

Minutes of the meeting of **DEVELOPMENT CONTROL COMMITTEE** held on **THURSDAY 4 MARCH 2021** at 7.00 pm.

**Present:** Councillor Brown (Chair)  
Councillors Bint, Exon, Lancaster, McLean, Miles (Substituting for Legg), Petchey, Reilly (Substituting for Alexander), Trendall and Wallis.

**Officers:** P Thomas (Int Director, Planning, Strat Transport, Placemaking), J Palmer (Head of Planning), C Nash (Development Management Manager), K Lycett (Principal Planning Officer), G Gibson (Design and Special Projects Manager), M Clarke (Principal Urban Designer), N Sainsbury (Head of Placemaking), S Peart (Conservation and Archaeology Manager), N Roy (Principal Solicitor) and P Brown (Head of Democratic Services)

**Apologies:** Councillors Alexander and Legg

### **DCC61 INTRODUCTIONS AND WELCOME**

The Chair welcomed members of the public and councillors, advising that the meeting was being held remotely and would be broadcast live on YouTube, further explaining the procedures to be adopted. The Committee noted that following a review of proportionality, triggered by the resignation of a Labour Councillor from the Council, the Labour Group had one less seat on the committee (which would remain vacant until the new municipal year) and therefore Councillor Cryer-Whitehead was no longer a member the Committee. The Chair thanked her for her contribution to the Committee.

### **DCC62 DECLARATION OF INTERESTS**

None were made.

### **DCC63 MINUTES OF PREVIOUS MEETINGS**

RESOLVED –

That the minutes of the meeting of the Development Control Panel meeting held on 21 January 2021 be agreed as an accurate record and signed as such by the Chair.

### **DCC64 PLANNING APPLICATIONS**

**20/03015/DISCON DETAILS SUBMITTED PURSUANT TO DISCHARGE CONDITION 4 (HARD AND SOFT LANDSCAPING DETAILS) ATTACHED TO PLANNING APPLICATION 18/01469/FUL AT 22 - 24 STANTONBURY CENTRE PURBECK STANTONBURY FOR ALDI STORES LIMITED.**

The Principal Planning Officer introduced the application with a presentation. It was noted that there had been a published update paper setting out

comments from MK Forum which maintained its objection to the siting of the 'bicycle wall' mural.

The Committee heard that the Officer recommendation remained that the details (as submitted), be approved and that the condition be discharged.

In response to a question, the Principal Planner confirmed that the protective planting had been sought as per the condition and whilst it was noted that the Council Landscaping Officer had expressed concern that the plants proposed were not appropriate for the location, the recommendation reflected the context of the scheme as a whole.

Councillor Bint reminded the Committee that the conditions in general required that there be no building above slab level until the landscaping condition had been discharged and as the structure had now been completed it was necessary to consider the application retrospectively, particularly as in his view, the Mural had been sited in the wrong position.

The Principal Planner told the Committee that it had not been expedient to start any enforcement action as an application had been submitted before the store was opened. That application had subsequently been withdrawn.

Councillor Brown, seconded by Councillor Bint, proposed that the Officer recommendation be agreed.

Councillor Bint stated that the application was in effect retrospective and that he therefore did not believe that there was an urgency to approve the scheme. Given that the application was to approve landscaping, he had concerns that the mural had neither the land nor planting buffer to the front that he understood the committee had previously agreed. Furthermore, the Landscape Officer had stated that the planting scheme was for the wrong type of plant for the location.

Councillor Bint stated it should be revised to include suitable and appropriate plants, and that there should also be a full explanation of the current placement of the mural and what impact that had on the ability to effectively protect it.

Councillors Trendall, Miles, Lancaster, McLean and Wallis concurred with the views expressed.

On being put to the vote the proposal to discharge condition 4 was lost with all Members voting against the motion.

Councillors asked that when the matter returned to the Committee as a fresh application a photographic montage be presented to demonstrate the placement of the mural and accompanying advice provided about the potential to carry out enforcement action in respect of the incorrect planting.

Councillor Exon asked that an informative be added to the Decision Notice to request that the applicant provide information in respect of what mitigating action could be taken to protect the mural in its current location.

On advice from the Principal Solicitor and Head of Democratic Services, the Chair told the Committee that as the decision attracted a right of appeal, there was a need to formally resolve to refuse the application with an associated reason. Councillor Bint suggested that the application be refused as the proposed details were not acceptable in so far as the plants were of an inappropriate type for the location and there also remained uncertainty about how much land was available for defensive planting which appeared to be less than was originally proposed to be available.

Councillor Bint, seconded by Councillor McLean, proposed that the application be refused given that the reason that the condition had been applied was to protect significant trees and hedgerows, safeguard the character of the area and preserve habitat, and to minimise the effect of development on the area in accordance with Policies NE4 and NE5 and Policy D1 of Plan:MK (2019). Therefore, by virtue of the proposed planting scheme and specifically the plant species and sizes not being appropriate for the location and not affording the level of protection expected for, and the enjoyment of, the mural, with the final wording of the reason for refusal being delegated to the Director - Planning, Strategic Transport and Placemaking in consultation with the Chair and Vice-Chairs of the Committee.

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

RESOLVED –

1. That the application to discharge condition 4 be refused as the reason the condition had been applied was to protect significant trees and hedgerows, safeguarding the character of the area and preserving habitat and to minimise the effect of development on the area in accordance with Policies NE4 and NE5 and Policy D1 of Plan:MK (2019) by virtue of the proposed planting scheme in terms of the plant species and sizes was not appropriate for the location and in particular did not afford the level of protection expected for, and the enjoyment of, the bicycle wall, and that the final wording of the reason for refusal be delegated to the Director - Planning, Strategic Transport and Placemaking in consultation with the Chair and Vice-Chairs of the Committee
2. That an informative be added to seek information in respect of what mitigating actions could be taken to protect the mural in its present location should adequate defensive planting not be possible.

**DCC65 ENFORCEMENT UPDATE RELATING TO PINK PUNTERS, WATLING STREET, FENNY STRATFORD.**

The Committee heard that since the publication of the agenda, new information had come to light and it had not yet been possible to assess this in adequate detail in order to provide the Committee with full information to support the original officer recommendation. Therefore, the Officer recommendation was that the Item be withdrawn from the agenda and re-listed for a later meeting of the Committee. The recommendation was agreed by acclamation.

RESOLVED –

That the item be withdrawn and deferred for consideration at a future meeting.

**DCC66 DESIGN CODES - CALVERTON GREEN NORTH AND CALVERTON GREEN SOUTH AT WEA AREA 10-1 TO 10-3, WATLING STREET**

The Committee considered a report and presentation in respect of the Design Code for Calverton Green North and Calverton Green South at WEA Area 10-1 To 10-3, Watling Street.

The Principal Planner told the Committee that the revised Design Codes had addressed the issues raised when the matter had been considered by the Committee at a previous meeting and that her recommendation was that the Design Codes be approved.

Councillor McLean referring to Page 10, Section 2.3 of the document advised that that section duplicated information in paragraphs 1.16 and 1.17 and should be deleted. Further, that on Page 11 at condition 10 there was reference to 'table 1' but it was unclear where 'table 1' was located in the document.

Councillor Trendall referring to comments made at the Strategic Placemaking Scrutiny Committee reminded the Committee of the need for consideration to be given to the placing of waste collection points and waste bin storage spaces, taking account of the potential use of 4 wheeled bins, advised that there did not appear to be any reference to such issues in the Design Codes.

Councillor Bint referred to Page 33 of the Design Code which detailed a row of dwellings facing the road (it was noted that the road had already been constructed) with no available parking to the front. This arrangement was the same as that in other recently developed areas of the Borough and as a consequence, there was no simple and convenient route from front door of a dwelling to the allocated parking areas. Councillor Bint reminded the Committee that the Council was now investing significant sums of money in other recently developed areas, to attempt to resolve this issue and safely accommodate vehicles that were being parked on the road and pavements adjacent to dwellings.

The Head of Placemaking told the Committee that the 2008 Movement Design Code was often interpreted to mean that no direct access to residential plots was allowed from a City Street, which was not the case. There was however, other planning guidance that implied there should be no direct access to properties along City Streets and it was on the strength of this that the Design Codes were drafted. For example, Policies CT2, CT3 and CT4 of Plan:MK sought to protect Redways, which were part of a City Street, and additionally sought to restrict direct access across a Redway. This was the reason private driveways with direct access across a Redway were not encouraged as they would compromise cycle and pedestrian safety. There were also other policies that suggested that rear parking portals were the preferred option.

Councillor Bint, recognising that the Design Code could still be amended in respect of the houses, suggested that 'pedestrian walkways' leading from the front to the rear parking areas could be provided between houses, or alternatively, garages with access at the rear and a direct pedestrian access link to the front door could be provided.

The Head of Placemaking told the Committee that developers were encouraged to ensure that allocated parking spaces were immediately behind dwellings and that there should be reasonable access through rear gardens, but there was however no reason that walkways between properties in a terrace could not be included in the Designs.

Councillor Bint, seconded by Councillor McLean, proposed that the Director - Planning, Strategic Transport and Placemaking, in consultation with the Chair and Vice Chairs, be delegated to negotiate with the applicant, a form of words to be included in the document to amend the Design Code in order to reflect that; where no direct access from parking spaces to the front of dwellings is possible, that provision be made for gated walkways between houses at frequent intervals, or for provision to be made for significant amounts of on street parking. The proposal was agreed by acclamation.

Councillor Brown therefore proposed that the Design Codes be approved subject to the inclusion of a clause to reflect Councillor Bint's requirement for access to parking areas or the provision of on street parking. This was seconded by Councillor Bint.

On being put to the vote the motion was carried with Councillors Bint, Brown, Exon, Lancaster, McLean, Miles, Petchey, Reilly and Wallis voting in favour and Councillor Trendall voting against.

RESOLVED –

That the Design Code for Calverton Green North and Calverton Green South at WEA Area 10-1 to 10-3, Watling Street, be approved subject to amendments which incorporate sufficient on street parking and appropriately located gated pedestrian access between dwellings from the city street to parking courtyards, the final details of which be delegated to the Director - Planning, Strategic Transport and Placemaking in consultation with the Chair and Vice-Chairs of the Committee.

**DCC67 DRAFT DEVELOPMENT BRIEF FOR LAND TO THE REAR OF FRITHWOOD CRESCENT, KENTS HILL**

The Committee considered a report in respect of the Draft Development Brief for the land to the rear of Frithwood Crescent, Kents Hill, Milton Keynes.

The Design and Special Projects Manager reminded the Committee that the Draft Development Brief had been written following consultation with the Parish Council and other stakeholders and was now presented to the Committee, as a formal consultee, as part of the consultation process adopted by the Council in respect of Development Briefs and that members of the Committee were invited to submit any formal consultation responses directly to him by 22 March 2021.

Councillor McLean noted the reference in paragraph 2.17 of page 25 of the Draft Development Brief, which referred to self-build opportunities and which he felt were unlikely to be realised, on what was proposed to be a council house development. Councillor McLean provided additional feedback in respect of the Draft Development Brief:

- at Paragraph 4.18, in reference to parking, it should be indicated that there would be a need to detail parking for any proposed development;
- at paragraph 5.43 of Page 30 the allocation of 6 parking spaces for allotments and seem to be too many, when more detail was required to indicate how many allotment plots were proposed; and
- at paragraph 5.83 of Page 33 the reference to superfast broadband, should be replaced with the term 'fibre to the premises' as there were different types of fast broadband services.

Councillor Bint commented that the Draft Development Brief provided little clarity in respect of whether there would be vehicle access to the playing fields and that it was also unclear whether there would be pedestrian connectivity throughout the development site.

The Committee heard that the self-build was part of a job creation scheme.

RESOLVED –

That the report be noted.

THE CHAIR CLOSED THE MEETING AT 8:30 PM