

# STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

18 APRIL 2018

**PRESENT:** Councillor M Edmonds (Chairman); Councillors C Adams, J Blake, A Bond, R King, S Lambert (In place of L Monger), C Paternoster (In place of B Foster) and D Town (In place of Sir Beville Stanier Bt). Councillor A Christensen (local Member for Gatehouse Ward) attended also.

**APOLOGY:** Councillor J Bloom

## 1. MINUTES

RESOLVED –

That the minutes of the meetings held on 24 November 2017 be approved as a correct record.

## 2. DECLARATIONS OF INTEREST

Councillor King declared a personal interest in Item 6 as a member of Aylesbury Society who had voted against the application in 2014. Councillor King also declared a personal interest that he worked part-time at a Funeral Directors. In both instances, he was open minded towards the application.

Councillor Bond declared a personal interest in Item 6 as the local member for Watermead.

## 3. 14/01575/APP - RIVIERA RESTAURANT, WATERMEAD, AYLESBURY (WATERMEAD CREMATORIUM)

The planning officer presented the application to members of the committee and advised members that the quashing of the previous decision required fresh consideration of the application. Irrespective of the fact that the application before members was now retrospective in nature – the officer reminded members that they were required to determine the application as they would any other.

The planning officer also took members through the amendments set out in the corrigendum.

The Committee heard from those who had registered to speak. Key themes raised by those who spoke in objection to the application included:

- the need for two crematoria not demonstrated
- maintaining the amenity land and the s52 Agreement
- concerns regarding the travel plan
- concerns regarding the officer's report and whether it applied key policies such as paragraph 109 of the NPPF and the officer's approach to landscaping
- concerns over flooding, highways and pedestrian access,
- Sequential Testing,
- the impact on Watermead residents and the town centre
- views of the crematorium from existing houses
- concerns regarding air pollution

The speaker in support of the application and the Applicant spoke on the following matters:

- excellent location for a crematorium
- Watermead was built over 30 years ago and since then lots of development had taken place.
- planning officers have been thorough.
- case is even stronger for two crematoria since the application was first considered – Chiltern 3<sup>rd</sup> busiest in the country with waiting times.
- no air pollution with new crematoria.
- on average no more than 4 funerals a day at full operation.
- 76 parking spaces is sufficient.
- over 1000 sites considered and this is probably the most sustainable site for a crematorium.
- the most experienced developer in this field and the Environment Agency agreed with the approach adopted.

After hearing from each speaker, Members had the opportunity to ask the speaker questions on points they had individually raised.

Members had technical questions for the officers from AVDC, BCC Highways and Sustainable Drainage Services (SuDS). Key questions raised by Committee Members for officer response included the following:

- Land use class when the restaurant was in situ

The Officer advised that the land use class was A3 restaurant since its demolition the officers have considered the site as a cleared brownfield site as set out in paragraph 9.16 of the officer's report.

- Impact flooding would cause on the car park capacity and potential knock-on effect of roadside parking on the Spine Road and Prince Rupert Drive

Officers had liaised with the Environment Agency (EA) regarding the risk of flooding and the outcome was that the EA was satisfied with the application. No issues had been raised by the EA regarding the surface water in Balloon Field and it was felt that any current excessive surface flooding could not be attributed to the development. The Committee was also advised that the application contained a flood management plan that took into account different scales of flooding including those that were deemed relatively unlikely (1%).

Officers advised that parking on the Spine Road was not expected due to the crematorium's car park capacity exceeding the estimated peak of cars attending the site.

- The necessity for two crematoria within a few miles of each other.

Officers advised that paragraph 9.31 of the officer's report set out the position on need. Commercial competition was not a matter for consideration. 'Need' is only relevant in terms of flooding and the sequential and exceptions test. Subsequent to the Bierton judgment the council has received information to demonstrate the need for two crematoria.

- Further information on the Sequential Test carried out by AVDC and consultation with neighbouring Parishes.

Officers had gone through the Sequential Test in detail and at length and had challenged the Applicant on aspects of the criteria. The Applicant provided further detail

as to why smaller sites are unusual. The Applicant looked at sites within and outside of the district. Officers had regular engagement with the Environment Agency and found the test undertaken by the Applicant to be more thorough and robust when compared to the test carried out by the Parish Council.

Officers explained the approach to be adopted by Members in applying Paragraph 14 footnote 9 of the NPPF.

Officers took the view that Buckingham Park Parish Council was sufficiently distant from the site and therefore it did not warrant sending a consultation letter. There had been sufficient publicity of the application and the Council has met its statutory obligations in respect of the consultation carried out.

- Section 52 agreement and the obligation relating to the leisure / recreational use.

Officers informed Members that it is arguable as to whether or not the 1986 Agreement is enforceable. Enforcing the agreement was at AVDC's discretion and the agreement's existence did not prevent the granting of planning permission for a use which is inconsistent with that in the agreement. Additionally, the obligations set out in the agreement were capable of being brought to an end by virtue of a deed of variation or by an application to the Lands Tribunal.

In the event that Members were minded to give weight to the existence of the agreement Officers suggested that it should be very limited weight.

- Consideration of potential loss of the Balloon Field usage.

Officers advised members that the environment agency had considered the impact of fluvial flooding and had no objection. There were some issues on surface water in recent heavy rainfall but that this could not be directly attributed to the development due to the mitigation measures that had been proposed. Officers considered that the use would not prevent the use of the balloon field.

- The width of the entrance access road:

Highway officers advised that the access width was 5.5m with its narrowest point being 4.8m. This met relevant standards required for access and was therefore not a concern. It was also noted that a single entrance/exit was suitable.

- Expectation of landscaping once completed.

The Officer showed Members the Landscape Management Plan for the site and explained that the requirement to undertake further landscaping would be conditioned.

Officers clarified that the Council's Landscape Officer was very clear that it is not a valued landscape and he was satisfied that the officer's report as presented to Committee reflects his view.

Members considered the representations they had heard and the additional technical responses supplied by officers. The Committee understood the emotive context of the application given its history and appreciated the concerns raised by residents and Watermead Parish Council. There was an overarching agreement that it was a difficult decision to make and had given careful consideration to the competing arguments. Members saw merit in the requirement for an obligation seeking contribution to amend the Traffic Regulation Order (TRO) to if monitoring demonstrates that vehicles visiting the development site are parking on neighbouring roads. . Although some concern was

raised over the final landscaping of the site, BCC Highways and the EA had no issues on the development and the Committee were inclined to the view that the application needed to be assessed on its merit.

RESOLVED –

That the application be deferred and delegated to officers for **Approval** subject to:

- (1) Confirmation that the Secretary of State would not call in the application for his determination.
- (2) The planning conditions as per the officer report.
- (3) A legal agreement requiring a contribution towards a TRO should monitoring determine that it was necessary.

**4. 17/04039/ADP - FORMER BPC HAZELLS, TRING ROAD, AYLESBURY**

This application was withdrawn from Committee as Aylesbury Town Council withdrew their objections to the scheme.