

Minutes of the meeting of the DEVELOPMENT CONTROL COMMITTEE held on  
THURSDAY 05 AUGUST 2021

**Present:** Councillors Alexander, Bowyer, Cryer-Whitehead, Exon, A Geary, Lancaster, Legg, McLean, Priestley, Reilly, Taylor and Wallis (Substituting for Councillor Baume)

**Officers:** P Thomas (Director of Planning and Placemaking), J Palmer (Head of Planning), C Nash (Development Management Manager), C Walton (Principal Planning Officer), J Williamson (Monitoring and Implementation Team Leader (Development Plans)), E Gineikiene (Principal Solicitor) and D Imbimbo (Committee Manager).

**Apologies:** Councillor Baume

**Also Present:** Councillors Ferrans and Middleton and 5 members of the public.

**DCC15 INTRODUCTION AND WELCOME**

The Chair welcomed members of the public and councillors, advising that the meeting was being held both at the Civic Offices and remotely and would be broadcast live on YouTube, further explaining the procedures to be adopted.

**DCC16 DECLARATIONS OF INTEREST**

Councillor Reilly asked that it be noted that in respect of application 20/03293/FUL he had no pecuniary or other interest in the matter but was a long term resident in the area and held a desire to see the site redeveloped but would approach a decision on this particular scheme with an open mind.

**DCC17 MINUTES OF PREVIOUS MEETINGS**

Matters arising. Councillor Legg confirmed that he had opened discussion with the relevant Cabinet Member in respect of considering a revision of the Parking Standard SPD.

The Head of Planning confirmed that a letter had been drafted to DHL, an applicant at the previous meeting, and once agreed with the Chair it would be sent.

RESOLVED –

That the minutes of the meeting of the Development Control Committee on 8 JULY 2021 be agreed as an accurate record and signed as such by the Chair.

## **DCC18 PUBLIC PARTICIPATION**

### **Questions**

None had been notified.

## **DCC19 REPRESENTATIONS ON APPLICATIONS**

Mr A Francis, Ms. J Deione and Councillor A Moss (Wolverton and Greenleys Town Council) spoke in objection to application 20/03293/FUL, Redevelopment of the site of the Agora Centre, Wolverton and adjacent car park to provide 115 new homes (Use Class C3) and ancillary Cohousing Common House, nine ground floor commercial and community units comprising approximately 1,000 sqm (Use Classes E, F2(b) and Sui Generis); the reinstatement of Radcliffe Street between Church Street and Buckingham Street / The Square; together with associated areas of hard and soft landscaping, car and cycle parking, means of access and plant and equipment at Land At The Agora Centre, Church Street, Wolverton.

Councillor Middleton (Ward Councillor) spoke in support of the application.

The Applicant's Agent, Mr N Murphy, exercised the right of reply.

## **DCC20 PLANNING APPLICATIONS**

### **20/03293/FUL**

**REDEVELOPMENT OF THE SITE OF THE AGORA CENTRE, WOLVERTON AND ADJACENT CAR PARK TO PROVIDE 115 NEW HOMES (USE CLASS C3) AND ANCILLARY COHOUSING COMMON HOUSE, NINE GROUND FLOOR COMMERCIAL AND COMMUNITY UNITS COMPRISING APPROXIMATELY 1,000 SQM (USE CLASSES E, F2(B) AND SUI GENERIS); THE REINSTATEMENT OF RADCLIFFE STREET BETWEEN CHURCH STREET AND BUCKINGHAM STREET / THE SQUARE; TOGETHER WITH ASSOCIATED AREAS OF HARD AND SOFT LANDSCAPING, CAR AND CYCLE PARKING, MEANS OF ACCESS AND PLANT AND EQUIPMENT AT LAND AT THE AGORA CENTRE, CHURCH STREET, WOLVERTON FOR LOVE WOLVERTON LIMITED.**

The Principal Planning Officer introduced the

application with a presentation. It was noted that there had been a published update paper that detailed information in respect of amendments to conditions and an additional condition. The Principal Planning Officer further told the Committee that an additional condition was recommended to read;

Prior to the construction of a building above slab level, details of a scheme for the implementation of a close circuit television system (CCTV) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a timetable for the provision of this scheme (in stages if required). The CCTV arrangements shall be installed in accordance with the approved arrangements and timetable and retained thereafter.

Reason: In the interest of the general amenity of the development and to limit the fear and perception of crime in accordance with Policy EH7 of Plan:MK

It was further recommended that condition 16 be amended to read;

Prior to the commencement of the development, full details of the photo-voltaic powered microgrid shall be submitted to and approved by the Local Planning Authority. These details shall include a timetable for the provision and operation of the microgrid (in stages if required). The microgrid shall be installed and commence operation in accordance with the approved arrangements and timetable and retained thereafter.

Reason: To ensure that the proposal delivers a low carbon community energy network in accordance with Policy SC2 of Plan:MK and Part J of Policy W2 and Part S of Policy W1 of the Wolverton Town Centre Neighbourhood Development Plan.

Further the Committee heard that funding had been agreed with the developer to conduct monitoring of the parking situation and, if it is found that on-street parking has heavily increased, the implementation of a Controlled Parking Zone once the development had been completed and occupied. It was also proposed that a car club scheme would be introduced to alleviate the requirement of residents to have a vehicle.

The Principal Planner also confirmed that a condition in respect of working hours was not deemed reasonable as the Environment Health teams relied on primary legislation to control noisy works.

Members sought clarity in respect of the relevance of emerging Highways policy that had yet to be considered by Councillors but had been referred to in the assessment. The Development Management Manager told the Committee that it was for members to give that what weight, if any, in their deliberations.

The Panel heard from objectors who raised the following points;

- The shortfall in parking will impact on the whole of Wolverton as parking will take place elsewhere in the area
- Facilities for Public Transport will be worse than those presently in place.
- There will be an adverse impact on pedestrians and local traffic, more space is required for pedestrians and buses.
- A significant number of bus routes within Milton Keynes terminate in Church Street, the facilities to be provided are inadequate, the

proposed bus shelter is too small, and the removal of the layby will cause congestion as buses stop.

- The one-way system originally proposed to overcome some of the congestion is not to be implemented and will result in two-way traffic on a single carriageway when buses are parked.
- If a Controlled Parking Zone is introduced it must be for the entire area of Wolverton Town Centre, this however will not resolve the problems.
- The requirements for disabled persons' vehicles will see parking problems for those users due to the restricted number of places available.
- There were no replacement public toilets proposed, this will leave Wolverton without any facilities.
- The parking provision is a fraction of that required by policy. Current parking is not adequate and the failure to provide a full quota will have a detrimental impact on the area.
- Parking proposed to be introduced in St. Georges Way is not guaranteed and should not be relied upon when deciding on this development.
- The proposed retail will be specialised and rely on custom from the surrounding area, the lack of parking will threaten its viability.
- The proposed design detracts from

the historic area of the conservation area.

The Ward Councillor told the Committee that he, in his capacity of Cabinet member, had allocated £1.75m investment to develop the St. Georges Way car park and that would alleviate much of the parking concern. The site as it exists is now derelict and requires a full redevelopment. Local businesses and the Community want to see the redevelopment as soon as possible, most are supportive of the application.

The Applicant's Agent told the Committee that the proposed development had been drawn up following several years engagement with the Council and the Community, the result is something that the majority of residents and businesses support. It was acknowledged that there is a significant shortfall in parking provision, but several schemes are proposed to mitigate that shortfall. Bus Service provision would be improved rather than worsened by the proposed scheme, however any major redevelopment of the bus terminal would have been as an alternative to the proposed scheme but would not bring the same benefits. What will be provided will include 'real time information' that has not previously been provided.

The pedestrian provision is a vast improvement on the existing. The parking to be provided will meet the demands of a development of high density in a town centre with good transport links.

The scheme will contribute significantly to the Council's 'Green' agenda.

The Principal Planning Officer told the Committee that improvements to the bus stop on Church Street was covered by one of the recommended conditions. It was also

confirmed that the one-way system had been removed from the scheme at the request of Highways Officers. It was further commented that there would be increased permeability though the area for pedestrians and cyclists.

It was further confirmed that the extent of the Controlled Parking Zone could not be determined before the scheme was completed and the impact assessed, however it was necessary to secure the funding for the research and implementation through the s106 and a bond.

It was also confirmed that it would not be reasonable to seek to secure funding for replacement public toilets as they do not currently exist as those that were public are now in private ownership.

Members of the Committee sought clarification in respect of status of the Parking Standards SPD, it was confirmed that policy CT10 of Plan:MK required the development to be in accordance with the SPD but there was scope to allow for a shortfall if mitigated, the scheme as proposed was believed acceptable due to the proposed schemes and its sustainable location. Members of the Committee were advised that it was a matter for them whether they gave any weight to the emerging evidence for the review of the Parking standards SPD when making a decision.

The Committee expressed concern that the Highways assessment had been drawn up taking account of emerging evidence that had neither been considered by the Committee, consulted on and definitely not adopted, the Members of the Committee stated that they were unaware of the review

that was being undertaken into parking standards.

Councillor Legg, seconded by Councillor Exon, proposed that the officer recommendation to grant permission subject to the completion of a section 106 (s106) agreement/Memorandum of Understanding (MoU) securing the obligations and terms set out in the Committee report, and subject to the conditions set therein as amended in the published update report, together with the additional conditions detailed within the published update report and those detailed above, and:

That in the event that the s106 agreement/MoU was not completed within 28 days following the Committee's resolution, the Head of Planning be delegated authority to extend the period for completion of the s106 agreement, or, in consultation with the Chair and Vice Chairs, refuse permission.

The Committee recognised that the decision was finely balanced and that the three principle issues were the impact on the conservation area, the impact on the heritage asset and the shortfall in parking provision.

Members of the Committee also recognised that the existing building was out of character with the Victorian town and had fallen into disrepair and there remained significant support amongst the Community to see the site redeveloped, it was generally agreed that the concerns in respect of the conservation area and the Church were to a large extent mitigated by conditions that would be applied to any permission should it be granted, however a mixed view was expressed in respect of the parking

provision, some members stating that they felt that they were unable to support the proposal due to the significant shortfall in parking and the potential impact of that on the town as a whole, and failed to satisfy numerous policies within Plan:MK. It was further commented that a controlled parking zone would require on-going funding to enforce and other measures were unlikely to successfully mitigate the impact.

Some members of the Committee noted that the absence of objections from the local business community suggested that the concerns Committee members held were not shared by residents.

It was also commented that the proposals would have a negative impact on the green space available within Wolverton Town centre.

Councillor McLean proposed that an informative be added to any permission, if granted, to make clear the limitation on the hours of work that are permitted taking account of the relevant Environmental Health legislation, this was agreed by the Committee by acclamation

On being put to the vote the Motion was carried on the Chair's casting vote with Councillors Alexander, Cryer-Whitehead, Legg, Priestley, Reilly and Wallis voting in favour and Councillors Bowyer, Exon, A Geary, Lancaster, McLean and Taylor voting against the proposal.

RESOLVED –

1. That the application be granted subject to the completion of a section 106 (s106) agreement / Memorandum of Understanding (MoU) securing the obligations and terms set out in the

Committee report, and subject to the conditions set therein as amended in the published update report, together with the additional conditions detailed within the published update report and those detailed above, and,

2. That in the event that the s106 agreement/MoU was not completed within 28 days following the Committee's resolution, the Head of Planning be delegated authority to extend the period for completion of the s106 agreement, or, in consultation with the Chair and Vice Chairs, refuse permission.
3. That an informative setting out the hours of work permitted by Environmental Health Legislation be appended to the permission.

**21/00679/FULMMA**

**VARIATION TO CONDITION 1 (APPROVED PLANS) OF PLANNING PERMISSION RELATED TO 16/02451/FUL (DEMOLITION OF ALL EXISTING BUILDINGS AND REPLACEMENT WITH THE ERECTION OF 184 RESIDENTIAL DWELLINGS COMPRISING 172 ONE AND TWO BEDROOMED APARTMENTS AND 12 TOWNHOUSES, COMMUNITY USE [USE CLASS D1] AND FLEXIBLE USE ACROSS A1, B1A OR D2, PROVISION OF PRIVATE OPEN SPACE AND LANDSCAPING, PROVISION OF AN INTERNAL VEHICULAR NETWORK AND ASSOCIATED HIGHWAY WORKS AND CAR PARKING) FOR AMENDMENTS TO OVERALL FLOOR PLANS, APARTMENT TYPES, COMMUNAL SPACES AND OTHER ASSOCIATED ALTERATIONS. MINOR AMENDMENTS TO HEIGHTS TO SUIT STRUCTURAL GRID, PARAPET SUPPORT, FLOOR TO CEILING HEIGHTS AND THE ADDITION OF LIFT OVERRUNS AT LAND TO THE SOUTH OF PRINCES WAY AND WEST OF ALBERT STREET, BLETCHLEY FOR WINVIC**

## **CONSTRUCTION LTD.**

The Principal Planner introduced the application with a presentation. The Committee heard that there was no update on the Committee report and published update paper and that the recommendation remained to grant the application subject to the conditions as detailed in the Committee report.

Councillor Legg, seconded by Councillor McLean, proposed that permission be granted subject to the completion of a Deed of Variation (DoV) agreement securing the obligations and terms set out in the Committee report, and subject to the conditions set therein as amended in the published update report.

And that in the event that the DoV agreement was not completed within 28 days following the Committee resolution, the Head of Planning be delegated authority to extend the period for completion of the DoV agreement, or, in consultation with the Chair and Vice Chairs, refuse permission.

On being put to the vote the motion was carried unanimously.

RESOLVED –

1. That permission be granted subject to the completion of a Deed of Variation (DoV) agreement securing the obligations and terms set out in the Committee report, and subject to the conditions set therein as amended in the published update report, and,
2. That in the event that the DoV agreement was not completed within 28 days following the Committee resolution, the Head of Planning be delegated authority to extend the period for completion of

the DoV agreement, or, in consultation with the Chair and Vice Chairs, refuse permission.

## **DCC21 HINDHEAD KNOLL ALLOCATION**

The Committee considered a report introduced by the Monitoring and Implementation Team Leader (Development Plans) in respect of the Hindhead Knoll allocation and housing Density changes within Plan:MK. The Committee heard a summary of the concerns that had been raised by Walton Community Council.

The Committee heard from Councillor Ferrans who explained that she had been a member of the Plan:MK Member Working Group (MWG) when the matter had originally been considered, usually when a change to the Plan is sought a report is taken to the MWG for consideration, this matter however had been dealt with as a minor amendment to the Plan and not put to the MWG. Whilst the Ombudsman had found no fault on the part of the Council in making the amendment in the manner it had done, it was not transparent and had resulted in a controversial outcome.

In this instance it should be noted that the change was site specific rather than generic and no consultation had been undertaken with stakeholders.

As this was not good practice Councillor Ferrans asked that the Committee consider a number of suggestions to setting a process for any future such proposed changes these being;

- a. That when officers log a capacity, density etc change to the advice given about a site that effectively recommends a change to a local plan policy, they annotate the record clearly to show whether the change logged is the result of a direct past public decision on that site (“prior decision”) or whether it is the result of an officer’s judgement, (“judgement”) albeit perhaps informed by other relevant decisions.
- b. That they add at least a phrase indicating the reasoning behind the change, and the prior decision reference if any.
- c. That they also log their name (to be held internally) in case of future queries.
- d. That when such changes are submitted to future Cabinet member, CAG or other member advisory groups or for public consultation the types of changes be split up in separately headed tables so that it is clear which are new decisions to be consulted on and

approved and which are the result of prior MKC decisions or typing errors or Inspectors decisions.

e. That all changes marked judgements are submitted to the Local Plan CAG or equivalent for confirmation and then included at the earliest possible point in public consultation before being included in the Local Plan.

Councillor Legg stated that he had discussed the issue with the Development Management Manager and whilst the Ombudsman report had not found fault with the Council it was clear that the process that had been adopted to make the changes was not best practice and the record keeping had been poor. It was further noted that the Cabinet Advisory Group now met in a public and minuted.

Members of the Committee welcomed the suggestions and Councillor Geary, seconded by Councillor Lancaster, proposed that the Committee agreed the suggestions and that they be referred to the Planning Improvement Board to seek to have the proposals embedded in future working practices.

The proposal was agreed by acclamation, Councillor McLean asked that the Chair, write to the Clerk of Walton Community Council to thank the Community Council for bringing the matter to the attention of the Committee.

RESOLVED –

1. That the report be noted.
2. That the Head of Planning be requested to report the following recommendations in respect of modifications to the Planning Improvement Board;
  - a. That when officers log a capacity, density etc change to the advice given about a site that effectively recommends a change to a local plan policy, they annotate the record clearly to show whether the change logged is the result of a direct past public decision on that site (“prior decision”) or whether it is the result of an officer’s judgement, (“judgement”) albeit perhaps informed by other relevant decisions.
  - b. That they add at least a phrase indicating the reasoning behind the change, and the prior decision reference if any.
  - c. That they also log their name (to be held internally) in case of future queries.

- d. That when such changes are submitted to future Cabinet member, CAG or other member advisory groups or for public consultation the types of changes be split up in separately headed tables so that it is clear which are new decisions to be consulted on and approved and which are the result of prior MKC decisions or typing errors or Inspectors decisions.
    - e. That all changes marked judgements are submitted to the Local Plan CAG or equivalent for confirmation and then included at the earliest possible point in public consultation before being included in the Local Plan.
  3. That the Head of Planning, together with the Chair write to Walton Community Council to thank the members for bringing the matter to the attention of the Committee.

THE CHAIR CLOSED THE MEETING AT 9:10 PM