



BUCKINGHAM TOWN COUNCIL

TOWN COUNCIL OFFICES, BUCKINGHAM CENTRE,
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Town Clerk: Mr. C. P. Wayman

Tuesday, 16 August 2016

Councillor,

You are summoned to a meeting of the Planning Committee of Buckingham Town Council to be held on **22nd August 2016 at 7pm** in the Council Chamber, Cornwalls Meadow, Buckingham.

C.P. Wayman

 Town Clerk

Please note that the meeting will be preceded by a Public Session in accordance with Standing Order 1.3, which will last for a maximum of 15 minutes, and time for examination of the plans by Members.

AGENDA

1. Apologies for Absence

Members are asked to receive apologies from Members.

2. Declarations of Interest

To receive declarations of any personal or prejudicial interest under consideration on this agenda in accordance with the Localism Act 2011 Sections 26-34 & Schedule 4.

3. Minutes

To receive the minutes of the Planning Committee Meetings held on Monday 25th July 2016 ratified by the Full Council meeting held on 18th August 2016. **Copy previously circulated**

4. Buckingham Neighbourhood Plan/Vale of Aylesbury Plan

The Town Clerk has set an Extra-ordinary Full Council for 30th August at 7pm to agree the response.

5. Action Reports

To receive action reports as per the attached list.
(51/16; Moreton Road bus stops) *see agenda 11.1*

Appendix A

6. Planning Applications

For Member's information the next scheduled Development Management Committee meetings are 1st & 22nd September, with SDMC meetings on 2nd & 21st September 2016.

Buckingham



LOCAL COUNCIL
AWARD SCHEME
QUALITY GOLD

Twinned with Mouvaux, France



To consider planning applications received from AVDC and other applications

1. 16/02659/APP Land at 1 Woodlands Crescent, MK18 1PJ
Erection of attached dwelling
Van Vegchel
2. 16/02802/APP 114 Burleigh Piece, MK18 7HU
Demolition of existing garage and construction of attached
two storey dwelling including alterations to existing access
Ayres and Cruse
3. 16/02804/APP 4 Cotton End, MK18 7RJ
Single storey side extension
Stokes

Members are informed that this application succeeds the withdrawn ACL application 16/02118/ACL

4. 16/02825/APP 16 Ball Moor, MK18 1RT
Erection of a single storey side extension to existing
commercial building providing further office accommodation
Walding
5. 16/02884/APP 1 Sandhurst Drive, MK18 1DT
Removal of existing front porch and erection of replacement
porch
Salerno

AMENDED PLANS

6. 16/02069/APP Brethren Meeting Hall, 1 Mallard Drive, MK18 1GJ
Removal of existing entrance lobby and erection of single
storey rear extension to provide new entrance lobby and toilet
and replacement of garage doors with windows.
Brackley Fox Lane Gospel Hall Trust

Amendments (in response to comments): retention of garage doors; relocation of gates; timber doors (not metal); connection to main sewer if available, otherwise cesspit by entrance; parking area to be sloped to drain into yard gully. No amendment to soakaway, area of hardstanding, or floodlighting.

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

7. 15/04106/AOP Land adj. 73 Moreton Road
Outline application with access to be considered and all other
matters reserved for the erection of 13 dwellinghouses with
associated parking and amenity space provision.
Construction of new vehicular access and closure of existing
access from Moreton Road

"Minor highway alterations" appear to be (a) the provision of a 2m wide footpath across the whole frontage of the site from Bree Lodge to the existing Roxwell access, with tactile dropped kerbs where it crosses the proposed site access; (b) a new retaining wall to hold the bank up to make this possible; (c) tracking diagrams to prove the bin lorry can get in and turn to come out forwards; (d) the addition of a small tree in the front gardens and a hedge along the back fences of plots 5-13 [plots 1-4 have very small front gardens and a protected group of trees to their rear]

Members will see below that 16/00918/ALB has been approved

8. 16/00917/APP Police Station 50 Moreton Road, MK18 1LA
9. 16/00918/ALB Conversion of Police Station and new block of 8 flats
Resolution Property Group

The Minor Amended Plans are (a) details of the bin store – to be sited along the wall to the left of the entrance behind wooden gates and house 5 skip bins (2 landfill, 3 recycling) and two 150litre wheelie bins (food waste); ground levels will be stepped so each bin will stand on horizontal ground; (b) details of the cycle store – a 3-sided slatted timber shed with a single pitch polycarbonate roof housing 7 Sheffield stands (ie 14 cycles) sited at the righthand (south) end of and facing towards the line of carparking spaces between the old and new buildings.

Request to revise response and withdraw “& attend”

10. 16/01850/APP University Precinct, Hunter Street
Demolition of two buildings comprising the Santander Bank and University Marketing Suite and erection of 3 storey building to provide new teaching facility

Members are informed that no revision was approved by Committee Members, so “Oppose & Attend” stands.

Not for consultation:

11. 16/02746/INTN Land opposite 10 Osprey Walk, MK18 7JA
Regulation 5 of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 as required by the Communications – installation of 1 x DSLAM equipment cabinet
Harlequin Group

AVDC have already sent a “no comments” response to this notification

7. Planning Decisions

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

		BTC response	Officer recommⁿ.
Approved			
16/00918/ALB Old Police Station	Conv. police station into 5 flats	Oppose & attend*	-
16/01334/APP 8 Beech Close	Extension & Loft conversion	Oppose	-

* Members are reminded that the 9/6/16 DMC decision was “Listed Building Consent **Granted** subject to the conditions as outlined in the report and additional conditions relating to details of a bin store and covered cycle store.” – which have been supplied, as above

Withdrawn

16/01996/APP 27 Kingfisher Rd.	Replacement wall & fence	Oppose & attend
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Not Consulted on:

Approved

16/01890/ATC 27 Nelson St.	Fell 1 Scots Pine	n/a
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No objection

16/02602/INTN adj. 150 Moreton Rd.	Telecomm. apparatus	n/a
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Refused/Not Proceeded With

16/02118/ACL 4 Cotton End	Rear extension	n/a
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Withdrawn

16/02178/ACL 9 Linen Lane, Lace Hill	Rear extension	n/a
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8. Development Management Committee

8.1 Strategic Development Control (10th August) *No Buckingham applications*
(1st September) *Agenda not yet available*

8.2 Development Control (11th August) *No Buckingham applications*
(2nd September) *Agenda not yet available*

9. Enforcement

9.1 (186.1) To receive a response from Mr. Dales

Appendix B

9.2 To note new breaches reported by Councillors:

16/00331/CON3

29-30 West Street Alleged change of use to A3 without permission, and new signage
(Esquires café)

16/00333/CON3

14 Market Square Alleged change of signage without permission (Co-op funerals)

9.3 To report any new breaches

10. Lace Hill Employment/Health site

To receive any update.

11. Transport

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

11.1 Moreton Road bus stops: to receive and discuss a response from BCC **Appendix C**

11.2 To receive and discuss the updated RLS School Travel Plan

circulated by email 19/7/16

11.3 To receive and discuss the notes of two meetings held with BCC on 22nd July 2016

Appendix D

12. Access

To report any access-related issues.

13. Correspondence

13.1 (186.1; s106 wish list) To receive for information the response from AVDC and to note the office have the response in hand.

Appendix E

13.2 To receive a copy of the presentation on s106/CIL given at the Library on Friday 27th July 2016, discuss and agree infrastructure priorities as outlined in the covering letter.

Appendix F

14. News releases

15. Chairman's items for information

16. Date of the next meeting: Monday 12th September 2016 following the Interim Council meeting.

To Planning Committee:

Cllr. Ms. J. Bates

Cllr. M. Cole (Vice Chairman)

Cllr. J. Harvey

Cllr. P. Hirons (Chairman)

Cllr. D. Isham

Cllr. A. Mahi

Cllr. Mrs. L. O'Donoghue

Cllr. M. Smith

Cllr. Mrs. C. Strain-Clark

Cllr. R. Stuchbury

Cllr. M. Try

Mrs. C. Cumming (co-opted member)

ACTION LIST
Planning responses

Appendix A

Minute	Responses emailed or added to website	Responses posted
253/16 & 262/16	28/7/16 Response sheets for both Interim & Planning scanned in and added to website	

Subject	Meeting date/minute	Action taken on	Form	Response received	Prompt/reminder sent	Response received
BCC Transport Integrated traffic proposals	11/4/16 838/15	15/4/16	BCC asked for timing		22/06/16	
Moreton Road bus stops	16/5/16 51/16	24/5/16	Move for safety		24/6/16	Agenda 11.1
Travel Plans (effectiveness)	14/9/15 403.1	1/10/15	Ask RLS for review later in year	3/12/15 Prompt sent	Review will be available July 2016	Agenda 11.2
Employment development	24/8/15 343.3 21/3/16 860.8 25/4/16 881.2	14/9/15 Chased 30/12/15 7/4/16 24/5/16	Letters as minuted To be standard agenda item + letter as minuted Town Clerk/Cllr. Smith to set up meeting	30/12/15 – response to be sent in New Year Cllr. Bowles & SEMLEP September agreed	Chased 5/2/16 and 10/3/16	Agenda 5.8
SDMC/DCC meetings	18/1/16 693.3/15 21/3/16 860.7	22/1/16 7/4/16	De-chart of meeting delays Respond as minuted – sent 22/06/16	→ 1 st Feb. meeting	1/2/16; 731.3 letter to SDMC & DMC Chairman sent 10/2	Agenda 5.7
BCC strategic planning	22/2/16 784/15	2/3/16	Town Clerk to write as minuted	Sent 22/06/16		
Tingewick Road Ind. Est. riverbank	21/3/16 860.2	7/4/16	Response to Mrs Kitchen as minuted	Prompt sent by Town Clerk 22/06/16		
Signage, Lace Hill	21/3/16 860.5		Town Clerk to investigate signage	Ongoing		
Fault reporting	11/4/16 846/16	15/4/16	Ask TfB for criteria	Reminder sent 24/5/16		
VALP	6/6/16 113.3	done	Cllr Mordue to check on AVDC market stall			
	4/7/16 176/16		Town Clerk to draw up list of comments (Subgroup formed to review consultation, met 2/8/16; extraordinary meeting of Full Council to ratify response 30/8/16)			

Subject	Meeting date/ minute	Action taken on	Form	Response received	Prompt/ reminder sent	Response received
	25/7/16 260.3/16	29/7/16	Consultation response availability	1/8/16: Andy Kirkham, AVDC : Summary to be available as soon after 5th September closing date as possible		
University plans	4/7/16 178/16	22/7/16	Invite to present	Dep. Vice Chancellor Alistair Alcock will attend Interim 12th Sept.		
Old Police Station	4/7/16 178/16	7/7/16	Check Fire Service OK with access to rear block	No reply from Planning Officer 9/8 contacted Fire Service direct; they were not consulted until 5/8/16; they sent comments to AVDC (not on website yet) with reservations and requests for clarification 8/8/16		
Estate agent signs	4/7/16 181.2/16	10/8/16	Contact (17) local agents re boards in verges			
Flood Management Strategy	4/7/16 182/16	29/7/16	Respond to consultation			
Lace Hill Health site	4/7/16 183/16	11/8/16	Write to CCG			
S106 uses	4/7/16 186.1/16	22/7/16	Respond as minuted	Agenda 13.1		
Site Q	25/7/16 260.2/16	10/8/16	Respond to Robinson & Hall letter			
DMC/SDMC meetings	25/7/16 264/16		All Members to advise office of September availability			
Tingewick Road Triangle site	25/7/16 267.1/16		Circulate s106 terms when available			
Church Street bins	25/7/16 269/16	10/8/16	Ask residents not to block pavement			

Enforcement reports and queries						
13 High Street	16/3/15 795.3	17/3/15 with photo	New signage & lighting	"13" needs permission; remainder awaiting HBO decision	Update →30/11/15 3/12/15 Chase full response	
Cotton End steps	22/2/16 789.2/15 792/15	3/3/16	Query 'de minimis' judgement Ask Cllr. Paternoster for details as minuted			
Retail activity on Industrial Park	4/7/16 181/16	8/8/16	Query as minuted	Agenda 9.1		
News releases						
	25/7/16 271/16		1. Cotton End steps 2. Presentations to Interim meeting			<i>Advertiser 29/7/16</i>

Action awaiting response

Action yet to be taken

Action completed **new response**

From: Dales, Philip <PDales@aylesburyvaldc.gov.uk>
Sent: 10 August 2016 10:50
To: 'Office@buckingham-tc.gov.uk'
Subject: RE: Letter attached

Katharine

I am writing in response to your Council's letter dated 8 August raising two queries concerning "not expedient to take action" and the conclusion that we reached on case ref 15/00200/CON3 – Buckingham Butchers which I will address in turn.

1) Not expedient to take action

In my e-mail to you on the 9 May 2016 I set out our basic approach to reaching a decision on the course of action to be taken on enforcement investigations, which I believe covers the points now raised by your members as follows.

Secondly, in the case of some works or changes of use the conclusion is reached that they require permission, but that if sought it would be granted unconditionally. In these cases we will invite an application, but will close our case and not actively chase the submission of the application. The context is that we do not have legal powers to require the submission of an application per se, and government advice is that we should not take enforcement action solely to regularise a development, which is otherwise acceptable. Accordingly, in these cases it would not serve a useful purpose or a good use of our resources to actively chase the submission of an application. However, we know that in some of these cases the developer will seek to regularise the position either at the time or later when they seek to market the property concerned.

This inevitably means that some breaches remain unregularised as mentioned by your members.

2) Buckingham Butchers

The question that we had to address was whether there had been a material change of use of the premises. The authorised use of the premises is for B1- Business purposes, and the preparation of meat for wholesale would be consistent with that classification. In assessing whether a material change of use has occurred we have to identify the primary use of the land. Each case will always be a matter for individual determination by fact and degree. In particular we have to take into account the amount of floor space occupied by different uses, the value of the different uses together with the main purpose of the operation carried out, which may also be explicit in the design of the premises, their character, publicity material or business objectives.

Primary uses often embrace one or more ancillary activities. For instance a large industrial undertaking may embody ancillary storage for its raw materials or products, offices to house its administrative staff, a catering use in the form of a canteen and a recreational use comprises a staff sports or social club. All these uses are ancillary to the primary use being closely linked and subservient to it.

Any test for whether a use is ancillary to another, or not, is a matter of fact and degree and each case has to be determined on its particular merits. However, in practice two principal criteria have emerged. First, a severability test, and second, an environmental impact test. Applying the first test, one would ask whether the alleged ancillary use could practically and viably operate on its own were the primary use of the premises to cease. If it could, then the use is very unlikely to be ancillary as there is clearly no linkage or dependency. The second test would look to any outward effects of the use, in terms of the appearance of the premises, the amenity of the surrounding area or neighbourhood traffic conditions. If it could be shown that there would be a significantly greater impact following from the introduction of the alleged ancillary activity than one could reasonably expect from the existing use, then it is unlikely that the use could be so described.

It is also possible for a property to have a mixed use where there is no definable primary use.

In this particular case our conclusion was that the primary use was clearly that of a wholesale butchers and that any retail sales of meat products was ancillary or subservient to that primary use. As a consequence it was concluded that a material change of use had not occurred.

This is not an uncommon incidence, and I am aware from previous investigations that other operators on the Buckingham Business Park carryout ancillary retail sales.

The circumstances relating to 16/01319/APP – Direct Pizza Co 25 Hillcrest Way are materially different in that in a previous grant of planning permission 08/02131/APP for a change of use from storage to pizza delivery a condition was imposed effectively restricting the use to the purpose of the preparation and delivery of food and for no other purpose. In that way the permission excluded the option of takeaways which could otherwise have been carried out as an ancillary or subservient use. As a consequence the operation of a pizza takeaway activity required planning permission and as you are aware a number of applications including the one mentioned above have been submitted and refused on the grounds set out in your letter.

The conclusions reached to the Buckingham Butchers investigation is not therefore inconsistent with the Pizza Direct case, due to the impact of the planning condition in the latter case which exclude ancillary uses or other uses for the matter.

I hope the above answers the two queries raised by your members but if you want any clarification please let me know.

Best wishes

Philip

Philip Dales
Planning Enforcement Team Leader
Tel 01296 585623

Aylesbury Vale District Council
The Gateway, Gatehouse Road,
Aylesbury, Bucks HP19 8FF
DX 4130 Aylesbury 1
www.aylesburyvaledc.gov.uk

I

From: Office@buckingham-tc.gov.uk [mailto:office@buckingham-tc.gov.uk]

Sent: 09 August 2016 17:14

To: Dales, Philip

Subject: Letter attached

Please find attached a letter generated by the Buckingham Town Council, Planning Committee

Katharine McElligott
Clerical Assistant to the Town Clerk
Buckingham Town Council
01280 816426

Email: office@buckingham-tc.gov.uk
Web Site www.buckingham-tc.gov.uk

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Office@buckingham-tc.gov.uk

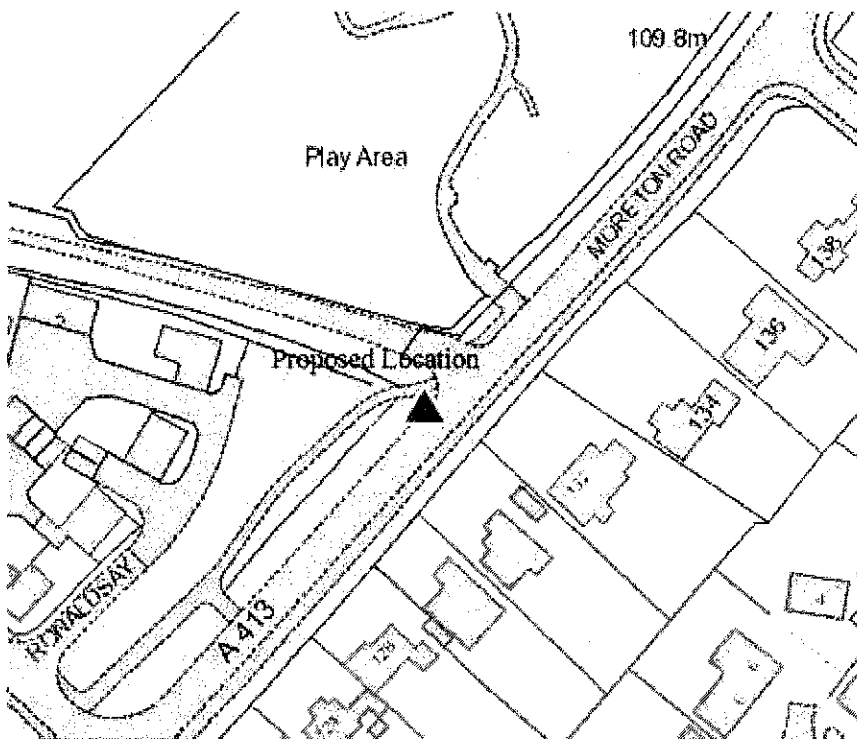
From: Horwood, Jeremy <jjhorwood@buckscc.gov.uk>
Sent: 20 July 2016 14:26
To: Office@buckingham-tc.gov.uk
Cc: Jon Harvey; Clarke, Andrew
Subject: RE: Moreton Road, Buckingham

Katharine

I have now the opportunity to assess the area proposed for the repositioning of the northbound Avenue Road stop on Moreton Road.

Put briefly there are issues regarding safety of passengers and road users at the Twickenham Road junction due to the presence of a ditch and the nature of the bend, and adjacent vegetation, that might make a stopped bus less visible to approaching traffic and gives the bus driver no view of approaching traffic from his side mirror.

Rather I would propose an additional stop, close to the Manor Farm entrance where there is a footpath to the south and north to the play area. The road is straighter here, has better accessibility, and the hazards to waiting and disembarking passengers considerably less.



The location would require provision of hard standing and kerbing as well as a pole and flag. If you are agreeable we can pursue this further.

Jerry Horwood

Buckinghamshire County Council
 Passenger Transport, Information & Infrastructure
 01296 383723

From: Clarke, Andrew
Sent: 01 July 2016 16:33
To: Office@buckingham-tc.gov.uk
Cc: Jon Harvey; Horwood, Jeremy
Subject: RE: Moreton Road, Buckingham

Hi

We think that we should be able to relocate the stop as requested but need to get out on site to confirm. Currently our Infrastructure Officer is snowed under but will try to get up to Buckingham in the next couple of weeks to confirm.

Regards

Andy

From: Office@buckingham-tc.gov.uk [<mailto:office@buckingham-tc.gov.uk>]
Sent: 29 June 2016 10:37
To: Clarke, Andrew
Subject: RE: Moreton Road, Buckingham

Thank you
Katharine

From: Clarke, Andrew [<mailto:aclarke@buckscc.gov.uk>]
Sent: 28 June 2016 17:36
To: Office@buckingham-tc.gov.uk
Cc: Jon Harvey
Subject: RE: Moreton Road, Buckingham

Apologies for the lack of response, I had forwarded to a colleague with a request to look into it and reply. Clearly this hasn't happened, I will chase up and get back to you this week,

Andy

From: Office@buckingham-tc.gov.uk [<mailto:office@buckingham-tc.gov.uk>]
Sent: 28 June 2016 15:23
To: Clarke, Andrew
Cc: Jon Harvey
Subject: FW: Moreton Road, Buckingham

Reminder email 2, as promised
Katharine

From: Office@buckingham-tc.gov.uk [<mailto:office@buckingham-tc.gov.uk>]
Sent: 24 May 2016 17:09
To: Clarke, Andrew (ACLARKE@buckscc.gov.uk)
Subject: Moreton Road, Buckingham

You will doubtless remember that footpath connections to the bus stops on Moreton Road which serve Bradfield Avenue and the two existing new estates are dependent on the s106 proposed for the third phase. This has been referred to the Secretary of State for a decision. If he decides against the application, then some other way is to be found to prevent passengers from having to walk in the carriageway.

There is a desire line from Balwen to the Bradfield Avenue stop which is OK except in muddy conditions, but the upper northbound stop is more difficult. The southbound one is fine, but the northbound one is beyond the Rugby Club access road – quite a distance to walk in the road on a bend – and serving nothing to speak of (there is another

Is this feasible? It isn't as if it's got lights or anything, it's just a post.



s278 road, roundabout and landscaping works – A413/A421, Buckingham

**Liaison Meeting held at the Buckingham Centre, Verney Close, Buckingham
MK18 1JP at 3.30pm, Friday 22nd July 2016**

Present:

For Bucks C.C.:-

Mr. Graham Smith

Mr. D. Bonsor

Cllr. R Stuchbury

- Transport Co-ordinator

- Transport Inspector

- Buckingham West (& AVDC & BTC)

For Bovis Homes:-

Mr. C. O'Connor

- Major Project Director

For Buckingham Town Council

Mr. Christopher Wayman

– BTC Town Clerk

Mrs. Katharine McElligott

- BTC

GS reported on a useful meeting with Aggregate Industries; they would be starting remedial works on Monday 25th July and hopefully be finished by August Bank Holiday.

The roundabout would be resurfaced and some changes made to the lining so that eastbound and westbound matched. The manholes covers would also be re-seated to prevent the noise of vehicles crossing them. The speed roundels would be installed on the Monday, and TVP's mobile speed trap employed to enforce them asap. There would be two repeaters in the verge and one on the reservation.

The Tesco embankment would be seeded, and Tesco asked to reinforce their boundary fence to prevent a desire line re-forming.

All the items on the snagging list would be done, and a proper work programme would be drawn up, with sequencing.

CW asked if the entrance to Badgers would be included; GS said this was outside the s278 remit. The damage was not the developers' fault, and they could not be made to repair it. However the ghost island and other white lining would be refreshed.

There would be extra signage for the A421 – left lane for turning left.

RS asked whether the rest of the planting would be carried out this autumn; **COC said yes, he would email the date** – and also the additional fencing west of the Bletchley road roundabout.

RS – and the other horse crossing? GS said this had been agreed with Rights of Way; the bridleway by Wipac had been cleared, and the Stage 3-4 Safety Audit would cover all.

GS asked if the changes to the short Bridleway (#13) had been consulted-on yet? Not formally, but RS & Cllr. Whyte had met John Clark on site.

GS said both (#13 and #22) bridleways were illegally closed, as they had each had an extension to the original order, which was the limit. Barratts had dumped soil on #22 and not removed it. **COC would contact them.**

Toucan crossing: COC said the design was under way; it would be submitted in a couple of weeks for approval. TfB would price the works, send it to COC and the developers would decide whether it was commercially viable or not.

O'Dowdy were currently doing the cycle track along the A413, and might be able to include it while they were on site.

Pegasus crossing by Tesco: 3 contractors had been asked to price this; quotes were expected within 28 days of design.

COC said the school link would be topped out in the school holidays.

CW said the playground surface was messy and the roundabout broken; there was a broken rope as well and nails sticking up. COC said he wasn't sure whether Barratts had handed it over to the maintenance company yet. **He would contact them.**

School: GS said that the adopted highway and the two culs-de-sac were two-way working; one-way on the internal school site road could be discussed. Simple NO ENTRY & NO EXIT or IN & OUT signs could be installed. CW asked to be included as the internal road also served the Town Council's Community Centre.

GS to be sent contact details for school

Shared surface cycle path and redundant signpost: GS would meet Cllr. Smith on site.

GS to be sent contact details for Cllr. Smith

CW asked about signs directing visitors to the Community Centre; David Cairney at TfB had agreed type and size. These could be installed when the road was adopted.

GS would be on leave from 5/8; contact DB in his absence.

COC left the meeting.

Meeting closed at 4.15pm.

KM 1/8/16

Cotton End steps

**Informal Meeting held at the Buckingham Centre, Verney Close, Buckingham
MK18 1JP at 4.15pm, Friday 22nd July 2016**

Present:

For Bucks C.C.:-

Mr. Graham Smith

Mr. D. Bonsor

Cllr. R Stuchbury

- Transport Co-ordinator

- Transport Inspector

- Buckingham West (& AVDC & BTC)

For Buckingham Town Council

Mr. Christopher Wayman

– BTC Town Clerk

Mrs. Katharine McElligott

- BTC

Barratts are the current landowner, if they agree a graded footway, this can go ahead. Drawings would need to be approved if it was to be adopted.

BTC were looking for NHB funding. RS suggested that as AVDC had agreed they were in the wrong over the implementation of the Equality Act, it should be suggested they supply the remedy.

BTC do not have the time or technical expertise in-house to produce plans. Maybe Barratts?

GS said that it may not be possible to accommodate a DDA-compliant slope; CW disagreed – his suggested line would be $<12^\circ$. **CW to send sketch to GS/DB**

Gareth O'Brien was the contact at Barratts.

GS/DB will do a pre-adoption inspection, and a technical CD would be produced with all the plans. Hopefully by the end of the year it would all be publicly maintained highway.

The cats-eyes were being reinstated under the s278 works.

Meeting closed at 4.45pm.

KM 1/8/16

Office@buckingham-tc.gov.uk

From: Houston, Joe <JHouston@aylesburyvaledc.gov.uk>
Sent: 10 August 2016 10:07
To: 'Office@buckingham-tc.gov.uk'
Cc: 'townclerk@buckingham-tc.gov.uk'; Cllr Howard Mordue; Cllr Robin Stuchbury; Cllr Angela Macpherson; Bayley, Claire; Rosemary.Landsdowne@harrow.gov.uk; Marston-Weston, Paul
Subject: Tingewick Rd, Buckingham (15/01218/AOP) - S106 Projects

Thanks Katharine,

In order for a project/s to be included in a S106 legal agreement I first need to be clear as to what exactly the proposal is delivering and be sure that it is appropriate for S106 funding. It then needs to be demonstrated that it is viable in terms of both deliverability (including the ability to obtain any necessary consents or overcome any possible constraints in order to implement the project e.g. land owner agreement, planning, Environment Agency, underground services) as well have an understanding of the associated cost to implement it. I need to have a good idea of the cost of each project and be sure that the total costs of the projects put forward for inclusion in the S106 agreement reflect the estimated amount of S106 funds generated, in this case around £1,070,000.

We are also under pressure to put forward projects in a timely manor so as not to delay the drafting of the S106.

Please therefore provide me with further information as requested against each of your project proposals in your below email, if you wish them to be considered for inclusion in this S106. If any of the project proposals require more time in order to work up their viability then I would suggest concentrating on the more immediate projects for inclusion in this S106 agreement, whilst working up the more timely project proposals for potential inclusion in future S106 agreements.

If you have any queries regarding the above please let me know.

Regards,

Joe Houston
Senior Community Spaces Officer
Community Spaces Team
Aylesbury Vale District Council
18 Pembroke Road
Aylesbury
Bucks. HP20 1DB

From: Office@buckingham-tc.gov.uk [mailto:office@buckingham-tc.gov.uk]
Sent: 22 July 2016 14:59
To: Houston, Joe
Subject: FW: Tingewick Rd, Buckingham (15/01218/AOP)

Members have assembled the following list;

186.1 To receive a request from AVDC for suggested uses of s106 monies, and discuss and agree a response.

Members felt strongly that s106 monies should not be used on the Swan Pool as this was an AVDC corporate asset. Members would like to see more playground facilities for disabled children, including sensory play items.

The following were agreed for submission to AVDC

a) A footbridge link to connect the Riverside Walk to Brackley Road by Cox & Robinson to promote safe walking and cycling

Please provide location plan of proposed footbridge and its connectivity to existing accessible routes. What consents would be required, who owns the land? what constraints exist? Estimated timeframe for delivery?

b) Astro turf on the Franciscan playing field

Please confirm location/provide location plan. What consents would be required, who owns the land, who would benefit from the new facility (who could use/hire it)? what constraints exist? Estimated timeframe for delivery?

c) Tennis court/pavilion improvements

Please confirm location/provide location plan. What consents would be required, who owns the land, who would benefit from the new facility (who could use/hire it)? what constraints exist? Estimated timeframe for delivery?

d) Playing field drainage on Embleton Way Playing Field

Noted, however AVDC land and therefore for AVDC to decide what provision to provide on open space.

e) Playground and facilities on Embleton Way, with an emphasis on disabled and sensory equipment

Again noted, however AVDC land and therefore for AVDC to decide what provision to provide on open space. Also existing held S106 earmarked for equipped play provision on this site.

f) Astro turf the University Football pitch at Ford Meadow

Adjacent to Chandos Park? If not please provide location plan. What consents would be required, who owns the land, who would benefit from the new facility (who could use/hire it)? what constraints exist? Estimated timeframe for delivery?

g) Clubhouse facilities for Moretonville JFC at Gawcott Road

Please confirm location/provide location plan. What exactly do you mean by clubhouse facilities, is this the building of an associated sports pitch Pavilion? What consents would be required, who owns the land, who would benefit from the new facility (who could use/hire it)? what constraints exist? Estimated timeframe for delivery?

h) Help towards relocation of West End Bowls Club

Around 2 weeks ago Roger Newall (Senior Planning Officer) put forward a question from the bowls club requesting if their new facility could be included as on-site provision upon this development site, however it appears that we are too far into the process for this to be considered by the applicant.

S106 funds from this development could potentially be put towards the creation of a new off-site bowls facility (including the purchase of land to site it upon). However similar detailed information as above would be required (including site location) for it to be considered.

i) Bringing St Rumbold's Well up to decent condition as a visitor attraction, including seating and interpretation board

This could be considered under the SPG/Ready Reckoner category of Heritage and Interpretation, however again more detailed information will be required (Please confirm location/provide location plan. Exactly what works are being proposed? What consents would be required, who owns the land, is it publically accessible? What constraints exist? Estimated timeframe for delivery?

Katharine

Dear Sir/Madam

Appendix F

Following my five successful workshops regarding the Community Infrastructure Levy and Section 106 Agreements I hereby attach a copy of the presentation given for your information. My apologies for the delay in circulating this email.

In addition to the presentation I have included a short document highlighting some key questions raised across the workshops with regards to infrastructure planning and expenditure. This document is not designed to be an exhaustive list of issues discussed but highlights important areas of legislation and processes taking place within Buckinghamshire. Should additional questions be raised, please do not hesitate to contact me and I will do my best to answer your queries.

Finally, and possibly most importantly, I have included a .pdf and a .excel file which will allow each Parish and Town Council to highlight their current infrastructure priorities i.e. traffic calming at junction XX or speeding along road YY. If I can ask that you fill out these forms (please use multiple sheets if necessary) and return to amacdougall@buckscc.gov.uk. These forms have been designed to highlight your local infrastructure priorities in order that I may utilise this information to ensure my database is robust. Moving forward this wealth of information will be utilised by key departments at the County Council so as to better inform early Section 106 negotiations. Knowing local infrastructure priorities at an early stage is considered essential if requests for funding from development is going to be justified.

Should you find that your local infrastructure priorities change or indeed new ones come to light, please do not hesitate to fill out another form, or contact me direct. I can then update information held here at the County.

Please do not hesitate to contact me,

Kind regards

Andy

What are CIL and Section 106 Agreements and how do they work?

This document has been put together following the 5 Section 106 and Community Infrastructure Levy (CIL) workshops carried.

The below questions are not supposed to be an exhaustive list of issues raised, but have been chosen as a representation of the more commonly asked questions relating to Infrastructure spend.

Should you have any additional questions which are not represented below or in the presentation slides please contact me, Andrew MacDougall at amacdougall@buckscc.gov.uk

Can S106 and CIL contributions be used for maintenance and/or revenue?

It is important to note that S106 contributions may only be spent on infrastructure where the new development has, at least in part, contributed to the need for the infrastructure. S106 funding is available for capital projects only. Revenue funding towards on-going running costs is not available.

CIL must be used for funding the provision, replacement, operation or maintenance of infrastructure. Funds received from CIL by Parish or Town Councils can be spent on ongoing costs of providing infrastructure if it can be demonstrated that this spending will 'support the development of the area'. CIL funds should not be used as an alternative to usual infrastructure funding and cannot be used for revenue costs such as salaries.

How does Infrastructure Planning fit with the Buckinghamshire District Councils' Local Plan preparation work?

As part of their ongoing Local Plan Preparation, district councils with Buckinghamshire are working with the County to provide Infrastructure Delivery Plans for their respective authorities. The delivery plans will look at infrastructure needs and priorities in order to successfully deliver planned growth. The County Council recognises the importance of identifying infrastructure need early on in the design process in order to successfully plan development and growth.

Infrastructure covered would typically include: Transport, Housing, Education, Health, Social Infrastructure, Green Infrastructure, Public Service, Flood Defences and Utilities.

As work on Local Plan's progress, so too will work on Infrastructure Delivery Plans. Draft plans will be made available on the respective district council website.

How might Parish and Town Council's deliver their own local priority infrastructure effectively?

Parish and Town Councils' are not under any obligation to utilise the services of Transport for Bucks (TfB) in order to deliver local priority infrastructure. However, because of the close working relationship with the County Council, TfB is often the most straight forward route for delivery.

It is essential that at the outset that there is a clear understanding of the project aims and good lines of communication are established to ensure successful project delivery. If TfB are not the chosen delivery vehicle for infrastructure, all the appropriate licenses and permissions will still have to be sought from the Council before a particular project might commence.

How do S106 funds get pooled from phased development and how does BCC monitor cumulative developments within an area?

BCC has internal processes in place to monitor approved developments and their S106 obligations. However, without adopted Local Plans in place, planning for cumulative development impacts is difficult. Without an up to date local plan in place, developments are looked at on a case by case basis.

When districts have adopted their new Local Plans and accompanying Infrastructure Delivery Plans, planning comprehensively will be a lot more straight forward, as there will be a comprehensive strategic plan in place setting out strategic infrastructure and funding sources. At this time, the County utilise modelling and predicted areas of development to forecast development impacts.

Are CIL contributions and Section 106 Agreements optional, can they be negotiated?

CIL is non-negotiable and, unless an applicant qualifies for a discount (ie because of charity status), it must be paid. When calculating CIL, discounts for existing lawful floor space are applied to any calculation.

Section 106 contributions are negotiable and councils are instructed by government not to impose S106 contribution requests which render a development inherently unviable. However, councils have the discretion, if they wish to refuse planning applications if there is no agreement on the terms of the S106. If reduced S106 contributions are sought by an applicant, it would be normal for the district council to require the submission of an open book viability appraisal. Because such appraisals contain sensitive financial information, these are often confidential and not open to public scrutiny.

Could funding from CIL and S106 be used for solving existing and future infrastructure issues?

With regards to existing infrastructure issues, Section 106 and CIL differ significantly.

Section 106 contributions can only be sought for capital projects designed to mitigate impacts caused by a particular development. I.e. funding could not be sought for road improvements not impacted by a particular development. Any obligation must meet 3 statutory tests:

- necessary in planning terms;*
- directly related to the development;*
- reasonably related in scale the development*

Section 106 obligations cannot therefore be used to solve existing problems, unless those problems are further exacerbated by the development.

CIL has no such restriction, funds can be pooled and spend on infrastructure which is unrelated to a particular development. For Parish and Town Councils to spend funds received through CIL, any project funded would still have to demonstrably "support development within the area"

Will areas that get more development get more infrastructure?

This will be dependent upon the existing infrastructure environment of a particular area, particularly its existing capacity and future anticipated impacts. However, generally, I would expect areas which accommodate increased levels of development to benefit from increased levels of infrastructure investment compared to others because of the need to mitigate development impacts.

How might Parish and Town Councils express their Infrastructure views during planning application consultations?

As part of the planning application process, there will be processes in place where the Parish or Town Council can comment upon a planning application. This will usually be conducted via e-mail or post.

Within comments submitted by the Parish or Town Council, it would be advisable to state local infrastructure priorities which might be fundable through Section 106 or CIL. Even if the Town/Parish Council objects to the application, it is helpful to mention what infrastructure would be a local priority if the application were to progress from this early stage. Please remember that requests have to meet the statutory 3 tests. Ultimately, it down to either the District or County Council (depending on the Section 106 request and type of application) to decide whether to include any particular requests in Section 106 negotiations with the developer.

The important thing is that local infrastructure priorities of a particular area made clear at an early stage.

How will BCC know what a particular local area's infrastructure priorities are and what happens if a local priorities change?

Attached to this documentation I have included an excel spreadsheet. It would be desirable if you could return a copy to me with your local priority infrastructure schemes listed. This will be used to help to keep BCC informed of local area infrastructure priorities. Should your local priorities change any time you can simply email me at amacdougall@buckcc.gov.uk and I can update our records.

Over the next weeks and months I hope to establish a database covering all areas highlighting local infrastructure priorities. Going forward, this database will be shared with colleagues within our Highway Department and Education Department in an effort to highlight local issues to better inform Section 106 and CIL negotiations at an early stage.

How will BCC update Parish and Town Councils moving forward.

BCC has, over the past 2 years, built up a robust Legal Agreement monitoring framework in order monitor clauses of agreed legal agreements.

Each year the Growth and Strategy department and our partners in BCC and TfB prepare a capital program for infrastructure delivery.

As part of this process I am investigating ways to better inform Parish and Town Councils about infrastructure development within their areas. No final decision has been made on format and process design at this time.

I remain available for contact, and will answer all questions as best as I can.

Buckinghamshire County Council

Workshop Session

Infrastructure Delivery and Collaborative Working



Buckinghamshire County Council

Aim of today's workshop

- What is the Current Infrastructure Climate within Buckinghamshire?
- Why did the County Council create the Senior Infrastructure Coordinator post?
- What is BCC's role in infrastructure funding through S106 / CIL / S278?
- What are BCC's current Infrastructure priorities?
- What appears to be the main priorities of Town and Parish Council's within Buckinghamshire?
- How might working relationships be improved in order that Local Priority Projects might be delivered?
- What do Town and Parish Councils need from BCC?



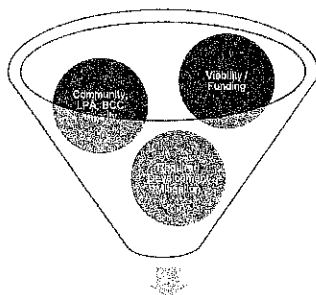
Current Infrastructure Provision Challenges

- Buckinghamshire is to experience significant growth in future years up to 50,000 homes and 33,000 new job places.
- Growth and Investment will have a significant impact upon existing Infrastructure and substantial investment is required to mitigate development impacts.
- The current legislation framework in my opinion is heavily weighted towards developers, its emphasis is on housing delivery and economic growth delivery.



Senior Infrastructure Coordinator

- The role seeks to coordinate Section 106 Obligations and Community Infrastructure funding streams in transport and education to ensure the right infrastructure gets planned for and delivered.
- Work more closely with Town and Parish Councils to identify and develop local infrastructure needs and priorities in order that the County Council can better plan developer funding through the regulatory planning process.



Infrastructure Delivery



**Just a few of the reoccurring Local Infrastructure Priorities
throughout the region as highlighted within LAF Local Area Plans**

Accessible Public Transport	Walking and Cycling
Parking	Education (all ages)
Road Safety	Broadband Access
Highway Maintenance	Safer Routes to Schools
Road Restrictions	HS2
Congestion	



How might we better work together to deliver Local Priority Projects

From my wider discussions there is a perception that :

- All too often schemes are designed without local engagement often as a result of a lack of resources.
- Local priorities appear not to be given significant weight when negotiating S106 Agreements
- Members and Parishes are often not kept up to date with project delivery

But what is the solution?

Encourage better consultation/communication with Communities, Stakeholders, Members and Parish Councils.

Take on board community priorities during early scheme inception meetings

Be a conduit for improved communication between Communities and Development Control, if a scheme is acceptable in policy terms, Local Priorities should be better taken into account when Legal Agreement negotiations take place.



Buckinghamshire County Council

Your Voice

How might Town and Parish Council's be better updated on delivery of S106 Infrastructure?

How might BCC become better aware of Local Priorities?

Do you consider LAFs a suitable point of contact to understand Local Priorities?

How can BCC assist parish/town councils to get the most out of their CIL or budget funding.

What do parish/town councils need from BCC to assist them with infrastructure delivery?

Andrew MacDougall

Amacdougall@buckscc.gov.uk

Landline: 01296 382998

Mobile 07720 205679



Parish / Town Council Local Infrastructure Priority List		
Parish/Town Council (Please State)		Date:
Issue: i.e. parking on road x near junction with road y	Desired Mitigation: i.e. Yellow lines adjacent to junction, or realignment of junction	Anticipated costs (if known) i.e. £5,000-10,000
1		
2		
3		
4		
5		

Please use multiple sheets if necessary

Please Return to: amacdougall@buckscc.gov.uk

Buckinghamshire County Council

What are BCC's responsibility in infrastructure planning and provision?

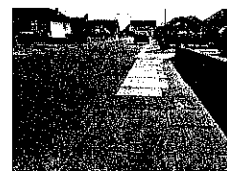
- Within planning, Buckinghamshire Country Council's primary role is to provide Highway (roads) and Education Infrastructure (schools).
- Funding for such infrastructure projects is typically sought through Section 106 and Section 278 Agreements or through the Community Infrastructure Levy, in addition to public/private funds and grants.
- Section 106 agreements are legally binding private agreements designed to make a development acceptable in planning terms
- Agreements must meet 3 statutory tests, an agreement must be:
 - necessary in planning terms;
 - directly related to the development;
 - reasonably related in scale the development.
- Spending of Section 106 Funds has to be strictly in accordance with the approved agreement. Under current regulations, no more than 5 S106 agreements may be pooled to deliver a particular infrastructure development.



Buckinghamshire County Council

What is the role of BCC when Infrastructure is funded by the Community Infrastructure Levy?

- CIL is tariff-based contribution (£ per m²).
- Unlike S106, funds raised by CIL do not have to be directly related to a particular development.
- Currently Wycombe District Council is the only Planning Authority operating a CIL in Bucks. Wycombe DC determines where the money might be spent, the County Council is consulted only.



Parish Council Role

- Parish Council's receive 15% of CIL collected within their area, this increases to 25% if the Parish has an adopted Neighbourhood Plan.
- The neighbourhood portion of the levy can be spent on a wide range of things, provided spend 'supports the development of the area'.



Buckinghamshire County Council

What are BCC's current Infrastructure Priorities?

BCC's Current Core Plan 2015 – 2017

The Buckinghamshire County Council's Strategic Plan sets out the priorities for which the Council applies particular focus. Current priorities include:

- Safeguarding Our Vulnerable
- Creating Opportunities and Building Self Reliance
- Keeping Buckinghamshire Thriving and Attractive

In terms of Infrastructure, the County Council aims to:

- Help Buckinghamshire thrive
- Provide infrastructure to assist with delivery of homes and jobs
- Ensure good road, rail and cycling infrastructure is in place
- Ensure we deliver other essential infrastructure to meet the current and future needs.



Buckinghamshire County Council

Examples of Projects Being Funded through S106 Capital Program

- Canal Towpath Scheme – The upgrading Grand Union Canal to a high-quality shared use path between Arla and Aylesbury Town Centre.
- Chartridge Lane Crossing Scheme - Road crossing improvements outside the Chiltern Hills Academy, Chesham.
- VAS Green Road - Installation of a Vehicle Activated sign in Terriers, High Wycombe.
- Ecological works, Langley Park - Shrub clearance, tree planting, tree guards, coppice work, bracken control in Langley Country Park
- Buckingham Shared Cycleway- High quality shared use path from the A413 at Tesco to the centre of Buckingham
- Mandeville Way roundabout- Road safety improvements to deal with an accident hotspot at a roundabout on Mandeville Road, Aylesbury.



Buckinghamshire County Council

What are the main priorities of Town and Parish Council's within Buckinghamshire?

Neighbourhood Plans

Currently there are 10 Adopted Neighbourhood Plans within Buckinghamshire although there are many adopted neighbourhood areas working towards adoption of a plan.

Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community.

Local Area Forums

Local Area Forums are BCC's consistent point of contact with parish and town councils. Locality working gives local communities more opportunities to influence services in their local area.

Current thinking is that LAFs are best for keeping BCC abreast of views and needs for infrastructure and in developing S106 and CIL funded proposals.

