

DEVELOPMENT CONTROL COMMITTEE

2 December 2021

COUNCILLORS' ADDITIONAL PAPERS

INDEX OF DOCUMENTS CIRCULATED AFTER PUBLICATION OF THE AGENDA

1. Speaking Commitment

Speaking Commitment (**Page 2**)

2. Item 6a – 21/02246/FULEIS – Land at: Saxon Court, Avebury Boulevard, Central Milton Keynes

Officer Update (**Pages 3 - 9**)

3. Item 6b – 21/02516/DISCON - WEA Area 10-1 - 10-3, Watling Street H3 To H4, Milton Keynes.

Officer Update (**Pages 10 - 11**)

4. Item 8 - 2021-12-02 6 Monthly Performance Report

Officer Update (**Pages 12 - 13**)

SPEAKING LIST
DEVELOPMENT CONTROL COMMITTEE – 2 DECEMBER 2021

ITEM NO.	TITLE	REQUESTS TO SPEAK IN OBJECTION	TIME ALLOCATED	RIGHT OF REPLY OR SPEAKERS IN FAVOUR	TIME ALLOCATED
Item 6a - 21/02246/FULEIS	Land at: Saxon Court, Avebury Boulevard, Central Milton Keynes	Cllr Thomas (CMK TC)	3 Mins	Councillor Middleton Steve Eccles (Applicant) Mike Jones (Agent)	3 Mins 3 Mins
Item 6b - 21/02516/DISCON	WEA Area 10-1 - 10-3, Watling Street H3 To H4, Milton Keynes	Councillor Marlow (Loughton and Shenley) Councillor Z Nolan (Loughton and Shenley)	3 Mins 3 Mins	Simon Taylor (Applicant's Agent)	6 Mins

Item 7 - Enforcement update relating to The Pink Punter, 2 Watling Street, Bletchley, Milton Keynes

Item 8 - 6 Monthly Performance Report

Alison Stainsby

ITEM 6(a)

Application Number: 21/02246/FULEIS

Proposal: Erection of two blocks (Block A up to 34-storeys, and Block B up to 3-storeys) to the rear of Saxon Court and the refurbishment and upward extension (up to 3-storeys) to Saxon Court, to provide up to 288 residential units (built to rent and discount market rent), office employment, co-working & flexible workshop space, restaurant, café, retail and leisure space (all Use Class E), community space (Use Class F2), central public open space and associated infrastructure including hard and soft landscaping at land at Saxon Court, Avebury Boulevard, Central Milton Keynes, Milton Keynes, MK9 3HS

Applicant: MK Gateway Limited

Application type: Full Planning Application

Ward: Central Milton Keynes **Parish:** Central Milton Keynes

Case Officer: Katy Lycett
Principal Planning Officer
katy.lycett@milton-keynes.gov.uk

Team Manager: Chris Nash
Development Management Manager
chris.nash@milton-keynes.gov.uk

Update paper to Committee

U1.0 Recommendation

U1.1 The recommendation as set out in the main report be updated to include additional/amended conditions and/or informatives reported in section U6.0 below.

U2.0 Introduction

U2.1 Since the publication of the agenda, further responses have been received as summarised below.

U2.2 Officers have also further considered the published report and seek to provide the following updates, corrections and/or additions.

U3.0 Additional consultations and representations

All responses and representations received can be viewed in full, online at www.milton-keynes.gov.uk/publicaccess using application ref. 21/02246/FULEIS. The

following paragraphs summarise the additional responses and representations received. As these may have been received very recently, they may not yet have been processed so to appear on the website.

U3.1 MKC Environmental Health Officer ('the EHO')

The EHO responsible for consideration of noise has confirmed that there are no objections to the scheme. Furthermore, any entertainment/licensed premises can be restricted in terms of noise levels and opening hours through the Licensing Act where necessary and as it is a city centre location there is a balance to be sought.

U3.2 Central Milton Keynes Town Council (CMK Town Council)

The Town Council recognise the merits of the scheme but reiterated three conditions should permission be granted relating to:

- A new parking permit zone between South 8th and South 10th Street;
- Creation of a service delivery plan; and
- Creation of a planning agreement between Milton Keynes Council and CMK Town Council to secure access to the community facility.

It is highlighted that the service delivery plan request has been resolved via conditions 9 and 27. There is a request that an additional condition is attached to secure the submission and approval of a Community Use Strategy in order to agree details of the operation of the community facility once in operation. The wording of the condition has been provided (below) for consideration.

The other issue remains around the request for additional parking controls between South 8th and South 10th Street, in order to safeguard existing local residents and to ensure availability of permit spaces.

U3.3 Applicant/agent

Upon reading the published report, the developer wished to clarify the position as highlighted in paragraph 3.8 (second bullet point) relating to the future management of the community space by the Town Council. It should be clarified that the developer will manage the venue with key stakeholders involved, including CMK Town Council. Furthermore, the Town Council will be party to the Community Use Agreement/Strategy which is to be put in place to ensure the successful operation of the space.

In addition, paragraph 8.36 refers to the car club spaces as being within the development site boundary. They will be provided within the highway and as such will be secured within the s106 as an obligation and also subject to a highways licence. It is also suggested that condition 29 be removed and be included within the s106 as an additional obligation.

Further supporting information has been provided demonstrating the benefits of the development. This supplementary material sets out positive features of the proposal including job creation, investment, new landscaping areas, policy compliant affordable housing, etc. This information was shared directly with Members but was unsolicited and is not being published in its entirety within this update paper. It has been uploaded onto the Council's planning register, as found on the weblink above.

U4.0 Discussion

Extension of time

- U4.1 An extension of time has been agreed until the 30th of April 2022 to facilitate the conclusion of matters relating to the s106/MoU and subsequently issue the decision notice.

SPD adoption

- U4.2 The Sustainable Construction SPD was formally adopted (subject to call-in) on the 23rd of November so carries full weight. In this instance no further consideration or information is required as the assessment which formed the relevant part of the report was sufficiently detailed, and no issues have been raised.

Revised condition

- U4.3 The MKC Conservation Officer has sought extra detail on condition 17 in the main report and has suggested revised wording as set out below.

Additional condition

- U4.4 CMK Town Council has drafted a condition in order to secure a Community Use Strategy. This is set out below. It is important, however, to clarify that this requirement can be secured via a condition or via the s106/MoU (although not both). The main report points towards the use of the s106/MoU. The developer has confirmed agreement in principle to either approach.

- U4.5 The additional representation from CMK Town Council also highlights an existing query relating to the provision additional parking permit zone between South 8th Street and South 10th Street. A suggested condition has been provided. However, as MKC Highways have confirmed that the local area has capacity in the parking network to accommodate demand for all elements of this development, there is no justification to secure this additional provision and it would not meet the relevant tests for obligations as being "*necessary to make the development acceptable in planning terms*" (Regulation 122).

- U4.6 Nonetheless, an informative could be added to request that the management company for the new development work proactively with the local community and the Council's Parking Team to resolve any issues, should they arise.

U4.7 For clarity the term ‘passive’ in relation to EV charging points (EVCP) relates to provision whereby the infrastructure is installed, but the electricity supply is not activated, and necessary charging equipment may not be supplied. Sites providing passive EVCPs need a sufficient electricity supply to cope with future demand, whilst EVCPs can be provided publicly on-street or privately off-street.

U5.0 Conclusions

U5.1 None of the other matters raised through the additional responses amount to material considerations outweighing the assessment of the main issues set out in the main report, as may be supplemented above, noting that conditions or obligations are recommended where meeting the tests for their imposition.

U6.0 Additional Conditions

- A. Prior to any development above slab level or any alterations above the existing roof level at Saxon Court of the development hereby permitted full detailed drawings shall be submitted to and approved in writing by the Local Planning Authority showing all alterations to the porte cochere at South Row. The works shall be implemented in accordance with the approved details prior to the first occupation of any building within the development hereby permitted and thereafter maintained as such.

Reason: In the interests of the appearance of the development site.

- B. Prior to any development above slab level or any alterations above the existing roof level at Saxon Court of the development hereby permitted full detailed drawings shall be submitted to and approved in writing by the Local Planning Authority providing the following details/changes to:

- *Existing or new external staircases to Saxon Court.*
- *All replacement glazing to Saxon Court.*
- *Four large plant rooms that sit well above the Saxon Court extension roof.*

Reason: In the interests of the significance of the non-designated heritage asset.

Revised Condition 17

Prior to the commencement above slab level, a schedule of mockup panels(s) (i.e 1:1 scale) of each of the proposed façade types shall be submitted to and agreed in writing the Local Planning Authority, the agreed mock panels shall be constructed on site for inspection and approved in writing by the Local Planning Authority. The mock panels will remain on site until all instances of that façade type in the development have been installed. The development shall thereafter be carried out in full accordance with the approved details.

Reason: In the interests in the appearance of the development.

Suggested condition drafted by CMK Town Council 1 – Community Strategy

Prior to the first occupation of the development, a strategy for the ongoing management of the community space identified on plan SW-RSH-00-DR-A-P-00100 - Proposed GA Plan - Ground Level shall be submitted to and approved in writing by the Local Planning Authority. The strategy will set out the following: Hours of operation of the space; Management of access; Terms of public use; and Circumstances and days (if any) in which the space will be closed. The development shall thereafter be carried out in full accordance with the terms of the approved strategy and the proposed community space once completed and thereafter shall be used, managed and made accessible by the public in full accordance with the terms of the approved strategy.

Reason: To ensure adequate public benefits from the scheme are retained.

Suggested condition drafted by CMK Town Council 2 – New Parking Permit Zone

Prior to the first occupation of the development hereby approved the developers will work with the Local Highway Authority to establish a new parking permit zone between South Eighth Street and South Tenth Street for the exclusive use of existing residents. This shall be submitted to and approved in writing by the Local Planning Authority and will remain in perpetuity.

Reason: In the interests of highway safety and convenience of the local community.

Informative

If roots are encountered outside the root protection areas excavate carefully, avoid de-barking, breaking, splitting, splintering or shattering the roots. Once uncovered the roots which will have to be removed to accommodate the construction should be cut back to a point 100mm beyond the nearest edge of the construction, they must be pruned back cleanly with sharp, clean pruning saws or bypass loppers making level, smooth right angle cuts with no ragged edges. Shuttering should be used to keep any concrete pours 100mm away from the cut root ends. The void should be backfilled with an approved tree planting compost mix finished to the surface. Substances toxic to roots to be kept away from roots, i.e. tars, fuels, oils, bitumen, cement etc.

UA1.0 Full text of additional consultations and representations

UA1.1 MKC Environmental Health (the EHO)

I've no formal objection. I think it really will depend on what type of businesses occupy which element of the development regarding potential controls. If they're an entertainments/licensed premises we have controls on noise and opening times etc through the Licensing Act. It's a city centre mixed use development, as is the Hub, so there's a balance to be struck between those two particular interests.

UA1.2 Central Milton Keynes Town Council

Following publication of the DCC Agenda, CMKTC has given particular consideration to the MK Gateway committee report.

As noted at paragraph 5.1 of the Case Officer's report and set out more accurately in the Annex at paragraph A1.1, the Town Council, whilst recognising the merits of the scheme, would wish to see the following conditions applied should the application be granted in order to make the application acceptable:

1. Creation of a new parking permit zone between South Eighth Street and South Tenth Street for the exclusive use of existing residents.
2. Creation of a service delivery plan to address both major and minor deliveries across the development.
3. Creation of a planning agreement between the applicant, Milton Keynes Council and CMK Town Council to secure community access to the proposed community facility.

Creation of a Service Delivery Plan

The Town Council notes that the requirement for a service delivery plan is now addressed in Conditions 9 and 27.

Management of the Community Venue

It also notes the reference at paragraph 8.113 to a legal agreement relating to the management of the community venue stating that '*this will ensure that the venue can be widely accessed by the wider community and there will be an opportunity for the space to be managed by CMK Town Council*'. However, the Town Council considers this insufficient and requests the following condition:-

Prior to the first occupation of the development, a strategy for the ongoing management of the community space identified on plan XXXXX shall be submitted to and approved in writing by the Local Planning Authority. The strategy will set out the following: Hours of operation of the space; Management of access; Terms of public use; and Circumstances and days (if any) in which the space will be closed. The development shall thereafter be carried out in full accordance with the terms of the approved strategy and the proposed community space once completed and

thereafter shall be used, managed and made accessible by the public in full accordance with the terms of the approved strategy.

Reason: To ensure adequate public benefits from the scheme are retained.

Creation of a new parking permit zone

The need to address the creation of an exclusive resident's only parking scheme for the existing housing development between South Eighth Street and South Tenth Street appears to have been overlooked, with no specific reference made. Hence, the following draft condition is considered imperative to avoid potential reputational damage to both CMK Town Council and Milton Keynes Council.

Prior to the first occupation of the development hereby approved the developers will work with the Local Highway Authority to establish a new parking permit zone between South Eighth Street and South Tenth Street for the exclusive use of existing residents. This shall be submitted to and approved in writing by the Local Planning Authority and will remain in perpetuity.

Justification for new parking permit zone

MK Gateway provides zero on-plot (private) parking. However residents of MK Gateway will be able to purchase residents parking permits which will allow MK Gateway residents to park in the permit zone between South Eighth Street and South Tenth Street. Construction of the housing development approved for the redevelopment of the former Wyevale Garden Centre site is now about to commence. This approval also includes a large deficit in on-plot (private) parking with only 131 spaces to be provided against a Car Parking SPD standard of 328 spaces. It is self-evident that the existing parking permit zone between South Eighth Street and South Tenth Street, will be overwhelmed unless it is provided with protection as set out in the draft condition. Your Highways Officers have advised that to change the existing residents parking scheme is relatively simple and inexpensive, but that nevertheless the cost of so doing should not fall on the public purse. Highways Officers have also suggested that this requirement might better be achieved as a requirement in the Section 106 Agreement.

The Town Council has delegated Councillor Thomas to speak on this application at DCC.

UA1.3 Representations from interested parties

All responses and representations received can be viewed in full, online at www.milton-keynes.gov.uk/publicaccess using application ref. 21/02246/FULEIS.

Application Number: 21/02516/DISCON

Proposal: Details submitted for approval to condition 6 (Watling Street/Danstead Way) of permission ref. 18/00010/FUL, related to minor amendments at WEA Area 10-1 - 10-3, Watling Street H3 To H4, Milton Keynes

Applicant: Redlawn Land Ltd - part of L&Q Group

Application type: Approval of details reserved by condition

Ward: Loughton & Shenley/Stony Stratford **Parish:** Whitehouse/Shenley Church End

Statutory Target: 05.10.2021 **Extension of Time:** Yes - 03.12.2021

Case Officer: Sophia Dudding
Senior Planning Officer
sophia.dudding@milton-keynes.gov.uk

Team Manager: Chris Nash
Development Management Manager
chris.nash@milton-keynes.gov.uk

Update paper to Committee

U1.0 Recommendation

U1.1 The recommendation as set out in the main report remains unchanged.

U2.0 Introduction

U2.1 Since the publication of the agenda, it has been noted that the title block on page 188 of the main report only lists one of the two Wards and one of the two parishes affected. To correct the error, both Wards (Loughton & Shenley and Stony Stratford) and parishes (Whitehouse/Shenley Church End) affected by the proposal are listed in the above title block.

U2.2 It has also been noted that incorrect names have been listed for the Stony Stratford Ward Councillors within the main report. For clarity, the representations are set out against the correct names below.

U2.3 Since the publication of the agenda, a response has been received from Councillor Joe Hearnshaw which is summarised as below.

U2.4 Officers have also further considered the published report and seek to provide the following updates, corrections and/or additions.

U3.0 Consultations and representations

All responses and representations received can be viewed in full, online at www.milton-keynes.gov.uk/publicaccess using application ref. 21/02516/DISCON.

The following paragraphs contains the correct details for the Stony Stratford Ward Councillors and summarise the responses received. As these may have been received very recently, they may not yet have been processed so to appear on the website.

U3.1 Councillor Anne Cryer-Whitehead (Stony Stratford Ward)

No comments received.

U3.2 Councillor Joe Hearnshaw (Stony Stratford Ward)

Objects for the following reasons:

- safety risk to have the grid road extension outside a large school with a speed limit of 40mph;
- the road layout widens when approaching towards the school posing a risk to pedestrians;
- the safety barrier to the north and west of the crossing should be extended to the proposed roundabout joining road 102;
- the remainder of the road outside the school area should be at a maximum speed of 30 mph in accordance with the proposed speed limit of road 102;
- forcing no right turns will increase traffic volume and congestion;
- an underpass should be accommodated for the safety of pedestrians;
- a fence should be installed along the extension to prevent crossing and subsequent potential injuries; and
- lighting conditions should be improved at and around the existing underpass for the safety of pedestrians.

U3.3 Councillor Jennifer Wilson-Marklew (Stony Stratford Ward)

No comments received.

U4.0 Conclusion

U4.1 The majority of the matters raised in the additional representation, including concerns over the speed limit, the road layout and arrangement of the crossing, and the inclusion of an underpass have been addressed in the main report. A new matter in relation to lighting of the underpass is raised. As assessed in paragraph 8.6 of the main report, adding a new underpass is an issue related to the layout of the V2 extension and such a matter is beyond the scope of this application. In addition, sufficient street lighting would be arranged along both sides of the V2 extension. It is therefore considered the proposed lighting satisfies the highway safety standards.

Subject: 6 Monthly Development Management Performance Report

Team Manager: Chris Nash
Development Management Manager
chris.nash@milton-keynes.gov.uk

Update paper to Committee

U1.0 Recommendation

U1.1 The recommendation as set out in the main report remains unchanged.

U2.0 Introduction

U2.1 Since the publication of the agenda, further progress has been made in respect of the matters raised in paragraphs 6.8 and 6.9. This paper provides an update and provides further clarity over the errors concerned in section 6.0 of the main report.

U3.0 Decision notice errors

U3.1 The non-material amendment (NMA) decisions referred to in paragraph 6.8 have been, or are in the progress of being, resolved under resubmitted applications.

U3.2 The applicant's agent in respect of the annexe decision referred to in paragraph 6.9 has indicated a willingness to sign a planning obligation (s106 agreement) to control the use of the annexe. This mutual resolution is being pursued accordingly.

U3.3 In terms of the remaining decision notices, these, in the main, comprise decisions on householder extensions and their associated listed building consents. In terms of these applications, the vast majority of approved decisions issued each year include a few conditions – one relating to the approved plans, one relating to the 3-year period in which to commence development, and one to ensure matching/suitable materials are used.

U3.4 Where a condition relating to the approved plans has been omitted, if amended plans have not been received during the course of assessment, there is no ambiguity as to what the permission authorises. Where a condition relating to the commencement period is missing, the Planning Acts serve as a 'catch all' and automatically impose a 3-year limit. Where a condition relating to materials has been omitted, it is quite often that the plans also specify the materials to be used or that they are to match. In these cases, the approved plans condition, subject to being present, ensures adequate control in this respect.

U3.5 There is an omission relating to an approved lawful development certificate. Here, proposed plans would normally be confirmed as lawful. However, as an application seeks a declaration that the set of plans submitted is or is not lawful, it follows that if the LDC is approved, the plans are declared as lawful irrespective of whether they are listed or not.

- U3.6 There are further, specific examples. One decision relates to proposed works to trees subject to a tree preservation order. Here, the description of the development provides the 'scope' of the approval and thus the permission is clear on its face. Some decisions relate to approval of details submitted under condition or further NMAs, but in the absence of amended details or plans during the course of assessment, the scope of the approval or refusal given is clear.
- U3.7 A further decision relates to a removal of a condition attached to a previous permission. The condition concerned was attached to a 2003 permission. The error on this notice was the omission of the approved plans, but this is inconsequential as there are no plans to adhere to any longer – the development has been completed and occupied for many years.
- U3.8 There are several refusals within the erroneous decision notices. The focus of these errors is the omission of the refused plans or details. Again, legislation does not require that refused plans are specified and this practice varies from one authority to another. Although one of the errors fails to specify reasons for the refusal, they do appear in the officer's delegated report, making it clear to the applicant/appellant what the issues are with the proposal and facilitating an appeal, if desired, on this basis.
- U3.9 In conclusion, the remaining 25 errors of the 28 identified in total have been deemed to be of low or no risk to the Council for the reasons set out above. The Committee's attention is drawn to the further measures implemented to ensure that sign-off officers are warned if they fail to follow crucial steps in the procedure, whilst the more significant decisions (i.e. refusals and Committee level decisions) are now reserved for team leaders and managers.