



BUCKINGHAM TOWN COUNCIL

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Town Clerk: Mr. C. P. Wayman

Tuesday, 22 November 2016

Councillor,

You are summoned to a meeting of the Planning Committee of Buckingham Town Council to be held on **28th November 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 Meeting held on Monday 31st October 2016 ratified at the Full Council meeting held on 21st November 2016.

Copy previously circulated

4. Buckingham Neighbourhood Plan/Vale of Aylesbury Plan

4.1 To receive a verbal report on the meeting on 14th November at The Gateway from the Chairman. *The slides were circulated separately by email 16/11/16*

4.2 To receive for information various changes to NP legislation from DCLG **Appendix A**

5. Action Reports

To receive action reports as per the attached list.

Appendix B

5.1: (415.2/16) To receive and discuss the response from Cllr. Shaw, BCC

Appendix C

5.2: (537/16; Wharf Yard safety); The HSE rules on Reversing include

Consider employing a trained signaller (a banksman), both to keep the reversing area free of pedestrians and to guide drivers. Be aware: The use of signallers is not allowed in some industries due to the size of vehicles involved, and the difficulty that drivers have in seeing

Buckingham



Twinned with Mouvaux, France



them. Figures quoted show that for accidents involving reversing vehicles with banksmen/signallers the majority involve injuries to the banksmen themselves.

5.3 (3 Well Street amended plans 16/01944/ALB)

(a) Cllr. Tim Mills: I won't repeat what others have already said [*ie The Buckingham Society's response, circulated separately*] but I agree that ventilation should be through the roof trough as originally agreed

(b) Historic England: response attached

Appendix D

6. Planning Applications

For Member's information the next scheduled Development Management Committee meetings are 12th January and 2nd February 2017, with SDMC meetings on 11th January and 3rd February 2017.

*The Clerk reports that no formal notification (and therefore decision sheet) has been received for the applications below marked **

To consider planning applications received from AVDC and other applications

1. 16/03784/APP The Villas, Stratford Road, MK18 1NY
In fill development between existing dwellings and above existing parking to provide new one bed apartment
Davis

The following two applications may be considered together:

2. 16/03870/APP Tesco Store, London Road, MK18 1AB
Installation of dry cleaning, key cutting, show and watch repairs pod to front of store
3. 16/03871/AAD Three internally illuminated fascia signs and six vinyl graphics to proposed new sales pod
Tesco Stores Ltd.
4. 16/03987/APP 10 Bobbins Way, MK18 7SA
Single storey rear extension
Gill
5. 16/04018/ALB * Dollond & Aitchison [*Boots Opticians*], 13 Market Square, MK18 1NW
Remove, clean and re-install sign. Prepare and decorate existing timber shopfront frames, entrance door, stall riser and entrance soffit. Preparation and decoration of existing stall riser to match the existing grey. Internal shop fitting refit including general decorations, replacement of existing shop fittings, with new wall bays. Decoration of basement floor.
Steel [Boots Opticians]
6. 16/04060/APP * 3 Akister Close, MK 18 7HT
Single storey rear extension and first floor extension above existing garage.
Everiss

The following two applications may be considered together:

7. 16/04144/AAD * Co-Operative Funeral Services, 14 Market Square, MK18 1NW
8. 16/04145/ALB * Retention of non-illuminated fascia sign and projecting sign
Co-Operative Funeral Services per Millington Signs
9. 16/04175/APP * 1 Bodenham Close, MK18 7HR
First floor side extension
Draper

The following **Additional Information** has been advised, for comment:

10. 16/02641/APP Hamilton Precision Ltd, 10 Tingewick Road, MK18 1EE
Demolition of existing Class B2 warehouse and construction of
51 residential units with access and parking
Taylor French Developments and Hightown Housing Association

Additional information (larger drawings will be posted in the Chamber, but Members may find it easier to access them on-line as the originals are probably twice the size):

- | | |
|---|-------------------|
| a) Planning response from BCC Highways | Appendix E |
| b) Planning Response from BCC SuDS officer | Appendix F |
| c) Response from AVDC Ecologist | Appendix G |
| d) Existing and Proposed flood zone extents | Appendix H |
| e) Environment Agency response | Appendix I |

A resident of Fishers Field has also asked that his comments on the application be drawn to Members' attention.

Appendix J

Minor Amended Plans

11. 15/04106/AOP Land adj. 73 Moreton Road
Outline application with access to be considered and all other matters reserved for the erection of up to thirteen dwellinghouses with associated parking and amenity space provision.
Construction of new vehicular access and closure of existing access from Moreton Road
M A Healey Ltd.

Minor Amendment: the addition of "up to" in the description.

12. 16/01850/APP * University Precinct, Hunter Street, MK18 1EG
Demolition of two buildings comprising the Santander Bank and University Marketing Suite and erection of 3 storey building to provide new Teaching Facility
University of Buckingham

Minor Amendments: 15 drawings/documents have been amended and BCC & Historic England have made response to these. The amendments can be summarised as follows:

- *the pattern and material of all the windows has been changed The original was "double glazed sashes, most likely in timber looking at replicating the more efficient late Georgian style" and is now described as "double glazed aluminium frames aiming to replicate the late Georgian timber sash". They are now 3 panes wide instead of 2, except for the windows on the north elevation of the wing projecting towards Hunter Street (facing the garden square) where the eight separate (4 on each floor) 4 x 2 paned windows have been replaced by four 4 x 9 paned windows continuous over the two storeys (lighting the void, see below)*
- *the wing projecting forward towards Hunter Street has interior layout changes with a void at first floor level effectively making the remaining floor area a mezzanine*
- *the wing projecting forward towards Hunter Street has had its roof height reduced by making it a double roof with a central trough*

- *the wing projecting forward towards Hunter Street has had a staircase extension added to the Hunter Street frontage, which projects into the paved area beside the cottages and behind the layby*
- *the parking area at the access road end of the block has been expanded from 8 bays to 9; this has been achieved by narrowing the path from the rear of the Security building to single width and deleting the planted area between the parking and the ramped courtyard. The 2 disabled spaces remain where they were. Access to the building also remains (a) via Hunter Street to the front door, (b) via the ramps and kitchen service area, or (c) round the back through the loggia and rear door*
- *the clock tower above the main entrance, a 'feature' on the elevation facing Hunter Street behind the landscaped square, has been deleted.*

13. 16/03803/APP * 56 Overn Avenue, MK18 1LT
Single storey front and rear extension and pitched roof over existing flat roofed garage with dormer windows to provide habitable area within the roof space
Orlando

Minor amendment: the rear extension has been shortened and a wedge shaped extension added to the side adjacent to the neighbour's fence.

Not for consultation

14. 16/03874/INTN S/O [Site outside] 106 Needlepin Way MK18 7RB
Notice of intention to install 2 x DSLAM electronic communication apparatus and 1 x PCP electronic communications apparatus pursuant to the Town and Country Planning (General Permitted Development)(England) Order 2015 and the Electronic Communications Code (Conditions and Regulations 2003 (as amended)
Osborne [Harlequin Group]
15. 16/03888/ATC 46 Nelson Street, MK18 1BT
Ash (multi-stemmed coppice) – fell selected larger stems periodically until October 31st 2026. Tree stands in rear garden and is the only ash.
Hopcraft

Members are also asked to note that the office has acquired individual drawings as follows

- i. a drawing missing from the documents for 16/03302/APP – Land behind the Grand Junction PH - (Appendix A of the Arboricultural & Planning Integration Report, which was the map the Tree List at Appendix B related to).
- ii. a drawing for the s278 works at the entrance to Moreton Road II, confirming that the zebra crossing originally proposed to serve the playground has been moved up to the entrance and a kerb drop and tactile paving is to be provided on the eastern side of the road to match that recently installed on the western (site) side
- iii. the latest Landscaping drawing for Clarence Park has also been downloaded and expanded to legibility before printing. This is largely compliant with Mr. Holton's requirements, but at the eastern end the 9m buffer zone is still narrowed "in order for the path to connect with the [as yet non-existent] path on the adjacent site".

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			
16/03139/APP 1 Balwen	Single storey rear extension	No objections	-
16/03141/APP 15 Hilltop Avenue	Ch. of picture window→part-bricked window	No objections	-
16/03279/APP Esso Station, bypass Retention of ATM		No objections	-
<i>Members are informed that at date of publication no decision has been notified since 6th November.</i>			

Not Consulted on:

Approved

(Not in our parish)

16/03312/COUOR The Granary, Gawcott Fields Farm Ch/use office to residential

8. Development Management Committee meetings

Reports have been received for the following applications, and are available in the office

8.1 Strategic Development Control 23rd November (*cancelled*)

8.2 Development Control 3rd November (15/04106/APP)

24th November (15/04106/APP site visit)

8.2.1 To receive a report on the 3rd November meeting from the Planning Clerk **PL/47/16**
and copy of the site visit report **Appendix K**

9. Enforcement

9.1 (16/00331/CON3; 29-30 West Street) To receive and discuss a response from Mr. Dales **Appendix L**

9.2 To receive the October update from Cllr. Mills. **Appendix M**

9.3 To report any new breaches

10. Statutory consultation: new footpath off Verney Close, Buckingham

To receive and agree a response to the dedication of a new footpath in Buckingham **Appendix N**

11. Precept

To discuss and agree Committee recommendations for the forthcoming Precept budget

12. Lace Hill Employment/Health site

To receive any update.

13. Transport

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

14. Access

To report any access-related issues.

15. Correspondence

16. News releases

17. Chairman's items for information

18. Date of the next meeting: Monday 19th December 2016 following the Interim Council meeting.

www.buckingham-tc.gov.uk
Email: office@buckingham-tc.gov.uk
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)

Office@buckingham-tc.gov.uk

From: Planning Practice Guidance <planning.guidance@clients.dxw.com>
Sent: 17 November 2016 01:53
To: office@buckingham-tc.gov.uk
Subject: Updated guidance

The following pages have been modified:

Title: Neighbourhood Planning

Paragraph number: 064

URI: <http://planningguidance.communities.gov.uk/revisions/41/064/>

Old text:

--- BEGIN OLD TEXT ---

What does a local planning authority do if the majority of those who vote are in favour of a neighbourhood plan or Order coming into force?

If the majority of those who vote in a referendum are in favour of the draft neighbourhood plan or Order (or, where there is also a business referendum, a majority vote in favour of both referendums), then the neighbourhood plan or Order must be made (brought into legal force) by the local planning authority. Local planning authorities should do this promptly following the announcement of the referendum result. Where there is also a business referendum and a majority of those voting, vote in favour of the proposals in only one of the referendums, then the local planning authority may make the neighbourhood plan or Order but is not required to.

There are narrow circumstances where the local planning authority is not required to make the neighbourhood plan or Order. These are where it considers that the making of the neighbourhood plan or Order would breach, or otherwise be incompatible with, any EU or human rights obligations (see section 61E(8) of the Town and Country Planning Act 1990 Act as amended).

--- END OLD TEXT ---

New text:

--- BEGIN NEW TEXT ---

What does a local planning authority do if the majority of those who vote are in favour of a neighbourhood plan or Order coming into force?

If the majority of those who vote in a referendum are in favour of the draft neighbourhood plan or Order (or, where there is also a business referendum, a majority vote in favour of both referendums), then the neighbourhood plan or Order must be made (brought into legal force) by the local planning authority within 8 weeks of the referendum. The 8 week time limit does not apply where a legal challenge has been brought in relation to the decision to hold a referendum or around the conduct of the referendum. Where there is also a business referendum and a majority of those voting vote in favour of the proposals in only one of the referendums, then the local planning authority may make the neighbourhood plan or Order but is not required to.

There are narrow circumstances where the local planning authority is not required to make the neighbourhood plan or Order. These are where it considers that the making of the neighbourhood plan or Order would breach, or otherwise be incompatible with, any EU or human rights obligations (see section 61E(8) of the Town and Country Planning Act 1990 Act as amended).

--- END NEW TEXT ---

Paragraph number: 092

URI: <http://planningguidance.communities.gov.uk/revisions/41/092/>

A new paragraph was added:

--- BEGIN NEW TEXT ---

Who should be notified and invited to make representations when a local authority's proposed decision differs from the recommendation of the examiner?

An independent examiner of a neighbourhood plan or Order must send their report to the qualifying body and the local planning authority. The authority must then decide what action to take in response to each of the report's recommendations. If the authority propose to make a decision which differs from that recommended by the examiner, it must notify the following people or groups of their proposed decision (and the reason for it) and invite representations.

- the qualifying body;
- anyone whose representation was submitted to the examiner and;
- any consultation body that was previously consulted.

--- END NEW TEXT ---

Paragraph number: 093

URI: <http://planningguidance.communities.gov.uk/revisions/41/093/>

A new paragraph was added:

--- BEGIN NEW TEXT ---

How long must the period for representations be, and when must the local authority make a final decision, where it comes to a different view to the examiner?

Any representations must be submitted within 6 weeks of the local planning authority first inviting representations.

The local planning authority may, if it considers it appropriate to do so, refer the issue to independent examination.

Once the period for representations is over, the local planning authority must issue its final decision within 5 weeks, or within 5 weeks of receipt of the examiner's report if the issue was referred to examination.

--- END NEW TEXT ---

Paragraph number: 094

URI: <http://planningguidance.communities.gov.uk/revisions/41/094/>

A new paragraph was added:

--- BEGIN NEW TEXT ---

Can the Secretary of the State intervene in the neighbourhood planning process?

Paragraph 13B of Schedule 4B of the Town and Country Planning Act 1990, inserted by section 141 of the Housing and Planning Act 2016, gives the Secretary of State power to intervene, where requested by a qualifying body in three circumstances:

- where the local planning authority has failed to take a decision to send a plan or Order proposal to referendum within 5 weeks of receipt of the examiner's report, or within 5 weeks of the end of the period for representations;

- where the authority does not follow all of the examiner's recommendations; or

- where the authority modifies the plan or Order in a way that was not recommended by the examiner (except where the modification is to ensure compatibility with EU or human rights obligations or to correct an error).

The parish or town council, or neighbourhood forum, must submit the request in writing and give reasons for making the request.

--- END NEW TEXT ---

Paragraph number: 095

URI: <http://planningguidance.communities.gov.uk/revisions/41/095/>

A new paragraph was added:

--- BEGIN NEW TEXT ---

Is there a time limit for a parish or neighbourhood forum to request that the Secretary of State intervene?

Where the local planning authority decides not to follow an examiner's recommendation or to make modifications that the examiner has not recommended, any request to the Secretary of State to intervene must be made within six weeks of the local planning authority publishing that decision. There is no time limit for making a request for intervention where the local planning authority have failed to make a timely decision whether the plan or Order proposal should be put to referendum.

--- END NEW TEXT ---

Paragraph number: 038

URI: <http://planningguidance.communities.gov.uk/revisions/41/038/>

A new paragraph was added:

--- BEGIN NEW TEXT ---

Can a local planning authority consult on applications to designate a neighbourhood area and a neighbourhood forum at the same time?

A local planning authority can consult on applications to designate a neighbourhood area and a neighbourhood forum at the same time. However, if the neighbourhood area then designated is not the same as the one originally applied for, a prospective neighbourhood forum may find that it has to revisit its membership, purpose or constitution and submit a revised forum application.

--- END NEW TEXT ---

Paragraph number: 039

URI: <http://planningguidance.communities.gov.uk/revisions/41/039/>

A new paragraph was added:

--- BEGIN NEW TEXT ---

What should a local planning authority do if it receives more than one neighbourhood forum application for the same area or part of the same area?

A local planning authority can only designate one neighbourhood forum for a neighbourhood area. Where there are competing forum applications for the same or overlapping areas, the local planning authority should encourage a dialogue between the applicants in order that they can consider working together as a single neighbourhood forum. The onus is on the prospective neighbourhood forums to be constructive and to reach an agreed solution.

If prospective neighbourhood forums cannot agree to work together one course of action open to a local planning authority is first to designate a neighbourhood area if it has not already done so. This provides certainty about the conditions that any organisation or body will need to meet in order to be designated as the neighbourhood forum for the particular neighbourhood area.

The local planning authority can then assess each neighbourhood forum application against the conditions for designation and evaluate each application in light of the factors set out in section 61F(5) and section 61F(7) of the Town and Country Planning Act 1990 Act as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

--- END NEW TEXT ---

Paragraph number: 089

URI: <http://planningguidance.communities.gov.uk/revisions/41/089/>

A new paragraph was added:

--- BEGIN NEW TEXT ---

What is the process for designating a neighbourhood forum?

Where there is no parish or town council who can lead on the creation of a neighbourhood plan, members of the community can form a neighbourhood forum to take forward the development of a neighbourhood plan or Order. A

prospective forum should apply to the local planning authority for designation, setting out how it has met the requirements of section 61F(5) of the Town and Country Planning Act 1990 as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

--- END NEW TEXT ---

Paragraph number: 090

URI: <http://planningguidance.communities.gov.uk/revisions/41/090/>

A new paragraph was added:

--- BEGIN NEW TEXT ---

Is there a time limit for determination of a neighbourhood forum application?

A local planning authority must take a decision on an application to designate a neighbourhood forum within 13 weeks (or 20 weeks, where the application must be submitted to more than one local planning authority), provided there is no other neighbourhood forum application already under consideration for all or part of the area. These time periods are prescribed in the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016.

--- END NEW TEXT ---

Paragraph number: 091

URI: <http://planningguidance.communities.gov.uk/revisions/41/091/>

A new paragraph was added:

--- BEGIN NEW TEXT ---

Does a local planning authority need to publicise all neighbourhood forum applications?

A local planning authority must publicise a neighbourhood forum application in accordance with regulation 11 of The Neighbourhood Planning (General) Regulations 2012.

--- END NEW TEXT ---

Paragraph number: 024

URI: <http://planningguidance.communities.gov.uk/revisions/41/024/>

Old text:

--- BEGIN OLD TEXT ---

What is the process for designating a neighbourhood area?

An application must be made by a parish or town council or a prospective neighbourhood forum (or a community organisation in the case of a Community Right to Build Order) to the local planning authority for a neighbourhood area to be designated (see regulation 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended)). This must include a statement explaining why the proposed neighbourhood area is an appropriate area.

--- END OLD TEXT ---

New text:

--- BEGIN NEW TEXT ---

What is the process for designating a neighbourhood area?

An application must be made by a parish or town council or a prospective neighbourhood forum (or a community organisation in the case of a Community Right to Build Order) to the local planning authority for a neighbourhood area to be designated (see regulation 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended)). This must include a statement explaining why the proposed neighbourhood area is an appropriate area.

A local planning authority must determine the application within certain timescales.

--- END NEW TEXT ---

Paragraph number: 032

URI: <http://planningguidance.communities.gov.uk/revisions/41/032/>

Old text:

--- BEGIN OLD TEXT ---

What flexibility is there in setting the boundaries of a neighbourhood area?

In a parished area a local planning authority is required to have regard to the desirability of designating the whole of the area of a parish or town council as a neighbourhood area (see 61G(4) of the Town and Country Planning Act 1990). Where only a part of a parish council's area is proposed for designation, it is helpful if the reasons for this are explained in the supporting statement. Equally, town or parish councils may want to work together and propose that the designated neighbourhood area should extend beyond a single town or parish council's own boundaries.

In areas where there is no parish or town council those wishing to produce a neighbourhood plan or Order must put forward a neighbourhood area using their understanding and knowledge of the geography and character of the neighbourhood.

--- END OLD TEXT ---

New text:

--- BEGIN NEW TEXT ---

What flexibility is there in setting the boundaries of a neighbourhood area?

Where a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area, the local planning authority must designate the whole of the area applied for. Exceptions to this are where part of the area applied for has already been designated as a neighbourhood area, or forms part of another application that has not yet been determined.

Where only a part of a parish council's area is proposed for designation, it is helpful if the reasons for this are explained in the supporting statement. Equally, town or parish councils may want to work together and propose that the designated neighbourhood area should extend beyond a single town or parish council's own boundaries. The decision over final boundary designation is made by the local planning authority.

In areas where there is no parish or town council those wishing to produce a neighbourhood plan or Order must put forward a neighbourhood area using their understanding and knowledge of the geography and character of the neighbourhood.

--- END NEW TEXT ---

Paragraph number: 035

URI: <http://planningguidance.communities.gov.uk/revisions/41/035/>

Old text:

--- BEGIN OLD TEXT ---

Must a local planning authority designate a neighbourhood area and must this be the area applied for?

A local planning authority must designate a neighbourhood area if it receives a valid application and some or all of the area has not yet been designated (see section 61G(5) of the Town and Country Planning Act 1990 Act as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).

The local planning authority should take into account the relevant body's statement explaining why the area applied for is considered appropriate to be designated as such. See section 61G(2) and Schedule 4C(5)(1) of the Town and Country Planning Act 1990 Act, as amended, for a description of 'relevant body'.

The local planning authority should aim to designate the area applied for. However, a local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. The authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas.

When a neighbourhood area is designated a local planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft neighbourhood plan or Order. It should not make assumptions about the neighbourhood plan or Order that will emerge from developing, testing and consulting on the draft neighbourhood plan or Order when designating a neighbourhood area.

--- END OLD TEXT ---

New text:

--- BEGIN NEW TEXT ---

Must a local planning authority designate a neighbourhood area and must this be the area applied for?

A local planning authority must designate a neighbourhood area if it receives a valid application and some or all of the area has not yet been designated (see section 61G(5) of the Town and Country Planning Act 1990 Act as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).

In certain circumstances, the local planning authority must designate all of the area applied for. These circumstances are where a parish council applies for the whole of their parish to be designated or where the time limit for determining the application has not been met.

In other cases the local planning authority should take into account the relevant body's statement explaining why the area applied for is considered appropriate to be designated as such. See section 61G(2) and Schedule 4C(5)(1) of the Town and Country Planning Act 1990 Act, as amended, for a description of 'relevant body'.

However, except where they are required to designate the whole area applied for, a local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. The authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas.

When a neighbourhood area is designated a local planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft neighbourhood plan or Order. It should not make assumptions about the neighbourhood plan or Order that will emerge from developing, testing and consulting on the draft neighbourhood plan or Order when designating a neighbourhood area.

--- END NEW TEXT ---

Paragraph number: 088

URI: <http://planningguidance.communities.gov.uk/revisions/41/088/>

A new paragraph was added:

--- BEGIN NEW TEXT ---

Is there a time limit for the determination of a neighbourhood area application by a local planning authority? The Neighbourhood Planning (General) (Amendment) Regulations 2015 prescribe time limits for the determination of a neighbourhood area application. Except where a local planning authority is required to designate the whole of a parish, applications must be determined within 13 weeks of first being publicised, or 20 weeks where the application relates to more than one local planning authority area. If these time limits are not met, the local planning authority must designate all of the area applied for.

--- END NEW TEXT ---

Paragraph number: 021

URI: <http://planningguidance.communities.gov.uk/revisions/41/021/>

Old text:

--- BEGIN OLD TEXT ---

What role should the local planning authority play in neighbourhood planning?

A local planning authority must:

- take decisions at key stages in the neighbourhood planning process
- provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or Order as required by paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

--- END OLD TEXT ---

New text:

--- BEGIN NEW TEXT ---

What role should the local planning authority play in neighbourhood planning?

A local planning authority must:

take decisions at key stages in the neighbourhood planning process within the time limits that apply.
provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or Order as required by paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

--- END NEW TEXT ---

Paragraph number: 022

URI: <http://planningguidance.communities.gov.uk/revisions/41/022/>

Old text:

--- BEGIN OLD TEXT ---

How should a local planning authority carry out its neighbourhood planning functions?

A local planning authority should:

be proactive in providing information to communities about neighbourhood planning
fulfil its duties and take decisions as soon as possible, and within statutory time periods where these apply
set out a clear and transparent decision making timetable and share this with those wishing to prepare a neighbourhood plan or an Order
constructively engage with the community throughout the process.

--- END OLD TEXT ---

New text:

--- BEGIN NEW TEXT ---

How should a local planning authority carry out its neighbourhood planning functions?

A local planning authority should:

be proactive in providing information to communities about neighbourhood planning
fulfil its duties and take decisions as soon as possible, and within statutory time periods where these apply
set out a clear and transparent decision making timetable and share this with those wishing to prepare a neighbourhood plan or an Order
constructively engage with the community throughout the process including when considering the recommendations of the independent examiner of a neighbourhood development plan or Order proposal.

--- END NEW TEXT ---

Paragraph number: 081

URI: <http://planningguidance.communities.gov.uk/revisions/41/081/>

Old text:

--- BEGIN OLD TEXT ---

Is there a time period within which a local planning authority must take decisions?

Where a local planning authority has the responsibility for the neighbourhood planning process, it should make every effort to conclude each stage promptly. Timely decision taking is important particularly at the start and at the end of the process. Examples might be when taking the decision on whether to designate a neighbourhood forum, and when satisfying itself that a neighbourhood plan or an Order proposal has met the relevant legal tests and should proceed to referendum.

In the case of an application for a neighbourhood area to be designated, regulations prescribe the time period within which a local planning authority must make a decision, further details can be found here.

--- END OLD TEXT ---

New text:

--- BEGIN NEW TEXT ---

Is there a time period within which a local planning authority must take decisions?

Where a local planning authority has the responsibility for the neighbourhood planning process, it should make every effort to conclude each stage promptly. Timely decision taking is important particularly at the start and at the end of the process. Certain decisions must be taken within prescribed time periods. These are set out in the Neighbourhood Planning (General) (Amendment) Regulations 2015 and the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, which amend the Neighbourhood Planning (General) Regulations 2012.

The time limits that apply relate to:

- the designation of a neighbourhood area.

- the designation of a neighbourhood forum.

- the decision by a local planning authority on whether to put a neighbourhood plan or order proposal to referendum following receipt of the report of the independent examiner.

- the period for a local planning authority to seek further representations and make a final decision, where they propose to make a decision which differs from that recommended by the examiner.

- the time period within which the referendum must be held, following the decision that the plan or Order proposal should be put to referendum;

- the time period for a local planning authority to bring a neighbourhood plan or Order into force after it has been approved in each applicable referendum.

--- END NEW TEXT ---

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Appendix B

ACTION LIST Planning responses

Minute	Responses emailed or added to website	Responses posted
474 & 477/16	2/11 – 2 emailed 2/11 – other responses via website	None, but 16/01944 copied to others as minuted

Subject	Meeting date/minute	Action taken on	Form	Response received	Prompt/reminder sent	Response received
BCC Transport Badgers/Meadway junctions	12/9/16 420/16	20/10/16	Invite Mark Shaw et al for onsite visit	20/10/16: Cllr. Shaw's PA arranging visit		
Lace Hill Bridleway	22/8/16 322.3	2/9/16	Check with RoW on re-opening			
	12/9/16 413/16	20/10/16	Write to Developers as extension has now expired			
Public transport - LAF	31/10/16 543.2/16	17/11/16	Letter to WW as minuted			
Travel Plans (effectiveness)	14/9/15 403.4	4/10/15	Ask RLS for review later in year	3/12/15 Prompt sent	Review will be available July 2016	→22/8
		23/8/16	Check car park plan	Answer added to minutes		
	22/8/16 322.2	23/8/16 (summer holiday)	Photos as requested; respond when available	Photos complete 25/10/16 → 31/10/16 agenda		
	31/10/16 543.3	17/11/16	Write to RLS inc. photos			
	12/9/16 413/16	21/10/16 20/10/16	Write to BCC regarding Bourton Meadow Academy Obtain copy TP from school Reminder sent 17/1/16	Cllr. Shaw 22/10/16: I will look into what we are able to do but it's important to note that an Academy is outside of the Councils authority and is its own legal identity. Also any changes or Parking implementations would need to be paid for, as a Council we do not have a budget to make such changes. Therefore an approach would need to be made to the Buckingham LAF for funding a project. Perhaps you could advise if the Academy has been approached and if you will be making a bid to the Buckingham LAF?		
Employment development	24/8/15 343.3	14/9/15 Chased 30/12/15	Letters as minuted	30/12/15 – response to be sent in New Year	Chased 5/2 & 10/3/16	Agenda 5.8
	21/3/16 860.8	7/4/16	To be standard agenda item + letter as minuted	Cllr. Bowles & SEMLEP		
	25/4/16 881.2	24/5/16	Town Clerk/Cllr. Smith to set up meeting	September agreed	Town Clerk reminded to set up meeting	

Subject	Meeting date/ minute	Action taken on	Form	Response received	Prompt/ reminder sent	Response received
Tingewick Road Ind. Est. riverbank	21/3/16 860.2 22/8/16 316/16	7/4/16	Response to Mrs Kitchen as minuted All Members to add their own comments on revised plans	Prompt sent by Town Clerk 22/06/16		New drawing mostly acceptable
VALP	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 5 th September closing date as possible		
	12/9/16 413/16		Write to Andy Kirkham asking for all consultation comments to be included	Assured this will be so; Nudge sent 17/11/16; response 18/11/16 "Not yet available; possibly published later this month".		
	12/9/16 412/16 10/10/16 475/16	21/10/16	Write to DCLG re consultation on NP Bill			
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		
		2/11/16	Chase response			
Estate agent signs	4/7/16 181.2/16	10/8/16	Contact (17) local agents re boards in verges			
Lace Hill Health site	4/7/16 183/16	11/8/16	Write to CCG			
Site Q	25/7/16 260.2/16	10/8/16	Respond to Robinson & Hall letter			
Tingewick Road Triangle site	25/7/16 267.1/16		Circulate s106 terms when available			
Request to revise response	22/8/16 317/16	6/9/16	Make complaint re 16/01850/APP			
2 Bridge Street	12/9/16 415/16	21/10/16	Write to BCC regarding concerns on parking	4/11/16; see Agenda 5.1		
Signage	12/9/16 419/16	20/10/16 (with photo)	Report weight sign damage Bourton Road	TfB automated response: 24/10/16 Reference report number 40024671 Thank you for your report. We have been unable to locate your report at BOURTON ROAD. Please be assured that we will continue to inspect in line with our normal safety inspection regime. Thank you for your enquiry and this report is now closed.		

Action awaiting response

Action yet to be taken

Action completed new response

Subject	Meeting date/ minute	Action taken on	Form	Response received	Prompt/ reminder sent	Response received
University plans for Station Road	10/10/16 482/16 31/10/16 543.3	14/10/16 17/11/16	Respond to consultation Write with photos as RLS re parking during construction period			
Lace Hill – emergency vehicle access	10/10/16 484/16	19/10/16	Write as minuted	27/10/16 Response from Chris Young, TVP: Whilst we would support the concerns raised in the letter surrounding emergency access to Lace Hill we have not experienced any issues whilst on patrol or responding to incidents on the development. Our vehicle fleet is not as large as other emergency service colleagues so I would give weight to, and support their perspective on this issue.		
Streetlighting	10/10/16 484/16	19/10/16	Ask for quicker replacement	19/10/16 Cllr. Shaw replied: Thank you for your email. I have ask Mr Labross to answer you more fully. The lights will be replaced as soon as we are able and I apologise sincerely to residents for being without street lighting at this time of the year.		
Wharf Yard deliveries	10/10/16 485/16 31/10/16 537/16	19/10/16	Request No U turn sign Check on rules for banksmen	20/10 Mrs. Smith added info that gate has been damaged by U-turning truck, and no banksmen employed for those reversing out into Stratford Road. See agenda 5.2		
Town Centre footpaths	31/10/16 544/16	18/11/16	Contact BCC etc as minuted Cllrs. to report individual problems via online portal			
HiMOs	31/10/16	18/11/16	Send queries to AVDC as minuted			

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 11/10/16 Town Clerk chased up, reply	

Action awaiting response

Action yet to be taken

Action completed new response

Subject	Meeting date/ minute	Action taken on	Form	Response received	Prompt/ reminder sent	Response received
					promised for 17/10/16	
Cotton End steps	22/2/16 789.2/15 792/15 12/9/16 413/16	3/3/16	Query 'de minimis' judgement Ask Cllr. Paternoster for details as minuted To be updated at Planning committee on the 10/10/16	10/10: Developer meeting postponed		
Retail activity on Industrial Park	4/7/16 181/16 22/8/16 320.1 12/9/16 413/16	8/8/16 6/9/16 17/11/16	Query as minuted Follow-up as minuted Write to AVDC requesting how they measure the % of wholesale trade.	→22/8		
29/30 West Street	22/8/16 320.2 10/10/16 480.1	25/8/16 19/10/16	Follow-up as minuted Ask for expedited action	20/10: Environmental Health say inspected September, but address was No 28; replied that No.28 West St Local		
Breaches reported and enforced	10/10/16 480.2	18/11/16	Cllr. Stuchbury to request figures (from April 2014) from Mr Dales			
Beauty Box sign	10/10/16 480.4	11/10/16	Reported with photo and size	Case No. 16/00446/ CON3		
Land at Foxglove Cl. 16/00393/ CON3	31/10/16 541.1	17/11/16	Ask if referred to Estates	The complaint was regarding works to trees (to the rear of Embleton Way) that were on AVDC land so the matter was referred to Estates/Community Spaces. They visited the site and advised that the person responsible should be written to advising the risk of prosecution for carrying out unlawful works on Council property. This would be dealt with by Gareth Bird the Community Spaces Team Manager or Chris Mason the Property & Estates Manager		
News releases						
	22/8/16 325/16	(awaiting suitable photo)	Flyposting – amount needing clearance			
	31/10/16		1. Town centre pavements 2. Parking on Station & Chandos Roads 3. Streetlight Programme			

Action awaiting response

Action yet to be taken

Action completed **new response**

Cabinet Member
Transportation

Buckinghamshire County Council

County Hall, Walton Street
Aylesbury, Buckinghamshire HP20 1UA

Telephone 01296 382691
markshaw@buckscc.gov.uk
www.buckscc.gov.uk

Buckingham Town Council
Town Council Offices
Buckingham Centre
Verney Close
Buckingham
MK18 1JP

Date: 2nd November 2016
Your ref: Min 415.2/16

FAO: Mr C.P. Wayman Town Clerk

Dear Mr Wayman

Reponses to Planning Applications

Thank you for your letter dated 21st October regarding two recent planning applications

Application 15/01525/APP – Domino's Pizza

We would agree with and welcome the inspector's comments that were consistent with Highway Development Management Officer's conclusion that we are unable to raise an objection to the application on highway grounds. It was acknowledged both by the Highway's Development Management Officer and the inspector that there are limited parking opportunities in the near vicinity of the site but that there is parking in Bridge Street and also short term parking available in the Market Square. The Highways Development Management Officer has also highlighted that the main peak hours of trading of the premises are outside of the main traffic peak and also that it is unlikely to generate any new trips as journeys to these type of facilities tend to be based on convenience of pass by traffic.

We are contented that the inspector has come to the same conclusion as our Highways Development Management Officer that the inspector was not persuaded that "the proposal would appreciably exacerbate conditions in these regards any more than the subsisting retail use of the premises".

Application 15/04106/AOP 13 Houses Moreton Road

I have reviewed Highways Development Management response to this application. To ensure the site's sustainability and integration with the existing highway network Highway



Development Management have requested as part of the application the provision of footway along the extent of the site along the existing highway and the provision of two tactile crossing points either side of the main site access to facilitate pedestrian movement both north and south (nobody going north is going to want to head south first to cross the road heading north) hence the two crossing points. The developer has included the provision of these in revised plans. The location of these crossing points is in a section of the road where there is greater visibility away from the blind bend. The location of these crossing points is specifically to address concerns about encouraging crossing to the southernmost point of the site where there is limited visibility.

I have noted your concerns regarding the footway provision to the south of the site encouraging crossing in a potentially unsafe location. To further address these concerns it is proposed that we include a planning condition that the footway provision south of the main access terminates at the same location as the crossing point. A grass verge would then extend to the extent of the site to protect the vision splays.

I have also noted your suggestion to extend the footway north of the site to join the existing footway on Western Avenue. I have checked highway extents and there is sufficient highway to provide a footway at this location. This would provide better linkage with the site for pedestrians to the north to existing bus stops and school. It is suggested that this is also secured by way of a planning condition that the footway is extended north of the site to join the existing footway on Western Avenue. There is currently informal parking by residents at this location as you suggest in your letter.

In response to concerns raised regarding the changes to the existing retaining wall, regardless of whether the footway stretches across the entire site frontage the existing retaining wall along the site front will need to be altered in order to achieve the required visibility splays for the main access. Aylesbury Vale District Council is responsible for determine if protected trees will be affected by the proposed development.

I apologise for the delay in responding to your query and hope this goes someway to address your concerns.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Shaw', with a stylized flourish at the end.

Cllr Mark Shaw
Cabinet Member for Transportation

Office@buckingham-tc.gov.uk

From: Brockway, Alice <Alice.Brockway@HistoricEngland.org.uk>
Sent: 21 November 2016 09:49
To: Office@buckingham-tc.gov.uk
Cc: mbreenhaynes@aylesburyvaledc.gov.uk; scole@aylesburyvaledc.gov.uk; tmills@aylesburyvaledc.gov.uk; Godbolt, Lesley
Subject: 3 Wells Street, Buckingham
Attachments: 3 Well Street 534-16 (2).doc

Dear Mr Wayman,

Thank you for your recent letter about 3 Wells Street, Buckingham. As a grade II listed building Historic England are only consulted on Listed Building Consent applications for work which involves the total demolition, or substantial demolition, (for instance removal of entire floor structures or most of an external wall). Our involvement with this site is limited to a single application in 2014, when we advised the Local Authority on a proposal to remove internal floors and we have not been consulted on subsequent applications.

As we were not consulted about this most recent application (and did not need to be) it would not be appropriate for us to comment at this point. I note that you have also contacted the Historic Buildings Officer at AVDC who will be familiar with the detail of the recent proposals and the heritage issues these may present. I am sure she is more than capable of dealing with this matter.

Best wishes,

Alice

Alice Brockway
 Assistant Inspector of Historic Buildings and Areas
 Planning Group
 Direct line: 01483 252078 Mobile: 07770 971634

Historic England | Eastgate Court
 195-205 High Street | Guildford | GU1 3EH

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We have launched four new, paid-for Enhanced Advisory Services, providing enhancements to our existing free planning and listing services. For more information on the new Enhanced Advisory Services as well as our free services go to our website:
www.HistoricEngland.org.uk/EAS



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Environmental Services

Divisional Director – Martin Dickman

Buckinghamshire County Council

Highways Development Management
 6th Floor, County Hall
 Walton Street, Aylesbury
 Buckinghamshire
 HP20 1UA
 Telephone 0845 230 2882
www.buckscc.gov.uk

Development Control
 Aylesbury Vale District Council

DX4130 Aylesbury

FAO Claire Bayley.

Date: 30th September 2016
 Your ref: 16/02641/APP
 My ref: 16/02641/APP

Dear Claire,

HIGHWAY AUTHORITY COMMENTS
TOWN AND COUNTRY PLANNING ACT 1990

Application Number: 16/02641/APP
Proposal: Demolition of existing Class B2 Warehouse and Construction of 51 residential units with access and associated parking.
Location: Hamilton Precision Ltd, 10 Tingewick Road, Buckingham, Buckinghamshire.

Thank you for consulting the County Highway Authority on the above planning application.

I note that this office has previously commented on a similar application at this location the most recent being in January 2016. That proposal was for the demolition of existing Class B2 warehouse and construction of 54 dwellings with access and associated parking (amendment to planning application 14/03450/APP)

I note that this application has seen a small decrease in the number of residential units from 54 dwellings to 51 dwellings in this proposal. On the basis of the decrease in dwelling numbers now proposed, the development, as with the previous scheme continues to be acceptable from a traffic impact perspective. I am aware that there has been a suggestion by the Local County Council member that this site should be served from the roads within the adjacent Taylor Wimpey site. However, I do not feel that this can be insisted on as the site currently has a traffic generation potential that is close to that of the proposed development and already benefits from two access points to Tingewick Road. The planning application seeks to rationalise the access arrangements from two to one, which is beneficial in highways terms. As such I am unable to demonstrate that the retained and improved single point of access to Tingewick Road would not be 'safe and suitable' in the context of the requirements of the National Planning Policy Framework.



Within the previous application there were a number of points raised to be considered by the applicant that required amended plans. These primarily related to matters with the site layout and footway/cycleway provision both internally and externally.

In the Transport Assessment of October 2015 prepared by the applicants it was stated that there was a cycle lane along Tingewick Road and in the previous comments made by this office it was stated that the cycle lane does not exist.

The County Council's previous comments in January 2016 required the provision of a footway to link to the adjacent Taylor Wimpey site which should be 2m in width. This continues not to be shown on the submitted plans in this application and should be provided as an extension to the footway alongside P12-22 to punch through the hedge line. The transport assessment (within para 3.1) states that a footpath is to be provided to the riverside walk and will connect to the Taylor Wimpey site which is currently under construction. This Riverside Walk connection is shown on the plans submitted for this application although this is not necessarily the most convenient way of connecting to the adjacent site.

As stated above a footway/cycleway 2.5m in width is required along the site frontage. This has now been shown on the submitted plans and will provide a connection to the footway/cycleway network that has been secured from the nearby Hallam Land Neighbourhood Development Plan site.

Within the previous comments it was noted that there was no footway link from Block B to connect to Tingewick Road. This has been overcome with this submission showing the footway in question to be 2m in width which is acceptable.

In the previous submission there was no footway to link to Riverside Walk route at the northern boundary. When this site was previously considered at appeal the Inspector made comments on this at paragraph 30 of the appeal decision and stated;

I share the concerns of the Highway Authority regarding the internal layout of the scheme and in particular, the pedestrian linkages as shown to the neighbouring residential sites, the Tingewick Road and also the riverside footpath. It was evident from the site visit that the existing river walk connects to the rear garden of P59 as currently shown on drawing A14-014-PL010 Rev B. Furthermore, there is no clear pedestrian footpath to the river walk and the layout as shown would mean pedestrians would be reliant on utilising the public highway to access this. No linkages are shown to the Taylor Wimpey development to the west. Given that this site accommodates both residential and employment uses, there is the potential for a pedestrian link here to vastly improve the connectivity and linkages between the two sites and to ensure that walking is seen as an attractive mode of travel between the two site.

The applicant has taken these comments partially on board and has provided on the plans in this submission a footway to link Riverside Walk.. As stated above and as recognised in the Inspectors comments a further connection is required to the Taylor Wimpey site as an extension to the footway alongside P12-22 to punch through the hedge line thus providing a more direct and convenient route that is well lit and overlooked to provide a sense of safety.

It was noted in the previous response that a 9.860m refuse vehicle could access the site although its swept path analysis was tight in places but is considered workable.

The transport statement provides no commentary on how the proposal would be accessible to bus services within the normal maximum 400m walk distance, given that it is currently located well outside of this distance from a bus service. Similarly there are no cycle routes in the vicinity of the site and no proposals for improved connections as part of the scheme, other than the small section of footway/cycleway along the site frontage. However, proposals for improvements to the bus service and cycle network have been secured from the recent Hallam Land development on land north and south of Tingewick Road and it would be appropriate for this development to provide further contributions to support the new infrastructure.

In summary, I am satisfied that the individual network impact of the proposal on traffic conditions would not be severe. A confirmation that the applicants are prepared to make financial contributions towards cycle improvements between the site and the town centre and public transport provision will need to be received prior to determination of the application and these will need to be secured via a S106 Agreement.

At this stage in principle I have no objection to the proposed development subject to an amended plan to include the additional footway connection to the adjacent Taylor Wimpey site and the confirmation of contributions towards public transport and cycleway provision. Once I have a suitable amended plan I can provide you with appropriate conditions and obligations to be issued in the event that you grant planning consent.

Yours sincerely

Stephanie Davis

Highways Development Management

Transport Economy Environment



Transport • Economy • Environment

Martin Dickman
Director Environment Services**Buckinghamshire County Council**County Hall, Walton Street
Aylesbury, Buckinghamshire HP20 1UATelephone 0845 3708090
www.buckscc.gov.ukDate: 28/10/2016
Ref: 16/02641/APP**FAO: Mrs Claire Bayley**

Dear Claire,

Subject: 16/02641/APP – Hamilton Precision Ltd 10 Tingewick Road Buckingham Buckinghamshire**Demolition of existing Class B2 warehouse and construction of 51 residential units with access and associated parking**Thank you for your consultation letter, which was received on 10th October 2016.

Based on the information provided in documents and/or drawings prepared by Chiltern Design listed below;

- Flood Risk Assessment (ref. FRA/327 and dated September 2016);
- Drainage Layout and Principles (drawing no. 1001 Rev.P03);
- Drainage Statement (ref. DS/327 Rev. A and dated October 2016);
- Existing Drainage Arrangement (drawing no. 1007);
- Typical Hydrobrake and Attenuation Detail (drawing no. 1006 Rev.P01)

The Strategic Flood Management Team at Buckinghamshire County Council **withdraws our objection** to the proposed development **subject to the following conditions listed below.**

We request that the applicant demonstrates that the development does not flood from surface runoff during prolonged flood events on the River Great Ouse up to the 1 in 100 year plus climate change fluvial flood. It is likely that a pump is required (during high river levels only) to discharge surface runoff from the development to the Great Ouse at the greenfield runoff rate.

We would request the following conditions be placed on the approval of the application, should this be granted by the LPA:

Condition 1

Development shall not begin until a surface water drainage strategy for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, 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 drainage strategy shall also include:

- Discharge rate to be restricted to 4l/s for all storm return periods up to and including the 1 in 100 year with a 40% allowance for climate change;
- Discharge Volumes;
- Ground investigations including infiltration rate tests in accordance with BRE365 and groundwater monitoring;



- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete with full construction details, together with storage volumes of all SuDS features;
- Storage features including but not limited to porous paving and cellular storage;
- Details of phasing and implications for the drainage system;
- 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 climate change storm event should be safely contained on site;
- Demonstration that the development does not flood from surface runoff during prolonged high river levels on the River Great Ouse up to the 1 in 100 year plus climate change fluvial peak flood level. It is anticipated that a pump will be required to drain the development site during high river levels;
- Exceedance routes

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in order to ensure that there is a satisfactory solution to managing flood risk.

Condition 2

Development shall not begin until a “whole-life” maintenance plan for the site has been submitted to and approved in writing by the local planning authority. The plan should set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) following construction, with details of who is to be responsible for carrying out the maintenance. The plan shall subsequently be implemented in accordance with the approved details.

NB: We would recommend that the “whole-life” maintenance and management plan for the surface water drainage system is secured by a Section 106 Planning Agreement. The use of a planning obligation (as opposed to a planning condition) would help to safeguard the maintenance and management of these features over the lifetime of the development. The BCC Strategic Flood Management team are of the opinion that this is a reasonable approach due to the residual risk of fluvial and surface water to the site should the systems not be adequately maintained.

Reason: The reason for this being a pre-start condition is to ensure that maintenance arrangements have been arranged and agreed before any works commence on site that might otherwise be left unaccounted for.

Yours sincerely

Vikki Teasdale

SuDS Officer

Email: suds@buckscc.gov.uk



Planning application response

Making Aylesbury Vale the best possible place to live and work

To:	Claire Bayley, Development Control
From:	Paul Holton, AVDC Ecologist
Site:	Hamilton Precision Ltd, 10 Tingewick Road, Buckingham Buckinghamshire
Detail:	Demolition of existing Class B2 warehouse and construction of 51 residential units with access and associated parking
Application number:	16/02641/APP
Date sent:	11.11.2016

The applicant needs to produce an ecological enhancement plan within the landscape master plan to demonstrate net ecological gains. A 9m ecology buffer adjacent to the river is required.

I am satisfied that the ecological assessment submitted in support of this application by the consultant ecologist Paul Hickling Associates Ltd is an accurate account of the species and habitats present on site. The recommendations detailed in this report will need to be conditioned as part of any planning approval. The enhancement features within this report are welcomed but need to be detailed further to ensure net ecological gains on site. All mitigation, compensation, enhancement, habitat creation measures must be definitively stated in the application. It is not acceptable to state what could or should be provided, only what will be provided in order to ensure post development enforcement.

The applicant is required to produce a landscape and ecology masterplan detailing the measures that will be implemented to mitigate and enhance the ecology post development. Further detail will be required to ensure this application generates the net ecological gains as required under NPPF.

In order to maximise the habitat value of created and retained habitats on site details of species, establishment regimes, management regimes and funds to secure on-going management of these habitats must be supplied. Habitats and species should be native, appropriate and be of and local provenance where possible. Details of retained and established features will need to be included in the landscape masterplan required for this development. It is essential that within this master plan provision for an unmanaged 9m ecological buffer strip next to the River Ouse is provided. It is essential the 9m zone does not include managed grassland or footpaths of any description. Current drawings of the scheme indicate a narrower area than 9m. This needs to be revised to ensure such a buffer is present.

The AVDC Ecologist can be contacted at ecology@aylesburyvaledc.gov.uk

- 1. DO NOT SCALE FROM THIS DRAWING.
- 2. In case of any discrepancies in drawings, details or bills, refer to engineers for clarification; unilateral decisions by the Contractor will not be accepted.
- 3. This drawing is to be read in conjunction with all related Architects, Consultants & Sub-Contractors drawings and specifications.
- 4. The Contractor is advised that all design drawings and information are to be read concurrently and any discrepancies or omissions reported directly to Chiltern Design Ltd
- 5. This drawing is based upon the survey by Milton Keynes Surveys reference 10200 dated December 2004 provided in digital format.
- 6. Levels are based on OSBM located wall of disused railway bridge, both lane, value 83.00m
- 7. The grid is of local origin.



FILL Depth Bands		
Band 1	0.00 -	0.10
Band 2	0.10 -	0.20
Band 3	0.20 -	0.30
Band 4	0.30 -	0.40
Band 5	0.40 -	0.50
Band 6	0.50 -	1.00
Band 7	1.00 -	2.00
Band 8	2.00 -	5.00
Band 9	5.00 -	10.00
Band 10	10.00 -	

Prismoidal Volume Calculations		
Summary of Total Volumes of Cut/Fill:		
PGM1 (Existing) model:	D:\GOOGLE DRIVE\DESIGN FILES\327 TINGEMOCK\PGS\SITE-CO	
PGM2 (Proposed) model:	Datum plane at level: 82.080	
	PGM2 surface relative to PGM1 surface	
	Cut	Fill
Total Gross:	9368.9	2278.4
Nett:	7110.5	

- 200yr Flood contour (82.95)
- 100yr Flood contour (82.61)
- 50yr Flood contour (80.42)

CHILTERN DESIGN
CONSULTING ENGINEERS
Chiltern Design Ltd, Maple Business Centre, 1 Drovers Hill Road, Gerrards Leat, Bedfordshire, LU9 3PL, UK (01582 579965)
Email: info@chilterndesign.co.uk, Web: www.chilterndesign.co.uk

Drawing Status				
FOR INFORMATION				
Client				
Project Title				
HAMILTON PRECISION BUCKINGHAM				
Drawing Title				
EXISTING FLOOD ZONE EXTENTS				
Date	NEW '14	Checked OO	Checked ENG	Sheet Size
Drawn	EF	EF	MS	A1
Scale	1:250			
Project No.	Drawing No.		Rev.	
327	1003		P02	

creating a better place



Ms Anne James
Aylesbury Vale District Council
Development Control
The Gateway
Gatehouse Road
Aylesbury
Buckinghamshire
HP19 8FF

Our ref: WA/2016/122733/02-L01
Your ref: 16/02641/APP
Date: 11 November 2016

Dear Anne

**Demolition of existing class B2 warehouse and construction of 51 residential units with access and associated parking.
Hamilton Precision Ltd, 10 Tingewick Road, Buckingham, Buckinghamshire.**

Thank you for your consultation on the above planning application. We received your consultation on 28 October 2016.

Environment Agency position

We have reviewed the amended flood risk assessment documents online. We have made comments on the flood risk assessment below. However we also wish to raise the sequential test, exception test and the appropriateness of the development within the flood zones. These issues need to be addressed first before the flood risk assessment. I have also covered these points in my letter below.

Flood Risk Assessment

We **maintain our objection** to the proposed development on flood risk grounds. The development lies within Flood Zones 1, 2 and 3 in accordance with our flood risk mapping.

We have reviewed the revised Flood Risk Assessment (FRA) dated October 2016 revision A, ref. FRA/327 and are **unable to withdraw our objection** to the proposed development for the following reasons:

1. The revised FRA indicates that a retaining wall will be constructed around the whole of the proposed residential development to prevent flood waters entering this area up to the modelled 1 in 1000 year flood level. However, the floodplain compensation drawings and calculations shown on drawing no. 327-1000-P02 do not appear to take into account this retaining wall and some of the required floodplain compensation volume is shown to be provided within this area. **As**

Cont/d..



such, it has not been clearly demonstrated that there will be no increase in flood risk elsewhere due to a loss of floodplain storage and/or diversion of flood waters to nearby properties.

2. Inadequate justification has been provided for the use of the 1 in 1000 year flood level to represent the 1 in 100 year flood level including an allowance for climate change. As such, it has not been clearly demonstrated that the proposed development will be safe for its lifetime.

Overcoming our Objection

The FRA needs to clearly demonstrate that the required floodplain compensation can be provided on site and that there will be no increase in flood risk to nearby properties due to the construction of a retaining wall around the proposed residential area.

Advice for the Applicant / LPA for flood risk assessment

Climate change

We do not agree with the statement in section 5.2 of the FRA, which states that the 1 in 1000 year flood level is greater than or equal to the 1 in 100 year flood level including a 65% allowance for climate change. We have not undertaken any detailed assessment of the effects of climate change on flood levels in this location and would normally expect this assessment to be undertaken as part of a FRA.

Given the timescales involved in determining this application, we have undertaken a basic analysis of the effect of applying a 35% increase in flows to one node point adjacent to the site which indicates that the 1 in 100 year flood level including a 35% allowance for climate change (based on the higher central allowance) is slightly higher than the 1 in 200 year level but lower than the 1 in 1000 year level. As such, we have agreed to the use of the 1 in 1000 year flood level to represent the 1 in 100 year level including a 35% allowance for climate change as we consider this to be precautionary.

However, we have not assessed the effect of a 65% increase in peak river flows (i.e. upper end allowance). As such, applying a 65% increase to flows could result in a flood level greater than the 1 in 1000 year flood level. We therefore strongly recommend that further assessment of the effects of climate change based on the new allowances is undertaken to ensure the development will be safe for its lifetime. Please note that for developments proposals of over 30 dwellings within Flood Zone 3, we would normally expect detailed modelling to be undertaken as part of an FRA to assess the effects of climate change on flood risk.

Floodplain compensation

With regard to floodplain compensation requirements, a drawing should be included in the FRA which clearly shows which parts of the site will need to be lowered to provide the required floodplain compensation volume, as well as cross section drawings and a table showing the volume lost and volume gained within each level band.

Inappropriate development within the floodplain

The site falls within Flood Zone 3b functional floodplain as defined by the Aylesbury Vale DC Strategic Flood Risk Assessment (SFRA) as having a high probability of flooding.

The development type in the proposed application is classified as more vulnerable in accordance with Table 2 'Flood risk vulnerability classification' of the Planning Practice Guidance. Tables 1 and 3 of the Planning Practice Guidance make clear that this type of development is not compatible with this Flood Zone **and should not therefore be permitted**. Please use the following link to the Planning Practice Guidance <http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/flood-zone-and-flood-risk-tables>

If the FRA shows the more vulnerable or less vulnerable development to be outside of the functional floodplain then we will not object on this ground. However if we don't have the evidence that the development is outside the functional floodplain (Flood Zone 3b) then we will **object** to this planning application.

Sequential Test

We could not find a sequential test document online for this planning application. A sequential test is a requirement of national planning policy under the NPPF paragraph 103.

Your Authority should determine whether the Sequential Test has been passed before considering whether both parts of the Exception Test have been met. Your Authority should also consider whether a sequential approach has been taken to the site layout, with residential development directed to areas at lowest risk of flooding.

Please note that no drawing has been submitted showing the existing extent of Flood Zones 3b, 3a and 2 at the site based on modelled flood levels and a topographic survey of the site. As such, it is not possible to determine whether a sequential approach has been taken to the site layout. The sequential approach is different to the sequential test.

Exception Test

We could not find an exception test document online for this planning application. An exception test is a requirement of national planning policy under the NPPF paragraph 102.

Your Authority should consider whether the use of retaining walls around the proposed dwellings would ensure that the proposed development remains safe for its lifetime. Please note that there would still be a risk that these walls will be overtopped or gaps in the wall will be created, allowing flood waters to enter the residential area shown to be located outside the 1 in 100 year flood extent. This could affect the safety of access and egress routes.

Your Authority should also consider whether safe access and egress would be available based on the proposed 'footdry escape route' shown in drawing no. 327-1000-P06. We strongly recommend that your Emergency Planner is consulted on this matter.

Flood Risk - Safe Access and Egress

The proposed development and/or the access route is located within the 1% annual exceedence probability (AEP) plus an appropriate allowance for climate change flood extent.

In accordance with paragraphs 101 to 104 of the National Planning Policy Framework (NPPF), you must ensure that the 'development is appropriately flood resilient and

resistant, including safe access and escape routes where required...' (NPPF paragraph 103). This is on the understanding that you have concluded that the proposed development has passed the flood risk sequential test.

Within the application documents the applicant should clearly demonstrate to you that a satisfactory route of safe access and egress is achievable. It is for you to assess and determine if this is acceptable.

We enclose a copy of our safe access and egress guidance statement to assist you with your assessment. Please note we have not assessed the proposed access and egress route.

Notes to local planning authority regarding decision

If the Local Authority are minded to grant permission against our recommendation, we request the Local Authority reconsult us for further representation. Please note we may have comments and conditions in other areas of remit following reconsultation.

In accordance with the Planning Practice Guidance (Reference ID: 7-043-20140306), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

If you have any questions please don't hesitate to contact me.

Yours sincerely

Ms Michelle Kidd
Planning Advisor

Direct dial 02030259712

Direct e-mail planning-wallington@environment-agency.gov.uk

Office@buckingham-tc.gov.uk

From: Richard <[redacted]>
Sent: 01 November 2016 14:42
To: cbayley@aylesburyvaledc.gov.uk
Subject: Planning application 16/02641/APP

Dear Sir/Madam

Planning application 16/02641/APP

Hamilton Precision Ltd 10 Tingewick Road Buckingham Buckinghamshire ("the proposed development site")

I write with reference to the above detailed planning application.

I and my family are currently residents of 39 Fishers Field the property currently closest to the proposed development site.

Although I appreciate the need for local housing I wish to express my family's concern with parts of the proposed development.

My concerns relate primarily to the Plots 42-44 and the newly posted site levels. The proposed site levels of these properties (82.910m) are significantly higher than our house which is at a level of approximately 81.400. I am concerned that the raised level of the site adjoining my property will increase or aggravate the flooding threat to our property and those other properties at a lower level that adjoin us.

It is currently proposed that the new properties on the plots detailed are large three story townhouse's in close proximity(approximately 20meters) to the rear of our house where the windows of our main living room and two main bedrooms are located.

Given the site level and nature of these houses there will be a loss of privacy, increased overlooking and an overbearing impact on our property from the development. When we proceed with our plans to apply for a small extension to accommodate our growing family under the AVDC Fast track Home Extensions Local Development Order (LDO) this adverse impact will be greater still.

The loss of privacy and overlooking is exacerbated by the fact that the development plans show trees which may provide some screening which are not actually there. Any proposals to plant new trees that would provide a level of privacy to us following development would need to be so close to our property that they would be overbearing in themselves and a threat to our own foundations over time.

I note from the newly submitted site plans that the site level is to be raised by approximately 82 cm within about 0.5m from our boundary and 5 meters of our property (less if we proceed with an extension). The retaining wall at 82.700 within 0.5 meters and that it is proposed wheret car parking spaces are to be located is at a level that that will have an adverse effect on our property in terms of privacy, overlooking, overbearing impact and noise disturbance. Some cars will have a direct view over our current fence into our living room and 2 main bedrooms.

The proposed properties are extremely close to Plot 72 on the new Clarence Park development (it would appear within about 10 meters). This will affect the living conditions of future occupiers of that property particularly in respect of privacy, outlook and overbearing impact. The new townhouses would appear to have a view through the velux window of the main bedroom and dressing room of the two storey Clarence Park property.

The nature (4 bedroom townhouses) and close proximity of the town houses to the Clarence Park property (and their small gardens) conflicts with the Buckingham Neighbourhood Development Plan for provision of good quality outdoor space (DHE6).

I am a complete layman in terms of planning and should be grateful if you would provide me and my family with assurances that these matters will be considered when considering the application. Please will you let me know why you consider the current application meets all current planning policies and guidelines.

I thank you in anticipation of your assistance in this matter.

Should you have any queries in respect of the above please contact me.

Kind regards

Richard

BUCKINGHAM TOWN COUNCIL

PLANNING COMMITTEE

MONDAY 28TH NOVEMBER 2016

Agenda Item no. 8.2.1

Contact Officer: Mrs K. McElligott
01280 816426

Land adj. 73 Moreton Road; application 15/04106/AOP

Outline application with access to be considered and all other matters reserved for the erection of thirteen dwellinghouses with associated parking and amenity space provision. Construction of new vehicular access and closure of existing access from Moreton Road
M A Healy Ltd.

Background

Members response (22nd February 2016) had been Oppose & Attend:

Members noted that the developer had not participated in the 'call for sites' for the Neighbourhood Plan, and it is consequently not included as a site for development (policy HP1). The Plan allows for "windfall sites" but only for up to 10 dwellings (Policy HP7). There is no reference to the Plan in any of the documents. Policy DHE1 also applies, as considerable site clearance has already taken place, and it is proposed to fell more trees, including some in a TPO'd group whose roots may be ensuring the stability of the bank at the roadside.

It was also felt that the access was unsafe; even if the verge is taken back, the proximity of the house below to the edge of the road restricts visibility. The suggestion was made that access via the AVDC land on Western Avenue would be preferable.

The vote to oppose was unanimous.

Minor amendments (25th April 2016): *In response to Highway comments, a roadside footpath has been added along the front of the site, with tactile surfaces where it crosses the site access, and a tracking diagram to prove the refuse lorry can turn at the end of the cul-de-sac. Members may like to note that the Tree Officer has added his comments to the website.*

Members reiterated that the Neighbourhood Plan stated that 10 was the maximum number of houses for a windfall site; it was further suggested that the developer could discuss acquiring additional land from AVDC for a safer access via Overn Avenue Play Area (with s106 funding to redesign it) or the garage area off Western Avenue immediately adjacent to the existing Roxwell access lane. The slope and width of the proposed access were still considered unsuitable and the proposed footpath along Moreton Road south of the access was totally pointless, leading as it did to a house wall at the road edge and an extremely dangerous place to cross on a hill just above an area where cars were parked on the opposite kerb. The alternative would be to walk along a considerable length of wall bordering a narrow roadway and bus route. As the present access lane to Roxwell is within the 'red line' Members could not see why the footpath north of the access could not be continued uphill to meet Western Avenue, where crossing is much safer as the hill levels out somewhat.

and 22nd August 2016: *"Minor highway alterations" appear to be (a) the provision of a 2m wide footpath across the whole frontage of the site from Bree [sic] 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 reiterated that 13 houses is more than the BNDP permits on 'windfall' sites, and point out that the emerging VALP advocates 31% affordable housing on proposals for 11 houses or more. They feel that as an emerging document this provision should be applied.

The Committee considers the footpath south of the access to be extremely dangerous, ending as it does at the corner of Brae Lodge which is not a sensible place to cross the A413, having no vision downhill and just above a bend where cars park at the kerb. There is no possibility of constructing a continuous footway on the site's side of the Moreton Road. The footpath north of the access is acceptable and will give access to the bus stops and relatively level ground with good visibility for crossing. Deleting the southern section would absolve the developer from the need to realign the retaining wall at the roadside or install tactile paving, and could with advantage then re-site the internal estate path on the other side of the access road.

The application was put to the AVDC Development Management Committee on 13th October 2016, and Cllr. Cole's report was included with the Planning agenda for 31st October 2016. No decision was made by the Committee and the application was returned to the officer for missing details to be added for Members' information and was then relisted for 3rd November 2016. I attended as no Members were available.

The Officer's report was 3 pages longer (16 v 13) than the one for the previous Committee meeting (not counting the Overview pages in either case) and included much more detail about the NPPF & BNDP (which would at least have left the applicant in no doubt about whether the latter could be disregarded in the absence of a Local Plan as he had stated). Supplementary information sheets were provided on the revised housing land supply figure – now 5.8 years – and on the revised BCC response from David Marsh (which I'd picked up from the website anyway): "The proposed footway should now link to the existing provision north of the site, for the avoidance of doubt this should include new tactile crossings to enable pedestrians to access the bus stop north of Western Avenue. The previously proposed tactile crossings should be retained and the footway to the south of the site access should terminate at the southernmost crossing point." (i.e. no footpath along the front of the site south of the access).

Attendance:

DMC Committee:

Cllr. P. Fealey (Chairman)	√	Tingewick
A. Bond (Vice Chairman)	√	Watermead
B. Adams	x substituted by C. Adams,	Riverside
J. Brandis	x substituted by B. Foster,	Haddenham & Stone
M. Collins	√	Aston Clinton & Stoke Mandeville
N. Glover	√	Wing
K. Hewson	x substituted by J. Ward,	Oakfield and Bierton
R. Khan	√	Elmhurst
S. Lambert	√	Coldharbour
T. Mills	√	Buckingham North
M. Rand	x substituted by D. Town,	Pitstone and Cheddington
C. Paternoster (ex-officio)	x	Aston Clinton & Stoke Mandeville

Officers:

C. Britton (Clerk)

S. Pilcher (Case Officer)

Registered as 'also attending':

Cllr. N. Blake	√	Great Brickhill & Newton Longville
P. Irwin*	√	Waddesdon
B Stanier**	√	Great Horwood

W. Whyte

√

Luffield Abbey

*down to speak as Local Member on the third application of the day

**down to speak as Local Member on the fourth application of the day

Also attended but not minuted as such

Cllr. H. Mordue

Buckingham South

The officer ran through the application and outlined the difference made by AVDC being able to demonstrate 5.8 years-worth of housing land, and noting the new BCC response which superseded their previous one and included a new required condition should approval be given.

The deficiencies in the drawings really showed up on the big screens – none showed the houses across the road, and few the former garage area off Western Avenue (suggested as a parking area for the site visit), and the distinct colouring of driveways as opposed to very pale outlines of the houses themselves gave a misleading impression of how close the houses were to the boundary.

I had intended pointing out that the officer's second report had ignored our comments (put to the previous meeting, with illustrations) about the safety of the access and the footpath, but had to acknowledge that BCC's revised response covered that, though it still had the footpath coming out of the access. I said that emerging from the top corner was easier (it is almost level with the housing area) and safer (better view – the access is below the brow of the hill so downhill traffic gets little warning of pedestrians crossing or vehicles emerging, and vice versa). I pointed out there were already 200+ new houses further up the road, that – subject to the S/State's decision – there might be another 130, plus the 170 of the undecided application in Maids Moreton, and no alternative route.

I said a little about the Neighbourhood Plan and how well it was researched and consulted on, and that Members were resolute in its defence as it was the expressed wish of over 90% of their constituents who voted in the referendum.

I expressed concern about damage to the roots of protected trees, and the related stability of the bank if it was cut into to make the vision splay required.

I pointed out that headlights from cars emerging from the development would shine straight into the bedrooms of the houses opposite, and that the access was required to lose 3m height in 20m of road in order to descend from the housing level (the total difference in height from the road to the back of the site is 9m)

I also noted that the HELAA (officer's report para.10.14) said that 0.3ha of this site was suitable for housing (the total area is 0.72ha but that includes the bank and protected tree areas) and thus the housing density should be considered as 43 d/ha (a very high density) rather than the generous 18d/ha quoted by the applicant.

I was asked

- whether the Town Council might consider changing its response if the number of houses was reduced to 10 or under; I said possibly, if all other concerns were dealt with in a satisfactory way.
- I was asked about taking the pedestrian path out the top corner to join the path at the corner of Western Avenue; I said this had already been suggested and would echo BCC's revised response with its crossing to the bus stop (which is on the level ground at the end of Western Avenue)
- I was asked how the access could be made less steep or safer; I suggested with fewer houses there would be more land available to reduce the gradient, or have the access road run along the slope rather than across it; or they could negotiate access from AVDC's Western Avenue land which abuts the site and not come out on Moreton Road at all.

Cllr. Whyte spoke of the difficulties of the differing levels of the site; the height of the houses above neighbouring properties and the consequent loss of amenity; he pointed out the

coloration of the drawings was misleading (see above) because it gave the impression houses were clustered along the road with large rear gardens; the number of houses constituted overdevelopment; the access road was too steep and the entrance difficult, but he was pleased to see the deletion of the dangerous path south of the access and supported the path emerging via the existing lane.

He was asked

- about the path, and the crossing of the Moreton Road; he said the southern path was pointless; the BTC suggestion of having the path emerge further up the hill via the existing access was useful as an addition to the path out of the access; and the crossing point needed to take into consideration the geometry of the hill, and desire lines.

Committee Members then asked the officer:

- (NG) about the trees giving stability to the retaining wall (*SP - the Tree Officer didn't mention this in his report; it would have to be dealt with at the details stage*)
- (NG) having headlights playing on front bedroom windows is unacceptable, the access must be looked at from this point of view
- (CA) how close are the opposite houses to the site? (PF brought up a photo taken from just above the Old Police Station, which showed the front fence of the houses and the bank on the other side, and it was agreed that the road was quite narrow)
- (CA) could the number of houses be reduced to 10 by condition? (*PF - probably not; SP - have to deal with the application as submitted*). [*However, Members will note the Minor Amendment on this agenda rewording the description as "...up to 13..."*]
- (DT) whether the A413 was a designated 'main thoroughfare' and if so was the access acceptable? (*SP – BCC are satisfied*)
- (TM) is the density acceptable? (*SP - reasonable*)
- (PF) have BCC been asked about pedestrian traffic management so close to the brow of the hill? (*SP – I can ask*)

All the Committee Members (except the Chairman) then took it in turns to criticise the density, design, access and layout until it was pointed out that this was an AOP and details of the design were not up for consideration (ADP applications would have to follow approval to deal with different aspects); then CA proposed a site visit, as the Committee normally does when intending to contest the officer's recommendation. NG proposed refusal in order that a new improved application could be made. TM supported the site visit either way because it would be useful for a second application.

The site visit proposal was seconded, and voted on (unanimous; I was surprised to see substitute Members were allowed to vote). One Member asked where one could park near the site if travelling independently and was directed to the garage area off Western Avenue (but as there was no drawing put up showing this, it was difficult to understand).

I would expect the site visit report to be on the agenda for the next meeting (24th November).

The next item on the agenda was deleted so they had an hour to kill before the third application (labelled 'not before 3pm'), so I chatted to several of the DCllrs. afterwards. Cllr. Irwin asked who the BCC officer was who insisted on the footpath – I told him and pointed out we'd also had to complain about his response to the Domino's application – and was told he is no longer with that Planning team, he's been shunted over to HS2; I rather gathered from Cllr. Irwin that ours wasn't the only complaint.

Cllr. Glover was pleased about the site visit, as it was clear that the steepness of the hill and differing site levels were important. She was also worried about the trees. She wanted to know why the alternative path & access had not been suggested by their own officers (she's a County Councillor as well) as it was clearly safer.

Cllr. Town asked about the alternative traffic access, and I explained (my papers included the additional information circulated for Cllr. Cole's presentation in October, which included a site plan overlain on the map of the surrounding area and clearly showed "Western Avenue parking" on the northern edge of the site). I said this was where PF had indicated they should park for the site visit, and that only a few brambles and the current access to Roxwell lay between it and the site – and a motion had already been put (some time ago) to an AVDC council meeting to allow the land to be sold, but so far as I know it hasn't been. The garages themselves have long been demolished.

I signed out of The Gateway at 2.15pm.

The Site report is attached.

COMMITTEE SITE VISIT

App No. 15/04106/AOP

Proposal: Outline application with access to be considered and all other matters reserved for the erection of up to thirteen dwellinghouses with associated parking and amenity space provision. Construction of new vehicular access and closure of existing access from Moreton Road.
Land Adj 73 Moreton Road Buckingham Buckinghamshire

At the previous Committee Meeting: 3rd November 2016

Officers Recommendation: Outline Permission Approved

Late Items: Corrigendum to update Members on the Council's five year housing land supply position and to set out the further comments received from the County Highway Authority.

Public Speakers:

The Committee was addressed by:

Katherine McElligott (Town Council) – Concerns were expressed about the proposed access and its safety and the fact that it will drop 3m in height and that headlights would hit the houses opposite. This could be improved by having the access road going across the site. The Town Council will defend the Neighbourhood Plan and felt that too many houses were proposed. The HELAA identifies that only part of the site, 0.3ha, is suitable for development. There are too many dwellings proposed. If a lesser number were proposed or a maximum of ten then this would be more acceptable. The County Highway Authority have dealt with issues in respect of the footpath but this is a narrow road which is busy with restricted views and there are concerns with visibility and safety.

Warren Whyte (ob) explained that the levels on this site are difficult to deal with and that the development would have a huge impact on the site. Two-storey development would have a great visual impact. A lesser number of dwellings would help. Pleased with the County Council's comments and the removal of the southern section of footpath. Felt that the retention of the existing access would help footpath links into the site. The crossing points were not ideal but these would follow desire routes of pedestrians. This is not an identified site in the Neighbourhood Plan but if the density were reduced this could be considered as a windfall site.

Site Visit: 8th November 2016 At: 10.30am

Those Attending: Members: Cllrs Fealey, Bond, Town, Mrs Glover

Local Member: Cllr Mills

Apologies: None

Officers: Sue Pilcher, Claire Bayley

Features inspected:

Members viewed the site from the opposite side of Moreton Road and noted the location of the proposed new access. They walked down the Moreton Road and viewed the proximity of No. 71 Moreton Road to the site and the difference in levels. The retaining wall to No.71 was noted along with the retaining wall long the site frontage which was not in a good state of repair. Members then walked back up the Moreton Road and walked up the access drive to No.73 Moreton Road and looked across the site up to No.73, across to Overn Close and down to No.71 Moreton Road. They viewed the difference in levels across the site but noted there was less of a change to the main part of the site. Members looked at the two groups of protected trees and the quality of the trees within the groups. Members noted the significant difference in levels in the locality of the site and surrounding residential development.

Discussion:

Members at the site visit considered that this was a site suitable for residential development and that there was not an objection in principle to the development of the site. Some Members expressed a concern with the density of the scheme and whether 13 dwellings would represent an overdevelopment of the site. Members were advised that the agent had amended the description of the development to 'up to' 13 dwellings and that this would allow a detailed scheme for an appropriate number of dwellings and layout and design to be considered at the detailed stage. Members noted this with one Member stating that whilst they were not fixated on 10 dwellings being a maximum as set out in the NP policy HP7, 13 would be an overdevelopment. One Member felt that the number of dwellings should be left to the developer.

All of the Members expressed concern with the proposed access to the site and, notwithstanding the BCC Highway comments, they had concerns with the visibility from the proposed access and safety. Members considered that it would be more appropriate to retain the existing access which in their view seemed to have improved visibility. With the retention and use of the existing access for the development some Members felt that it may be appropriate for a mini-roundabout to be provided on the Moreton Road. Officers agreed to discuss this matter with the County Highway Authority. Members considered that the retention of the existing access, which has less of a slope, to serve the development would allow an increased opportunity for a suitable layout to be achieved which could address the relationship with the neighbouring properties. It would also help reduce the headlights from cars exiting the site adversely affecting the amenities of residents opposite. One Member felt that overlooking from the site to the neighbouring properties was not a terrific problem.

Members were in general agreement that the retaining wall to the front of the site was in a poor state of repair and would require replacement. Members discussed the groups of TPO'd trees and felt they were not of good quality. Given the poorer quality of the trees, it was felt that they should not restrict development of the site coming forward and the submission of a landscaping scheme could ensure that better quality trees suitable to the locality could be incorporated into the scheme and retained.

From: Dales, Philip <PDales@aylesburyvaledc.gov.uk>
Sent: 07 November 2016 15:44
To: Office@buckingham-tc.gov.uk (office@buckingham-tc.gov.uk)
Subject: 16/00331/CON3 - 29-30 West Street, Buckingham

Dear Mr Wayman

I am writing in response to your letter dated 19 October 2016 concerning the enquiry that your Council lodged on 5 August 2016 about the use of the above property as a café. The conclusion that we reached on visiting the premises and having regard to Esquires website was that the use was a A3, café as opposed to its lawful use for A1 purposes. However, when we contacted the owner with our findings they challenged our conclusion and responded by drawing attention to appeal cases which they believed lent support to their contention that the use was an A1, retail rather than an A3 café/restaurant. In our response upholding our original conclusion we drew attention to a number of other appeal cases which supported our contention and which believed were closer to the activity being carried out at 29/30 West Street than the case they had proffered.

I am pleased to advise, that the owner has agreed to submit an application and I have arranged to meet them later this week to discuss the matter further.

I should add that the owner in challenging our findings was not being unreasonable, in that the distinction between A1 uses and A3 uses is not absolute, and it has been held that the sale of hot drinks for consumption on the premises can be an A1 use where it is ancillary or secondary to an A1 use. In deed a government circular advised that:

Coffee shops will need to be considered on a case by case basis. Whether their primary purpose is as a shop, i.e. premises for the sale of beverages to be taken away, or as a café, where the primary purpose is consumption of beverages on the premises, or indeed whether it is a mix of both uses.

The lack of unanimity over the need for planning permission has unfortunately delayed matters, but I am hopeful that an application will be submitted in the near future which will follow the normal process.

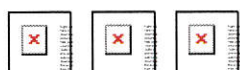
With regard to delivery vehicles, if they are on the public highway there is no control that we as the planning authority can exercise, and any obstruction to the free flow of traffic would be a matter for the police. I have also seen the separate response that you have had from my environmental health colleagues on the need for venting etc. Finally access to the property for disabled persons in this instance would be covered under the building regulations and I note that an application was submitted for internal alterations which was handled by an approved inspector and not by this Council, the operator will also have to have regard to the provisions of the Equalities Act.

Your Council will be consulted in due course when the application is received, but in the interim if you have any further queries please let me know.

regards

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



Enforcement Investigations

Closed During Period: 1 October to 31 October 2016

16/00333/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised replacement hanging advertising sign and fascia board installed without advertisement and listed building consent

(Grade II Listed Building in a Con Area)

The Co-operative Funeralcare 14 Market Square Buckingham Buckinghamshire MK18 1NW

Closed: Not expedient to take action

Case Officer: Philip Dales

16/00387/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised erection of internally lit advertising signage to front of Grade II Listed Building in a Con Area

3 Well Street Buckingham Buckinghamshire MK18 1EW

Closed: No breach of control

Case Officer: Will Holloway

16/00446/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised siting of advertising signage on front wall: 1 x large white sign and 1 x hanging sign

6-7 Meadow Row Buckingham Buckinghamshire

Closed: No breach of control

Case Officer: Philip Dales

16/00316/CON3

BUCKINGHAM SOUTH WARD

Alleged unauthorised breach of approved details - 09/01035/AOP refers - construction access road (via Needlepin Way) has been closed off

Land To South Of The A421 And East Of A413 London Road Buckingham Buckinghamshire

Closed: No breach of control

Case Officer: Philip Dales

16/00394/CON3

BUCKINGHAM SOUTH WARD

Alleged unauthorised siting of signage on front of house

2 Embleton Way Buckingham Buckinghamshire MK18 1FJ

Closed: No breach of control

Case Officer: Philip Dales

16/00426/CON3

BUCKINGHAM SOUTH WARD

Enquiry regarding next door neighbours high leylandi trees and overgrown garden

8 Bath Lane Terrace Buckingham Buckinghamshire MK18 1DY

Closed: Information given (no investigation)

Case Officer: Pauline Hawkins

Enforcement Investigations

Received During Period: 1 October to 31 October 2016

16/00414/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised:

- 1) use of garage as separate residential accommodation
 - 2) use of extension as separate residential accommodation
- Manor Farm House Moreton Road Buckingham Buckinghamshire
Case Officer: Pauline Hawkins

16/00446/CON3

BUCKINGHAM NORTH WARD

Alleged unauthorised siting of advertising signage on front wall: 1 x large white sign and 1 x hanging sign
6-7 Meadow Row Buckingham Buckinghamshire
Case Officer: Philip Dales

16/00426/CON3

BUCKINGHAM SOUTH WARD

Enquiry regarding next door neighbours high leylandi trees and overgrown garden
8 Bath Lane Terrace Buckingham Buckinghamshire MK18 1DY
Case Officer: Pauline Hawkins

THIS PUBLIC PATH CREATION AGREEMENT is made the day of Two thousand and xxxxxxx **BETWEEN BUCKINGHAMSHIRE COUNTY COUNCIL** of County Hall Aylesbury Buckinghamshire (hereinafter called "the County Council") of the first part and **AYLESBURY VALE DISTRICT COUNCIL** of The Gateway Gatehouse Road Aylesbury Buckinghamshire HP19 8FF (hereinafter called "the District Council") of the second part

WHEREAS

- (1) The County Council is entitled for an estate in fee simple free from incumbrances of the land situate in Buckingham in the County of Buckinghamshire and shown on the plan annexed hereto and thereon edged red
- (2) It is intended to dedicate a public right of way as a public footpath across the said land and such right of way is shown on the annexed plan by a bold dashed line
- (3) The District Council has been consulted pursuant to Section 25(3) of the Highways Act 1980
- (4) In the making of this Agreement due consideration has been given to the needs of agriculture and forestry

NOW IT IS HEREBY AGREED as follows:-

PURSUANT to powers contained in Section 25 of the Highways Act 1980 the County Council hereby dedicates for use by the public for the purpose of a public footpath ALL THAT strip of land shown by a bold dashed line and running from point A to point B on the plan annexed hereto and as more particularly described in the Schedule hereto

IN WITNESS whereof the parties hereto have executed this Deed in the manner shown below and it has been delivered by them the day and year first before written

SCHEDULE

Public Footpath in Buckingham

A-B

From point A on the plan at SP69767-33904 in a north easterly direction for approximately 16 metres to point B at SP69777-33916 as shown by a bold dashed line and having a width throughout of 2 metres.

THE COMMON SEAL of **BUCKINGHAMSHIRE
COUNTY COUNCIL** was hereunto affixed in the
presence of:-

Authorised Signatory

THE COMMON SEAL of **AYLESBURY VALE
DISTRICT COUNCIL** was hereunto affixed in the
presence of:-

Chairman

Monitoring Officer

Ref. TEE06-026967

DATED 2 01

BUCKINGHAMSHIRE COUNTY COUNCIL

and

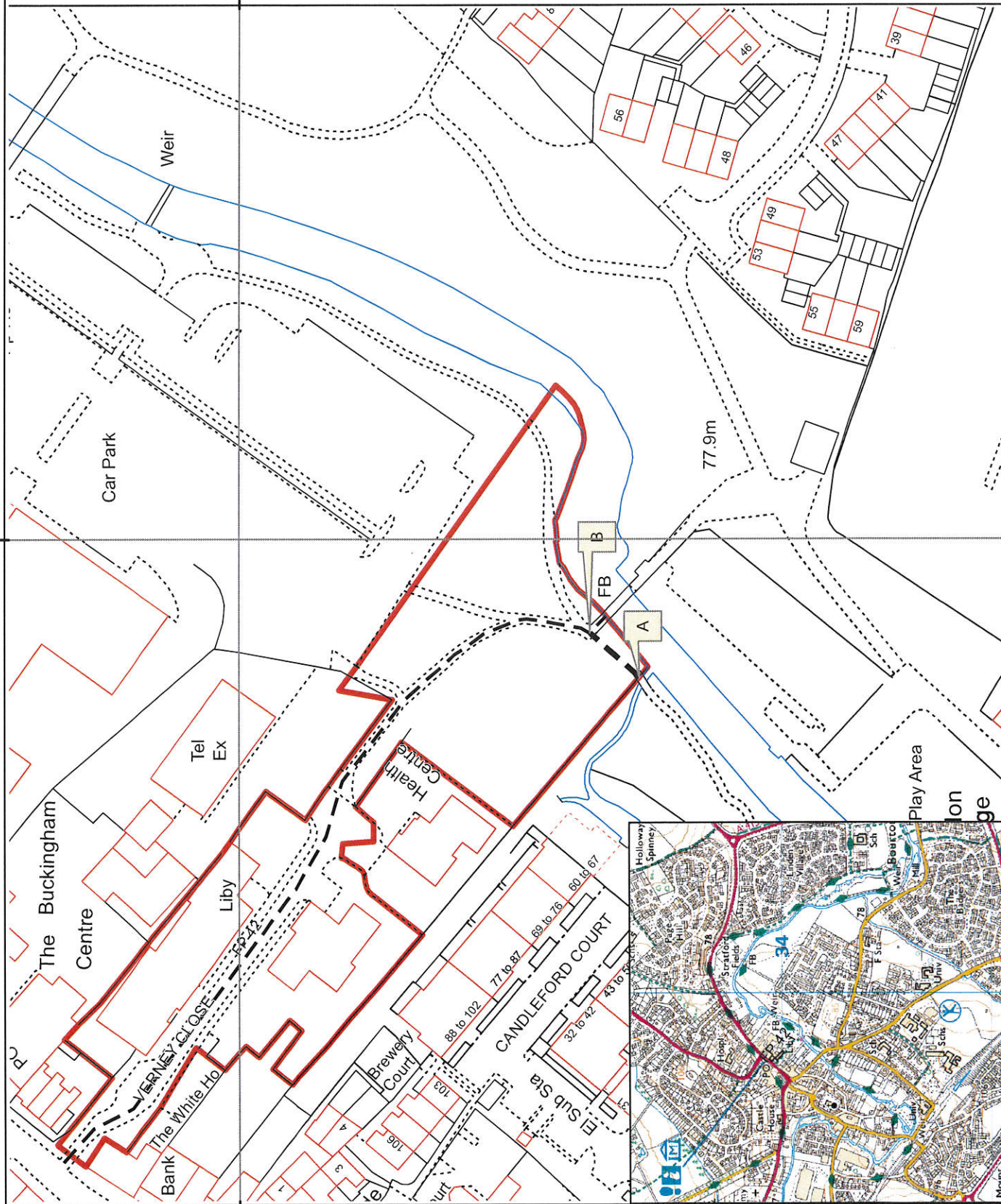
AYLESBURY VALE DISTRICT COUNCIL

**PUBLIC PATH
CREATION AGREEMENT**

Land in Buckingham

BUCKINGHAMSHIRE LAW PLUS
BUCKINGHAMSHIRE COUNTY COUNCIL
COUNTY HALL
AYLESBURY
BUCKS
HP20 1UA

469800



234000

469800

Highways Act 1980
Section 25 - Creation of new
Public Footpath off
Verney Close, Buckingham

Public Rights of Way

- Unaffected Footpaths
- Unaffected Bridleway
- Proposed route

Land owned by
Buckinghamshire
County Council



Grid References

Point A: SP69767-33904
Point B: SP69777-33916

This is not the Definitive Map but a working copy. While every effort has been made to ensure the accuracy of the data presented, we cannot guarantee that the data will always be accurate and complete. The data is intended to be viewed at a scale of 1:2,500 or smaller.

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1:1,250

