

## ITEM 3(a)

Minutes of the meeting of **DEVELOPMENT CONTROL COMMITTEE** held on **THURSDAY 5 NOVEMBER 2020** at 7.00 pm.

**Present:** Councillor Brown (Chair)  
Councillors Alexander, Bint, Bowyer (Substituting for Councillor Lancaster), Cryer-Whitehead, Exon, Legg, McLean, Petchey, Trendall and Wallis.

**Officers:** T Darke (Director, Planning, Strategic Transport and Placemaking), M Joyce (Interim Development Management Manager), R Edgington (Senior Planning Officer), K Lycett (Senior Planning Officer), C Walton (senior Planning Officer), P Caves (Team Leader - Traffic & Development), S Peart (Conservation and Archaeology Manager), E Gineikiene (Principal Lawyer) and D Imbimbo (Committee Manager)

**Apologies:** Councillor Lancaster

### **DCC45 INTRODUCTION AND WELCOME**

The Chair welcomed members of the public and councillors to the meeting, The Chair stated that the meeting was being held remotely and would be broadcast live on YouTube, he further explained the procedures to be adopted.

### **DCC46 DECLARATION OF INTERESTS**

Councillor Bint asked that it be noted that in respect of application 20/02159/DISCON, one of the Objectors was Mr T Skelton representing MK Forum, Cllr Bint was the Council's appointed member of that group but he had not engaged in any discussion in respect of the application.

Councillor Brown asked that it be noted that in respect of application 20/00551/FUL, the site was within his Ward and he had been involved in discussions with residents over a two year period and was pre-determined. He would therefore step down from the Committee during consideration of the application, but would be speaking as an objector.

Councillor Petchey asked that it be noted that in respect of application 20/00551/FUL, he had attended a faith meeting with the applicants, he had however not been involved in discussing the application and would determine it on its merits.

**DCC47                    MINUTES OF PREVIOUS MEETINGS**

RESOLVED –

That the minutes of the meetings of the Development Control Committee held on 3 September 2020, 17 September 2020 and 8 October 2020 be agreed as accurate records and signed by the Chair as such

**DCC48                    PUBLIC PARTICIPATION**

**Questions**

The Committee received a question from Mr D Tooley;

‘Given that the Blakelands warehouse planning application was considered some years ago now, and the committee has been told of improvements being made to the service since then, what are your very best hopes for what the Dorfman Review will actually add to the sum of your knowledge about what happened and why?’.

The Director, Planning, Strategic Transport and Placemaking, responded by saying ‘It would be inappropriate to guess what the review will say, it is an independent review so it will be necessary to wait and see what the findings are and no doubt members of the Committee will be keen to see what the recommendations are, and of course any improvements to the Service will be incorporated in the improvement plan’.

As a supplementary question, Mr Tooley asked when the report was now expected to be received.

The Director, Planning, Strategic Transport and Placemaking, told Mr Tooley that it was anticipated that it would be received within the next few weeks.

**DCC49                    REPRESENTATIONS ON APPLICATIONS**

Mr P Duffy, Mr A Kobeissi, Ms K Watkins, Councillor Williams (Shenley Brook End and Tattenhoe Parish Council), Councillor Brown (Ward Councillor) and Councillor Lancaster (Ward Councillor) spoke in objection to application 20/00551/FUL, Erection of new Temple and Community Hall (Use Class D1) and associated works including access, parking and landscaping at land to the east of St. Agnes Way, Tattenhoe, Milton Keynes.

The Applicant’s Agent, Ms J Long, Mr I Revell, Ms K Mirza, Mr U Pillai and The Applicant, Mr R Kammela, exercised the right of reply.

Ms F Skelton, Mr D Stabler and Mr T Skelton spoke in objection to application 20/02159/DISCON Details submitted pursuant to the discharge of conditions 16 (proposed lighting plan), 18 (car park management plan) and 21 (mural scheme of re-erection) relating to application 18/01469/FUL at 22 - 24 Stantonbury Centre Purbeck Stantonbury, Milton Keynes.

Councillor G Davison (Stantonbury Parish Council) spoke in support of the application.

The Applicant's Agent Mr D Templeton exercised the right of reply.

**DCC50**

**PLANNING APPLICATIONS**

Councillor Brown, having declared himself pre-determined in respect of application 20/00551/FUL stepped down from the Chair and the Committee during consideration of the application. Councillor Bint (Vice Chair) took the Chair.

**20/00551/FUL ERECTION OF NEW TEMPLE AND COMMUNITY HALL (USE CLASS D1) AND ASSOCIATED WORKS INCLUDING ACCESS, PARKING AND LANDSCAPING AT LAND TO THE EAST OF ST AGNES WAY, TATTENHOE, MILTON KEYNES FOR MR R KAMMELA**

The Senior Planning Officer introduced the application with a presentation.

The Committee was told that a concern expressed by objectors to the scheme was the adverse impact on the Highways and associated parking, Officers accept that there was a parking issue within the locality, however this had however been assessed by the Council Highways team and no objections had been raised as the proposed parking provision met the Councils adopted standards. The potential for large numbers of devotees attending for religious festivals had been considered and a condition requiring a travel plan was recommended.

The Committee was reminded that update papers including representations from the Ward Councillors and other interested parties had been published.

It was further commented that a petition in support of the application was live on the internet.

The Committee heard from objectors who, in summary, made the following points;

- The proposed site was not located in Central Milton Keynes or a Local Centre in so far as the Primary Test in respect of PlanMK Policy CC2, which the proposal fails.
- Where the test fails a sequential test was required to demonstrate that there were no alternative suitable sites and that the proposal would not conflict with neighbouring uses.
- Alternative sites proposed have not been dismissed for valid reasons and are sequentially preferable to the site proposed.
- The applicants' website and literature refer to potential attendance of up to 5000 persons, this has not been considered in the Committee report.
- Attendance of that number of persons requires a full assessment of the Highways capacity, which has not been made.
- A Travel Plan requires evidence that the numbers that will potentially attend to be properly assessed.
- The proposals fail to protect the amenity of local residents.
- Only one third of the floorspace is for the Temple, the remainder is for a Function hall to hold festivals, celebrations and weddings throughout the year.
- The Design of a Temple made of 'rust' painted shipping containers is not in keeping with a traditional housing estate.
- The design and colour is not sympathetic to the Character or History of the area.
- The proposals fail policies D1, D2, D3 and

#### D5 of PlanMK

- The traffic situation is bad at present in surrounding roads, the increase in traffic will exacerbate the situation further.
- The proposal to distribute 21,000 meals a year will further add to the traffic attending and leaving the site.
- The Travel Plan refers to Park and ride and car sharing but fails to provide detail and is unenforceable.
- The proposal to use the Westcroft centre as a park and ride facility does not accord with the strict parking arrangements at that site.
- The traffic and parking problems will be in conflict with the pavilion that is in the same area and houses the local sports and football clubs.
- The Parking provision fails to take account of the level of attendance for festivals, weddings and other special events.
- Events will result in significant offsite parking due to the large numbers of people attending from a catchment area significantly larger than Milton Keynes.
- Of the letters of objection 176 out of 220 are from residents of Tattenhoe, whereas of the letters in support on 11 of the 294 are residents, serious consideration should be given to the valid objections of residents.
- There is a significant negative impact on local amenity in contravention of policy CC4, due to the number of people attending and the range of activities that would take place.
- The majority of conditions that could be applied to address issues cannot be enforced.

The applicant's agent and other nominated parties made the following planning related comments:

- The Temple is to provide for the people of Milton Keynes and is supported by the Community Foundation.
- The original application was withdrawn and the revised version is a fully compliant scheme.
- There are no legal or statutory consultee objections to the proposals.
- An assessment of other potential sites has been undertaken and none are suitable.
- Whilst the Temple is to be built using shipping containers it will not have the appearance of such.
- 20% of the population of Milton Keynes is from an ethnic background and 37% of school children are from Ethnic Groups, this justifies the need for the facility.
- There is a misapprehension from residents in respect of the potential for traffic generation, the existing problems are caused by attendance and poor management of the sports pavilion.
- The management of the Sports Pavilion has not engaged in discussions to share the use of the parking facility at the proposed Temple.
- Normal days will see very low visitor attendance, during major festival events there will be traffic wardens present.
- The numbers of devotees attending events will be much less than the 5000 quoted.
- On the three major festival days an offsite Park and Ride facility will be used from a site near Westcroft.
- Points raised at two consultation events have

been responded to by the applicants.

- The development is to be used by local people.
- There is a requirement to provide facilities for minority groups under the provisions of the Race Equality Act.

The Senior Planning Officer reminded the Committee that design was a subjective consideration, however in this instance the Urban Design Team had indicated that they believed the design to be acceptable in the context. It was further confirmed that sequential testing had been undertaken in consultation with MKDP and other landowners by the Policy Team. The Committee was also told that the estimates for attendance at the site at off-peak times was approximately 50 persons.

Councillor Bowyer, recognising that the report indicated that only land in the control of the Community Foundation was 'tested' in respect of the sequential land tests asked whether that was correct, the Senior planning Officer confirmed that originally the assessments were confined to the Community Foundation sites, which was why the policy officer had worked with the applicants to contact other land owners. It was confirmed that it was a relevant consideration that no other land had been identified as suitable.

In response to a question from Councillor Bint, the Director, Planning, Strategic Transport and Placemaking, told the Committee that it was not possible to assess fully the 'catchment area' for a Development of the type proposed, and could not be confirmed that it would be solely used by Local People, and a restriction of that nature would not be reasonable.

It was confirmed that the recommendation remained to grant the application subject to the conditions as detailed in the Committee report.

Councillor Bint proposed, seconded by Councillor

Exon, that the Officer recommendation be agreed.

The Committee considered the points raised by both objectors and applicants, it was recognized that design was a subjective matter.

Members of the Committee expressed various views in respect of the parking provision, but it was recognized that the number of vehicles attending could exacerbate the existing congestion problems in the vicinity. It was also recognized that there would be a high volume of traffic associated with the production and distribution of approximately 56 meals daily.

It was commented that should a guarantee be made in respect of the provision of a Park and Ride Service the scheme could be acceptable, however there was no way to enforce usage of such a service and there was no specific place for the 'park' element to be established.

Councillor Petchey proposed that the condition in respect of the Travel Plan be further strengthened by the requirement for a Park and Ride facility to be provided, this was seconded by Councillor Exon.

The Senior Planning Officer told the Committee that he was aware that the applicants would agree a condition and that it was also agreed to be 'prior to commencement'.

There remained concerns that the Park and Ride scheme would not be enforceable.

Councillor Bint indicated that he held concerns that the site was not well provided for in terms of bus services from the local area and even worse for those travelling from outside the area and therefore a greater reliance would be placed on cars. He further stated that he was not confident that a Park and Ride could be arranged from Westcroft which was commercially owned land. He further commented that he was aware of other sites within Milton Keynes where there were problems for traffic in combined Worship and Community sites.

In respect of the catchment area he commented

that Community Centres should be accessible to all of the Milton Keynes Community, however the information seemed to suggest that this development was for a much wider Community than just Milton Keynes.

Councillor Bint did not believe that the design and use of shipping Containers was not suitable for Milton Keynes and did not meet the aspirations to see good quality builds.

On being put to the vote the proposal to amend the travel plan condition to include a requirement for a pre-commencement arrangement and the provision of a Park and Ride Facility was carried unanimously.

On being put to the vote the proposal to grant the application subject to the Conditions detailed in the Committee report, amended as above was lost with Councillors Exon, Petchey and Trendall voting in favour, Councillors Alexander, Bint, Cryer-Whitehead and Bowyer voting against the application and Councillors Legg, McLean and Wallis abstaining from the vote.

In response to a question the Director, Planning, Strategic Transport and Placemaking, told the Committee that in consequence of the debate it was recommended that the Committee consider Policy CC4 and Policy CT2 of PlanMK as reflecting the concerns expressed in respect of the Parking and potential impact of traffic generated by the various uses of the development.

Councillor Bint, seconded by Councillor McLean, proposed that the application be refused for the following reasons;

#### Policy CC4

The scheme does not comply with policy CC4 of Plan:MK due to the negative impact on residential amenity caused by the numbers of people attending and the range of activities provided.

#### Policy CT2

The proposal would have an inappropriate impact on the operation, safety and accessibility of the local highway. It would also result in further inappropriate traffic generation and compromise highway safety. This would exacerbate the existing highways issues and therefore the proposal is in contravention of policy CT2 of Plan:MK and paragraph 109 of the National Planning Policy Framework.

Following a short discussion it was agreed that a vote would be taken separately on each of the proposed reasons.

On being put to the vote the proposal to refuse the application as it failed to satisfy Policy CC4 was carried with Councillors Alexander, Bint, Bowyer, Cryer-Whitehead, McLean and Wallis voting in favour, no Members voting against and Councillors Exon, Legg, Petchey and Trendall abstaining from the vote.

On being put to the vote the proposal to refuse the application as it failed to satisfy Policy CT2 was carried with Councillors Alexander, Bint, Bowyer, Cryer-Whitehead, McLean and Wallis voting in favour, no Members voting against and Councillors Exon, Legg, Petchey and Trendall abstaining from the vote.

RESOLVED:

That the application be refused for the following reasons;

Policy CC4

The scheme does not comply with policy CC4 of Plan:MK due to the negative impact on residential amenity caused by the numbers of people attending and the range of activities provided.

Policy CT2

The proposal would have an inappropriate impact on the operation, safety and accessibility of the local highway. It would also result in further inappropriate traffic generation and compromise

highway safety. This would exacerbate the existing highways issues and therefore the proposal is in contravention of policy CT2 of Plan:MK and paragraph 109 of the National Planning Policy Framework.

Councillor Brown resumed the Chair for the remainder of the meeting.

**20/02159/DISCON DETAILS SUBMITTED PURSUANT TO THE DISCHARGE OF CONDITIONS 16 (PROPOSED LIGHTING PLAN), 18 (CAR PARK MANAGEMENT PLAN) AND 21 (MURAL SCHEME OF RE-ERECTION) RELATING TO APPLICATION 18/01469/FUL AT 22 - 24 STANTONBURY CENTRE PURBECK STANTONBURY, MILTON KEYNES FOR ALDI STORES LIMITED.**

The Senior Planning Officer introduced the application with a presentation.

The Committee was reminded that an update paper had been published which detailed additional information. It was further noted that the method statement had now been received and the Archaeology and Conservation Manager had indicated that it was acceptable.

It was confirmed that the recommendation remained to discharge the conditions.

The Committee heard from Objectors, who raised the following concerns;

- The site proposed for the mural (condition 21) is not suitable as it should be at the heart of the local centre rather than facing away from the main shops.
- There remains a risk to the 'artistic integrity' of the mural unless correct and professional persons are engaged in its reassembly.
- There is no information in respect of the 'submitted detail' for the car parking (condition 18) or the Lighting (condition 16).
- There remain questions as to the

methodology to be adopted to rebuild the mural in particular in respect of the actual size of gaps between the tiles.

- The proposed location will mean that the mural will not be visible across the car park, despite statements to the contrary in the Committee report.
- The proposed site is not a secure location as it will be isolated and poorly lit and is likely to see the mural damaged.
- If the Committee was minded to discharge the condition in respect of the mural there should be a requirement to install CCTV cameras and include protective planting in front of it.

The representative of the Parish Council told the Committee that Council believed the proposed location and orientation was acceptable and welcomed by it, the proposed location was on a busy walkway and would allow for people to see it.

The Parish Council was satisfied that the method statement would see the mural erected safely and to its original design. It was further confirmed that there was CCTV surveillance in the area which would afford another layer of protection for the mural.

The applicant's agent told the Committee that the proposals for the re-erection of the mural had been considered in detail and had been developed in response to the numerous submissions from interested parties. The proposals were supported by the Ward Councillors, Parish Council and many members of the public.

The alternative location proposed by objectors has been considered and there are valid reasons why it cannot be used.

It was commented that the applicants would consider the provision of additional CCTV cameras and defensive planting should the Committee believe it was necessary.

The Senior Planning Officer confirmed that there was reference to the Parking and Lighting schemes and the full details of those were available on the Planning Portal.

Councillor Brown, seconded by Councillor Exon, proposed that the Officer recommendation to discharge conditions 16, 18 and 21 be agreed.

Councillor Petchey raised a concern in respect of the potential for water to get into the space between the tiles and the wall and the risk of damage from that, and there did not appear to be any coping stones in the plans.

The Conservation and Archaeology Manager confirmed that a damp course had been secured in pre-application discussions, he advised that should members not believe the detail in the plans was adequate the decision could reflect the need for more detail.

Councillor Petchey, seconded by Councillor Bint, proposed that in respect of condition 21, the authority to discharge the condition be delegated to the Head of Planning subject to him being satisfied that the coping is adequate to protect the structure and also upon reassurance that defensive planting for the mural will be incorporated in the landscaping scheme.

On being put to the vote the proposal to discharge conditions 16, 18 was carried with the authority to discharge condition 21 delegated to the Head of Planning subject to him being satisfied that the coping is adequate to protect the structure and also upon reassurance that defensive planting will be incorporated in the landscaping scheme with all members voting in favour of the proposal.

Councillor Exon left the meeting prior to the vote.

RESOLVED: -

That conditions 16, 18 was carried with the authority to discharge condition 21 delegated to the Head of Planning subject to him being satisfied that the coping is adequate to protect the structure and

also upon reassurance that defensive planting will be incorporated in the landscaping scheme.

**20/01176/OUT**

**OUTLINE PLANNING APPLICATION (ALL MATTERS RESERVED) FOR THE DEVELOPMENT OF UP TO 171 RESIDENTIAL DWELLINGS (USE CLASS C3) AND LOCAL SHOP (USE CLASS A1-A4) AT LAND OFF TIMBOLD DRIVE, TIMBOLD DRIVE, KENTS HILL PARK, MILTON KEYNES FOR MILTON KEYNES DEVELOPMENT PARTNERSHIP.**

The Senior Planning Officer introduced the application.

The Committee heard that a representation had been received from Councillor Ferrans in respect of the proposed housing mix and access, this had been circulated for the benefit of the Committee in the published update papers. the applicant's agent had responded to this in writing and was read in full for the Committee.

In summary most of the matters raised by Councillor Ferrans would be considered at the reserved matters stage, in respect of the access there was an extant permission on the site and the proposed access was the same.

It was confirmed that there was no further update on the Committee report and that the recommendation remained to grant the application subject to conditions set out in this report and completion of a S106 agreement within 28 days of a DCC resolution to grant permission and that the Head of Planning be delegated authority to extend the 28 day deadline in the event that there are delays to the signing of the s106 which are considered reasonable in the circumstances.

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

In response to a question Members of the Committee were told that the s106 arrangements was similar to those of the extant permission and had been deemed adequate to address the s278 element of the application.

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

**RESOLVED –**

That the application be granted subject to conditions set out in this report and completion of a S106 agreement

within 28 days of a DCC resolution to grant permission and that the Head of Planning be delegated authority to extend the 28 day deadline in the event that there are delays to the signing of the s106 which are considered reasonable in the circumstances.

**20/01432/FUL**

**ERECTION OF TWO DISTRIBUTION WAREHOUSES WITH ANCILLARY OFFICES (USE CLASS B8) AND ANCILLARY SERVICING STRUCTURES, VEHICLE PARKING AND MANOEUVRING AREAS, FORMATION OF VEHICULAR ACCESS, PEDESTRIAN AND CYCLIST LINKS, LANDSCAPING, GROUND REMODELLING WORKS, SUSTAINABLE DRAINAGE, UTILITIES PROVISION AND ASSOCIATED WORKS AT LAND OFF BLETCHAM WAY FENNY LOCK, BLETCHAM WAY V7 TO A5 FOR LOG LUX SARL C/O DAVID LOCK ASSOCIATES.**

The Senior Planning Officer introduced the application.

It was confirmed that there was no further update on the Committee report and published update paper that the recommendation remained to grant the application subject to conditions set out in this report, amended as detailed in the published update paper, and completion of a S106 agreement within 28 days of a DCC resolution to grant permission and that the Head of Planning be delegated authority to extend the 28 day deadline in the event that there are delays to the signing of the s106 which are considered reasonable in the circumstances.

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

Councillor Trendall expressed concern in respect of the likely diesel emissions associated with the vehicles that would use the development.

It was noted that the proposal represented a departure from policy and therefore a recorded vote was required.

On being put to the vote the proposal to grant the application was carried with Councillors Bint, Brown, Bowyer, Cryer-Whitehead, Legg, McLean, Petchey and Wallis voting in favour and Councillors Alexander and Trendall voting against.

RESOLVED –

That the application be granted subject to conditions set out in this report amended as detailed in the published update paper, and completion of a S106 agreement

within 28 days of a DCC resolution to grant permission and that the Head of Planning be delegated authority to extend the 28 day deadline in the event that there are delays to the signing of the s106 which are considered reasonable in the circumstances.

**DCC51**

**APPEAL UPDATE FOR SECOND QUARTER OF 2020-21.**

The Committee received a report in respect the status of appeals for the second quarter of 2020 – 21.

The Committee heard some detail of the outcomes, in particular the issues relating to the South Caldecotte appeal which had a very late stage seen significant revisions to the scheme at appeal. These revisions were accepted at a late stage by the Inspector and not opposed by the Council because the revisions reflected a scheme that the Council would likely have approved had it been submitted in the first instance. In addition, the appellant met the Council's costs related to the appeal given the lateness of their submissions.

RESOLVED-

That the report be noted.

THE CHAIR CLOSED THE MEETING AT 10:38 PM