowe, Paul [REDACTED]
Subject: Re: [EXTERNAL] RE: 19/04481/PIP - Land Adjacent to Tesco Store, London Road

Hi Danielle,

Whilst you make reference to other uses these are not as sensitive as residential and where appropriate, mitigation could be required for residential development when locations are found to suitable. However the Council does not consider this site to be suitable for residential purposes for the reasons previously expressed. The proposed development would result in a small cluster of residential properties in a predominately industrial area which does not respond to the settlement pattern of Buckingham. The nearby residential development within the wider area is for larger residential schemes which are not enclosed on all sides, at a short distance by un-neighbourly uses. Furthermore, whilst I accept that the site's current allocation is not being transferred into the emerging local plan, policy BU3 remains a saved policy to date, which this scheme is currently contrary to. The concerns with residential development on this site therefore relate to the in principle matters of location and use and not just details to be considered at the technical matters stage.

As such, we have set out our position providing you with the opportunity to consider the points raised. There is clearly a difference in opinion and on that basis I suggest we move to determination unless you advise by lunchtime today that you wish to withdraw this application.

Kind Regards

Kind Regards
Danika Hird
Senior Planner, Built Environment

Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
Bucks
HP19 8FF
[REDACTED]

From: Danielle St Pierre [REDACTED]
Sent: 26 February 2020 18:29
To: Hird, Danika [REDACTED]; Aaron Henecke [REDACTED]; Williams-Crowe, Paul [REDACTED]
Subject: RE: [EXTERNAL] RE: 19/04481/PIP - Land Adjacent to Tesco Store, London Road

Hi Danika,

There are also retail and leisure uses within this Character Area. It seems to be more a character definition (i.e. industrial type buildings) than a policy constraint or zoning allocation. Indeed the relevant policy of the BNDP is EE1, which specifically relates to new employment development and only includes Land at Sites E, Q or C. Indeed, even Site C can only be developed for employment uses if E and Q do not come forward, so we are struggling to understand how the Council could support employment use in this location given the clear policy contradiction, particularly in light of the emerging Local Plan.

The PIP route seeks to secure the principle of the use only, and its contingent on the specific policy position. Matters of amenity and noise would be appropriately dealt with via Technical Details stage and could suitably mitigate any un-neighbourly issues. Indeed, there are multiple occasions in the District where new residential uses have been permitted adjacent to industrial sites, including Tingewick Road/Clarence Park, the new Taylor Wimpey Scheme.

In our opinion, the principle of a residential use cannot be contested on a site which is located within the urban area, will soon be white land and only has a broad-brush 'character area' (for which there is no related or specific policy) to suggest an appropriate Use Class.

I look forward to hearing back.

Best,
Danielle

From: Hird, Danika [REDACTED]
Sent: 26 February 2020 17:53
To: Danielle St Pierre [REDACTED]; Aaron Henecke [REDACTED]; Williams-Crowe, Paul [REDACTED]
Subject: Re: [EXTERNAL] RE: 19/04481/PIP - Land Adjacent to Tesco Store, London Road

Hi Danielle,

Thank you for getting back to me so promptly.

The Buckingham Neighbourhood Development Plan zones this site within the industrial area giving some insight into the types of development which may be suitable for this site.

The application site itself is a small pocket of land which is adjoined on all sides by predominately industrial uses (Tesco Superstore and its car park to the north, Tesco fuelling station to the east, Wipac Technology to the south and Buckingham Industrial Area to the west). The residential development you are referencing, I believe, is located on the opposite side of London Road (known as Lace Hill) and unlike your site came forward as part of comprehensive residential development which is not surrounded on all

sides by un-neighbourly industrial uses. As such, it is considered that the merits of the nearby residential development differ greatly from the development being proposed as part of this current application.

I hope this provides greater clarification on our position. Please could you advise how you wish to proceed.

Kind Regards

Danika Hird
Senior Planner, Built Environment

Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
Bucks
HP19 8FF
[REDACTED]

From: Danielle St Pierre [REDACTED]
Sent: 26 February 2020 17:09
To: Hird, Danika [REDACTED]; Aaron Henecke [REDACTED]; Williams-Crowe, Paul [REDACTED]
Subject: RE: [EXTERNAL] RE: 19/04481/PIP - Land Adjacent to Tesco Store, London Road

Hi Danika,

Thanks for your email.

Can I query what an appropriate land use might be, given that the site will be white land within a few months (following adoption of the new local plan), outside of a town centre (therefore not appropriate for retail/town centre use), and outside of a designated employment area. An Inspector is likely to consider this position contradictory, as the Council have given no clear indication in any of their emerging development plan documents of what this might be.

There is residential development and allocated residential land within 100m of the site, and the Council apply a presumption in favour of residential development which is sustainably located. This site is located within close proximity to employment and shopping opportunities as well as local schools and leisure uses.

I would be grateful if you could respond on these points before we decide whether to withdraw the application.

Thanks,
Danielle

Danielle St Pierre BSc (HONS) AssocRTPI
DIRECTOR

[REDACTED]



Hybrid Planning & Development Limited
The Old Vyner Street Gallery
23 Vyner Street
London
E2 9DG

www.hpduk.com



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From: Hird, Danika [REDACTED]
Sent: 26 February 2020 16:59
To: Danielle St Pierre [REDACTED] Aaron Henecke [REDACTED] Williams-Crowe, Paul [REDACTED]
Subject: Re: [EXTERNAL] RE: 19/04481/PIP - Land Adjacent to Tesco Store, London Road
Importance: High

Good Afternoon,

I apologise for the delay in providing you with a response, I can confirm that I am currently working on the report for the above application with the aim to determine the proposal this Friday.

Following review of the above, I will be seeking to recommend refusal on the grounds of location and land use. The application site is located within a predominately commercial/ industrial area and therefore residential development in this location is considered not to be compatible with surrounding land uses, nor does it respond to the area's settlement pattern. Whilst the Buckingham Neighbourhood Development Plan does not specifically allocate this land, the site shown within the Industrial Character Area of Buckingham. Furthermore, the site is allocated within AVDLP for employment and therefore residential development in this location would be contrary to saved policy BU3.

As such, I will be seeking to refuse the application unless you wish to withdraw.

Kind Regards

Danika Hird
Senior Planner, Built Environment

Aylesbury Vale District Council
The Gateway
Gatehouse Road

Aylesbury
Bucks
HP19 8FF

From: Danielle St Pierre [REDACTED]
Sent: 24 February 2020 17:02
To: Aaron Henecke [REDACTED]; Hird, Danika [REDACTED]; Williams-Crowe, Paul [REDACTED]
Subject: [EXTERNAL] RE: 19/04481/PIP - Land Adjacent to Tesco Store, London Road

Hi Danika,

Please could you provide a further update on this, as I understand we are expecting a decision on Friday.

Best,
Danielle

From: Aaron Henecke [REDACTED]
Sent: 12 February 2020 15:57
To: [REDACTED]
Cc: Danielle St Pierre [REDACTED]
Subject: RE: 19/04481/PIP - Land Adjacent to Tesco Store, London Road

Hi both,

Following on from my conversation with Paul on Monday, I would like to confirm our agreement to an extension of time for determination of the application ref. 19/04481/PIP to the end of February (28th February 2020). Should you have any questions regarding the proposals, please do let us know. We would appreciate you providing us with your views on the application ahead of the revised determination date.

Kind regards,

Aaron Henecke MSc
PLANNER



hybrid

Hybrid Planning & Development Limited
The Old Vyner Street Gallery
23 Vyner Street
London



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From: Danielle St Pierre [REDACTED]
Sent: 07 February 2020 15:49
To: [REDACTED]
Cc: Aaron Henecke [REDACTED]
Subject: RE: 19/04481/PIP - Land Adjacent to Tesco Store, London Road

Hi Danika,

Please can you provide an update on this before a decision is issued on Monday.

Thanks,
Danielle

From: Danielle St Pierre
Sent: 05 February 2020 12:46
To: [REDACTED]
Cc: Aaron Henecke [REDACTED]
Subject: 19/04481/PIP - Land Adjacent to Tesco Store, London Road

Dear Danika,

I am emailing in regards to the application for Permission in Principle (PiP) for the erection of 9 dwellings at Land Adjacent to Tesco Stores Ltd, London Road, Buckingham (LPA Ref: 19/04481/PIP). Ahead of the target determination date of 10th February 2020, I wanted to reach out to discuss the application proposals and comments received.

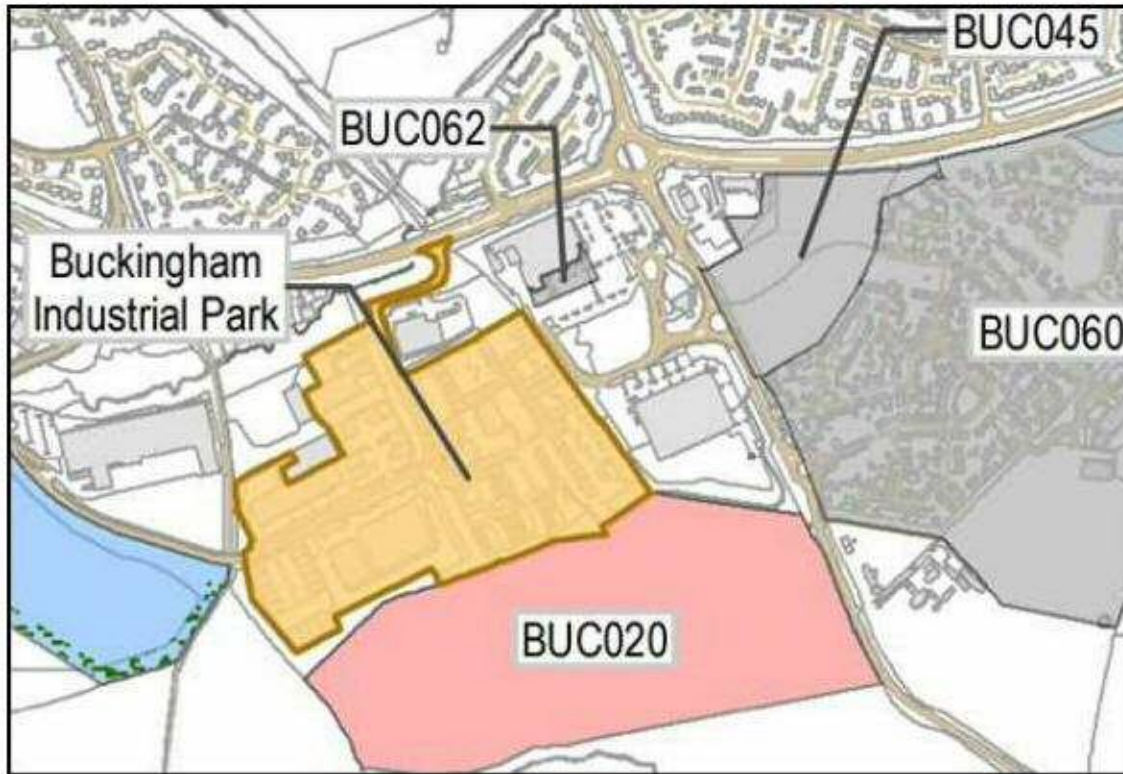
We have been monitoring the application since it was made valid on 6th January 2020 and note the number of consultee and public comments received. Whilst we acknowledge that the Council must take into account any representations received, the scope of the Council's decision must be limited to 'in principle' matters of location, land use and amount of development, per National guidance. All other matters should be considered at the technical details consent stage. In this case, the technical details stage could address many of the matters raised by the public/consultee comments, including:

- site layout/scale/detailed design
- landscaping/boundary treatments
- contamination/ecological/archaeological/arboricultural investigations
- sustainable drainage details
- detailed transportation/waste arrangements.

Regarding comments on the suitability of the land for residential use, we again note that the site is no longer allocated for employment use, either in the adopted Buckingham Neighbourhood Plan or the emerging Vale of Aylesbury Local Plan (VALP). Given its advanced stage, having finished its main modifications consultation on 17th December 2019, we trust that the policies within the VALP will be afforded due weight in determining this application.

Furthermore, the recent decision for the McDonald's drive-thru on the nearby Tesco car park (LPA Ref. 18/02959/APP) should be a material consideration in determining this application, specifically with regards to the Unilateral Undertaking and understanding that the earlier permission for the Tesco extension (LPA Ref. 10/00360/APP) will not be implemented.

With regards to the Council's most-recent HELAA and site BUC062, the application site does not form part of this now out-dated site assessment. In fact, the Council's Main Modifications Proposals Map for Buckingham & Maids Moreton clearly shows this (see extract below). Therefore, any argument that the site has been pre-determined to be inappropriate for residential use due to the HELAA and its incorporation within BUC062 is incorrect.



Finally, we draw your attention to Article 5Q of the Town and Country Planning (Permission in Principle) Order 2017 (as amended), which states that local planning authorities may 'grant permission in principle for development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated'. In light of the above, we trust that a balanced and pragmatic approach will be taken in considering the application proposals and the principle of residential development of the site, and that due weight will be attributed to the emerging VALP.

We would be grateful of the opportunity to discuss the proposals with you ahead of the determination date of 10th February 2020. We look forward to hearing from you soon.

Kind regards,
Danielle

Danielle St Pierre BSc (HONS) AssocRTPI
DIRECTOR



Hybrid Planning & Development Limited
The Old Vyner Street Gallery
23 Vyner Street
London



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APPENDIX A5

AYLESBURY VALE DISTRICT COUNCIL

Town and Country Planning Act 1990

Town and Country (Permission in Principle) (Amendment) Order 2017

19/04481/PIP

Mrs Danielle St Pierre
23 Vyner Street
London
E2 9DG

C/o Agent

Subsequent to your application that was valid on the **6th January 2020** and in pursuance of their powers under the above mentioned Act and Orders, the Aylesbury Vale District Council as Local Planning Authority **HEREBY REFUSE PERMISSION FOR:-**

Permission in Principle for the Erection of 9 dwellings

AT:-

Land Adjacent To Tesco Stores Ltd London Road Buckingham Buckinghamshire MK18 1AB

The reasons for refusing your application are:-

1. The proposal, by reason of its location and use, would result in a small cluster of residential units surrounded by unneighbourly, incompatible and highly intensive industrial and commercial uses. The development would appear out of place and thus as an alien feature, failing to respect the character and pattern of built development in this part of Buckingham. The land is currently allocated for employment land within the adopted Local Plan and therefore the siting of residential units result in the loss of designated employment land, therefore failing to comply with saved policies GP17 and BU3 of AVDLP. In addition, the residential development would be entirely enclosed, at close proximity to unneighbourly and incompatible industrial and commercial uses, resulting in an unacceptable and substandard living conditions for the occupiers of those units, resulting in a poor standard of design and amenity for future occupants of the development. The proposal would constitute an unsustainable form of development contrary to policy DHE6 of the Buckingham Neighbourhood Development Plan, saved policies GP8, GP17, GP35 and BU3 of the Aylesbury Vale District Local Plan, emerging policies D3, BE2, BE3 and NE5 of the Vale of Aylesbury Local Plan and the advice within National Planning Policy Framework.

INFORMATIVE(S)

1. Please note, without prejudice to the reason for refusal, based on the indicative plans and submitted information it is considered that a number of contributions would be required to make the development sustainable in the context of the Development Plan which would be secured by way of a legal agreement at the appropriate stage. These may relate to (but potentially not confined to) education, sport and leisure and affordable housing.

WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal. AVDC works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the agent was advised of the Local Planning Authority's concerns with the proposed development however there are considered not to be any changes that could overcome the in principle issues with residential development on this site.

Your attention is drawn to the attached notes.

Daniel Ray

For and on behalf of the District Council
28th February 2020

NOTES

1. APPEALS

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development, then you can appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990. If you want to appeal, you must do so within the appropriate time limit shown below, using a form which you can get from the Secretary of State, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. You can also lodge an appeal via the internet at www.planningportal.gov.uk/pes

Appeals against refusal of planning permission for:	Time period for submitting appeals to Planning Inspectorate
Minor commercial (shop front) development	Within 12 weeks of the date of this decision notice
Development where an enforcement notice was previously served for substantially the same land and development	Within 28 days of the date of this decision notice
Development where an enforcement notice is subsequently served for substantially the same land and development	Within 28 days of the date the enforcement notice is served or within 6 months of the date of this notice, whichever period expires earlier
All other development	Within 6 months of the date of this decision notice

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If either the local planning authority or the Secretary of State for Communities and Local Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

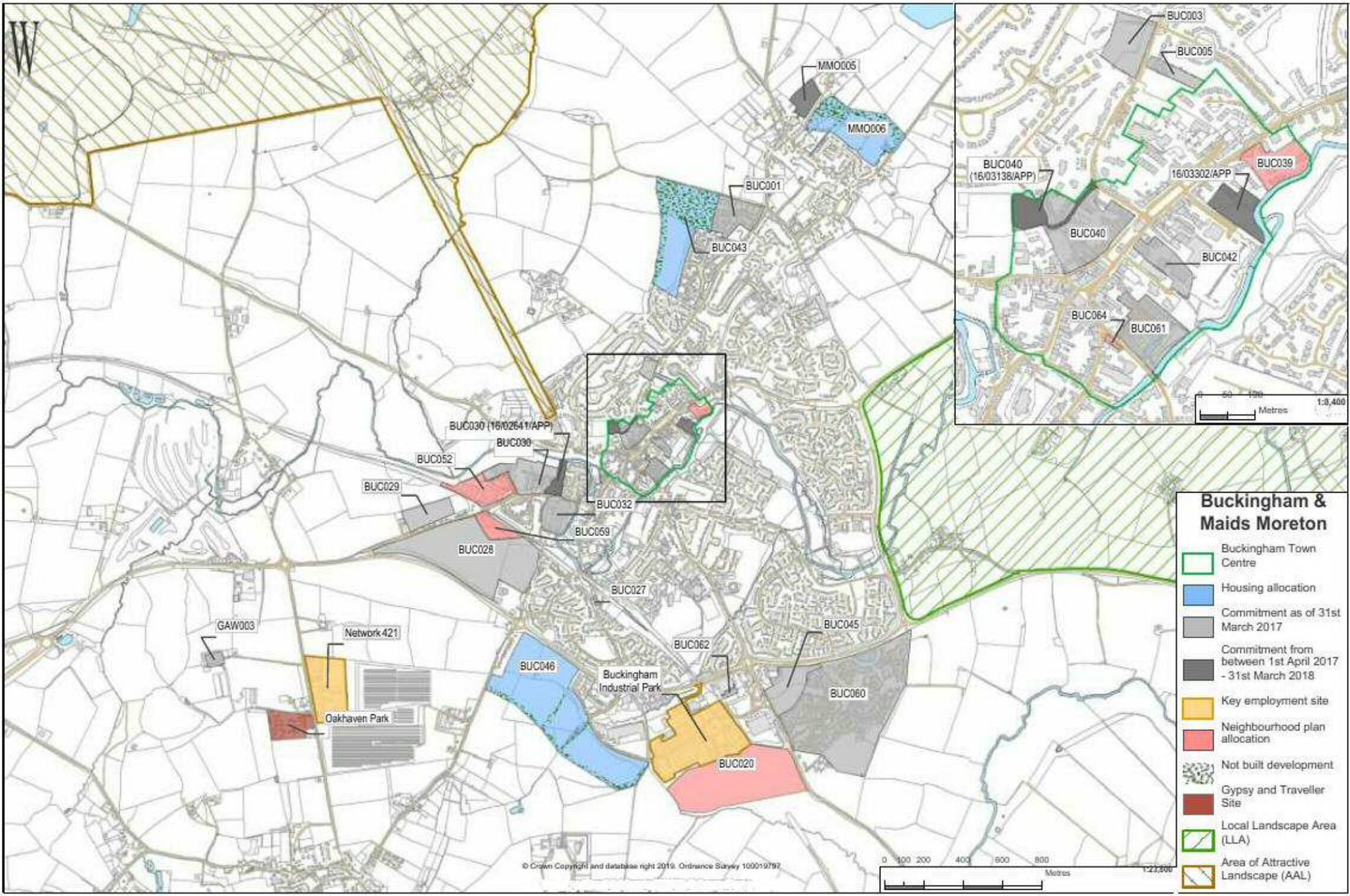
2. BUILDING REGULATIONS

This Refusal under the Town and Country Planning Act **DOES NOT** operate as a refusal under the provisions of the Building regulations. A further application may be required under this legislation. You are advised to seek advice from the Council's Building Control section on this matter, by emailing bcontrol@aylesburyvaldc.gov.uk

3. PROTECTED SPECIES

Certain wild plants and animals are protected under UK and European legislation. Approval under that legislation is required if protected habitats or species are affected by development. If you discover protected species proceeding with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England. Further details are contained in our leaflet 'Biodiversity and the Planning process'.

APPENDIX A6



- Buckingham & Maids Moreton**
- Buckingham Town Centre
 - Housing allocation
 - Commitment as of 31st March 2017
 - Commitment from between 1st April 2017 - 31st March 2018
 - Key employment site
 - Neighbourhood plan allocation
 - Not built development
 - Gypsy and Traveller Site
 - Local Landscape Area (LLA)
 - Area of Attractive Landscape (AAL)

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APPENDIX A7



Site 11: Ground between Tesco Store and Wipac, London Road

Stage A

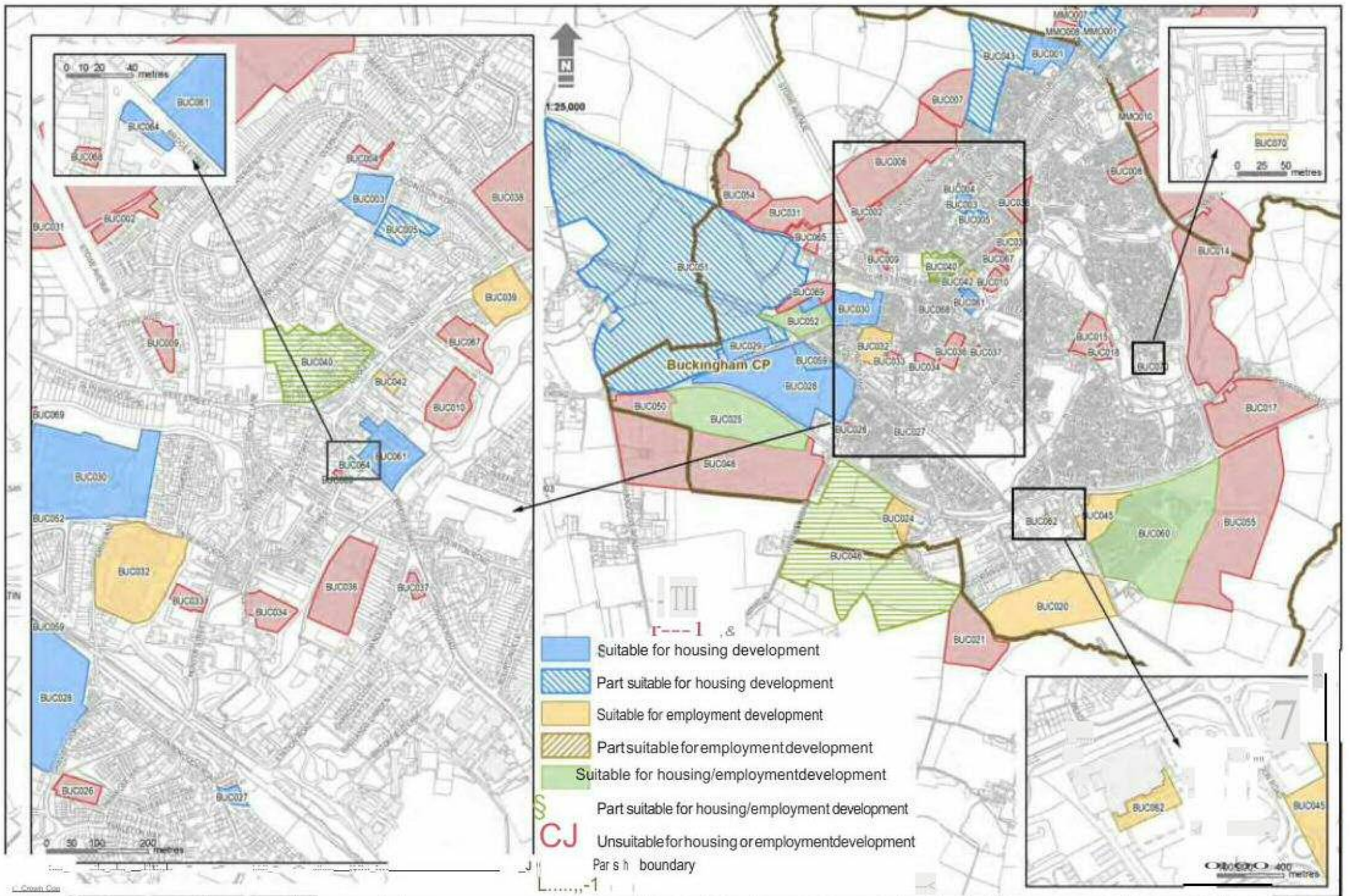
Area (gross ha)	0.75	Flood Risk	Flood Zone 1	Agricultural Land Classification	
Relationship to existing settlement	Entirely surrounded by employment and retail land. Currently forms scrubland				
SSI	No	Natural Nature Reserve	No	Scheduled Ancient monuments	No
Ancient woodland	No	Historic Parks and Gardens	No	European-designated biodiversity sites	No
Planning History	Various applications relating to the building and expansion of Tescos (this site falls within the site boundary of those applications).				
	10/00360/APP	Extension to Tesco Stores to create floor space, access improvements, car park extension and alteration and associated works The expansion of the car park would include this land			Approved
BTC Conclusion	May be suitable for development				
AVDC Comment	Agree can progress to Stage B				

Site 11: Ground between Tesco Store and Wipac, London Road

Stage B

General description:	Scrubland
Access and Services	Frontage on to Tesco's access road - Appears to (due to existing planning permission) to be integrated in through the existing Tesco's site. If this does not transpire an entrance on to the existing round about or road would be adequate
Utilities and Transport Infrastructure Capacity	Inside the Tesco curtilage approximately 1 mile from the town centre and near Buckingham Industrial Estate. 6 bus services from Tesco's
Historic Environment	Area is covered by a Historic Land Use designation
Green infrastructure	None within the site
Landscape and Topography	The Site is flat and does not fall within a sensitive landscape. The LCT is classed as a settlement. Site is enclosed by a number of medium sized trees and hedgerows. As such development of this site is unlikely to have significant adverse landscape impacts.
Flood Risk onsite or nearby	None affecting the site
AVDC - Local Biodiversity	Scrub and Hedgerow of potential interest. Possible floral interest although surrounded by development so importance limited.
VoAP SHLAA assessment	Agree.
Conclusion	The site should be developed in line with the existing planning permission. The existing permission is being progressed therefore no need to progress the site assessment further.

APPENDIX A8



- Suitable for housing development
- Part suitable for housing development
- Suitable for employment development
- Part suitable for employment development
- Suitable for housing/employment development
- Part suitable for housing/employment development
- Unsuitable for housing or employment development
- Parish boundary

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Year	Appln	Type	site	Proposal	Shire Councillors						Notes				
2	2016	00151	AOP	Land off Walnut Drive	170 houses							not in our parish				
3						CC	SC	TM	HM	RS	WW	Later contact if any	date of BTC agenda	Response	Committee Date	Decision
4	2018	00932	APP	19 Castle Street	6 flats above shop							amended plans	20/4/20	& 17/04671/ALB; Oppose until HBO satisfied		
5		01098	APP	23/23A/23B Moreton Road	split 3 houses into 6 flats							amended plans	23/03/20 and 6/7/20	no change to original response; deferred for more information		
6		04290	APP	West End Farm	72 flats/Care Home	-	-	-	-	√	-	amended plans	4/2/19	no change to original response	WITHDRAWN 27/2/20	
7		04626	APP	Overn Crescent	4 houses	-	-	√	-	-	-	amended plans	22/6/20	no change to original response		
8																
9	2019	00148	AOP	Land at Osier Way	up to 420 houses	-	-	-	-	√	-					
10		00391	APP	The Workshop, Tingewick Rd	ch/use & new access	-	x	-	-	-	-	amended plans	3/2/20	Oppose & Attend		
11		00902	ADP	Land adj 73 Moreton Road	Reserved matters - 13 houses	-	x	-	-	-	-					
12		001476	APP	Station House, Tingewick Road	11 houses	-	-	-	?	-	-	additional document	27/2/20	no change to original response		
13		01564	APP	12-13 Market Hill (M&Co)	9 flats over and 23 newbuild flats behind	-	-	-	-	-	-			<i>Revised application 20/02752/APP submitted August 2020, see below</i>	Officer decision	Refused 6/7/20
14		02627	AAD	Old Town Hall	signage (retrospective)	-	-	-	-	-	-	amended plans	24/2/20	response changed to No Objections subject to the satisfaction of the HBO		
15		03531	APP	10 Tingewick Road (Hamilton Precision site)	variation 16/02641/APP 50 houses	-	-	-	-	√	-					
16		03624	ALB	Old Town Hall	signage (retrospective)	-	-	-	-	-	-	amended plans	24/2/20	response changed to No Objections subject to the satisfaction of the HBO		
17																
18	2020	00483	APP	Land behind 2 Market Hill	7 flats	-	-	-	-	-	-	add'l plans amended plans	23/03/20; & 17/8/20	no change; response changed to No Objections		

Pre-1st April 2020 "Oppose Attend" responses and post 1st April call-in requests

Appendix H

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
19		00510	APP	Moreton Road III	130 houses	-	-	-	-	v	-					
20		01018	APP	7 Krohn Close	extensions	-	x	-	-	-	-	amended plans	17/8/20	no change to original response	officer decision	Approved 3/9/20
21		01240	APP	5 The Villas	extension	-	-	-	-	-	v	add'l plans	22/6/20	no change to original response	WITHDRAWN 18/9/20	
22		02013	APP	10 Hilltop Avenue	Fence and shed	-	-	x	-	-	-				officer decision	Refused 23/9/20
23		02506	ALB	50-51 Nelson Street	change #51 to HMO	not possible for ALB							in combination with 20/01830/APP			
24		02511	APP	Pightle Crescent	8 flats, garage area	-	x	x	-	-	-			2 approaches made to SC, no response, TM asked; decline		
25		02752	APP	M&Co	9 flats above shop	-		x	-	-	-			declined		

Key v = call-in actioned; x = refused; - = no response; ?= considered but not confirmed

PRESS RELEASE

MK Campaigners Slam Planning 'Reforms'

Issued by MK Forum, Xplain and RoRE 19/10/20

Press enquiries to Tim Skelton (Chair, MK Forum) 07985 100246 or

Linda Inoki (Chair, Xplain) 07704 582393 or David Lee (Secretary, RoRE) 07736 227260

"If adopted, the next twenty years could spell the ruin of Milton Keynes."

Local campaign groups have slammed government plans to rip up the planning system, warning that its so-called 'reforms' will spell the end of MK's green open spaces, turn the landscaped grid roads into choked city streets, and cut local people out of the process.

The city's civic society, MK Forum, and the Fred Roche Foundation have teamed up with campaign groups Xplain and Residents of Renewal Estates (RoRE) to warn residents about threats from the latest government White Paper. If adopted, it would see most of New Town Milton Keynes designated as a 'renewal area', meaning new developments would be given automatic planning permission, without public consultation, while planning 'rules' would be set by national bodies rather than locally.

In a rare alignment of all political parties, Milton Keynes Council has also unanimously voted to condemn these plans. At a recent meeting, Councillors warned that it would put the fate of MK in the hands of a few big house-builders and make affordable homes even harder to find.

"The White Paper aims to streamline the planning process to deliver more homes," says RoRE's David Lee. "But when you drill down there are many alarming aspects. Most of MK would be targeted for infill of residential areas, giving developers the upper hand in building on our open green spaces."

Linda Inoki, chair of Xplain, says "The people of MK have had many debates with the Council and developers, but it's always been about keeping MK special. Localism has been crucial to raising standards in recent years, but it's about to be demolished. Guaranteeing planning consent for infill housing means that protest will be futile. Standards and the quality of life will drop, while corporate profits rise. Unless people oppose this centralised power grab the next twenty years could spell the ruin of Milton Keynes."

Tim Skelton, chair of MK Forum, said "Events of the past few months have shown, more than ever, the value that the residents of Milton Keynes place upon our open spaces. We are concerned that the White Paper offers too little protection for these treasured parts of our city and that they could become an easy target for development".

Campaigners are urging concerned residents to write to their MPs and the Government.

Anyone can respond to the Government's consultation on the new White Paper by going to www.gov.uk/government/consultations/planning-for-the-future or emailing planningforthefuture@communities.gov.uk. A template for a letter of objection can be found on Xplain's website, www.xplain.org.uk. The deadline is Thursday 29th October.

From: SMITH, Greg B <greg.smith.mp@parliament.uk>
Sent: 26 October 2020 11:48
To: Paul Hodson <townclerk@buckingham-tc.gov.uk>
Subject: Planning

Hi Paul

I am completely committed to maintaining a local democratic planning process and since my election I have made it clear that I am firmly opposed to over development and housing targets in my constituency.

The Planning for the Future White Paper represents a significant change in the planning and development system and should be treated with caution. I have already submitted my response to the Ministry for Housing, Communities and Local Government's consultation on Changes to the Planning System consultation last month. We all agree that the current planning system is far from perfect, but I also have serious concerns regarding some of the proposals in the White Paper, and crucially the resulting impact on the constituency. I am more than willing to take on board suggestions for alternatives to the current proposal from Government, though I am fully aware of the many and varied concerns felt right across the constituency.

I do have some concerns about having a centralised planning system which I have relayed to the Minister. Whilst I agree that the process can be 'speeded up' the time frames proposed mean there is a risk that local voices are not heard. Local Plans do take time to be adopted but they need to be based on local evidence, which can take significant time to gather.

I will continue to campaign to keep the character of Buckinghamshire and will press for brownfield sites to be used first.

Kind regards
Greg

**Applications to fell trees from 2016
Protected trees (ATP)**

Year	Appl. No.	Address	Trees affected	Reason	Decision
2016	01890	27 Nelson Street	Scots Pine	Lower stem damage incl. decay; N/E 15% lean, possible root plate movement; Crown decline	Approved
2017	00003	Maids Moreton Avenue	Lime Horse Chestnut Poplar	Significant decay and leaning over access Dead Dead	Approved
	00238	Land off Embleton Way	Ash	Significant decay in stem	Approved
	02010	Waglands Garden	2 x Sycamore	Self-set, growing in cypress hedge	Approved
	02681	Land at Chandos Road		To prepare the land for development	Approved
	03281	Maids Moreton Avenue	Plum	Dead	Approved
	03432	Land at Chandos Road	T3 Yew T18 Yew T25 Yew T26 Portuguese Laurel T48 Yew	Very spindly tree that has almost no amenity value at all Wide spreading tree with a rather one-sided form that will occupy a large portion of the back lawn of the house. Gingko biloba suggested as replacement Small tree of little worth Large shrub of little amenity value Leaning over and may be at risk of collapse	Refused
	04295	Maids Moreton Avenue adj 4 Manor Gardens	Sycamores	Self set sycamores in group	Approved
2018	00370	The Old Surgery, West Street	Common Beech	Tree has become too large for its situation and is of low amenity value	Approved
	01835	Land adj. 3 Orchard Dene	Birch	Advanced state of decline. Replacement to be discussed with residents	Approved
	01836	Land at Fishers Field	Willows 2 x Sycamores	Leaning excessively over river, fell to prevent future blockages With Kretzschmaria duستا present on butts and by road	Approved
	02459	Land at Chandos Road	Yew (previously shown as Portuguese Laurel)	The tree is largely dead and unsightly. Replace with 1 standard sized ash leaved maple (Acer)	Split decision
	03197	Land adj Tingewick Road	Sycamore	Significant basal cavity with Kretzschmaria duستا present	Approved

2019	03832	Maids Moreton Avenue	Hawthorn	None specified; part of a general maintenance work sheet	Approved
	04203	6 Carisbrooke Court	2 x Norway Maple	Trees in Foscott Way verge. Implication in subsidence issue	Approved
2020	00834	2 Bostock Court	Weeping Willow	Dead (DD five day notice)	Approved
	01942	Land adj. 11 Cromwell Court	3 x Norway Maple	Trees in Foscott Way verge. Implication in subsidence issue	Approved
	02356	Maids Moreton Avenue, rear of 3 Carisbrooke Court	Chestnut	Reported as reason for subsidence	Approved
	03021	1 Bostock Court	4 x Lawson Cypress	Causing excessive shading and have low amenity value	Approved
	03373	Open space, Watchcroft Drive	Sycamore	Dying and diseased, large limbs already dead, possible suffering from Sooty Bark disease. Bordering School so high risk.	Awaiting decision
	03375	Maids Moreton Avenue, rear of Stratford Lodge	Not specified	Remove dead trees and regrowth from previous felling.	Awaiting decision

Conservation Area trees (ATC)

Year	Appl. No.	Address	Trees affected	Reason	Decision
2016	00011	4 Victoria Row	Italian alder	Tree has over-extended form and leans over River	Approved
	01156	10 Chandos Road	Blue Conifer Western Red Cedar Norway Spruce	Shading garden None specified None specified	Approved
	03823	1 Manders Gardens	3 Leylandii Sycamore	None specified None specified	Approved
2017	02681	58 Nelson Street	Leylandii Cherry	None specified None specified	Approved
	03471	Paynes Court	2 x Alder	Roots lifting block paving causing health risk to residents	Approved
	03794	15 Chandos Road	Skyrocket conifer	None specified	Approved
	04160	Cornwalls Centre	False Acacia	The false acacia in the pedestrian thoroughfare is in a dangerous state. Fungal fruiting body of a parasitic fungi is evident around the base of the tree which puts the tree at risk of total failure	Approved
2018	01298	Well House, 35 High St.	Tulip tree Holly	Unhealthy specimen Unhealthy specimen	No decision –

					timed out
	02414	15 Moreton Road	Conifer	The roots are pushing the retaining wall over and the tree is leaning towards the Moreton Road and the Bungalow opposite.	Approved
	02524	Old Latin House	Leyland Cypress	The tree has structural imperfections and is now exposed to wind loads it was previously not accustomed to. This greatly increases the likelihood of premature failure putting at risk the existing building, a listed wall, the Nightingale Rise access road, parked cars, garden and persons nearby	Approved
2019	01330	Fleece Yard	Sycamore	Growing in wall and will eventually cause wall to fail	Approved
	01467	54 Well Street	Silver Birch Bay	None given Permission not required	Approved