



Minutes of the SPECIAL meeting of the DEVELOPMENT CONTROL COMMITTEE held on MONDAY 14 NOVEMBER 2016 at 7.00 pm.

**Present:** Councillor A Geary (Chair)  
Councillors: Alexander, Bint, Exon, Legg, McLean, Miles (Substituting for Cllr Clifton), Morla and Petchey

**Officers:** A Rose (service Director - Planning and Transport), B Leahy (Head of Development Management), S Hine (Senior Planning Officer), A Swannell (Senior Highways Engineer), N Crank (Senior Archaeological Officer), J Williamson (Senior Planning Officer), N Ahmad (Solicitor – Planning) and D Imbimbo (Committee Manager).

**Apologies:** Councillor Clifton, Eastman and C Wilson

**Also Present:** Councillors Hopkins and Webb

**Number of Public Present:** 60

**DCC42 CHAIRMANS WELCOME**

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

**DCC43 DECLARATION OF INTERESTS**

Councillor A Geary asked that it be noted that in respect of application 15/01533/OUTEIS, one of the objectors, Mr Gurney, was known to him as a fellow farming colleague but that he did not have any prejudicial interest in the application.

**DCC44 ALSO PRESENT:**

Councillors D Hopkins, Jenkins, Miles and Webb.

**DCC45 REPRESENTATIONS ON APPLICATIONS**

Mr A Gurney, Dr D Neil FSA, Mrs E Rawlinson (Mill Road Resident's Association), Mr R Edwards (COBRA), Councillor S Heath (Newton Longville Parish Council, Councillor S Porter (Bletchley and Fenny Stratford Town Council and Councillor Webb (MKC) spoke in objection to application 15/01533/OUTEIS

The applicants Agent, Mr M Knott exercised the right of reply.

**16/00762/OUT** **OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED FOR A RESIDENTIAL-LED DEVELOPMENT INCLUDING UP TO 1,800 DWELLINGS, DISTRIBUTED BETWEEN AYLESBURY VALE AND MILTON KEYNES AS FOLLOWS: WITHIN MILTON KEYNES; THE DEVELOPMENT OF UP TO 600 DWELLINGS, A LOCAL CENTRE TO INCLUDE RETAIL AND A COMMUNITY CENTRE, A HEALTH CENTRE, LAND RESERVED FOR A ONE 1 FORM OF ENTRY PRIMARY SCHOOL, ASSOCIATED HIGHWAY INFRASTRUCTURE INCLUDING ONE PROPOSED VEHICULAR ACCESSES WITH THE A4146, ONE PROPOSED PEDESTRIAN AND CYCLE BRIDGE CROSSING THE RIVER OUZEL, MULTI-FUNCTIONAL PUBLIC OPEN SPACE, INFORMAL AMENITY SPACE, CHILDREN'S PLAY SPACE, OPEN SPACE INCORPORATING THE SCHEDULED MONUMENT, SURFACE WATER ATTENUATION AND STRATEGIC LANDSCAPING, AND ASSOCIATED SERVICES AND UTILITIES INFRASTRUCTURE. WITHIN AYLESBURY VALE; THE DEMOLITION OF ALL EXISTING FARM BUILDINGS (EXCEPT FARMHOUSE) AND THE DEVELOPMENT OF UP TO 1,200 DWELLINGS, ONE 2 FORMS OF ENTRY PRIMARY SCHOOL, ASSOCIATED HIGHWAY INFRASTRUCTURE INCLUDING ONE PROPOSED VEHICULAR ACCESSES WITH THE A4146, ONE PROPOSED PEDESTRIAN AND CYCLE BRIDGE CROSSING THE RIVER OUZEL, MULTI-FUNCTIONAL PUBLIC OPEN SPACE, INFORMAL AMENITY SPACE, CHILDREN'S PLAY SPACE, PLAYING FIELDS, ALLOTMENTS, SURFACE WATER ATTENUATION AND STRATEGIC LANDSCAPING, AND ASSOCIATED SERVICES AND UTILITIES INFRASTRUCTURE AT LAND AT EATON LEYS, GALLEY LANE, LITTLE BRICKHILL FOR JJ GALLAGHER LTD**

The Senior Planning Officer introduced the application with a presentation. The Committee heard that since the publication of the agenda and update papers a representation had been received

from Buckinghamshire County Council Highways development Management.

The Committee heard that the submission states that whilst no mitigation had been put forward by the applicant, the County Highway Authority considers that the impact of the proposed outline planning application was significant, resulting in a substantial reduction in capacity, increase in delay and increase in queuing on the A4146 (southbound) in the am peak and A4146 (northbound) in the pm peak. The County Highway Authority believed that a suitable mitigation scheme could be developed and if Milton Keynes Council was minded to allow the application this should be secured by a planning obligation.

A mitigation scheme has been submitted by the applicant as part of the outline planning application for 1,800 homes, which includes extending the flare length on the A4146 eastbound approach arm. This however does not overcome the doubling of queue lengths experienced on the A4146 westbound approach. The County Highway Authority was however satisfied that the impact of the proposed development could be mitigated through an improvement scheme, subject to further detailed design, vehicle tracking of the roundabout and Road Safety Audits.

It was therefore requested that if Milton Keynes Council was minded to allow the application for the stand alone site within their administrative area, Buckinghamshire County Council be a party to the S106 agreement to secure the following:

1. To submit to Buckinghamshire County Council for approval a mitigation scheme for the A4146/ Galley Lane Roundabout and the A416/ Stoke Road Roundabout prior to commencement of development.
2. To enter into a S278 agreement with Buckinghamshire County Council and implement the approved mitigation scheme for the A4146/Galley Lane Roundabout and Stoke Road Roundabout prior to occupation of development.

The Senior Planning Officer confirmed that the recommendation remained to grant the application 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 a health centre, primary school, open space, Neighbourhood play area and 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 and community facilities to mitigate the impact of the development on surrounding residential areas. And subject to the conditions set out in Section 6 of the Committee report.

Objectors to the application raised the following points;

- The Site is in open countryside and does not feature on the Milton Keynes Site Allocation Plan.
- The Site is a working farm and has been farmed by the same family for in excess of 120 years, and over 60 years by the present tenant.
- The farm produces arable crops and is used for cattle and sheep and represents a valuable asset in the supply of food.
- The site has numerous mature oak and ash trees together with ancient hedgerows, and there is an abundance of wild life including bats.
- The site is prone to annual full floods and unsuitable for development
- The roads in the vicinity do not have the capacity to accommodate the increase in traffic movements this development would generate.
- It is likely that there are significant archaeological remains in the area of the known remains of the Roman town of Magiovinium which forms part of the site, particularly in the vicinity of the Roman road that runs in a South Westerly direction from the site of the town.

- Insufficient work has been done to establish exactly what archaeological remains there are under the site.
- The application does not meet the criteria for 'sustainable development'
- The infrastructure to support the development does not exist and is unlikely to be provided.
- The proposals do not enhance and protect the environment.
- The location will increase the need for travel.
- The Internal Drainage Board disputes the figures provided by the developers.
- The attenuation ponds will not be adequate to cope with the water levels that can be expected
- The traffic data provided in respect of Newton Longville is out dated and does not reflect the position since the opening of the link road towards Leighton Buzzard.
- Newton Longville has had a 25% increase in traffic over the last 9 months, a new transport assessment should be obtained before the application is considered,
- There is overwhelming objection to the scheme from Councils and the Public.

The Applicant's agent reminded the Committee that the application must be determined under the provisions of the National Planning Policy Frameworks guidance where the Council is unable to demonstrate a 5 year housing land supply. Whilst the application site is not within an area that has been allocated it is identified in the MK 50's futures plan as an area for substantial infrastructure investment, and therefore can be considered as sustainable, furthermore Core Strategy policy CS6 recognises that cross border development opportunities ought to be considered when they come forward.

The Committee heard that there are no objections from Council Officers subject to S106 agreements in respect of Junction and highway improvement.

Attenuation is provided outside of the flood plain and in fact the development over attenuates providing benefit for existing areas of development.

Archaeological investigation has been undertaken and there are no objections from the Council's Archaeological Officers.

The Applicant's Agent told the Committee that contrary to the views expressed by objectors the development will result in a number of social, economic and environmental benefits for the area.

The Senior Planning Officer confirmed that the Internal Drainage Board had requested that flood flows did not exceed 2 litres per second per hectare which had been required by condition 25 of the officer report. It was confirmed that this was a lesser run off rate than 3 litres per second per hectare.

The Senior Archaeological Officer confirmed that there were potentially remains of a road, however during investigations this area had been targeted with a number of trenches but no prominent features had been revealed.

The Committee also heard that a revised figure for the 5 year housing land supply had been calculated following the last meeting of the Committee taking account of permissions granted to that point. The supply was now assessed at as 4.56 years which equated to a shortfall of 1064 dwellings against the 5 year requirement.

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

Councillor Petchey told the Committee that the site of Magiovinium had been on the list of sites at risk due to it having been ploughed, proposed that an additional condition be agreed to require a condition that the site of the scheduled ancient monument be taken out of arable cultivation. This was seconded by Councillor Exon.

The Senior Highways Engineer told the Committee that in respect of the submissions from Buckinghamshire County Council Highways Department he did not support the inclusion of another Highways Authority within a S106 agreement in respect of an application within the

Milton Keynes administrative area, for works within another authorities area.

Any mitigation scheme required by Buckinghamshire County Council Highways could and should be progressed through the application relating to that Authorities area.

Councillor Bint asked the Committee to consider the following points;

- The suggestion by Buckinghamshire County Council that approval of this scheme would result in a need for improvements in their road system due to the volume of traffic generated was unreasonable, as the most likely direction of flow of the majority of traffic will be towards Milton Keynes, and it was in fact the second development proposed to be made within Aylesbury Vale area that was likely to result in traffic flow from 1200 dwellings onto the Milton Keynes Roads System.
- It was evident that the archaeological potential of the area south of the Roman town was unknown and measures ought to be considered to ensure that research was conducted prior to development, including appropriate deep ground surveys.
- There was information provided that suggested that data relating to traffic movements was out dated and the Committee may see benefit in considering seeking further analysis and consideration of new traffic management plans
- The policy requires 30 dwellings per hectare, the application is seeking to provide 37, this was a matter that may require further consideration.
- In respect of 'sustainability', the site was on a flood plain, which was also a productive farm, which had no communication links, was this truly a sustainable development.

The Committee considered the proposed provision of a Primary School, concern was expressed at the proposal to build a 1 form entry school which would likely prove to be unviable. It was noted that the School would be on the Aylesbury Vale site but

nevertheless gave cause for concern.

It was further commented that the area identified for a mixed use Community site had no clearer designation, although the S106 identified a sum of £500k for the provision of a Community Centre, the Committee held a concern that the money so identified was not directly linked to that site and could be used elsewhere.

The Committee noted that there was a proposal for landscaping for Highways improvement, however due to the proximity of the highway to the Scheduled Ancient Monument there could be a problem delivering that feature if consent could not be obtained. The need for landscaping would need to be balanced against the protection of the SAM.

The Committee sought assurances that any measures that could ensure that, were the application approved, a guarantee could be obtained to supply the houses within a timescale that would benefit the 5 year land supply difficulties the Council faced.

The Senior Planning Officer, in response to questions, made the following points;

- The density was at 37.5 dwellings per hectare (dph), however this was dependent on all 600 homes being delivered, it would not be possible to deliver 600 dwellings if the education and health facilities were also delivered on the site.
- All of the proposed development was outside of the flood plain and additional sustainable urban drainage systems were proposed
- The Council's Education department have advised on the need for the primary school provision, the remaining AVDC site has separate provision for Education because they operate a different system. The provision within the Milton Keynes site was calculated on 500 homes as there would be a necessity to build a separate education facility.
- The development description for the Community facility would come forward at the reserved matters stage



- In respect General Practitioner provision, there was land safeguarded for a new GP facility within the site
- Saved Policy D1 of the Milton Keynes Local Plan was not considered to apply as there was no development on the floodplain, both the Environment Agency and the Internal Drainage Board had raised no objection.
- In respect of timeline and delivery of the site in the 5 year allocation, the Committee could consider amending the period for submission of reserved matters applications in Condition 2 from 5 years to 2 years, which when linked with condition 3 will ensure delivery in 4 years.
- The loss of the agricultural land has been assessed within the considerations for the application

The Head of Development Management told the Committee that business and financial matters were not a material planning consideration.

The Committee heard that in terms of Sustainability, as it was a housing application consideration of paragraph 49 of the NPPF had to be taken, which set out that housing applications must be taken in the presumption of favourable development unless there was significant and demonstrable harm. In terms of flooding the evidence did not meet these standards. It was further commented that the application was outline and only general principle was sought rather than detailed elements.

The Committee expressed some concern that the number of dwellings that may be delivered was not fixed and could potentially fall significantly short of 600.

Following an adjournment the Head of Development Management confirmed that the outline planning permission included an element of flexibility to provide up to 600 units thus allowing for an application suitable for the circumstances when the reserved matters applications are considered.

The Senior Archaeological Officer confirmed that the concerns expressed by objectors was that

wider trenches ought to be used for any future archaeological investigations and that this was a matter that could be secured under condition 37 which could include an informative in respect of the width of the trenches.

Councillor Bint proposed that an informative specifying the suitable width of trenches be added to Condition 37, this was seconded by Councillor Exon. The amendment to the proposal was accepted by the proposer, Councillor A Geary.

Councillor Exon proposed that an informative be added to the resolution to indicate the Committees wish to see that Community Facilities and retail be provided 'on site', this was seconded by Councillor Bint. The amendment to the proposal was accepted by the proposer, Councillor A Geary.

Councillor Bint proposed that an additional condition be agreed, to read;

'No part of the development should commence until such time as the applicant has carried out an updated assessment of the background traffic growth associated with the proposed development, the reassessment of the detail of any additional impact on the highway network and any additional calming mitigation necessary to the agreement of the planning authority'

This was seconded by Councillor McLean.

Councillor Exon proposed that condition 2 be amended to read 2 years rather than 5 years thus the condition would read;

'Application(s) for approval of all the reserved matters in respect of all phases or parts of the development shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.'

This was seconded by Councillor Bint.

On being put to the vote the proposal to require a condition that the site of the scheduled ancient monument be taken out of arable cultivation, was carried.

On being put to the vote the proposal to amend condition 2 to read two years rather than five years

was carried unanimously.

On being put to the vote the proposal to require a condition to reassess the traffic impact of the site was carried unanimously.

The Chair told the Committee that he appreciated that the Committee was in a difficult position with the lack of a 5 year housing supply and recognised that there was clear and overwhelming objection to the application, however, the Committee had to consider the potential risks associated with a refusal of an application that was supported in principle by the NPPF. Councillor Bint added that whilst it was unfortunate that the committee was in this position it was also necessary to appreciate that if the Committee approved the application it was able to require conditions that might not be applied should the matter be approved on appeal.

The Chair told the Committee that he had received a request from the Ward Councillor for a recorded vote to be taken in respect of the substantive motion and would therefore call for it to be recorded. On being put to the vote the proposal to approve the application as amended above was carried.

Members of the Committee voted as follows.

Councillors Alexander, Bint, Exon, Legg and McLean in favour; Councillors A Geary, Morla and Petchey against; Councillor Miles abstained.

THE CHAIR CLOSED THE MEETING AT 9:25PM