



Minutes of the DEVELOPMENT CONTROL COMMITTEE held on TUESDAY 08 MARCH 2016 at 7.00 pm.

**Present:** Councillor A Geary (Chair)  
Councillors: Baume, Bint, Exon, Ganatra (Substituting for Cllr Buckley), Gowans, Green, Lewis, White, C Williams and P Williams.

**Officers:** S Manley (Head of Development Management), S Evans (DM - Strategic Business Unit Manager), S Hine (Senior Planning Officer), D Webber (Senior Planning Officer), P Van Geete (Tariff Programme Manager), A Swannell (Senior Highways Engineer), J Cotton (Solicitor - Planning) and D Imbimbo (Committee Manager).

**Apologies:** Councillors Buckley and Morla

**Also Present:** Councillor Hopkins

**Number of  
Public Present:** 15

**DCC83 CHAIRMANS WELCOME**

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

**DCC84 DECLARATION OF INTERESTS**

None were made.

It was noted that all Members of the Committee had received letters and emails from Developers and other interested parties in support of the applications, to which no comments had been made.

**DCC85 REPRESENTATIONS ON APPLICATIONS**

Councillor D Hopkins (Chair) Wavendon Parish Council spoke in objection to application 16/00025/OUT, Outline consent for 164 additional 'grasscrete' parking spaces, associated landscaping and future emergency access to the adjoining site. All matters reserved at The Stables, Stockwell Lane, Wavendon.

Mr J Rice (Chair of Trustees) exercised the right of reply

Mr D Lock spoke in objection to application 15/02337/OUT, Outline application for up to 134 residential units, 75-100 sqm of A1 (retail use) for the provision of a local convenience store with access from Ortensia Drive and the land north of the site, with associated landscaping, infrastructure and ancillary works at Land North And

West of Wavendon Business Park, Ortensia Drive, Wavendon Gate.

Mr A Collins (Applicants Agent) exercised the right of reply

Mr J Rice and Mr D Lock spoke in objection to application 15/02768/OUT, Outline application for the construction of up to 240 dwellings with garaging; parking; public open space; landscaping; new vehicular and pedestrian accesses; highway works, foul and surface water drainage infrastructure and all ancillary works at Land Site South East of, Elmswell Gate, Towergate.

Mr P Atton (Applicants Agent) exercised the right of reply

**DCC86**

## **PLANNING APPLICATIONS**

### **16/00025/OUT OUTLINE CONSENT FOR 164 ADDITIONAL GRASSCRETE PARKING SPACES, ASSOCIATED LANDSCAPING AND FUTURE EMERGENCY ACCESS TO THE ADJOINING SITE. ALL MATTERS RESERVED AT THE STABLES, STOCKWELL LANE, WAVENDON FOR WAVENDON ALLMUSIC PLAN**

The Committee heard from the Chair of Wavendon Parish Council, who asked that it be noted that he was previously a trustee of the Stables and remains a member of the Stables but had taken legal advice and there was no reason he could not speak.

The Committee was told that the Parish Council supported the Stables, however, the siting of the proposed car park was on land that appeared to have been identified by the Planning Inspector in 2013 Core Strategy as a Green Buffer between the new built area of the SLA and Wavendon Village. It was accepted that the Inspector did not define the size of the separation but the land for the proposed parking would have been included.

The Parish Council therefore asked the Committee to consider whether the provision of 'Greencrete' constructed car park amounted to a green buffer zone or an extension of the built environment of the Stables.

The Chair of the Trustees to the Stables told the Committee that the future viability of the Stables as a premiere music and arts venue depended on its being able to expand and accommodate the associated visitors parking without having a negative impact on the activities of the centre.

The Senior Planning Officer told the Committee that an update report had been published giving

details of recommended amendments to the conditions. It was noted that a Site Inspection had been conducted which had been attended by Councillors White, C Williams, Baume and Gowans. Also in attendance was Councillor D Hopkins in the capacity of Chair of Wavendon Parish Council.

The Committee was told that this was one of two applications to be considered for the same site which would be in conflict with one another, however, this was not a planning consideration and the site can have multiple permissions for development. The Senior Planning Officer confirmed that the recommendation remained to grant the application subject to the conditions as amended.

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

It was noted that although the parking provision that this development would make available exceeded the Parking Standards, this would not amount to a departure from Policy as the Parking Standards are guidance that allow for flexibility in exceptional circumstances..

Councillor White, having attended the Site Inspection sought reassurance that adequate tree protection was proposed.

The Senior Planning Officer confirmed that trees would be protected under condition 6.

On being put to the vote the proposal to grant the determination of the application was carried unanimously, and it was;

RESOLVED –

That outline planning permission be granted subject to the conditions as amended.

**15/02337/OUT**

**OUTLINE APPLICATION FOR UP TO 134 RESIDENTIAL UNITS, 75-100 SQM OF A1 (RETAIL USE) FOR THE PROVISION OF A LOCAL CONVENIENCE STORE WITH ACCESS FROM ORTENSIA DRIVE AND THE LAND NORTH OF THE SITE, WITH ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ANCILLARY WORKS AT LAND NORTH AND WEST OF WAVENDON BUSINESS PARK,**

**ORTENSIA DRIVE, WAVENDON GATE FOR  
HEWLETT PACKARD ENTERPRISE SERVICES  
UK LIMITED**

The Committee heard representations in respect of the issue of 'equalisation'. The objector told the Committee that the applicant had agreed to 'equalisation'. The objector therefore urged the Committee to require its inclusion in the S106 agreement as a firm agreement, The Objector expressed concern that the wording of the recommended resolution of the Committee implied that this was not a binding requirement on the granting of permission.

The applicants agent confirmed that the applicant was willing to enter an equalisation in the S106 agreement.

The Committee heard from the Solicitor that in this instance it was appropriate to include the issue of equalisation within the S106 agreement as it had been offered by the applicants, this would not be the case where they did not make such an offer as equalisation was not a planning matter.

It was also confirmed that the site had been advertised as a departure from policy due to its employment land status on the Local Plan.

Councillor A Geary proposed that the officer recommendation that planning permission be granted subject to the completion of a S106 Legal Agreement including the provision of 30% affordable housing consisting of a tenure mix of 25% Affordable Rent (including 5% at broadly equivalent to Social Rent) and 5% Shared Ownership and provision of sustainable construction in accordance with saved Local Plan Policy D4, nil value land for any incidental open space areas, provision for long term management of the open space and Sustainable Urban Drainage System and commuted sums towards maintenance and the allocation of funding towards infrastructure, community facilities to mitigate the impact of the development on adjacent settlements, the submission and approval of a design code and the inclusion in the s106 Obligation of a clause to secure the principle of equalisation as offered by the applicant. Subject to the conditions set out in Section 6 of the

Committee report be agreed, this was seconded by Councillor White.

The Solicitor confirmed that although Equalisation was not a planning matter were an offer to include equalisation in the S106 was made such an inclusion would not be unlawful.

The Tariff Programme Manager gave the Committee an explanation of the principle of Equalisation and explained the terms in which it could or would be included in a S106 agreement and that such a clause would reflect the expectation that equalisation would be agreed to.

It was noted that the land was designated for employment and that this was the last remaining out of 'CMK' site for a major office development which was of concern, however it was also recognised that this had to be balanced against the 5 year housing land supply.

The Committee explored the issue of density and concluded that whilst it was 42 dwellings per hectare in outline there were other matters such as ecology and guidance set out within the Council adopted Parking Standards and New Residential Design Guide which would impact on the deliverable density of the development.

As the proposal was a departure from the local plan a recorded vote was required and the voting was as follows;

|                       |         |
|-----------------------|---------|
| Councillor Baume      | FOR     |
| Councillor Bint       | ABSTAIN |
| Councillor Exon       | AGAINST |
| Councillor Ganatra    | FOR     |
| Councillor A Geary    | FOR     |
| Councillor Gowans     | FOR     |
| Councillor Green      | ABSTAIN |
| Councillor Lewis      | FOR     |
| Councillor White      | FOR     |
| Councillor C Williams | ABSTAIN |
| Councillor P Williams | FOR     |

The motion was therefore carried, and it was;

RESOLVED –

That planning permission be granted subject to the completion of a S106 Legal Agreement including the provision of 30% affordable housing consisting of a tenure mix of 25% Affordable Rent (including 5% at broadly equivalent to Social Rent) and 5% Shared Ownership and provision of sustainable construction in accordance with saved Local Plan Policy D4, nil value land for any incidental open space areas, provision for long term management of the open space and Sustainable Urban Drainage System and commuted sums towards maintenance and the allocation of funding towards infrastructure, community facilities to mitigate the impact of the development on adjacent settlements, the submission and approval of a design code and the inclusion in the s106 Obligation of a clause to secure the principle of equalisation as offered by the applicant. Subject to the conditions set out in Section 6 of the Committee report.

**15/02768/OUT OUTLINE APPLICATION FOR THE CONSTRUCTION OF UP TO 240 DWELLINGS WITH GARAGING; PARKING; PUBLIC OPEN SPACE; LANDSCAPING; NEW VEHICULAR AND PEDESTRIAN ACCESSES; HIGHWAY WORKS, FOUL AND SURFACE WATER DRAINAGE INFRASTRUCTURE AND ALL ANCILLARY WORKS AT SITE SOUTH EAST OF, ELMSWELL GATE, TOWERGATE FOR THE FAIRFIELD PARTNERSHIP**

The Committee heard representations from objectors who raised concerns in respect of 'Equalisation' as the Committee was being recommended to grant permission without a clear requirement to enter into an equalisation agreement.

There would then remain a risk to the Council that no such agreement would have repercussions for the deliverability of the various social infrastructure schemes within the SLA.

The representative of the Stables expressed concern that there was no clear information in respect of what access arrangements would be made in respect of the Stables.

The Applicant's agent confirmed that whilst the

principle of equalisation was accepted they would not agree to include a clause requiring it within the S106 agreement as it was their view this was a commercial matter to be agreed between developers separate of any S106 agreement.

The Chair asked that Officers confirm the legality of including a requirement to enter an equalisation agreement within the S106 agreement before that recommended motion was moved.

The Chair called a short adjournment to allow consideration of the question.

On resuming the meeting Members were advised that it would be appropriate to defer consideration of the item for external legal advice

Councillor A Geary proposed that determination of the application be deferred to allow further legal advice to be obtained, this was seconded by Councillor White.

On being put to the vote the proposal to defer determination was carried, and it was;

RESOLVED –

That determination of the application be deferred to allow additional legal advice in respect of the status of equalisation being included in a S106 agreement.

THE CHAIR CLOSED THE MEETING AT 8:45PM