



Minutes of the DEVELOPMENT CONTROL COMMITTEE held on THURSDAY 04 FEBRUARY 2016 at 7.00 pm.

Present: Councillor A Geary (Chair)
Councillors: Bint, Buckley, Exon, Gowans, Green, Lewis, Morla, White, C Williams and P Williams.

Officers: A Rose (Service Director - Planning and Transport), D Sharkey (Corporate Director Place), Manley (Head of Development Management), S Evans (DM - Strategic Business Unit Manager), N Wheatcroft (Senior Planning Officer), K Lycett (Senior Planning Officer), A Swannell (Senior Engineer - Development Management [Highways]), G Gibson (Design and Special Projects) A Carden (Road Safety Team Leader), S Morrissey (Programme Lead), M Crawford (Solicitor - Planning) and D Imbimbo (Committee Manager).

Apologies: Councillor Baume

Also Present: Councillors Ferrans, P Geary and Miles

**Number of
Public Present:** 35

DCC66 CHAIRMANS WELCOME

The Chair welcomed Members of The Committee, Officers and Public to the meeting.

DCC67 MINUTES

That the Minutes of the meetings of the development Control Committee on 3 December 2015 and 7 January 2016 and the meeting of the Development Control Panel on 17 December 2015 be approved as accurate records and signed by the Chair as such, subject to an amendment to Page 6 of the minutes of the 3 December meeting being amended to read Councillor C Williams asked that a recorded vote be taken rather than Councillor P Williams..

DCC68 DECLARATION OF INTERESTS

Councillor White asked that it be noted that he was a member of the Milton Keynes Development Board and would therefore stand down from the Committee for consideration of Application 2

15/02490/MKCOD3, relating to Kents Hill School and Item 7 Pasqual Drive, Medbourne - Draft Development Brief, as in both instances the land was owned by Milton Keynes Development Board.

Councillor A Buckley asked that it be noted that in respect of application 15/02490/MKCOD3, he would be stepping down from the Committee and take no part in the determination of the application as he had a pre-determined view on the matter and would be speaking in objection.

Councillor A Geary asked that it be noted that in respect of application 14/02212/FUL, he would be stepping down from the Committee and take no part in the determination of the application as he had a prejudicial pecuniary interest in the matter and was related to the land owner.

DCC69

PUBLIC PARTICIPATION

The Committee received two questions from Mr. Lean a resident of Milton Keynes.

1. 'My Official MK Atlas shows a footpath from the corner of Midland Road and Newton Street to the sharp bend in Lavendon Road (where it is shown on P59). Can the Officers' report on application 15/02299/OUT please include a reference to the status of this path? Who is responsible for its maintenance, especially that part of it where it crosses the former rail track with steep steps either side of the track bed? Personal injury might be a background thought to paragraph A2.4 in the Officers report about to be discussed later this evening.'
2. 'My 1994 Postcode Atlas shows a future road between Cold Brayfield and the Warrington roundabout passing south of Lavendon, what is the status of this project please?'

The Chair told Mr Lean that the questions would be referred to the Head of Development Management to respond to in writing.

The Committee received a question from Councillor Terry Baines, Campbell Park Parish Council.

'A Community Interest Company named 'On the Verge' has been granted £85,600 of Heritage Lottery funding to paint the underpasses between the City Centre and Oldbrook, Fishermead, Bradwell Common and Conniburrow.

This is said to be "Connecting People, Connecting Places", we call it Urban Graffiti and it is not wanted within the Campbell Park area.

We believe that the placement of Public Art, which I believe this falls in that category, requires planning permission as it is a Material Change. This group along with its partners MK Council, the Parks Trust and the MK City Discovery Centre have not consulted the residents, Parish Councils, or applied for planning permission.

Does the Development Control Committee believe this would require

Planning Permission?’

The Chair told Councillor Baines that the question would be referred to the Head of development management to respond to in writing.

DCC70

REPRESENTATIONS ON APPLICATIONS

Ms J Fitzmaurice, Mr B Cook (Pegasus Group), Mr R Pill (ERTA) and Mr L Lean, spoke in objection to Application 15/01600/FUL, Food store (use class A1) and petrol filling station, recycling facilities and associated parking, servicing, drainage, landscaping, access and highway works at Land At Corner of Lavendon Road And, Warrington Road, Olney for Sainsbury's Supermarkets Ltd.

The Applicants Agent, Mr S McGrath exercised the right of reply

Mr A Francis, Councillor Ferrans and Councillor Buckley spoke in objection to application 15/02490/MKCOD3, Erection of a three storey secondary school (750 place), two storey special education needs school (50 place) and a single storey sports hall; including associated access, car and cycle parking, play areas, sports fields and amenity space at Land Off, Timbold Drive, Kents Hill Park for Milton Keynes Council.

Mr M Dolling (MKC Capital Programme Director) and Councillor Miles exercised the right of reply

DCC71

PLANNING APPLICATIONS

14/02212/FUL FOOD STORE (USE CLASS A1) AND PETROL FILLING STATION, RECYCLING FACILITIES AND ASSOCIATED PARKING, SERVICING, DRAINAGE, LANDSCAPING, ACCESS AND HIGHWAY WORKS AT LAND AT CORNER OF LAVENDON ROAD AND, WARRINGTON ROAD, OLNEY FOR SAINSBURY'S SUPERMARKETS LTD

Councillor A Geary stepped down and left the meeting during consideration of this application. Councillor White took the Chair.

The Committee heard objections to the scheme on the following grounds;

- An ongoing boundary dispute,
- Flood risk,
- Failure to adequately consider noise nuisance to neighbours,
- Unrealistic assessment of traffic movement,
- The substantial negative impact on the amenity of 3 residential properties,

- The impact on existing retail establishments in the town centre,
- The significant adverse impact on the vitality of the Town centre in general,
- The need to protect the potential rail link corridor,
- Enhanced pollution,

The applicants agent told the Committee that the application had been submitted after considerable consultation with the Council. The Committee heard that although the site was outside the village envelope there was an existing permission on the site and as such the principle of development had been established.

The impact on the Town Centre should be considered in the context that there is no major outlet in the vicinity and at present the co-op is significantly overtrading, there should be no adverse impact on the Town Centre. The agent also told the Committee that the Councils consultants did not believe that there would be a significant adverse impact. The Town Council had not made any objections and the evidence was that there is a desire amongst residents to see a large food-store available.

The Committee was reminded that the environment agency had not objected and traffic matters had been considered in great detail.

The Senior Planning Officer told the Committee that matters in respect of boundary disputes were not a planning consideration and the necessary notices had been served.

It was confirmed that the old rail line did not run across the proposed development site.

The recommendation remained to grant the application subject to conditions as detailed in the report amended as below together with an additional condition;

Condition 6. The food-store hereby permitted shall not be open to customers outside the following times:

- Monday to Friday 8am to 10pm;
- Saturday 8am to 9pm; and

- Sunday to operate in accordance with the Sunday trading hours, on the basis that the store is not opened to the public until 10am at the earliest.

Reason: To ensure that the development does not prejudice the enjoyment by neighbouring occupiers of their property.

New Condition:

The petrol filling station hereby permitted shall not be open to customers outside the following times:

- Monday to Friday 7.30am to 10.30pm;
- Saturday 7.30am to 9.30pm; and
- Sunday 8am to 8pm.

Reason: To ensure that the development does not prejudice the enjoyment by neighbouring occupiers of their property. Councillor White proposed that the Officer recommendation be agreed, this was seconded by Councillor Exon.

In response to a question the Officer confirmed that the Environmental Health Officers had confirmed that in their assessment the residential amenity of neighbouring properties would not be adversely impacted on subject to the conditions in respect of trading times, delivery arrangements and screening.

Councillor Bint asked that the Committee consider the wider impact on retail, it was acknowledged in the report that the co-op would suffer a 30% reduction in trading, and the Tesco quick stop was likely to be similarly impacted upon, however there appeared to be no evaluation of the impact on the smaller retailers.

The Officer confirmed that whilst there are two smaller foodstores in Olney the majority of large shopping trips are to other locations, the Town Centre also had a number of other service providers such as Banks and Doctors and the likelihood was that people would still travel into the Town Centre for those facilities.

Councillor Bint suggested that due to the location it was likely that not only would the new site provide for major shopping trips it was likely to be used for top up shopping, which would see people taken out of the Town Centre. He further commented that even an 'overtrading' site as the co-op is seen to

be is likely to suffer considerably, and if the top up shopping trips reduce as well consumers are less likely to go into the Town Centre for other services.

Members of the Committee expressed concern at the shortfall of parking spaces for the development and the potential for displaced parking on the highways. There was also concern in respect of access and egress for delivery vehicles as the road is extremely busy.

The Senior Highways Engineer confirmed that there was a shortfall, but told the Committee that as regulation orders could be put in place the scheme was deemed acceptable. There was also a transport plan and conditions to restrict deliveries from the north.

Councillor Exon expressed concern that the site sat outside the village envelope and whilst a previous application had been approved for the site it had been for a much smaller scheme and should not be considered to have established a principle for a development on the scale proposed by this applicant. He held the view that this represented an overdevelopment of the site.

Councillor White stated that he had concern that in particular the proposal was in contravention of saved policies S10 and R6. He also stated that he believed the impact on Olney town Centre had been underestimated and that it would have a greater impact on the viability and vitality of Olney given as the proposed development site was at the northern end of the town and the main existing facilities were at the southern side of the town linked by an extremely busy and often congested road.

He told the Committee that when this was considered together with the traffic problems experienced at peak times, and the potential for displaced off-site parking, the overall short term negative impact was high.

On being put to the vote the proposal to grant the application subject to the conditions as detailed in the officer report, amended as above together with the additional condition was lost.

Councillor White suggested that the application be refused due to the adverse impact on retail in Olney, the issues of traffic problems, including a

parking shortfall and as the development would be contrary to saved policies S10 and R6.

The Head of development management told the Committee that in respect of the retail impact an external independent consultant, employed by the Council had concluded that the scheme was acceptable.

It was also commented that the Highways Engineers had considered the site and deemed the scheme acceptable.

It was acknowledged that there was a parking shortfall contrary to the Milton Keynes Parking Standards and that whilst there was a planning history for the site it might be considered that this proposal was far greater than any previously approved scheme.

Councillor Bint reminded the Committee that the consultants had concentrated their assessment on the co-op and other food shops but had not given considered the wider impact on stores and services that those food shoppers also visited on their journey into the Town Centre. He also commented that he believed the scheme to be significantly different in scale from any previous proposals for the site. He further commented that the Milton Keynes Parking Standards recognised that where the maximum parking required had not been provided, and this was likely to result in displaced parking outside the development site, it would be reasonable to refuse the application.

The Service Director - Planning and Transport, told the Committee that the application had been assessed under the previous parking standards which used maximum standards, the parking provided in the application was not contrary to this policy.

Councillor White proposed that the application be refused for the following reasons;

1. There is a parking shortfall, which will be displaced outside the boundary,
2. There is an impact on the Surrounding Countryside, Contrary to Policy S10, and,
3. That there is an impact on the non-retail part of Olney Town Centre as a consequence of the 30% reduction to trade in the food-stores.

This was seconded by Councillor Exon.

On being put to the vote the proposal to refuse planning permission for the reasons stated above was carried on the Chairs casting vote, and it was;

RESOLVED –

That planning be refused as the proposed development;

1. Failed to provide the maximum car parking and was likely to lead to parking displacement outside the site boundary
2. The proposal was contrary to Policy S10 and would have an adverse impact on the open countryside
3. There was likely to be an adverse impact on the non-retail part of Olney Town Centre as a consequence of the 30% reduction in trade at the food-stores.

15/02490/MKCOD3

ERECTION OF A THREE STOREY SECONDARY SCHOOL (750 PLACE), TWO STOREY SPECIAL EDUCATION NEEDS SCHOOL (50 PLACE) AND A SINGLE STOREY SPORTS HALL; INCLUDING ASSOCIATED ACCESS, CAR AND CYCLE PARKING, PLAY AREAS, SPORTS FIELDS AND AMENITY SPACE AT LAND OFF, TIMBOLD DRIVE, KENTS HILL PARK FOR MILTON KEYNES COUNCIL

Councillor White stepped down from the Committee and left the room during consideration of this application.

Councillor Buckley stood down from the Committee to speak in objection to the application and took no other part in its determination.

Councillor A Geary resumed in the Chair.

The Committee heard from Mr Francis that he would ask that the Committee consider adding two additional conditions in respect of a guaranteed Bus Service at school times to be provided and an upgrading of the footpath on the southern approach to the school to a Redway to encourage more cycling due to the unusual layout of the proposed catchment area and the fact that there were no dwellings within a mile of the site.

Councillor Ferrans told the Committee that she was a member of the Milton Keynes Development Partnership but did not hold a prejudicial pecuniary interest in the matter. She was present and speaking in objection in her capacity as Ward Councillor for Monkston Ward.

The Committee heard objections from the Ward Councillors who raised the following matters;

- There are serious problems in respect of transport for students.
- The negative impact on the economy as the site was originally designated as employment land.
- The knock on congestion and parking problems associated with a change of use of the land.
- Existing bus routes are set to be cut.
- There is heavy traffic on the surrounding road network which presents a dangerous environment.
- The location does not support transport policies which encourage walking and alternative transport modes.
- There are inadequate 'drop-off' facilities.
- Development is piecemeal, there are no provisions within this application for a primary school that is likely to follow.
- The school is not needed for the 'grid-squares' it will serve.

The Ward Councillors asked that should the Committee be minded to approve the application additional and stronger conditions in respect of transport arrangements and Highway improvement be applied.

The Capital Programme Director and relevant Cabinet member, Councillor Miles, told the Committee that the Council had a duty to secure sufficient places for all children to attend schools within their area, this duty was devolved to the

cabinet and hence this application had been submitted to ensure that obligation was fulfilled.

The Cabinet member reminded the Committee that the school place planning framework was published annually and the strategic aspect of place planning was ongoing year on year. At present the availability of places was drying up, he recognised that pupil spaces was not strictly speaking a planning consideration but the Committee must be aware of the greater responsibility placed on the Council.

The Capital Programme Director told the Committee that it was acknowledged that the school would not be situated within the community it would serve but other options within the catchment site had been dismissed as unsuitable or inadequate in terms of size.

The Committee heard that the Transport Assessment had also taken account of proposed new housing developments and after further assessment by the Councils Highways Team it has been concluded that the arrangements are in line with their requirements in terms of the Councils policy on highway capacity and safety. Further it was anticipated that bus arrangements would be adequate following some upgrading.

The Senior Planning Officer reported that an update paper had been published setting out amendments and additions to conditions proposed in the original report.

The Senior Planning Officer confirmed that the recommendation remained to grant the application together with the conditions as detailed in the officer report amended as detailed in the published supplementary report together with the additional condition detailed therein and in addition it was recommended that an additional condition as detailed below be agreed.

'No development above slab level shall commence until a schedule of necessary improvements on walking/cycling routes has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until such time as the schedule of

improvements have been completed to the satisfaction of the Road Safety Team Leader.

Reason: In order to minimise danger, inconvenience and obstruction to users of the walking/cycling routes from all areas of the school catchment.'

And a further informative in the following terms was proposed;

Informative: 'The applicant should draw up a schedule of identified problems and include action points detailing remedial works to overcome the safety issues identified by the Road Safety Team Leader following the survey carried out 15th January 2016.'

Councillor A Geary proposed that the Officer recommendation be agreed, this was seconded by Councillor Exon.

Members of the Committee recognised that there was an urgent need for school places, however it was essential that any site was suitable and complied with planning policies.

There remained serious concerns that the bus service would not prove adequate for the needs of the pupils.

Councillor C Williams expressed concerns in respect of the road safety issues resulting from parking problems and inadequate alternative transport arrangements, in essence repeating the negative experience in other areas of Milton Keynes. Other members of the Committee concurred with the concerns recognising the unique setting of the development site not being within reasonable walking difference.

It was commented that the site had a slope beside one of the main buildings which could present a danger to children on foot.

Members of the Committee recognised that whilst the catchment area was not necessarily a planning consideration in its own right, the significant impact it had on the connectivity of transport made it a significant factor when considering the application.

It was noted that the change of levels of the site

has been addressed with a footbridge to the entrance.

It was further noted that the Ward Councillors had circulated a number of conditions they would seek to have applied if the application was granted, these had been detailed in the published update papers, members of the Committee sought explanation as to why these had not been included in the recommendation. The Service Director - Planning and Transport told the Committee that some of the proposals were of a nature that would require further consultation and investigation before they could be considered.

Councillor P Williams requested that the vote for the proposal to grant the application subject to the conditions as amended and additional conditions be recorded;

The votes were cast as follows;

Councillor BINT	ABSTAIN
Councillor EXON	AGAINST
Councillor A GEARY	ABSTAIN
Councillor GOWANS	FOR
Councillor GREEN	AGAINST
Councillor LEWIS	FOR
Councillor MORLA	AGAINST
Councillor P WILLIAMS	FOR
Councillor C WILLIAMS	AGAINST

The proposal to grant the application was therefore lost.

Councillor A Geary proposed that the determination of the application be deferred to allow further work to be conducted to address the concerns expressed by the Committee in respect of Parking, Road Safety and Connectivity of Transport, and such work to be done in full consultation with Ward Councillors for both the site and the catchment area.

This was seconded by Councillor Exon

Councillor Morla asked that her concerns in respect of the slope and differing levels of the site also be addressed.

On being put to the vote the proposal to defer the application for the reasons stated above was carried, and it was;

RESOLVED

That determination of the application be deferred to allow further work to be conducted to address the concerns expressed by the Committee in respect of Parking, Road Safety and Connectivity of Transport, and such work to be done in full consultation with Ward Councillors for both the site and the catchment area

DCC72 DRAFT PASCAL DRIVE, MEDBOURNE DEVELOPMENT BRIEF

Councillor White stepped down from the Committee for this Item and left the room.

The Committee heard from the Design and Special Projects officer that the Development Brief had been amended following the consultation process and was now before the Committee for a second review taking account of the comments received. A Site inspection had been undertaken. The Committee was reminded that an amendment sheet had been published following publication of the agenda and it was recommended that those amendments be endorsed ahead of the Development Brief being presented to Cabinet.

The Committee heard representations from Councillor Stuart Nightingale, Chair of Shenley Church End Parish Council, who expressed concern that the Brief referred to 4 storey buildings which the Council opposed. There also remained concerns in respect of the pressure on parking and local services.

Councillor C Williams told the Committee that having attended the Site Inspection he was also concerned that the brief allowed for a potential 3 or 4 storey building in paragraph 5.4.2, which would not be in keeping with the area. Other matters would be addressed in any planning application that followed.

Because of the slope of the land a four storey building could dominate the remainder of the site. Whilst a taller building could be accommodated on the lower end of the slope no new buildings should be constructed that would prove to be taller than the existing buildings that would be immediately adjacent to it.

Councillor A Geary also commented that this was his view.

It was proposed that this amendment be recommended to Cabinet to be made.

This was agreed by acclamation.

RESOLVED

That the Development Control Committee endorse the Development Brief amended as indicated in the published papers with an additional amendment to ensure that no new buildings are constructed to be taller than any existing adjacent building.

THE CHAIR CLOSED THE MEETING AT 10:05PM