



Minutes of the meeting of the DEVELOPMENT CONTROL COMMITTEE held on THURSDAY 14 FEBRUARY 2013 at 7.00 pm.

Present: Councillor White (Chair)
Councillors: Eastman, Exon, Ferrans, Hawthorn C Eng. MI Mech. E, Hopkins, McLean and Middleton.

Officers: J Fox (Strategic Applications Team Leader) D Kirk (Senior Planning Officer), A Holloway (Senior Planning Officer), R Sakyi (Senior Planning Officer), M Kelly (Principal Solicitor), J Price (Countryside Team Leader), M Moore (Senior Planning Officer) and D Imbimbo (Committee Manager).

Number of Public Present: 49

Apologies Councillors Kennedy and Legg

DCC89 CHAIRMANS WELCOME

The Chair welcomed Members, Officers and public and explained the procedures to be adopted.

DCC90 MINUTES OF PREVIOUS MEETINGS

RESOLVED -

That the minutes of the meeting of the Development Control Committee on 17 January 2013 be agreed as an accurate record, and signed by the Chair as such.

That the minutes of the meeting of the Development Control Committee on 22 February 2013 be agreed as an accurate record, and signed by the Chair subject to the following amendments;

Page 5 of the minutes to add a paragraph to read;

'Councillor Hawthorn expressed concern that the detrimental effects of infrasonic radiation on the health of local residents had not been considered despite a history of such effects close to other wind turbine installations'

Page 6 of the minutes to add a bullet point to read;

He failed to address the impact of infrasonic radiation on the health of the local residents.

That the minutes of the meeting of the Development Control Panel on 17 January 2013 be agreed as an accurate record, and signed by the chair as such.

DCC91 DECLARATION OF INTERSTS

Councillor White declared a personal interest in Applications 12/01154/DISCON and 12/01651/DISCON as a trustee of the National Energy Foundation of which the applicant was the Chief Executive. He would take no part in consideration of those applications.

Councillor Hopkins asked that it be recorded that he had taken no part in discussions held by Woburn Sands Town Council in respect of Item 9 Tree preservation Order.

DCC92 REPRESENTATIONS ON PLANNING APPLICATIONS

Mr L Lean spoke in objection to application 12/02551/FUL Application for a new planning permission to replace an extant planning permission 07/01975/FUL (allowed on appeal) in order to extend the time limit for implementation for the demolition of existing food store, retail units and community centre and erection of replacement food store (Class A1), 4 x non-food (Class A1) retail units, and associated works; including the relocation of the Old Bath House and the facade of the Old Fire Station, along with enhanced highway works and parking provision at Tesco Stores Ltd for Tesco Stores Limited

The applicants agent, Mr. R Robinson exercised the right of reply.

Mrs S Malleson, Mr R Fairclough and Mr I Preen spoke in objection to applications 12/01154/DISCON details submitted pursuant to discharge of conditions 3 (archaeological investigation), 4 (ground assessment), 12 (site waste management plan), 13 (green roof construction), 15 (finished floor levels), 19 (reptile mitigation plan), 20 (reptile mitigation strategy) and 21 (construction method statement) attached to planning permission 08/01721/FUL allowed on appeal ref APP/Y0435/A/09/2104644 and 12/01651/DISCON details submitted pursuant to discharge of conditions 2 (materials), 7 (surface water disposal from vehicular access), 8 (highway works at junction of church road and London end lane), 10 (surfacing of vehicle and pedestrian areas), 11 (details of earth mounding and contouring), 16 (landscaping scheme), 17 (works to trees) and 18 (boundary enclosure) attached to planning permission 08/01721/ful allowed by appeal ref APP/Y0435/A/09/2104644 at land west of, 1 London End Lane, Bow Brickhill

PLANNING APPLICATIONS

12/02551/FUL APPLICATION FOR A NEW PLANNING PERMISSION TO REPLACE AN EXTANT PLANNING PERMISSION 07/01975/FUL (ALLOWED ON APPEAL) IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION FOR THE DEMOLITION OF EXISTING FOOD STORE, RETAIL UNITS AND COMMUNITY CENTRE AND ERECTION OF REPLACEMENT FOOD STORE (CLASS A1), 4 X NON-FOOD (CLASS A1) RETAIL UNITS, AND ASSOCIATED WORKS; INCLUDING THE RELOCATION OF THE OLD BATH HOUSE AND THE FACADE OF THE OLD FIRE STATION, ALONG WITH ENHANCED HIGHWAY WORKS AND PARKING PROVISION AT TESCO STORES LTD AT TESCO STORES LTD, MCCONNELL DRIVE, WOLVERTON FOR TESCO STORES LIMITED

The Officer reported that since her report had been published letters had been received from a rival company, these had been circulated to members and published, this did not raise any new points.

The Applicants agent had requested a few minor adjustments to the conditions, these have been reported in a supplementary paper that had been circulated to Members and published.

The Officer reported that her recommendation remained to grant the application subject to the minor amendments to conditions.

Members heard representations that the proposals would have a negative impact on traffic flow in the area and in particular this would impact adversely on public transport.

Councillor White proposed that the Officers recommendation be approved. This was seconded by Councillor McLean.

Members raised concerns about the nature and functionality of the traffic regulation scheme (traffic lights) and the failure to identify the extent of benefits, if any, the proposed design and layout of the access routes will afford.

Members recognised that increasing the size of the car park and store would encourage more people to use the store, this itself was not objected to, however there was no clear traffic management

plan to mitigate the impact.

Councillor Middleton proposed that determination of the application be deferred to allow for a full and clear assessment of traffic impacts assessment to be undertaken and a traffic management plan to address them to be drawn up. This was seconded by Councillor Exon.

The proposal was put to the vote and was carried and it was;

RESOLVED

That determination of the application be deferred to allow for an appropriate traffic management plan to be prepared.

12/02553/CON APPLICATION FOR A NEW PLANNING PERMISSION TO REPLACE AN EXTANT PLANNING PERMISSION 07/02014/CON (ALLOWED ON APPEAL), IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION FOR THE DEMOLITION OF FOOD STORE, COMMUNITY CENTRE, RETAIL UNITS, THE REAR OF OLD FIRE STATION AND CANOPY, AND WALL ALONG STRATFORD ROAD AT TESCO STORES LTD, MCCONNELL DRIVE, WOLVERTON FOR TESCO STORES LTD

Councillor White proposed that, as this application was linked to application 12/02551/FUL, which had been deferred this also be deferred that the two can be considered at the same time this was seconded by Councillor McLean.

On being put to the vote the motion was declared carried and it was;

RESOLVED –

That determination of the application be deferred to be considered at the same time as application 12/02551/FUL.

12/01154/DISCON DETAILS SUBMITTED PURSUANT TO DISCHARGE OF CONDITIONS 3 (ARCHAEOLOGICAL INVESTIGATION), 4 (GROUND ASSESSMENT), 12 (SITE WASTE MANAGEMENT PLAN), 13 (GREEN ROOF CONSTRUCTION), 15 (FINISHED FLOOR

LEVELS), 19 (REPTILE MITIGATION PLAN), 20 (REPTILE MITIGATION STRATEGY) AND 21 (CONSTRUCTION METHOD STATEMENT) ATTACHED TO PLANNING PERMISSION 08/01721/FUL ALLOWED ON APPEAL REF APP/Y0435/A/09/2104644 AT LAND WEST OF, 1 LONDON END LANE, BOW BRICKHILL FOR MR AND MRS EDWARD ODUFUWA

Councillor White vacated the Chair and took no part in the determination. Councillor McLean took the Chair.

The Officer reported that her recommendation remained that the conditions be discharged.

The Committee heard representations that Condition 21 should not be discharged as there remained significant risk of harm to property and residents due to the size and frequency of vehicles that would have to access the site to make deliveries. The access route not being wide enough to safely allow large vehicles to pass properties without causing serious damage.

Councillor McLean proposed that the Officers recommendation be agreed, this was seconded by Councillor Middleton.

Members recognised that there were no alternative access points, It was clear that the properties that lined the access road were vulnerable to suffering serious damage due to the proximity of passing vehicles which would necessarily use the same road position for all visits to the site, this itself posed a significant risk to the structural integrity of the properties. The Committee recognised that there was no likelihood of the condition being satisfied.

The Officers recommendation to approve discharge of Condition 21 was put to the vote and it was lost.

The Officers recommendation to approve conditions 3, 4, 12, 13, 15, 19 and 20 was put to the vote and it was carried on the Chairs' casting vote.

RESOLVED:-

1. That the discharge of condition 21 be declined.
2. That conditions 3, 4, 12, 13, 15, 19 and 20 be discharged.

12/01154/DISCON DETAILS SUBMITTED PURSUANT TO DISCHARGE OF CONDITIONS 2 (MATERIALS), 7 (SURFACE WATER DISPOSAL FROM VEHICULAR ACCESS), 8 (HIGHWAY WORKS AT JUNCTION OF CHURCH ROAD AND LONDON END LANE), 10 (SURFACING OF VEHICLE AND PEDESTRIAN AREAS), 11 (DETAILS OF EARTH MOUNDING AND CONTOURING), 16 (LANDSCAPING SCHEME), 17 (WORKS TO TREES) AND 18 (BOUNDARY ENCLOSURE) ATTACHED TO PLANNING PERMISSION 08/01721/FUL ALLOWED BY APPEAL REF APP/Y0435/A/09/2104644 AT LAND WEST OF, 1 LONDON END LANE, BOW BRICKHILL FOR MR AND MRS EDWARD ODUFUWA

Councillor White vacated the Chair and took no part in the determination. Councillor McLean took the Chair.

The Officer reported that her recommendation remained that the conditions be discharged.

The Committee heard representations that Condition 7 should not be discharged as the proposed scheme failed to take account of water flow that resulted in flooding on other property. The reports and expert advice failed to recognize that the water would need to flow uphill to achieve the desired outcomes.

The Committee also heard representations that Condition 8 should not be discharged as the proposed scheme failed to alleviate the risks and in fact enhanced the risk. It that it should be clear that the condition could not be met.

Councillor McLean proposed that the Officers recommendation be agreed, this was seconded by Councillor Middleton.

The Committee considered the objections raised

and recognised that conditions 7 and 8 appear not to have been met despite expert advice to the contrary and that they could not be achieved.

The Officers recommendation to approve discharge of Condition 7 was put to the vote and it was lost.

The Officers recommendation to approve discharge of Condition 8 was put to the vote and it was lost.

The Officers recommendation to approve conditions 2, 10, 11, 16, 17, and 18 was put to the vote and it was carried on the Chairs' casting vote.

RESOLVED:-

1. That the discharge of condition 7 be declined.
2. That the discharge of condition 8 be declined
3. That conditions 2, 10, 11, 16, 17, and 18 be discharged

Councillor White resumed in the Chair

12/02607/FUL

ERECTION OF TWO STOREY B1(B) RESEARCH AND DEVELOPMENT BUILDING, WITH ANCILLARY B2/B8, OFFICES, UTILITIES/REFUSE STORE, VEHICLE PARKING, SERVICING, LANDSCAPING, MOUNDING AND NEW VEHICULAR ACCESSES TO CHALKDELL DRIVE AND FOXCOVERT ROAD AND FOOTPATH/CYCLE LINKS (PRIVATE). OUTLINE CONSENT (DESIGN AND APPEARANCE RESERVED) FOR A TWO STOREY VISITOR/TRAINING CENTRE (1200M2) AND SINGLE STOREY CRECHE (100M2) FOR STAFF USE, TOGETHER WITH ASSOCIATED PARKING AND LANDSCAPING. THIS APPLICATION IS PHASE 1 AT SITE C, CHALKDELL DRIVE, SHENLEY WOOD FOR NIFTYLIFT LIMITED

The Officer reported that her recommendation remained that the application be granted subject to the conditions set out at the end of the report and those set out within the additional papers.

Councillor White proposed that the Officers recommendations be accepted this was seconded by Councillor McLean.

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

RESOLVED –

That planning permission be granted subject to the conditions set out at the end of the report and those set out within the additional papers

12/02609/FUL

VARIATION OF CONDITIONS ATTACHED TO PLANNING PERMISSION 11/02749/FUL; CONDITIONS 1 (APPROVED DRAWINGS), 2 (EXTERNAL MATERIALS), 7 (STRUCTURAL PLANTING), 13 (GROUND SURFACE AREAS) AND 23 (BOUNDARY FENCING) TO REFER TO REVISED DRAWINGS; CONDITIONS 11 (GROUND CONDITIONS) , 13, (GROUND SURFACE AREAS) 20, (DETAILS OF CYCLE PARKING) 23 (BOUNDARY TREATMENT) AND 24 (SUSTAINABLE CONSTRUCTION) TO REFER TO PHASE 2; CONDITION 30 TO REFESITE C, CHALKDELL DRIVE, SHENLEY WOOD FOR NIFTYLIFT LIMITED

The Officer reported that her recommendation remained that the application be granted subject to the conditions set out at the end of the report and those set out within the additional papers.

Councillor White proposed that the Officers recommendations be accepted this was seconded by Councillor McLean.

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

RESOLVED –

That planning permission be granted subject to the conditions set out at the end of the report and those set out within the additional papers

DCC94 DELEGATION OF POWERS UNDER SECTION 119 HIGHWAYS ACT 1980 IN RELATION TO TYRINGHAM AND FILGRAVE BRIDLEWAY 2

The Committee considered a report in respect of Delegation of Powers under Section 119 Highways Act 1980 In Relation to Tyringham and Filgrave Bridleway 2.

The Committee heard from the Principle Solicitor that the Development Control Committee was asked to delegate its powers under section 119 of the Highways Act 1980 to the Rights of Way Officer to make the appropriate Order, subject to normal consultation procedures and to deal with any proceedings which flow from an opposed Order including referral to the Secretary of State and conduct of any public inquiry to deal with such objections, for the diversion of Tyringham and Filgrave bridleway 2. The Committee heard that the proposed deviation of a bridleway represented a minor deviation onto a field adjoining the present route.

RESOLVED –

That the Authority be delegated to the Rights of Way Officer.

DCC95 EXCLUSION OF PRESS AND PUBLIC

RESOLVED –

That the Press and Public be excluded from the meeting by virtue of Paragraph 3 (Information in respect of which a claim to Legal Privilege could be maintained in legal proceedings) of Part 1 of Schedule 12A of the Local Government Act 1972, in order that the Committee may consider the report and annex 5 – Item 09 Application Number: 12/02534/TPO

DCC96 TREE PRESERVATION ORDER CONSENT TO FELL ONE ENGLISH OAK TREE (T1)

The Committee considered a report in respect of an application for a Tree Preservation Order Consent to fell one English oak tree.

The Committee heard from the Officer that having weighed up the amenity value of the tree against the potential liability to Milton Keynes Council his recommendation was that consent to fell the tree be granted.

The Committee heard representations objecting to the application from the owner of the tree, Mr R Edwards, and Mrs Lynn Stapleton of Woburn Sands Town Council.

Mr McGinn, representing OCA Ltd, (Applicants) explained that the insurers sought permission to fell the tree as the most cost effective remedy to mitigate damage caused to the dwelling situated on the same land. The Committee heard that in the event the consent was not granted the Insurers would seek compensation from Milton Keynes Council and that this could amount to a significant sum.

The Committee heard from the Principle Solicitor that this was a legitimate claim made by the insurer and that there was a real prospect of liability being found against the Council.

Members heard that the tree was part of a line of trees on Newport Road and had great Amenity Value and that the loss would impact on the setting of Woburn Sands Conservation Area. The Committee heard that there were alternative options to felling but potentially at significantly higher cost.

Members recognised that serious consideration should be given to allowing the consent to avoid any costs being levied on the Council at a time when cuts were being made across services. Members also heard that a Tree Preservation Order was not applied lightly and that varying one could set a precedent for other applications.

Councillor White proposed that the Officers recommendation be agreed, this was seconded by Councillor McLean.

On being put to the vote the proposal was lost.

RESOLVED:-

That the Tree Preservation Order consent to fell one English Oak be refused.

Reason;

The proposal would involve the loss of a protected Oak tree (T1) which makes a significant visual and amenity contribution to the established character and appearance of the area and the setting of Woburn Sands Conservation Area. The proposal is therefore contrary to 'saved' policy D1(v) of the adopted Milton Keynes Local Plan 2001 – 2011.

DCC97

URGENT ITEM - ARRANGEMENTS FOR SPECIAL DEVELOPMENT CONTROL MEETING ON 21 FEBRUARY 2013 – SUSPENSION OF ORDERS

The Chair told the Committee that he had agreed to accept an Item on the agenda to consider the arrangements for the Special meeting of the Committee on Thursday 21 February 2013.

The Committee heard that applications to consider the proposals to develop areas of Central Milton Keynes Shopping centre would be considered at the meeting and that they attracted a significant amount of public interest and large numbers of requests to speak, as such the Chair proposed that the following motion be moved at the meeting to suspend orders;

That due, to the high level of public interest in the applications to be considered by the Committee,, and to allow more Members of the Public to speak in respect of these applications, Annex A to the Access to Information Rules 'Procedure for the determination of Planning Applications – Public Participation' be suspended for the duration of the meeting and the following rules applied in its stead;

- A. There be a period of up to 30 minutes allocated to persons wishing to speak in objection to the applications relating to Secklow Gate and the Central Milton Keynes Market place, with speakers being allocated up to 3 minute 'slots' on a first come first served basis.
- B. There be a total period of up to 15 minutes allocated to Members of the Council, other than Members of the Committee, to speak either in objection or support of applications relating to Secklow Gate and the Central Milton Keynes Market place, with any one Member being allowed up to 3 minute to speak.
- C. There be a total period of up to 30 minutes allocated to the Applicants or their agents in which to respond to any speakers objecting to the applications relating to Secklow Gate and the Central Milton Keynes Market place, this to be equally divided between applicants.
- D. The Development Control Officer to be allocated a period of up to 10 minutes to address any points raised by objectors or applicants (and agents).
- E. Debate on the applications relating to Secklow Gate and the Central Milton Keynes Market place to be a maximum of 30 minutes, with any one Member of the Committee being able to speak for up to a maximum of 3 minutes.
- F. There be a period of up to 21 minutes allocated to persons wishing to speak in objection to the application relating to Midsummer place, with speakers being allocated up to 3 minute 'slots' on a first come first served basis.
- G. There be a total period of up to 9 minutes allocated to Members of the Council other than Members of the Committee to speak either in objection or support of all applications relating to Midsummer place, with any one Member being allowed up to 3 minute to speak.
- H. There be a total period of up to 20 minutes allocated to the Applicants or their agents in which to respond to any speakers objecting to the applications relating to Secklow Gate and the Central Milton Keynes Market place, this to be equally divided between applicants.
- I. The Development Control Officer to be allocated a period of up to 10 minutes to address any points raised by objectors or applicants (and agents).
- J. Debate on the applications relating to Secklow Gate and the Central Milton Keynes Market place to be a maximum of 30

minutes, with any one Member of the Committee being able to speak for up to a maximum of 3 minutes.

The Chair asked the Committee if there were any concerns with the approach.

Members indicated that they recognised the need to exercise a different approach to the meeting and that this should address the issues.

THE CHAIR CLOSED THE MEETING AT 9:58 PM