



WENDOVER PARISH COUNCIL

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PLANNING COMMITTEE AGENDA

6th June 2023 at 7.00pm

St Anne's Hall Aylesbury Road Wendover HP22 6JG

Committee Membership: Councillors Jennifer Ballantine, Clive Gallagher, Mark Standen, Sam Walker, Diane Washington, Julie Williams and Stephen Worth

To all Committee Members:

YOU ARE HEREBY SUMMONED TO ATTEND THE ABOVE-MENTIONED MEETING, WHEN IT IS PROPOSED THAT THE BUSINESS TO BE TRANSACTED SHALL BE AS SET OUT BELOW.

MEMBERS OF THE PUBLIC AND PRESS ARE INVITED TO ATTEND.

AGENDA

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

In accordance with Sections 30(3) and 235(2) of the Localism Act 2011 and the Wendover Parish Council Code of Conduct.

3. PUBLIC PARTICIPATION

Members of the public have a maximum of three minutes to speak on any planning related matter.

4. MINUTES

To confirm the minutes of the Planning Committee meeting held on 16th May 2023.

5. PLANNING DECISIONS

To note the latest planning decision made by Buckinghamshire Council

23/01230/APP 4 Willowbrook Wendover Buckinghamshire HP22 6AY

Householder application for demolition of existing conservatory and erection of a single storey rear extension

Wendover Parish Council Decision – Support

Bucks Council – Approved

6. CLERK'S REPORT INCLUDING HISTORY AND CORRESPONDENCE

To receive any updates from the Clerk.

7. FINANCE

To consider approving payments.

8. PLANNING APPLICATIONS

23/01584/APP St Marys Furlong 15 Hale Road Wendover Buckinghamshire HP22 6NE

Householder application for erection of detached garden room

23/01650/APP 61 Aylesbury Road Wendover Buckinghamshire HP22 6JJ

Householder application for demolition of existing rear lean-to. Erection of single storey extension

23/01373/APP Apartment 14 Ridgeway Place 8 Hale Road Wendover Buckinghamshire HP22 6BJ

Replacement of steel balustrade, fixed to internal face of parapet of inset balcony with a glazed balustrade fixed on top of parapet.

23/01582/HS2 Parcel Of Land South Of B4009 East Of Nash Lee Road Wendover Buckinghamshire

Submission in accordance with Paragraph 12, Part 1 of Schedule 17 of the High-Speed Rail (London - West Midlands) Act 2017 for a site restoration scheme at a parcel land located south of the B4009, to the east of Nash Lee.

9. OTHER MATTERS

a. HS2

To receive any updates.

b. CLOSURE OF RAF HALTON

To receive any updates.

c. PLANNING RESPONSE TO INFRASTRUCTURE LEVY CONSULTATION

To note the current response from the planning committee to send into the consultation.

d. PLANNING AND WENDOVER NEIGHBOURHOOD PLAN

To note the current Wendover Neighbourhood Plan and how it impacts on planning decisions in light of the current situation with 35 High Street, Wendover and change of use.

10. DEVELOPMENT MANAGEMENT MEETINGS AND STRATEGIC PLANNING MEETINGS

The next Central Buckinghamshire Area Planning Committee meeting is Wednesday, 17th May, 2023 4.00pm

[Browse meetings - Central Buckinghamshire Area Planning Committee - Modern Council \(moderngov.co.uk\)](https://www.moderngov.co.uk/central-buckinghamshire-area-planning-committee)

The next Strategic Sites Committee Meeting is Wednesday, 17th May, 2023 4.00pm

<https://buckinghamshire.moderngov.co.uk/ieListMeetings.aspx?CId=362&Year=0>

11. CLOSURE OF THE MEETING

Signed by Andrew Smith
Clerk to the Council

Date: 31st May 2023

WENDOVER PARISH COUNCIL

Minutes of the Planning Committee Meeting

16th May 2023 at 7.00pm

St Anne's Hall, Aylesbury Road, Wendover, HP22 6JG

Present: Councillors Ballantine, Gallagher, Standen, Walker, Williams, Worth

Clerk & Minutes: Andy Smith

Chair: Councillor Ballantine

Members of Public: 0

1. ELECTION OF CHAIR

P23/18 Cllr Ballantine was unanimously elected as chair

2. APOLOGIES FOR ABSENCE

P23/19 None

3. DECLARATIONS OF INTEREST

P23/20 None

4. PUBLIC PARTICIPATION

P23/21 No public participation.

5. MINUTES

P23/22 The minutes of the Planning Committee Meeting held on 18th April 2023 were **RESOLVED** as a true record and the Chair signed the minutes.

6. PLANNING DECISIONS

P23/23 The planning decisions made by Buckinghamshire Council as listed on the agenda of the meeting of the 16th May were noted.

There was concern expressed about the retrospective change of use of the former Esposi -

23/00687/PAPCR 35 High Street Wendover Buckinghamshire HP22 6DU

The Wendover Neighbourhood Plan very clearly sets out the need to preserve commercial units in Wendover and sets out tests that need to be met before a change of use can be considered.

These tests had not been considered in the current decision.

It was **RESOLVED** to contact the planning team at Bucks Council and seek clarity on the standing of the Wendover Neighbourhood Plan

7. CLERKS REPORT INCLUDING HISTORY AND CORRESPONDENCE

P23/24 The report was noted. The concerns of residents to the change of use was discussed and it was noted that this was now going to a full planning committee at Buckinghamshire Council where it will receive the proper scrutiny

8. FINANCE

P23/25 The payments were considered, it was **RESOLVED** to approve the payments totalling £26,283.15

9. PLANNING APPLICATIONS

- P23/26 23/01203/CPE Fox Close Farm Nash Lee End Wendover Buckinghamshire HP22 6BH**
Certificate of Lawfulness for existing use from agricultural usage to residential garden
It was noted that this would create a large garden and loss of agricultural land is always unfavourable but no grounds for objection
Wendover Parish Council: Neutral
- P23/27 23/01217/APP 44 Cruickshank Drive Wendover Buckinghamshire HP22 5FD**
Householder application for single storey rear extension
The Council considered the scale of the development and that it could be considered as overbearing and will leave a minimal garden. However, the extension is in line with the rear of neighbouring properties.
Wendover Parish Council: Neutral
- P23/28 23/01230/APP 4 Willowbrook Wendover Buckinghamshire HP22 6AY**
Householder application for demolition of existing conservatory and erection of a single storey rear extension
Wendover Parish Council: Support
- P23/29 23/01270/CPE 39 Water Meadow Way Wendover Buckinghamshire HP22 6RS**
Certificate of lawfulness for existing garage conversion
It was noted that this was yet another retrospective application. Whilst the Parish Council would have probably supported an application in advance, however in this instance it did consider objecting due to the retrospective nature.
Wendover Parish Council: Neutral
- P23/30 23/01310/APP Lower Meadow Wendover Road Stoke Mandeville Buckinghamshire HP22 5TR**
Erection of barn
It was noted that it may tidy the area up and there is already a mix of buildings and hardstanding on the proposed site. Obstruction of views were considered and as it was not referenced in the application the committee assumed views of the AONB were not impacted.
Wendover Parish Council: Support
- P23/31 23/01472/APP 189 Aylesbury Road Wendover Buckinghamshire HP22 6AA**
Householder application for erection of rear extension, loft conversion with new dormer windows, porch and replacement glazing.
It is a large extension and the Committee considered if it would be overbearing, however it was in line with other neighbouring properties.
Wendover Parish Council: Neutral

10. OTHER MATTERS

- a) **HS2**
P23/32 Nothing further to note
- b) **CLOSURE OF RAF HALTON**
P23/33 There was nothing for planning to note.
- c) **PLANNING RESPONSE TO INFRASTRUCTURE LEVY CONSULTATION**
P23/34 It was noted that this was a highly technical consultation with a lot of detail. It was **RESOLVED** that the Chair and Clerk would work on the response on behalf of the committee.

11. DEVELOPMENT MANAGEMENT MEETINGS AND STRATEGIC PLANNING MINUTES

P23/35 The meetings were noted

12. CLOSURE OF MEETING

P23/36 As all business was transacted and the meeting closed at 7:35pm

Signed by
Chair to the Planning Committee

Date: 6th June 2023

PAYMENTS TO CONSIDER

May Planning 16th May 2023

Cheques

Date	To	Amount	Payment for
	Wendover Youth Centre	7,000.00	Payment already approved but a cheque needs to be written as bank wont accept BACS
TOTAL CHEQUE AMOUNT		£7,000.00	

Petty Cash

Date	To	Amount	Payment for
TOTAL Petty Cash AMOUNT		£0.00	

BACS

Date	To	Amount	Payment for
31/03/2023	LGPS	£884.61	Pension Costs
31/03/2023	NMRC	£3,521.64	May salary costs
31/03/2023	Salaries	£8,811.30	May salaries
17/03/2023	Riitas	£30.00	Reinstall finance software after laptop crash
17/03/2023	Lamps and Tubes	£13.99	coronation flag and bunting
17/03/2023	Heritage Fruit Tree Co	£721.35	Orchard maintenance
17/03/2023	IAC Audit	£474.00	Year End internal audit
17/03/2023	Numbers	£72.00	Payroll services
17/03/2023	Bankers Mobile Disco	£300.00	DJ for coronation event
17/03/2023	Live Music Agent	£480.00	The Deps acoustic act coronation event
17/03/2023	Chiltern Society	£30.00	Annual subscription
17/03/2023	Farol	£152.42	replacement strimmer heads
17/03/2023	Sparkx	£282.24	4719 - repair Maggie and Scarlett Ave lampposts
17/03/2023	Phenom Networks	£156.87	Computer support
TOTAL BACS AMOUNT		£35,928.62	

CARD

Date	To	Amount	Payment for
03/03/2023	Enterprise Skip Hire	£364.00	Portable toilet hire for Coronation Event
03/03/2023	Post Office	£2.25	Postage for bank mandates (change signatories)
20/04/2023	Fendley Manor	£60.00	Leaving gift
11/04/2023	Budgens	£2.39	sponge scrubbers and bleach
06/03/2023	Sainsbury's	£6.45	Drinks for DJ and band at coronation event
10/03/2023	Lock and Key Centre	£16.19	Replace broken lock on Wendover WildbeR Gate (London Rd)
04/03/2023	Amazon	£10.65	Gaffer tape
04/03/2023	Amazon	£13.11	A4 Laminating pouches
03/03/2023	Amazon	£10.92	Hazard warning barrier tape
13/03/2023	Chesham Fencing	£18.60	Replacement post and concrete for Ashbrook broken fence
TOTAL Debit Card AMOUNT		£704.56	

DD/50

Date	To	Amount	Payment for
31/03/2023	Smart Pension	£799.06	Pension contributions
24/03/2023	BT	£138.55	Phone and broadband
15/03/2023	Buckinghamshire Council	£133.60	Waste collection and duty of care charge
03/03/2023	Smart Pension	£18.00	Pension admin fee
11/03/2023	Lex Autolease	£36.00	Road licence for Hilux
22/03/2023	Drax	£1,230.52	Streetlight electricity
06/03/2023	Be Fuelcards	£294.24	Fuel
TOTAL DD & 50		£2,649.97	
TOTAL PAYMENTS		£26,283.15	SIGNED BY COUNCILLORS:
COUNCIL MINUTE NUMBER			

29 MARCH 2023

PC1-23 | INFRASTRUCTURE LEVY

Summary

The Infrastructure Levy is a reform to the existing system of developer contributions – Section 106 planning obligations and the Community Infrastructure Levy – in England. The Department for Levelling Up, Housing and Communities (DLUHC) have issued a consultation to inform the design of the Levy and of regulations that will set out its operation in detail.

The main consultation document can be downloaded [here](#). The consultation closes at DLUHC on 9 June 2023.

Context

The consultation seeks insight on:

- technical aspects of the design of the Infrastructure Levy.
- the preparation and content of regulations.

NALC will be responding to this consultation as many local councils will have an interest in feeding in their own views on the existing system of developer contributions and how they relate to proposals for the new Infrastructure Levy.

NALC's current policy positions

NALC will be arguing very strongly that it is right that local councils will receive the 25% neighbourhood share of the Infrastructure Levy. This will ensure communities benefit from development and local councils can invest in local infrastructure and other priorities. It will be important for local councils to have full flexibility in how the levy is used. However, the reported flat share of 25% does not provide an uplift or added incentive for communities that have a made neighbourhood plan in place, which is the presently the case where the Community Infrastructure Levy is charged.

Consultation Questions

The main consultation questions NALC will be responding to in this consultation are as below and NALC seeks the views of county associations and member

councils in response to these questions to help inform its own submission to DLUHC:

Chapter 1: Fundamental design choices

Question 1: Do you agree that the existing CIL definition of 'development' should be maintained under the Infrastructure Levy, with the following excluded from the definition:

- developments of less than 100 square metres (unless this consists of one or more dwellings and does not meet the self-build criteria) - Yes/No/Unsure
- Buildings which people do not normally go into - Yes/No/Unsure
- Buildings into which peoples go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery - Yes/No/Unsure
- Structures which are not buildings, such as pylons and wind turbines.
Yes/No/Unsure

Question 2: Do you agree that developers should continue to provide certain kinds of infrastructure, including infrastructure that is incorporated into the design of the site, outside of the Infrastructure Levy? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

Question 3: What should be the approach for setting the distinction between integral and Levy-funded infrastructure? [see para 1.28 for options a), b), or c) or a combination of these]. Please provide a free text response to explain your answer, using case study examples if possible.

Question 4: Do you agree that local authorities should have the flexibility to use some of their levy funding for non-infrastructure items such as service provision? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

Question 5: Should local authorities be expected to prioritise infrastructure and affordable housing needs before using the Levy to pay for non-infrastructure items such as local services? [Yes/No/Unsure]. Should expectations be set through regulations or policy? Please provide a free text response to explain your answer where necessary.

Question 6: Are there other non-infrastructure items not mentioned in this document that this element of the Levy funds could be spent on?

[Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

Question 7: Do you have a favoured approach for setting the 'infrastructure in-kind' threshold? [high threshold/medium threshold/low threshold/local authority discretion/none of the above]. Please provide a free text response to explain your answer, using case study examples if possible.

Question 8: Is there anything else you feel the government should consider in defining the use of s106 within the three routeways, including the role of delivery agreements to secure matters that cannot be secured via a planning condition? Please provide a free text response to explain your answer.

Chapter 2: Levy rates and minimum thresholds

Question 9: Do you agree that the Levy should capture value uplift associated with permitted development rights that create new dwellings? [Yes/No/Unsure]. Are there some types of permitted development where no Levy should be charged? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

Question 10: Do you have views on the proposal to bring schemes brought forward through permitted development rights within scope of the Levy? Do you have views on an appropriate value threshold for qualifying permitted development? Do you have views on an appropriate Levy rate 'ceiling' for such sites, and how that might be decided?

Question 11: Is there is a case for additional offsets from the Levy, beyond those identified in the paragraphs above to facilitate marginal brownfield development coming forward? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary, using case studies if possible.

Question 12: The government wants the Infrastructure Levy to collect more than the existing system, whilst minimising the impact on viability. How strongly do you agree that the following components of Levy design will help achieve these aims?

- Charging the Levy on final sale GDV of a scheme [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]**
- The use of different Levy rates and minimum thresholds on different development uses and typologies [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]**

- Ability for local authorities to set 'stepped' Levy rates [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]
- Separate Levy rates for thresholds for existing floorspace that is subject to change of use, and floorspace that is demolished and replaced [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]

Question 13: Please provide a free text response to explain your answers above where necessary.

Chapter 3: Charging and paying the Levy

Question 14: Do you agree that the process outlined in Table 3 is an effective way of calculating and paying the levy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

Question 15: Is there an alternative payment mechanism that would be more suitable for the Infrastructure Levy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

Question 18: To what extent do you agree that a local authority should be able to require that payment of the Levy (or a proportion of the Levy liability) is made prior to site completion? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]. Please explain your answer.

Question 19: Are there circumstances when a local authority should be able to require an early payment of the Levy or a proportion of the Levy? Please provide a free text response to explain your answer where necessary.

Chapter 4: Delivering infrastructure

Question 21: To what extent do you agree that the borrowing against Infrastructure Levy proceeds will be sufficient to ensure the timely delivery of infrastructure? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]. Please provide a free text response to explain your answer where necessary.

Question 22: To what extent do you agree that the government should look to go further, and enable specified upfront payments for items of infrastructure to be a condition for the granting of planning permission? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a

free text response to explain your answer where necessary.

Question 23: Are there other mechanisms for ensuring infrastructure is delivered in a timely fashion that the government should consider for the new Infrastructure Levy? [Yes/No/Unsure] Please provide free text response to explain your answer where necessary.

Question 24: To what extent do you agree that the strategic spending plan included in the Infrastructure Delivery Strategy will provide transparency and certainty on how the Levy will be spent? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree] Please provide a free text response to explain your answer where necessary.

Question 25: In the context of a streamlined document, what information do you consider is required for a local authority to identify infrastructure needs?

Question 26: Do you agree that views of the local community should be integrated into the drafting of an Infrastructure Delivery Strategy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

Question 27: Do you agree that a spending plan in the Infrastructure Delivery Strategy should include:

- Identification of general integral infrastructure requirements
- Identification of infrastructure/types of infrastructure that are to be funded by the Levy - Prioritisation of infrastructure and how the Levy will be spent
- Approach to affordable housing including right to require proportion and tenure mix
- Approach to any discretionary elements for the neighbourhood share
- Proportion for administration
- The anticipated borrowing that will be required to deliver infrastructure
- Other - please explain your answer
- All of the above

Question 28: How can we make sure that infrastructure providers such as county councils can effectively influence the identification of Levy priorities?

- Guidance to local authorities on which infrastructure providers need to be consulted, how to engage and when
- Support to county councils on working collaboratively with the local authority as to what can be funded through the Levy

- Use of other evidence documents when preparing the Infrastructure Delivery Strategy, such as Local Transport Plans and Local Education Strategies
- Guidance to local authorities on prioritisation of funding
- Implementation of statutory timescales for infrastructure providers to respond to local authority requests
- Other – please explain your answer

Question 29: To what extent do you agree that it is possible to identify infrastructure requirements at the local plan stage? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Chapter 5: Delivering affordable housing

Question 30: To what extent do you agree that the ‘right to require’ will reduce the risk that affordable housing contributions are negotiated down on viability grounds? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Question 31: To what extent do you agree that local authorities should charge a highly discounted/zero-rated Infrastructure Levy rate on high percentage/100% affordable housing schemes? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary

Question 32: How much infrastructure is normally delivered alongside registered provider-led schemes in the existing system? Please provide examples.

Question 33: As per paragraph 5.13, do you think that an upper limit of where the ‘right to require’ could be set should be introduced by the government? [Yes/No/unsure] Alternatively, do you think where the ‘right to require’ is set should be left to the discretion of the local authority? [Yes/No/unsure]. Please provide a free text response to explain your answer where necessary.

Chapter 6: Other areas

Question 34: Are you content that the Neighbourhood Share should be retained under the Infrastructure Levy? [Yes/No/Unsure?]

Question 35: In calculating the value of the Neighbourhood Share, do you think this should A) reflect the amount secured under CIL in parished areas (noting

this will be a smaller proportion of total revenues), B) be higher than this equivalent amount C) be lower than this equivalent amount D) Other (please specify) or E) unsure. Please provide a free text response to explain your answer where necessary

Question 36: The government is interested in views on arrangements for spending the neighbourhood share in unparished areas. What other bodies do you think could be in receipt of a Neighbourhood Share in such areas?

Question 37: Should the administrative portion for the new Levy A) reflect the 5% level which exists under CIL B) be higher than this equivalent amount, C) be lower than this equivalent amount, D) Other, (please specify), or E) unsure. Please provide a free text response to explain your answer where necessary.

Question 38: Applicants can apply for mandatory or discretionary relief for social housing under CIL. Question 31 seeks views on exempting affordable housing from the Levy. This question seeks views on retaining other countrywide exemptions. How strongly do you agree the following should be retained:

- residential annexes and extensions; [Strongly Agree/Agree/Disagree/Strongly Disagree]

- self-build housing; [Strongly Agree/Agree/Disagree/Strongly Disagree]

If you strongly agree/agree, should there be any further criteria that are applied to these exemptions, for example in relation to the size of the development?

Question 39: Do you consider there are other circumstances where relief from the Levy or reduced Levy rates should apply, such as for the provision of sustainable technologies? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

Question 40: To what extent do you agree with our proposed approach to small sites? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Question 41: What risks will this approach pose, if any, to SME housebuilders, or to the delivery of affordable housing in rural areas? Please provide a free text response using case study examples where appropriate.

Question 42: Are there any other forms of infrastructure that should be exempted from the Levy through regulations?

Question 43: Do you agree that these enforcement mechanisms will be sufficient to secure Levy payments? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Chapter 7: Introducing the Levy

Question 44: Do you agree that the proposed 'test and learn' approach to transitioning to the new Infrastructure Levy will help deliver an effective system? [Strongly Agree/Agree/ Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary

Your evidence

Please email your responses to this consultation to chris.borg@nalc.gov.uk by 17.00 on 19 May 2023. County associations are asked to forward this briefing onto all member councils in their area.

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ITEM 7 – CLERKS REPORT AND CORRESPONDENCE

Planning application for change of use of Coombe Lodge to homeless hostel

We have had some emotional correspondence regarding the Planning Committee and approval of the plans for Coombe Lodge. We have had four emails into the office and they are coming predominantly from parents who use the nursery next door to the property. They highlight concerns about the loss of privacy at the nursery and security issues for the nursery given the nature of the tenants in the new development. There are additional concerns about the impact on the health centre, who are already overstretched.

The communications highlighted concern that Wendover Parish Council did not object to the plans. Each of the correspondents were replied to, explaining the process that is followed in planning, the list of points on which we can legitimately object and the fact that we are non-statutory consultee and final decision is with Buckinghamshire Council. Our response to the planning did indicate that the Parish Council did have wider concerns about the application but due to process those were not in our purview.

One of the comments made on the planning application stated that the Parish Council was negligent and deliberately obfuscated to get approval. A part of my reply to that person I stated that *“I cannot accept the statement that the Parish Council is negligent and the inference that we deliberately obfuscated to try and get this planning through, process has been followed correctly on all applications.”* The commentor understood my full reply and accepted my assertion. They promised to attempt to amend the comment on the planning portal.

Bucks Councillor Strachan, who is a Cabinet Member for Planning and Regeneration, reassured Council on the 2nd May that they are aware it is a contentious planning application, and they are giving the application all care and attention.

Full details have not been distributed previously in case of a formal complaint. However, those people who I have replied to have accepted my explanation. Given the reputational impact and potential damage posed to the Parish Council by these responses I feel it is now necessary to share these limited details with the Planning Committee.

NALC response to Department of Levelling Up, Housing and Communities consultation

Comments being considered at tonight’s meeting.

Skate Park

Cllr Standen has submitted funding applications to the LAST and Heart of Bucks and we await to hear the outcome of those. We have now got a website to hold all our documents and designs, and ultimately the planning application which is:
<https://canvasspaces.co.uk/ashbrook-open-space-skatepark>
It is currently password protected and I can let you have the password if you are interested.

Ownership of road connecting the High Street to Library Car Park

Given the issues with the potholes on this road and the response from Buckinghamshire Council a land registry search was done on the road and neighbouring properties to try and ascertain ownership. Bucks Council own the south side of the road aligned with the entrance to the car park (shown in red outline on the map below). It appears that most of the road is not registered with Land Registry and therefore it will be for Buckinghamshire Council to



resolve as they must have some right of access agreement for the car park. Until the ownership is resolved we have been informed that the potholes have been scheduled as a part of the emergency repair works.





ITEM 10d – PLANNING AND WENDOVER NEIGHBOURHOOD PLAN

BROUGHT BY

Clerk/Planning

SUMMARY

To note the current situation with 35 High Street managing to obtain permission for change of use without meeting the tests in the Neighbourhood Plan. To further note the response from Buckinghamshire Council and consider any further actions.

PARISH COUNCIL BACKGROUND

n/a

DETAILS

Building Works being undertaken at 35 High Street (the shop formerly known as Esposi) were observed as being conducted as if a change of use from retail to residential had been approved. This was reported by Wendover Parish Council to the planning team by the Clerk on 20th February 2023.

It was dealt with by the Planning Enforcement team who agreed to issue a retrospective change of use for the works in May. The Wendover Parish Council Planning Committee deemed this inappropriate given the Wendover Neighbourhood Plan was in place and that it considered change of use from retail to residential on the high street. It put in place a test which had to be met before it would be considered, and this property had not made that test.

The Clerk flagged the issue up with Buckinghamshire Council and received a response that outlined that the change had been made as a part of a permitted development and not a full planning application. Because of this our change of use policy B1 in the Neighbourhood Plan was not able to be applied. This is a national policy and something Bucks had to follow. Any full planning applications would still take the Neighbourhood Plan into account.

Correspondence below:

From: WPC Clerk <clerk@wendover-pc.gov.uk>

Sent: 25 May 2023 16:01

To: Cabinet Member for Planning & Enforcement Mailbox

Subject: [EXTERNAL] Wendover Neighbourhood Plan and Planning Decisions

I am writing to seek clarification about the status of the Wendover Neighbourhood Plan when it comes to planning permissions. This follows a decision to retrospectively grant change of use for 35 High Street, Wendover (known as the former Esposi bridal shop) 23/00687/PAPCR

Wendover Neighbourhood Plan was made in Feb 2020 and the plan is valid until 2033. The plan sets out the importance of the High Street to Wendover and sets this out in point 11.16 as below:

“ Many comments were received concerning the retail businesses on Wendover High Street and the lack of variety. The general feeling was that efforts to retain and encourage all businesses and especially new ones should be supported. Other businesses



include financial services, salons, motor repairs, fitness studios, building services, architects, solicitors, taxis and many more. A significant number work from home negating the need for business premises. Any new commercial business buildings will be required to comply with Policy SD1.”

Policy B1 states:

B1: Change of Use from Business to Residential.

Proposals that will result in the loss of an existing business use will be supported where it can be demonstrated that its continued use is no longer viable, and the site / use has been marketed at an open market value for a period of at least 12 months at a price commensurate with its use together with proof there has been no viable interest.

The change of use case only came up for consideration after it was reported by Wendover Parish Council. It was observed that the developer was undertaking works that clearly changed the nature of use of the property and the Parish Council was aware no such changes had been applied for. There is a specific requirement set out in Policy B1 and we have yet to see evidence that this test was met. Therefore, the Parish Council was disappointed that the retrospective change of use was granted. I am not sure if there was any public consultation on the change of use as it would have generated comments from the businesses on the High Street and locals alike.

We would like to know the decision-making process that was followed and if the neighbourhood plan was referenced. If it was not referenced, then why not. If it was referenced we seek clarification as to why the grant of change was still made. This could set a dangerous precedent for the rest of the high street in which others are encouraged to circumvent the requirements as they see this case progressing without challenge.

We would like to know if there are any appeal routes open to us so that change of use is rescinded and the developer has to make alterations to allow retail from the property. Further we would like assurance that any additional change of use for the retail outlets on the high street will reference the neighbourhood plan and satisfy the requirements set out in policy B1 (above).

We feel that the high street is vibrant and well used at the moment but it is close to losing its critical mass and is an important asset to all those who access the town and seek your reassurances on this issue.

Yours Sincerely,

Andy Smith
Clerk and RFO

Email: clerk@wendover-pc.gov.uk
Parish Council Office: 01296 623056

RESPONSE:

Hi Andy

I have been passed your email and would make the following comments.

As you will note from our Case Officer Report, we received your comments and these were repeated verbatim in the report.



This application was found valid on 1st March and was for the “Determination as to whether prior approval is required in respect of transport & highway impact, noise, contamination risk, flooding and locational considerations for the change of use of commercial/business/service (class E) to 1no. residential dwelling” – The type of application is critical in this instance as this was a change being sought under Permitted Development and NOT a full planning application.

Works on site shown and witnessed did not amount to a commencement of development therefore it was appropriate to deal with this change of use under the Prior Approval process.

Because this is a form of Permitted Development, the Council are unable to apply VALP policies and/or Neighbourhood Plan policies, which seek to control the loss of such properties, for example NP policy B1. We are simply not able to take into account such policies due to legislative restrictions on what we can and cannot assess. Under Permitted Development the change of use from Class E to Residential C3 is permitted providing a number of criteria are met. If the criteria are met, the Council cannot refuse such an application i.e. marketing requirements set by policy have no weight in this assessment.

This is a type of application we are increasingly seeing across the Aylesbury area, my team have dealt with a number in recent time. While there are obviously wider discussions about the positives and negatives of such Permitted Development policies, they are national policies set by Government and we have to apply them to the letter.

I hope this clarifies why on this occasion policy B1 was not applied. Had this been a full planning application, I can confirm that policy B1 would have been applied and marketing would have been expected. It is not therefore a case that your policy was ignored by mistake nor that it ceases to carry weight. In the right situation it absolutely does, but on this occasion the policy did not bite.

I hope that clarifies the matter.

Andy MacDougall BA(Hons), DipTP, MA, MRTPI
Planning Team Leader

I don't get the impression from Buckinghamshire Council that this position will change if challenged, as it is based on national planning legislation. I recommend that we analyse if any other retail properties are at risk from this change using permitted development and continue with our strategy of working with the business group to make the high street an attractive place to do business.

PROPOSAL

To note the report and continue the strategy of positively promoting Wendover Businesses

