

Minutes of the SPECIAL meeting of the DEVELOPMENT CONTROL COMMITTEE held on TUESDAY 09 NOVEMBER 2021

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

Officers: Jon Palmer (Head of Planning), Chris Nash (Development Management Manager), E Verdegem (Team Leader (West) - Development Management), Andrew Turner (Planning and Transport Policy Manager), David Blandamer (Senior Urban Designer), Paul Van Geete (Tariff Programme Manager), Rachel Kilgallon (Flood and Water Management Officer), Luciana Smart (Development & Network Manager), Nigel Weeks (SMT Highways Consultants), Julia Banham (Team Leader Strategy and Commissioning), Janie Burns (Enabling and Partnership), Simon Peart (Conservation and Archaeology Manager), Nick Crank (Senior Archaeological Officer), James Povey (Strategic Lead Transport Policy and Plan), Stephen Narborough (Landscape Technical Officer), Jaspreet Lyall (Interim Principal Solicitor - Planning), Dino Imbimbo (Committee Manager).

Apologies: Councillors Alexander, Cryer-Whitehead and Lancaster.

Also Present: Councillors Alexander (online), Carr (Online), Crooks P Geary, Hosking and Wardle. Approximately 30 members of the Public.

DCC39 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.

DCC40 DECLARATIONS OF INTEREST

Councillor Trendall asked that it be noted that in respect of application 21/00999/OUTEIS, he was the Cabinet member responsible for Regulatory Services, and Burial Grounds sit under that remit, the plans show that there is proposed to be a Burial Ground on the proposed development site. He however had an open mind in respect of the application as a whole and would judge it on its planning merits.

Councillor McLean made the following statement in respect of application 21/00999/OUTEIS;

‘When the HIF bid was being prepared and considered I was very much against this development; this is a matter of public record. However, I did take part in the workshops that helped to deliver the Development Framework for the site. This was so I could help influence what MKE would look like if it was to proceed should the HIF bid be successful.

I have not discussed my views regarding this application with anyone or anybody and therefore I have not reached a pre-determined position with regards to this application.’

Councillor Bowyer asked that it be noted that in respect of application 21/00999/OUTEIS, he had also opposed the HIF Bid, however, he did not hold a pre-determined position in respect of this application. He also asked that it be noted that he was a Trustee of the Parks Trust, the proposed development included an element of Linear Park, again he held no pre-determined view in respect of the application and would judge it on its planning merits.

Councillor Taylor asked the Chair to consider whether it was appropriate for him to take part in the meeting, given that he was a Cabinet member when the site went into the Local Plan and he had spoken in that capacity on numerous occasions on the subject, stating that the development was necessary. Additionally, the Leader of the Council had been reported to have stated that ‘this development will happen’. In Councillor Taylor’s view, this constituted pre-determination and he therefore felt the Chair should withdraw from the meeting, especially given his prerogative to exercise a casting vote, should it be required.

The Principal Solicitor gave the Committee an explanation of the rules and advice governing pre-determination, referencing s25 of the Localism Act but that ultimately it was for the member to decide whether they were pre-determined in any matter.

Councillor Legg told the Committee that having heard the advice and given due consideration he did not believe himself to be pre-determined in this instance and would consider the application with an open mind and determine it on its merits.

DCC41 PUBLIC PARTICIPATION

Questions

No questions had been received.

DCC42 REPRESENTATIONS ON APPLICATIONS

Mr A Francis (representing MK Forum), Mr R Shaw Msc. (representing MK East Action Group) Councillor Bint (Broughton and Milton Keynes Parish Council), Councillor I Carman (Newport Pagnell Town Council), Cllr P Alexander (Newport Pagnell South Ward Councillor), Councillor Carr (Newport Pagnell South Ward Councillor), Councillor Wardle (Hanslope and Newport Pagnell North Ward Councillor) Councillor Hosking (Olney Ward Councillor) and Councillor P Geary (Olney Ward Councillor) spoke in objection to application 21/00999/OUTEIS, Hybrid planning application encompassing: (i) outline element (with all matters reserved) for a large-scale mixed-use urban extension (creating a new community) comprising: residential development; employment including business, general industry and storage/distribution uses; a secondary school and primary schools; a community hub containing a range of commercial and community uses; a new linear park along the River Ouzel corridor; open space and linked amenities; new redways, access roads and associated highways improvements; associated infrastructure works; demolition of existing structures and (ii) detailed element for strategic highway and multi-modal transport infrastructure, including: new road and redway extensions; a new bridge over the M1 motorway; a new bridge over the River Ouzel; works to the Tongwell Street corridor between Tongwell roundabout and Pineham roundabout including new bridge over the River Ouzel; alignment alterations to A509 and Newport Road; and associated utilities, earthworks and drainage works at Milton Keynes East, Land East And West of A509 London Road, Newport Pagnell, Milton Keynes.

Councillor Dunn (Campbell Park Parish Council) and Councillor Crooks (Broughton Ward Councillor) spoke in support of application 21/00999/OUTEIS.

The Applicants Agent's Mr A Spearing, A Norcutt - WSP (Highways Consultant) and Mr S Purcell - WSP (Flood Consultant) exercised the right of reply.

DCC43 PLANNING APPLICATIONS

21/00999/OUTEIS

HYBRID PLANNING APPLICATION ENCOMPASSING: (I) OUTLINE ELEMENT (WITH ALL MATTERS RESERVED) FOR A LARGE-SCALE MIXED-USE URBAN EXTENSION (CREATING A NEW COMMUNITY) COMPRISING: RESIDENTIAL DEVELOPMENT; EMPLOYMENT INCLUDING BUSINESS, GENERAL INDUSTRY AND

STORAGE/DISTRIBUTION USES; A SECONDARY SCHOOL AND PRIMARY SCHOOLS; A COMMUNITY HUB CONTAINING A RANGE OF COMMERCIAL AND COMMUNITY USES; A NEW LINEAR PARK ALONG THE RIVER OUZEL CORRIDOR; OPEN SPACE AND LINKED AMENITIES; NEW REDWAYS, ACCESS ROADS AND ASSOCIATED HIGHWAYS IMPROVEMENTS; ASSOCIATED INFRASTRUCTURE WORKS; DEMOLITION OF EXISTING STRUCTURES AND (II) DETAILED ELEMENT FOR STRATEGIC HIGHWAY AND MULTI-MODAL TRANSPORT INFRASTRUCTURE, INCLUDING: NEW ROAD AND REDWAY EXTENSIONS; A NEW BRIDGE OVER THE M1 MOTORWAY; A NEW BRIDGE OVER THE RIVER OUZEL; WORKS TO THE TONGWELL STREET CORRIDOR BETWEEN TONGWELL ROUNDABOUT AND PINEHAM ROUNDABOUT INCLUDING NEW BRIDGE OVER THE RIVER OUZEL; ALIGNMENT ALTERATIONS TO A509 AND NEWPORT ROAD; AND ASSOCIATED UTILITIES, EARTHWORKS AND DRAINAGE WORKS AT MILTON KEYNES EAST, LAND EAST AND WEST OF A509 LONDON ROAD, NEWPORT PAGNELL, MILTON KEYNES FOR ST JAMES GROUP LTD.

The Chair invited the Development Management Manager to update the Committee in respect of a referral to the Secretary of State.

The Committee heard that the National Planning Casework Unit (PCU) had received a request that day, asking the Secretary of State to call in this application for his own determination.

The Committee was told that the House of Commons 2019 Briefing Paper (Calling-in planning applications (England)) stated that in practice, it was normal for a local planning authority (LPA) to complete the preliminary

work and reach the point where it was minded to grant planning permission. The Planning Authority should then notify the Secretary of State, who could decide whether to call-in the application to determine it himself.

Advice had been received from the PCU that day stating that they would not act on a third party requests to call in a planning application until the application had been determined by the relevant Planning Committee.

It was confirmed that there had been no receipt of a formal Direction from the Secretary of State to not proceed to consider the application. If a Direction had been received, the Secretary of State would still require the position of the local planning authority to be established – whether it be through a committee resolution or under delegated powers.

In summary, the Committee heard that there was no procedural issue before the Committee in such respects and the Secretary of State sought the formal resolution from the Council before it decided whether to intervene. The Committee was therefore advised to reach a resolution under the usual constitutional provisions.

The Development Management Team Leader introduced the application with a presentation.

The Committee was reminded that in addition to the Agenda report there was a published update paper and a published supplementary update paper available which responded to matters arising since the publication of the agenda. It was also reported that further late responses had been received since their publication:

- Central Bedfordshire Council had indicated that they were now broadly satisfied with the results of the landscape visual assessment, but maintained their concerns in respect of the impact of traffic.
- It had also been confirmed by Environmental Health Officers that there were no objections in respect of noise and the proposed mitigation measures to were acceptable.
- Highways Officers had also confirmed that they did not have any concerns in respect of drainage.

It was also reported that a Members Site Inspection had been undertaken on Monday 8 November 2021.

The Committee heard from objectors to the application who in summary made the following observations;

Mr A Francis (MK Forum)

The determination of the application should be deferred until it can be considered in conjunction with the two applications on land adjoining this development site. This was particularly important as there was a deviation from the original Development Framework and there were now uncertainties particularly in respect of connectivity.

Mr R Shaw MSc (MK East Action Group)

The Proposed development did not comply will all the policy requirements of the NPPF or PlanMK. All new developments should be encouraged in areas with low flood risk. The site was High Risk. Both paragraphs 159 and 162 of the NPPF provide policies that indicate that this site is not appropriate for development due to its High Flood risk nature. These paragraphs were supported by

PlanMK.

The Flood risk assessment was commissioned by the developer and not the Council, whilst the assessment itself included a disclaimer should the findings be incorrect.

Councillor Bint (Broughton and Milton Keynes Village Parish Council)

The determination of the application should be deferred to allow a full City-wide assessment of the traffic impact rather than purely the MK East area. The Development was likely to result in significant traffic problems across a much wider area and was contrary to Policies CT1 and CT2 of PlanMK.

Condition 22 required amending to ensure that the power to approve layouts of Redways and paths was not a function delegated to Officers but should be considered by the Committee. The wording as it stood potentially meant that the matters could be discharged as conditions rather than considered as reserved matters, so Councillors and Parish Councils would not necessarily have an opportunity to engage with the detail.

Councillor Carman (Newport Pagnell Town Council)

The Town Council supported the principle of Development, however, there remained 3 elements of significant concern.

The cycle track on Willen Road was dangerous and should be removed, given that it created a Toucan Crossing on the A422 and a pinch point for cyclists and vehicles on the M1 Bridge on Willen Road. It would also result in additional congestion and all crossings should be grade separated.

The assumption that there should be a form of sports provision on the site was premature

and the proposals should be deferred until such time as all development informed what was required in and around the area.

The lack of dualling on parts of the eastern relief road should be addressed by a condition to require the full length to be dualled. The modelling used anticipated a reduction in vehicular traffic which did not reflect the reality. Reserving money to dual later 'if required' was therefore a false economy.

Councillor Alexander

Supported the principle of development, however, maintained concerns in respect of the crossing proposed for the A422 and A509. Further, that a bridge crossing would be unsuitable as it would have to be high enough to allow HGV passage and by design would prove difficult for disabled access. Children would be required to cross these roads to access schools, and the proposed toucan crossing on the A422 was dangerous and unsuitable for a 70mph dual carriageway.

Councillor Carr

Supported the development in principle however concerns remained with the application in its present form.

The development would have a potentially harmful impact on Newport Pagnell in terms of flood risk and traffic congestion.

The Developers should be asked to review the surface water assessment to provide assurance that soakaway from the site that would find its way into the river system would not cause harm to the general area. Climate change would result in greater volumes of water discharging into the systems and Newport Pagnell was not equipped to handle those volumes.

Councillor Carr also shared the concerns of Newport Pagnell Town Council in respect of the cycle track and dualling of the Eastern Relief Road.

Councillor Wardle

Speaking as a Ward member but also a resident of Newport Pagnell, he recognised the designation of the land for development was decided democratically, however objected to the application unsatisfactory elements of the application remained.

Shared concerns in respect of traffic congestion that would be generated which would exacerbate the existing congestion, causing significant additional harm.

He stated that he still held concerns that the development was to take place in open Countryside and concurred with the observations made by Newport Pagnell Town Council in respect of dual carriageways, crossing provisions and the cycle track.

Councillor Hosking

Concurred with the views expressed by other objectors and highlighted particular concerns in respect of the encroachment into rural areas. The application did not enhance the living conditions of those already residing in the rural area as was required by policies within both the NPPC and PlanMK.

There would be significant flood risk for both the area of the development but also neighbouring areas.

The congestion likely to arise from traffic increase particularly in respect of Junction 14 of the M1, where no improvements to cope with extra traffic were planned.

Councillor P Geary

Stated that he had long opposed development in the area and had spoken in opposition on numerous occasions over a 14-year period. Recognising that the development would happen he sought to influence the process to ensure that it would be as sustainable as possible, but the proposed application failed to deliver in that respect.

The proposals did not support the principles on which Milton Keynes was founded, no development should lower the standard of living for those residents already on the site, it will cause significant traffic congestion, destroy biodiversity and risk worsening flooding problems in both the local and wider area.

Councillor Geary indicated that he felt the vote on the application should be a recorded vote.

The Chair invited speakers in favour of the application.

Councillor Dunn (Campbell Park Parish Council)

Campbell Park Parish Council had originally held concerns in respect of the traffic impact particularly in the area of Willen. Following a survey conducted by the Parish Council the developer was provided with the evidence to justify a reappraisal of the traffic management scheme which has addressed the concerns expressed by the majority of residents. A subsequent survey in respect of the amended plan demonstrated that the amendments were acceptable.

Councillor Crooks

The proposals for MK east were fully consistent with the MK Plan as approved by the Council in March 2019, in particular policies DS1, DS2 and SD12

It was important to note that 60% of the houses to be built were likely to be occupied by children of families already resident in Milton Keynes.

In respect of the road configuration, it would have been better to start with a strategic review of the whole of the eastern side of the city, however, that could not happen until Highways England agreed to consider a reconfiguration of the layout of Junction 14. In the circumstances he believed that the developer had reached the best solution possible.

The Chair invited the applicant's agent to exercise the right of reply. Following an introduction, the agent invited consultants to address the points raised by objectors.

In respect of the requests to dual the eastern relief road the applicant's agent told the committee that the decision to only dual parts was based on extensive traffic modelling and that there was no evidence to support the need to dual the entire section of road. It was noted that there were to be funding reserves available should the dualling be required later.

The WSP Highways Consultant told the Committee;

In respect of traffic impact, it was recognised that the M1 Junction 14 was at its operational life. National Highways have stated that there were no plans to upgrade the Junction and consequently additional strategic infrastructure was necessary. The assessment of the traffic impacts associated with the development had been based on the independent traffic model produced by the Council. That model reflected the pre-pandemic situation and had been reviewed by Both the Council and National Highways together with their respective advisors. The

modelling focused on the entire administrative area of Milton Keynes and extended across boundaries into neighbouring authority areas.

The new infrastructure required, including improvement of existing roads has been assessed on the evidence the modelling provided.

In respect of dualling of roads the Committee heard that this had to be evidence based and the modelling did not support a full dual carriageway road.

In respect the junction with the V11 which was an 'all-movement' junction under the HIF bid, however, subsequent research identified that junction of that nature would be unsafe and would not satisfy a Road Safety Audit. The plan would rely on alternatives routes for the traffic that was anticipated to have used the junction had it been viable.

Similarly, it had become apparent that the originally proposed roundabout at Carlton Gate would result in a risk of 'rat running' through Willen and was therefore deleted from the plan.

In respect of Pedestrian and Cycle Connectivity, the proposals referred to in the application were indicatively shown but did not form part of the application. In respect of the crossing at the Tickford roundabout it was anticipated this would be delivered as a subway crossing. The crossing of the A509 where the eastern perimeter road intersects would be a bridge crossing, however it would be cycle friendly and the design had been assessed as fully DDA compliant with the necessary head room provided. The detail of those crossings would be subject to reserved matter applications.

The WSP Flooding Consultant told the Committee that the proposals had been assessed fully and there was no build proposed within the zone 3 flood zone. All assessments had been conducted to industry standards and National Guidelines. The Consultant explained the proposals in detail.

The Chair invited questions of the case officer from the Committee in respect of points of clarification.

It was confirmed that the site as a whole was subject to three applications from different developers, this being the largest application. The two other applications had been submitted and were being assessed. The assurance that these applications were comprehensive was delivered by the adopted Development Brief.

Members of the Committee heard from the Tariff Programme Manager that in respect of the HIF bid there were milestones associated with the funding, but that the Council had met the pre-contract conditions, was in contact with the Homes and Communities Agency and was drawing down funding from the HIF pot. However, the timescales for meeting the delivery of the infrastructure had been extended until March 2025 which would ease the pressure.

Councillor A Geary held concerns that despite the extension there remained a significant risk of missing deadlines and losing out on the funding.

The Tariff Programme Manager told the Committee that there was a programme of works that suggested the delivery of the infrastructure could be achieved.

Councillor Bowyer sought assurance that the Internal Drainage Board was satisfied with the new conditions as amended. The Case

Officer told the Committee that the conditions as drafted sought to cover the points required by the Internal Drainage Board, but it had not been confirmed that the Board that the wording was to their satisfaction, but all points raised had been addressed in them to the Case Officer's satisfaction.

In respect of the risk of odour from the Cotton Valley Sewerage plant it was confirmed that there were to be no houses built adjacent to it but rather industrial premises.

Councillor McLean expressed concern in respect of the increases in costs of building material and its availability post pandemic and accordingly, what the risk was that the HIF funding would not cover those increases. The Programme Tariff Manager confirmed that there was a risk but also advised that there was a 30% contingency built in.

In response to a question from Councillor A Geary, the Committee heard from the Development Management Manager that a condition to require the dualling of the entire eastern relief road would not pass the tests for imposing conditions due to there being no evidence within the modelling to support such a need and the condition would therefore be deemed as unnecessary.

Following an adjournment, the meeting resumed with debate. Councillor Legg proposed, seconded by Councillor McLean, that subject to the completion of a section 106 (S106) agreement securing the obligations and terms set out in this report, permission be granted subject to the conditions substantively set out in the Committee report (as supplemented or modified in any accompanying written or verbal update to the Committee), with

powers delegated to the Head of Planning in consultation with the Chair and Vice Chairs of the Committee in respect of the addition and wording of the Great Crested Newt (GCN) District Licence conditions, if they were deemed to be necessary, and for the final wording of and reasons for all conditions, and that in the event that the S106 agreement not being 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.

Councillor A Geary seconded by Councillor Taylor proposed that condition 22 be amended to ensure that decisions in respect of the discharge of conditions referred to by condition 22 were not approved by Officers using delegated powers. He was happy for the final wording of the amended condition, if agreed, to be delegated to the Head of Planning in consultation with the Chair and Vice Chairs.

The Development Management Manager told the Committee that the revised condition would not meet the tests for a condition as the scheme of Delegation made provision for any elected member of the Council to call in an application, and therefore the revisions proposed would be unnecessary. Furthermore, there were some elements of condition 22 that related to s38 of the Highways Act.

On being put to the vote the proposed motion to amend condition 22 was lost on a recount.

Councillor Exon reminded the Committee that the application sought to address the requirements of the strategic plan, the application had evolved over a number of

years and whilst there remained a number of concerns, it was necessary to recognise that sound planning reasons would be required to refuse the application and that the application was policy compliant.

Councillor Reilly stated that he believed the provision of homes for approximately 10k people over the next 20 years was a significant benefit for Milton Keynes that the application would deliver. It was clear that there had been an extensive and effective consultation process that has led to a number of beneficial changes to the proposals and that the conditions suggested would address the concerns that have been expressed by objectors. In respect of the concerns relating to traffic congestion and flooding he was reassured by the information provided to the Committee that these matters were mitigated.

Councillor Trendall reminded the Committee that the Government had set housing targets and the proposed development went a long way to deliver on those. It was essential that the Committee agree this application as the alternative is a risk of an appeal resulting in the loss of HIF and s106 funding.

Councillor A Geary stated that he accepted that the principle of development of the site was established by the inclusion of the site in the Local Plan, however, any development should deliver what was needed. It was therefore essential that an application of this nature gave assurances in respect of the delivery of the required infrastructure. Councillor A Geary stated that he had concerns that there remained too many unanswered questions to give that assurance in respect of continued eligibility for the HIF funding provision. He further stated that he could not support the application unless the entire eastern relief road was to be dualled

and there also needed to be serious consideration of the impact on the traffic situation in a much wider area than that referred to in the application.

Councillor Taylor stated that he believed that more use of brown field sites rather than open countryside for housing was the way forward. He believed that the determination of the application should be deferred to give more consideration to the points raised by objectors in respect of traffic congestion and flooding. He further expressed concern that the grid road system was being eroded by the proposed development and was concerned that the application would only deliver a fraction of the housing required for the estimated population growth of the city with no guarantee of timely delivery given that it allowed for applications to be submitted over a 22-year period as defined in condition 3.

Following a discussion in respect of making amendments to conditions to ensure a speedier delivery of the development, Councillor Taylor, seconded by Councillor A Geary, proposed that condition 3 be amended to read 15 years rather than 22 years.

On being put to the vote the motion was lost.

Councillor Rankine expressed concerns in respect of the loss of biodiversity. He further commented that the traffic modelling was flawed in so far as there was no proposal to address the congestion at junction 14 which would undoubtedly increase, furthermore the failure to dual the relief road would result in additional and unmanageable congestion in the event of an M1 closure when the traffic was diverted onto local roads. The proposals failed to address policy CT7 of PlanMK which required freight to be

‘fast and efficient’.

Councillor Bowyer stated that he was unconvinced that there was not a need for the dualling of the eastern relief road, and in his view it was inevitable that the road would require dualling sooner or later and it was therefore more economical and sustainable to do it from the outset rather than a later project. In respect of the Internal Drainage Board, Councillor Bowyer felt there was a need to ensure that the conditions proposed were acceptable before any granting of the permission. There was also no guarantee that the land in private ownership would be made available for the linear park.

Councillor Bowyer also expressed concern in respect of condition 50 in respect of reserved matters for landscaping. He stated that historically there had been too many instances when reserved matters were considered the Committee had been advised that as detail had not been provided at the time of granting an OUTLINE permission it could not be added later. He stated that he would welcome an addition to the condition to require that the Council should ‘approve’ any submitted plan.

The Development Management Team Leader explained that as the application was a hybrid application the conditions had been written in two different formats, it was confirmed that the wording of condition 50 as it stood was such that it would ensure that the Planning Authority would have to approve the plan as a part of the reserved matters application.

The Development Management Manager told the Committee that he had noticed during the course of the debate that condition 49 was missing the implementation requirement and

recommended that the Committee amend condition 49 to include it.

Councillor Exon, seconded by Councillor Bowyer, proposed that the wording be amended to include the implementation requirement.

On being put to the vote the amendment was agreed unanimously.

Councillor Priestley stated that she believed that the proposed development provided significant employment opportunities that also provided opportunity to live in proximity to where people work. She further believed that the reserved matters elements of the application gave opportunity to refine the entire development as it progressed.

Councillor McLean echoed the concerns in respect of the risks associated with the potential not to receive the HIF funding, he also believed that the dualling of roads should be done at the outset, both to avoid risk of congestion and to save disruption later and the impact on ecology of repeating the work at a later date.

Councillor McLean stated that he believed that the application should be considered in conjunction with the two outstanding applications so that an informed judgement in respect of the entire MK East area could be made.

Councillor McLean, seconded by Councillor Taylor, proposed that the determination of the application be deferred to a time when all three applications for the site could be considered at once.

The Development Management Manager reminded the Committee that there was no policy basis for deferring the application on these grounds, furthermore there was a risk in respect of a claim for non-determination

in respect of this application.

The Principal Solicitor also reminded the Committee that should an appeal for non-determination was successful there was a risk that the Council would be awarded costs against it.

The Head of Planning told the Committee that the adopted Development Framework was the tool for ensuring that the applications complimented one another, and its existence was another reason that it was not reasonable to defer the application to consider it in tandem with the others.

On being put to the vote the motion was lost.

The Chair reminded the Committee that the meeting was due to end at 10pm and that time had been reached, he proposed, seconded by Cllr McLean, that the meeting be extended for an additional hour to conclude the business. This was agreed by acclamation.

Councillor Legg stated that he wanted to place on record his thanks to the case officer for the report which he had found to be comprehensive and easily followed.

He further stated that he recognised the concerns expressed by all parties. He stated that the site having been designated for development in the Local Plan the principle of development had been established. The concerns expressed in respect of the dualling were of a concern to him however it was clear that the submitted traffic assessments did not support the need for the dualling and therefore that would not be a justifiable reason to refuse the application.

Councillor A Geary requested that a recorded vote be taken.

The Chair proposed that an additional

resolution be agreed that the decision be issued subject to the Secretary of State not calling in the application for their own determination.

On being put to the vote the motion to

1. Grant the application subject to the completion of a section 106 (S106) agreement securing the obligations and terms set out in this report, permission be granted subject to the conditions substantively set out in the Committee report (as may be supplemented/modified in any accompanying written or verbal update to the Committee) with amendment to condition 49 to include a requirement for implementation, with powers delegated to the Head of Planning in consultation with the Chair and Vice Chairs of the Committee in respect of the addition and wording of the Great Crested Newt (GCN) District Licence conditions, if they are deemed to be necessary, and for the final wording of and reasons for all conditions.

2. In the event that the S106 agreement is 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 the decision be issued subject to the Secretary of State not calling in the application for their own determination.

Councillors Baume, Exon, Legg, Reilly, Trendall and Wallis cast their votes in favour, Councillors Bowyer, A Geary, McLean, Priestley, Rankine and Taylor cast their votes against.

The Committee Manager told the Chair that the vote proved a tie with 6 in favour and 6

against.

Councillor Priestley told the Committee that she had cast her vote against in error and had meant to cast in favour.

The Chair sought legal advice from the Principal Solicitor and advice from the Committee Manager in respect of what action to take.

Councillor A Geary told the Committee that he believed that the Chair had declared the result as 6 for and 6 against.

Having taken advice, the Chair's decision was that the original vote was tied and that he would not revisit the votes of any Committee members. Therefore, the Chair exercised his right to use a casting vote in favour of the application.

RESOLVED –

That;

1. Subject to the completion of a section 106 (S106) agreement securing the obligations and terms set out in this report, permission be granted subject to the conditions substantively set out in the Committee report (as may be supplemented/modified in any accompanying written or verbal update to the Committee) with amendment to condition 49 to include a requirement for implementation, with powers delegated to the Head of Planning in consultation with the Chair and Vice Chairs of the Committee in respect of the addition and wording of the Great Crested Newt (GCN) District Licence conditions, if they are deemed to be necessary, and for the final wording of and reasons for all conditions.

2. In the event that the S106 agreement is 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 the decision be issued subject to the Secretary of State not calling in the application for their own determination.

THE CHAIR CLOSED THE MEETING AT 10:20 PM