



## Cabinet decision notice

The following decision(s) were taken by Cabinet at its meeting held on **9 November 2021**. Decisions will (unless called-in) become effective at 5pm on 16 November 2021.

### **Agenda item no. 8**

#### **Article 4 Directions to restrict permitted development rights for Commercial to Residential changes of use**

##### **(a) Decisions**

In March 2020, the Government announced amendments being made to national planning legislation to introduce a new permitted development right, Class MA, to allow the conversion of commercial premises (including retail shops) into residential without the need for a planning application or any public consultation. Despite requests from Local Planning Authorities (including Buckinghamshire Council) to delay the implementation of this new legislation, Class MA came into effect on 1 August 2021.

Cabinet received a report that sought agreement for the Council to pursue an Article 4 Direction to prevent the use of Class MA in selected areas across the Buckinghamshire Council Area. The report set out the mechanics of the relevant legislation, the type of development that was automatically granted planning permission by the new permitted development rights, highlighted the potential impact on the area and the lack of any public consultation, comment or input in any way to the decisions specifically to the loss of retail premises. The report also set out a proposal for a 2 phase approach in relation how the Council would pursue Article 4 Directions in the immediate term and next phase.

##### **RESOLVED –**

- (1) That the report be noted.**
- (2) That Council Officers be authorised to commence Stage 1 work on a non-immediate Article 4 Direction removing the permitted development right set out in Class MA of the Town and Country Planning (General Permitted Development Order) 2015, and on the locations detailed in the Cabinet report.**
- (3) That Council Officers be authorised to commence Stage 2 of the project, as soon as resources allow, to undertake a public consultation as to whether the Council should consider imposing an Article 4 Direction to remove the permitted development right set out in Class MA of the Town and Country Planning (General Permitted Development Order) 2015.**

##### **(b) Reasons for decisions**



- (i) To protect the Council's Core Shopping Areas from the undesirable conversion of retail units to residential without the need to submit a planning application or undertake any public consultation.
- (ii) To seek the public's opinion as to where in Buckinghamshire, in addition to those locations cited in this report, it was felt that these Permitted development rights should be removed.

**(c) Alternative options considered**

Do nothing. However, it was felt that the widespread use of Class MA of the Permitted Development Rights had the potential to destroy the viability, vitality and success of core shopping areas. Along with the loss of the retail use came the loss of the associated business rates. Whilst this was unquantifiable at this stage due to the lack of certainty about the precise scope of the Article Direction, any widespread use of Class MA would have a detrimental effect on Business Rates revenue. The actions proposed would allow the Council to take back control of the types of uses that the Council considered should be allowed to occur within some key areas.

**(d) Conflicts of interest/ dispensations**

None.

**Agenda item no. 9**

**Children's Social Care Improvement Plan Progress Update**

**(a) Decisions**

Cabinet received a report that provided an update on the current progress against the Ofsted Improvement Plan and the continued impact of COVID-19 on the service.

**RESOLVED –**

**That the continued impact of COVID-19 on the Service and the current progress against the Ofsted Improvement Plan be noted.**

**(b) Reasons for decisions**

To keep Cabinet informed of the continued impact of COVID-19 on the service and the current progress against the Ofsted Improvement Plan.

**(c) Alternative options considered**

Not applicable.

**(d) Conflicts of interest/ dispensations**

None.

## **Agenda item no. 10**

### **Q2 Budget Monitoring Report**

#### **(a) Decisions**

The report set out the overview of the financial Revenue and Capital outturn position for Buckinghamshire Council for the financial year 2021/22 as at quarter 2. The Appendix provided further detail for each Portfolio and information about performance relating to overdue debts and late payments of commercial debt.

#### **RESOLVED –**

**That the current forecast outturn for the financial year 2021/22, and the associated risks and opportunities, be noted.**

#### **(b) Reasons for decisions**

To understand the financial position of the Council in respect of 2021-22 Budgets.

#### **(c) Alternative options considered**

Not applicable.

#### **(d) Conflicts of interest/ dispensations**

None.

## **Agenda item no. 11**

### **Q2 Performance Report 2021-22**

#### **(a) Decisions**

Cabinet received a report that detailed the performance of the key performance measures reported through the Corporate Performance Framework for 2021/22. Latest performance outturns and targets for the quarter 2 period were reported alongside trend and benchmarking information, where available.

#### **RESOLVED –**

- (1) That the Council's performance for the Quarter 2 period 2021-22 be noted.**
- (2) That the actions being taken to improve performance, where required, be noted.**

#### **(b) Reasons for decisions**

The Corporate Performance Framework is reported on a quarterly basis to Cabinet to ensure there is understanding, ownership and accountability for performance outcomes, including actions to improve performance where appropriate.

**(c) Alternative options considered**

None arising directly from this report.

**(d) Conflicts of interest/ dispensations**

None.

**Agenda item no. 12**

**South East Aylesbury Link Road Phase 2 funding and delivery agreement with HS2**

**(a) Decisions**

HS2 had agreed to provide funding towards the dual carriageway South East Aylesbury Link Road (SEALR) Phase 2 project. The level of funding equated to the amount it would have cost HS2 to construct the same 450m length as a single carriageway, including the roundabout at the B4443 Lower Road junction. The funding excluded the roundabout junction to the South West Aylesbury Link Road (SWALR) as HS2 would not have delivered this as part of their Stoke Mandeville Relief Road.

**RESOLVED –**

- (1) That the funding and delivery agreement from HS2 for the SEALR Phase 2 project and the SEALR Phase 1 Lower Road roundabout be accepted.**
- (2) That the recommendations on the previous Leader decision on 19 March, 2021, to submit the SEALR Phase 2 planning application when completed be noted.**

**(b) Reasons for decisions**

Accepting the funding and delivery agreement from HS2 would help facilitate the delivery of the SEALR project.

**(c) Alternative options considered**

Other options are detailed in the confidential Appendix A.

**(d) Conflicts of interest/ dispensations**

None.

**Agenda item no. 13**

## **Princes Risborough Southern Road Links (PRSRL) - Land Acquisition, Scheme Update and Side Roads Order**

### **(a) Decisions**

The Council had secured £12m from the Housing Infrastructure Fund (HIF) available to March 2023 and managed by Homes England towards the cost of phase one of the relief road, the Princes Risborough Southern Road links (PRSRL), supporting the delivery of the Princes Risborough Expansion Area. The project required the acquisition of several parcels of land to progress and deliver the proposed scheme. The scheme had been developed to an agreed preliminary design using the previously approved £2.73M funding agreed by the Shadow Executive in November 2019.

### **RESOLVED –**

- (1) That authority be delegated to the Service Director for Strategic Transport and Infrastructure, in consultation with the Leader and the Section 151 Officer, to:**
  - (i) Negotiate, agree terms and acquire the land, interests and rights (or extinguish the same) required for the Scheme by agreement and to instruct the Service Director for Legal & Democratic Services to negotiate and enter into all legal agreements necessary to facilitate any such agreements;**
  - (ii) Make any amendments, deletions or additions to the land identified in this report and the annexed Plan to be subject to a CPO if required to facilitate the delivery of the Princes Risborough Southern Road Links (PRSRL), including as a result of comments received during public consultation.**
  
- (2) That the acquisition of the land holdings in accordance with the terms and price set out in the confidential Appendix C be approved.**
  
- (3) That the making of a Compulsory Purchase Order (“CPO”) under section 226 of the Town and Country Planning Act; to use the power of acquisition by agreement under s.227 TCPA 1990 (as amended) and use of powers in relation to securing new rights over land under s.13 Local Government (Miscellaneous Provisions) Act 1976, in respect of the land and interests within the area shown outlined in red on the plan annexed to the Cabinet report (“the Order Land”) for the purpose of securing delivery of the PRSRL be approved.**
  
- (4) That the making of a a Side Roads Order(s) (“SRO”) under sections 14 and 125 of the Highways Act 1980 and all other necessary powers be approved, to:**
  - (i) Improve, raise, lower, stop up, divert or otherwise alter existing highways which cross or enter the route of the PRSRL or will otherwise be affected by the construction of the PRSRL or as required to deliver the PRSRL;**
  - (ii) Construct new lengths of highways for purposes connected with the alterations referred to in (a) above and delivery of the PRSRL; and**
  - (iii) Stop up private means of access and provide replacement or new means of access.**

- (5) That authority be delegated to the Service Director for Strategic Transport & Infrastructure, in consultation with the Leader and the Section 151 Officer, to take all necessary steps to implement the CPO and SRO for PRSRL including:
- (i) Making the CPO, including serving and issuing notices and certificates in connection with the making, confirmation and implementation of the CPO;
  - (ii) Taking all reasonable steps to promote the CPO and SRO, including promoting the Council's case at any public inquiry.
  - (iii) To negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of objections to the CPO and SRO on such terms as may be appropriate.
  - (iv) Issue notices of entry to survey or value land under the Housing and Planning Act 2016 if required and obtain any warrants from the Magistrates Court for the purpose of such entry if considered necessary;
  - (v) Making General Vesting Declarations ("GVD") under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or serve Notices to Treat and Notices of Entry following confirmation of the CPO if required;
  - (vi) Issue and serve any warrants to obtain possession of any land acquired by the Council following execution of a GVD or service of a notice of entry if it is considered appropriate to do so;
  - (vii) To retain and/or appoint external professional advisers and consultants to assist in facilitating the making, promotion, confirmation and implementation of the CPO and SRO, the settlement of compensation and any other claims or disputes;
  - (viii) To undertake the land referencing of the Order Land including the preparation and service of notices in relation to the Order Land and other land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
  - (ix) Making and issuing the SRO including the service and publication of all requisite notices and press notices;
  - (x) Negotiating and entering into agreements or undertakings with persons with any legal interest in the land relating to the SRO and/or CPO;
  - (xi) Making any amendments necessary to the CPO and SRO arising as a result of negotiations with affected persons, further design work or for any connected reasons to enable delivery of the PRSRL;
  - (xii) Taking any further or other action necessary to secure the making, confirmation and implementation of the SRO and CPO.
- (6) That authority be delegated to the Service Director for Strategic Transport & Infrastructure, in consultation with the Leader and the Section 151 Officer, to award the construction contract, subject to current forecast budget not being exceeded and full funding being confirmed, in accordance with the Council's Standing Orders relating to contracts; as well as agreeing appropriate maintenance arrangements.
- (7) That the following be noted:
- (i) The Princes Risborough Southern Road Links scheme as annexed to the Cabinet report.

- (ii) That the Service Director for Strategic Transport and Infrastructure (or such other appropriate officer) will seek to acquire land affected by the scheme through negotiation and agreement. A Compulsory Purchase Order will be served on those with an interest if agreement cannot be reached. There would be no requirement to hold a CPO inquiry if all interests and objections were settled beforehand.**
- (iii) That a pre-planning consultation on the PRSRL preliminary design will be undertaken starting in November 2021.**
- (iv) That the PRSRL planning application is expected to be submitted early in 2022.**
- (v) That the scheme is being progressed on the basis that the Council recoups the cost of the £12M HIF and the £2.73M of its capital funding from developers. The remainder of the scheme funding is expected to be met by developers.**

#### **(b) Reasons for decisions**

The recommendations and delegated authorities would allow the project to progress and maintain its current programme. This included obtaining planning permission (subject to approval); securing all necessary land; preparing Side Roads Orders and entering into a construction contract for the road links (subject to funding being confirmed).

Delegating Authority to award the contract (recommendation 6), subject to funding and budget, would ensure the maintenance of existing framework and contract conditions, and avoid the risk of Buckinghamshire Council needing to re-negotiate a new contract with a new supplier if the existing framework ends before all land was secured.

#### **(c) Alternative options considered**

The other options considered are detailed at paragraphs 6.1-6.3 of the Cabinet report.

#### **(d) Conflicts of interest/ dispensations**

None.

### **Agenda item no. 14**

#### **Proposed Property Acquisition**

##### **(a) Decisions**

Buckinghamshire Council owned a number of assets around the High Wycombe town centre and railway station. These assets were sites that could assist in the unlocking of regeneration of their respective areas through residential and commercial uses, specifically the Wye North Regeneration strategy (previously Eastern Quarter) which had been presented at HW Regeneration Board.

The proposed acquisition was a site adjacent to existing holdings which was in an area of the town where regeneration had been proposed and plans were being developed. The acquisition would enable a strategic and proactive approach to delivering a more comprehensive scheme than simply on existing council land.

**RESOLVED –**

- (1) That the Service Director for Property and Assets, in consultation with the Cabinet Member for Finance, Resources, Property and Assets, the Section 151 Officer and the Service Director for Legal and Democratic Services, to conclude negotiations, agree contracts, appoint consultants and undertake due diligence, arrange finance, exchange and complete on the freehold acquisition of Abbey Place, High Wycombe as set out in the Cabinet report and the confidential appendices.**
- (2) That the Capital and Revenue budget changes associated with this acquisition be approved for inclusion in the MTFP.**

**(b) Reasons for decisions**

The proposed transaction would provide the Council with control of the site which enhances the regeneration opportunity in this area as set out in the confidential Annex.

**(c) Alternative options considered**

Do nothing. This may or may not result in market intervention on this site alone. It was unlikely that private acquisition of this site alone would result in regeneration of the wider area.

**(d) Conflicts of interest/ dispensations**

None.

For further information please contact: Craig Saunders -  
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You can view upcoming decisions to be made and all decisions taken on the Council's website [here](#).