



Corrigendum to Strategic Planning Committee

Application Number:	16/00424/AOP
Proposal:	Outline planning application (with all matters reserved) for a mixed-use sustainable urban extension comprising: up to 3,000 dwellings and a 60 bed care home/extra care facility (Use Class C2/C3); provision of land for a Park and Ride site; a total of 6.90ha of employment land (comprising of up to 29,200 sq.m. B1c/B1/B2/B8 uses); provision of two primary schools (one 2 form entry and one 3 form entry); a mixed use local centre (3.75ha) with provision for a foodstore of up to 1,200 square metres (GFA), further retail (including a pharmacy), restaurant and café units, a doctor's surgery, gym, public house with letting rooms, professional services, multi-functional community space and a day nursery, and live work units; multi-functional green infrastructure (totalling 109.01 ha) including parkland, sports pitches, sports pavilions, children's play areas, mixed use games areas, including a skate park/BMX facility, informal open space, allotments, community orchards, landscaping; extensions to domestic gardens at Tamarisk Way (0.22ha); strategic flood defences and surface water attenuation; vehicular access points from New Road, Marroway, A413 Wendover Road and A41 Aston Clinton Road; a dualled Southern Link Road between A413 Wendover Road and A41 Aston Clinton Road and a strategic link road between the Southern Link Road and Marroway; internal roads, streets, lanes, squares, footpaths and cycleways and upgrades to Public Rights Of Ways (PRoWs); and car parking related to the above land uses, buildings and facilities.
Site Location:	Land Between Wendover Road And Aston Clinton Road Weston Turville Buckinghamshire
Applicant:	Hampden Field Consortium
Case Officer:	Helen Fadipe
Ward(s) affected:	Former Aston Clinton & Stoke Mandeville
Parish-Town Council:	Weston Turville
Date valid application received:	05.02.2016
Statutory determination date:	27.05.2016
Recommendation	

The recommendation is that permission be deferred and delegated to the Director of Planning and Environment for **APPROVAL** subject to the satisfactory completion of a legal agreement to secure financial contributions towards provision of education facilities and off site sport and recreation facilities, off site farmland bird mitigation, on-site provision of land employment use, Park and Ride Facility, on-site provision of affordable housing (including review mechanisms), provision of custom build and care facility, design codes, provision of a temporary community facility, onsite provision of primary education facilities, on-site provision of a health centre (GP surgery) and/or provision of temporary services on site or within an existing nearby facility (if appropriate), provision and maintenance of public open space, recreation and play areas, rights- of-way provisions, on-and off-site highways contributions/ works/road infrastructure works, travel plans and sustainable transport measures (and/or financial contributions thereto), SUDS maintenance, public art, ecological mitigation, flood alleviation scheme and offer of garden extensions together with a phasing strategy and subject to conditions as considered appropriate by Officers, or if these are not achieved for the application to be refused. (change underlined)

ADDITIONAL PARISH COUNCIL COMMENTS

Weston Turville Parish Council circulated an objection to members regarding the s106 funds for sport and leisure being allocated to established, privately managed, facilities in the centre of Aylesbury. The Hampden Fields site is fully within the parish boundary of Weston Turville and the Parish Council strongly believes that the s106 funding should be used for the benefit of the existing and new residents of Weston Turville parish. The theatre in particular is used by visitors from far beyond the Aylesbury area.

The Parish Council was not invited to put forward projects for the use of these funds, they were allocated by Aylesbury Vale DC as was. However, the Parish Council would like £2m of s106 funds from Hampden Fields to be allocated to the provision of a new village hall and community café in Weston Turville village. This is a new project following a recent survey of the existing hall and therefore has no other s106 contributions pooled towards it.

The use of s106 in the centre of Aylesbury would only encourage more traffic in to an already congested area and with a new multipurpose hall we can encourage grass roots sport and leisure for residents of our parish who have had their environs changed beyond recognition with almost a 1000 new homes having already been approved and built/in the process of being built in the last few years and now this additional 3000+ adding to that figure.

RESPONSE: Discussions were held and correspondence exchanged with WTPC on this matter on a number of occasions. There are community facilities being provided within the development itself, including local sport and leisure facilities on-site and a Community Centre in accordance with our Sport and Leisure Supplementary Planning Guidance (SPG) and its companion document the Ready Reckoner (Table 2). In addition, synthetic turf pitch provision is also to be provided on-site. The financial contributions required are towards the remaining off-site facilities, namely those with a strategic wider function, rather than local function:-Dry Sports Centre; Swimming Pool; Entertainment Complex and Arts Centre through the S106 agreement. The projects identified by WTPC do not fulfil the requirement for a strategic wide project, and there are no such projects in Weston Turville to contribute towards. In the light of the SPD requirement, it would therefore not be appropriate to utilise this financial contribution towards a local facility when there is a community centre already provided on the site as part of the development. Such contribution could not be justified as necessary to make the development acceptable and directly related to the development.

ADDITIONAL CONSULTEE RESPONSES

Buckinghamshire Health Trust:

BHT have advised that BHT's request for revenue funding is for service costs and has submitted revised calculations for such a contribution in addition to the recent capital cost calculations. They also advise that the S106 obligation to mitigate the primary care impact is not deliverable for the following reasons:

- The land offer is open to the private sector in addition to the NHS
- It will be impossible for the CCG to take over the land as it is in a fixed place, not big enough and the NHS has very limited financial resources. The contribution is limited to £1.5m. This would not mitigate sufficiently the impact.
- The current Section 106 offer does not align with the Buckinghamshire health and care system's strategic vision for the delivery of health and care.
- There are also significant concerns relating to the CCG's ability to commission and providers to operate services from a site at this small scale
- There are also concerns around the viability of the proposed primary healthcare facility when considered in the context of the wider Westongrove Surgery contractual boundary.

AMENDMENTS/CORRECTION TO REPORT

Page 3 and 4 : Recommendation: Add in "flood alleviation scheme" to the list on page 4 and also on page 100 paragraph 5.375 and 5.376.

Page 5 paragraph 1.7 and page 55 paragraph 5.161 should readThe Highway Authority is satisfied that the development will not have a severe cumulative residual impact on the highway network and not have an unacceptable impact on highway safety and as such, whilst it is recognised there would be some adverse impact from the development, with appropriate mitigation the harm would not only be addressed but create some betterment on a standalone and cumulative basis - significant weight is attached to this benefit. (change underlined)

Page 58 – paragraph 5.178 – delete last sentence

Page 59

- paragraph 5.187 – amend to read 'Improvements to the Bedgrove Linear Park – Improvements from the development to the A41 Tring Road will include an improved 2.5m wide granite-to-dust surface through the Bedgrove Linear Park along sections not already benefitting from a satisfactory formal surface.
- paragraph 5.188 – delete last sentence.
- paragraph 5.192 – delete last two sentences and replace with 'This level of demand can be accommodated at the station following improvements made by Chiltern Railways'.

Page 61 paragraph 5.200

3rd sentence amend to read 'A contribution of £45,000 will be made towards the implementation of the public transport strategy should alternative facilities/measures be identified.

Last bullet point - delete.

Page 62- delete reference to AVDLP policy RA8 and insert RA7 (Development in the Chilterns AONB).

Page 76 paragraph 5.263: Natural England have confirmed agreement with the conclusions of the Appropriate Assessment.

Page 96 paragraph 5.361, first line to read 'There is a foul sewer crossing the edge of the site which has insufficient capacity to....

Page. 99, Paragraph 5.372, last line: delete reference "by 2016"

Page 100 paragraph 5.378: delete reference to pooling limitations

Page 88

Updated paragraphs 5.321- 5.324 relating to Healthcare

5.321 In relation to the request for contributions towards the costs of service officers sought further information from BHT to address officers' concerns that the contribution sought did not meet the CIL tests. BHT have provided additional explanation about their funding mechanisms. They have explained that there is a gap in their revenue funding, and it is not possible for their funding mechanism to be adapted so that the anticipated occupation of new development can be incorporated into their revenue funding formula. This formula is set nationally and not based on forecasting.

5.322 There has been considerable discussion with BHT regarding the officers' concerns that the information provided to date is inadequate to enable the Council to conclude that their request meets the CIL tests in relation to the requested contributions towards service costs. The Council has been working collaboratively with BHT in order to assess the potential for CIL compliant contributions for capital costs arising from new development rather than revenue costs.

In an effort to address the Council's concerns regarding the approach and methodology for the revenue costs sought, BHT, in a letter dated 11 February 2021 (which was received by the Council on 18 February 2021), provided a fresh calculation for what they regard as the capital cost impact of the proposed development. This is in connection with its three-year facilities programme.

5.323 In an email to BHT dated 4th February 2021, the Council had advised BHT that it was not possible to agree a methodology prior to the imminent determination of this planning application as the work towards an agreed position statement on a methodology for section 106 contributions was still at an early stage.

5.324 The information provided by BHT is not sufficiently advanced at the stage to enable the Council to reach a conclusion that the CIL test has been satisfied, including how the contribution is directly related to the development proposed.

It is significant that the amount sought under the BHT revenue cost methodology is far higher at £5,699,703 whereas the capital cost request is £2,754,821. The difference is £2,944,882. This significant variance demonstrates the need for the Council to be satisfied that any calculations and the methodology are robust and justified.

At this stage the following main concerns remain and need to be addressed before any conclusions can be reached as to whether the BHT's contributions meet the CIL tests:

- Whilst six projects have been specified to deliver the infrastructure for which contributions are requested, there is limited information provided and a direct relationship with the proposed development is not demonstrated
- The capital cost data, its sources and underlying assumptions are not explained in detail.
- The BHT calculations do not include information on existing infrastructure capacity or provide a comparison of existing capacity and the predicted impact of the development. This is a major limitation and this information is needed so that the impacts of the development alone can be ascertained.
- The S106 contributions being requested for this scheme are based on average build costs per sqm rather than identified capital project costs and other funding availability for the six projects.
- There is no information on the status of the six projects, e.g. whether they are sufficiently progressed and have evidence of deliverability.
- The S106 contributions are based on the assumption that the current use and cost of BHT clinical floorspace will be a broad indicator of likely floorspace needs. No quantitative evidence has been provided to demonstrate why the existing floor space is unable to accommodate growth needs arising from the development.
- It is unclear if the calculations address the needs of concealed households.
- BHT has not explained if there is alternative funding to address the funding gap for the six projects. It is known that BHT and the LEP made a request to government for capital funding as part of a Recovery and Growth bid. The potential role of this bid has not been accounted for within the figures. The potential role of other partner organisations in supporting delivery has not been explained.

Paragraph 34 of the NPPF states that plans should set out contributions expected from development, for infrastructure including health. The request for such contributions has not been made through the emerging VALP which was first published and consulted on July- September 2017 and included this proposed allocation. The BHT representations have been submitted at a late stage in the application process. Whilst discussions have taken place the information provided to date is considered inadequate to satisfy the council that CIL Tests are met.

Officers have had regard to the submissions as a material planning consideration and given the concerns raised about the justification for this contribution, further work would be required. The requested contribution has not been the subject of viability testing through the emerging VALP process nor in the application process which could potentially affect the viability of the proposed development and its ability to deliver a policy compliant scheme. Officers have taken a judgement as to whether or not it is appropriate to delay the consideration of the application, for information which may or may not satisfy the CIL tests. At this point it is not certain whether a CIL compliant s106 methodology may be able to be achieved and this may take several months to work through.

The delay and uncertainty over this matter must be weighed against the potential disruption and potential prejudice to the delivery of an important component part of the transport strategy for Aylesbury. It can be seen from the section on housing land supply above that such delay will put

further pressure on housing land supply and will create difficulties in relation to the Council's ability to meet a five-year supply. This undermines important objectives in the NPPF which seeks to ensure an adequate supply to meet objective needs. For these reasons it is considered that the BHT request is outweighed as a matter of judgement at this stage by the significant delay and prejudice that would result in determining this application if the issues above were first required to be resolved particularly since, at present, there is no guarantee that the methodology and contributions will be found to be CIL compliant.

Response to the CCG points:

The S106 secures the offer of land and building to shell and core standard to the CCG first, and in the event CCG do not require or do not want the facility offered, it is only after further discussions with the CCG that the site would be offered on the open market. The application is in outline and the details of the precise location, scale and size would be considered at the reserved matters stage. In addition, there is a financial contribution towards a temporary health care to increase capacity of an existing health centre if required in advance of the Health Centre being provided. This is considered sufficient for such accommodation.

The S106 requirements can only secure mitigation that is necessary to make the development acceptable and mitigate its impact. It cannot seek to provide for the needs of the existing community or services that would be delivered outside the scope of this application. The offer has the potential for flexibility to meet the wider strategic vision for the delivery of health and care in the future.