

**Application Number:** 20/03015/DISCON

**Description:** 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

**Target:** 15<sup>th</sup> January 2021

**Extension of Time:** 15<sup>th</sup> February 2021

**Ward:** Stantonbury

**Parish:** Stantonbury Parish

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## **1.0 RECOMMENDATION**

1.1 It is recommended that details submitted pursuant to Condition 4 be approved.

## **2.0 INTRODUCTION**

### Reason for Referral

2.1 The application has been referred to the Development Control Committee due to the controversial nature of the development.

### The Site

2.2 The application site is the former Stantonbury Local Centre and adjacent to Stantonbury International School and associated community facilities. The Northern site boundary follows the edge of the pedestrian and cycle route running parallel with the residential road Tyrill.

### The Proposal

2.3 Under consent 18/01469/FUL permission was granted for the demolition of the existing retail/commercial units and the construction of a new Class A1 foodstore

(1,790sqm), reconfiguration of adjacent car parking and associated landscaping. This discharge of condition application (hereafter referred to as DISCON) seeks approval of details of the following condition:

#### **Condition 4 – Hard and Soft Landscaping Details**

*Notwithstanding the approved drawings, no development shall take place above slab level until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include existing trees and/or hedgerows to be retained and/or removed accurately shown with root protection areas; existing and proposed finished levels or contours; means of enclosure; visibility splays; areas of hard surfacing materials; proximity between street lights and tree planting; pedestrian access and circulation areas; civic space / public park furniture, play equipment, bins etc.; proposed and existing functional services above and below ground such as cables, pipelines, substations. Soft landscape works shall include planting plans at a minimum scale of 1:200 with schedules of plants noting species, plant supply sizes and proposed densities; written specifications (including cultivation and other operations associated with tree, plant and grass establishment; and the implementation programme.*

*Development shall be carried out in accordance with the approved details. If within a period of two years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity.*

*All hard and soft landscape works shall be carried out prior to the occupation of the building(s) or the completion of the development whichever is the sooner or in accordance with a programme agreed in writing with the Local Planning Authority.*

*Reason: 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).*

### **3.0 RELEVANT POLICIES**

#### **National Policy**

#### **3.1 National Planning Policy Framework (2019)**

Section 12: Achieving Well-Designed Places

## The Development Plan

### 3.2 Stantonbury Neighbourhood Plan

An examination in public was held on the Neighbourhood Plan in 2019 and the Examiner raised a number of questions which were included in the Examiner's Report in June 2019. The Examiner, in his report, recommended that policies SNP14, SNP16 and SNP17 should be deleted from the Plan.

In the Council's view, these policies are capable of being amended in order to overcome the Examiner's concerns and to meet the basic conditions. The Council proposes to retain policies SNP14, SNP16 and SNP17 with modifications.

In January 2020 it was determined that a further examination was necessary to examine policies SNP14, SNP16 and SNP17 of the Stantonbury Neighbourhood Plan. Mr Andrew Ashcroft was appointed to carry out the examination.

The Council notified individuals and organisations who made comments on the submitted Stantonbury Neighbourhood Plan and statutory bodies. Following receipt of the Examiner's report following the re-examination of the Neighbourhood Plan, Milton Keynes Council decided that the Neighbourhood Plan, as modified, should proceed to a referendum.

In April 2020 the following statement was published by Milton Keynes Council:

*'The referendum relating to the adoption of the Stantonbury Neighbourhood Plan, which was due to be held on Thursday 7th May 2020, has been postponed as a consequence of the coronavirus outbreak.'*

*This postponement has been confirmed through The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020. These regulations exercise powers vested in the Secretary of State, via the Coronavirus Act, to postpone and defer referendums due to be held between 7 May 2020 and 5 May 2021. The Act and Regulations provide that any neighbourhood plan referendums arising in the above period are deferred until Thursday 6 May 2021. However, the Secretary of State does have the power to lay further regulations allowing for an earlier commencement.'*

Further guidance in April 2020 set out that neighbourhood plans awaiting referendums can be given significant weight in decision-making. The Neighbourhood Plan can be attributed significant but not full weight. With regards to the current application there are no specific sections of the Neighbourhood Plan which would be in conflict with the details submitted as part of this DISCON particularly Policy SNP19 (Stantonbury Community Facilities).

### 3.3 Plan: MK (2019)

Policy D1 Design a High-Quality Place  
Policy D2 Creating a Positive Character

Policy D5 Amenity and Street Scene  
Policy NE4 Green Infrastructure  
Policy NE5 Conserving and Enhancing Landscape Character  
Policy CT10 Parking Provision

### 3.4 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

### 3.5 Equality Act 2010

Due regard, where relevant, has been had to the Milton Keynes Council's equality duty as contained within the Equality Act 2010.

## 4.0 **BACKGROUND TO THE APPLICATION**

4.1 Details pertaining to Condition 4 were previously submitted, but subsequently withdrawn given the ongoing discussions surrounding the mural relocation. Discussions held at Development Control Committee on the 5<sup>th</sup> of November 2020 referenced the inclusion of defensive planting for any subsequent submissions. However, distance was not a specified matter in the conditions. In addition, there is no evidence of any previous anti-social behaviour associated with the mural.

4.2 The detail of the mural relocation, including its position, the method of its re-siting and the maintenance regime have been previously approved under condition 21, by the Committee at its meeting on the 5<sup>th</sup> November 2020.

## 5.0 **CONSIDERATIONS**

### Principle

5.1 This application relates to the submission for approval of details reserved by one condition. Therefore, only the details relevant to, and provided for, this condition need to be assessed and relate to hard and soft landscaping. The overall layout of the site has already been established.

### Hard and soft landscaping

5.2 Initially submitted plans were inspected and queries raised as to the accuracy of the layout and details of the landscaping proposals. Consequently, a revised plan was requested and duly submitted for consideration to the Local Planning Authority.

5.3 Due to the re-erection of the mural having been previously approved in a slightly (approximately 1.5 metres) amended position adjacent and closer to the Redway, there is a reduced capacity for defensible planting. As a result, the knee-rail has been upgraded to a section of 1 metre high railings to ensure a greater level of protection

in line with previous discussion by Members. Comments received regarding the layout of proposed planting includes a suggestion of relocation of a tree specimen. This would result in landscaping falling outside the site boundary. Subsequently this would not be a plausible option as it would limit enforceability. In addition, there are no objections in terms of highway safety or access as a result of this tree location.

- 5.4 Queries have been raised relating to the long-term maintenance of the mural in respect of the planting. This issue was not explicitly included as a requirement of the original condition. Nonetheless, it will be necessary for the site operator to maintain all landscape and physical features in their control, as part of general day to day management, and this landscaping would be included. The operator of the site has responded on this point and concurs that maintenance would be part of the general site upkeep and no further reporting is required. Furthermore, the species proposed is observed to be generally low growing.
- 5.5 As a result, although there remains an outstanding concern in terms of the height of the planting proposed; in the longer term it is important to consider the submission in its entirety. The details provided have followed guidance provided by Members and meet the requirements of the detailed condition wording in terms of technical compliance. Consequently, the Committee is requested to consider the details as submitted which are considered to provide the requisite details in compliance with the condition.
- 5.6 As a result, it is concluded that the submitted details address both the requirement for landscaping, as a visual benefit and amenity for the local area, and a formal boundary treatment to offer protection and security of the mural, perhaps providing a more defensible solution than originally envisaged.

## **6.0 CONCLUSIONS**

- 6.1 It is considered that the details are acceptable and recommended that the submitted details under the condition are approved.

## **A1.0 RELEVANT PLANNING HISTORY**

18/01469/FUL

Demolition of existing retail/commercial units and the construction of a new Class A1 foodstore (1,790sqm), reconfiguration of adjacent car parking and associated landscaping.

Approved 07.11.2019

20/00643/DISCON

Details submitted pursuant of conditions 3 (schedule of external materials), 7 (finished floor level details), and 17 (electric vehicle charging points) attached to planning application 18/01469/FUL

Approved 04.05.2020

20/01029/DISCON

Details submitted pursuant to discharge conditions 4 (hard and soft landscaping), 8 (surface water drainage), 10 (CEMP), 14 (contamination) and 15 (sustainability statement) attached to planning application 18/01469/FUL

Approved 12.08.2020

20/00893/DISCON

Details submitted pursuant of conditions 6 (Ecological Management Plan), 19 and 20 (Bicycle Mural Method Statement for dismantling and storage) attached to planning application 18/01469/FUL

Approved 25.06.2020

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

Approved 16.11.2020

## **A2.0 CONSULTATIONS AND REPRESENTATIONS**

### **A2.1 Stantonbury Parish Council**

No comments received.

### **A2.2 Cllr Minns – Stantonbury**

No comments received.

### **A2.3 Cllr Petchey - Stantonbury**

No comments received.

### **A2.4 Cllr Walker - Stantonbury**

No comments received.

A2.5 MKC Conservation and Archaeology Manager

'No objection to the proposed details subject to the Council's Senior Landscape Architect confirming that the species in front of the mural will not grow to such a height that it will obscure the mural itself.'

A2.6 MKC Senior Landscape Architect

'I would say that the plants are the wrong plant for the location due to the lack of maintenance access and should be substituted for robust, low maintenance shrubs that don't grow above the height of the bottom tiles.'

A2.7 MKC Highways

No objections.

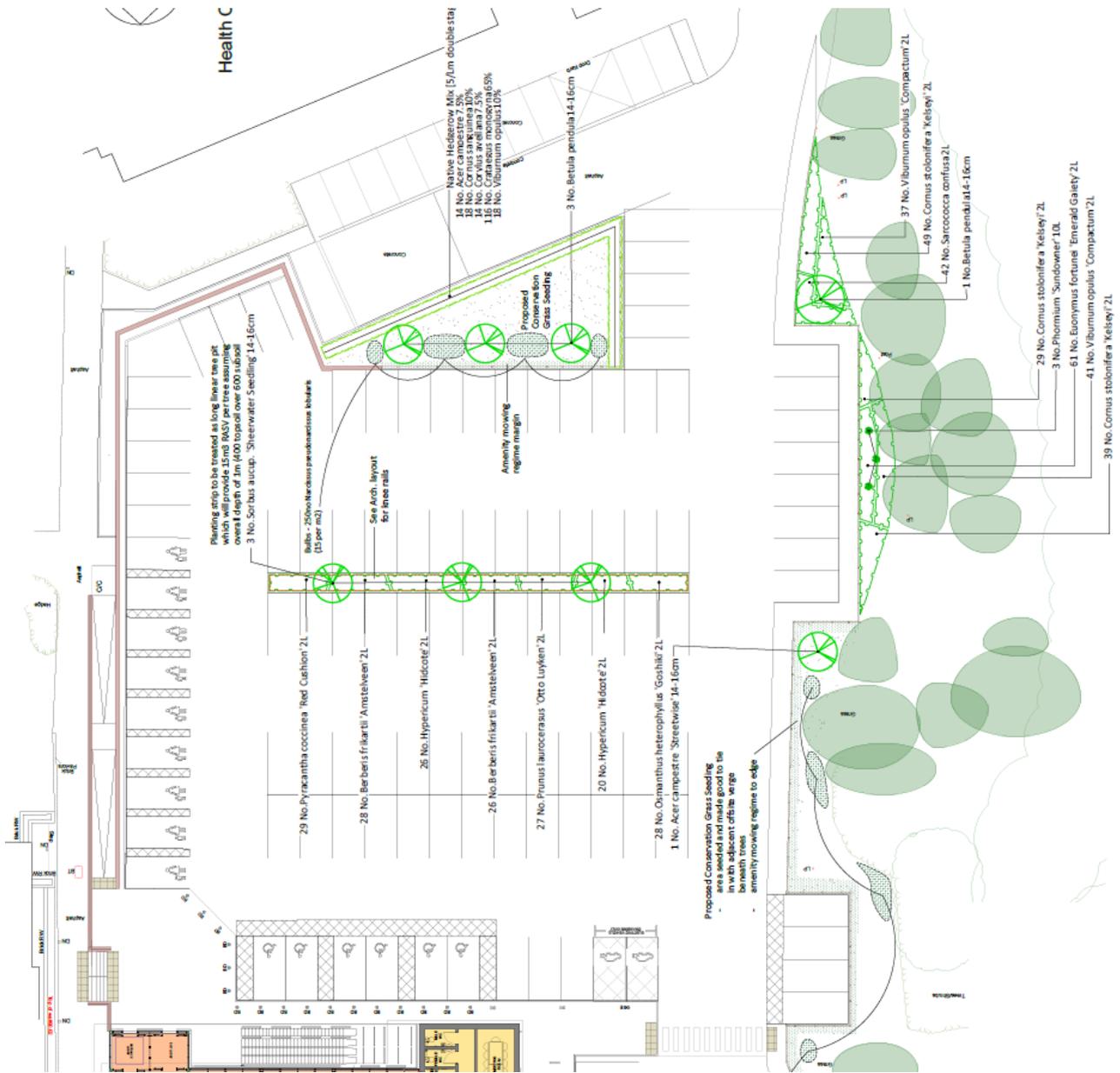
# 1308-01 Rev E Soft Landscape Proposals (partial screenshot)



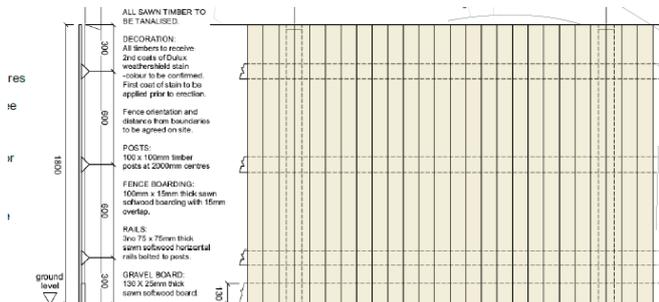
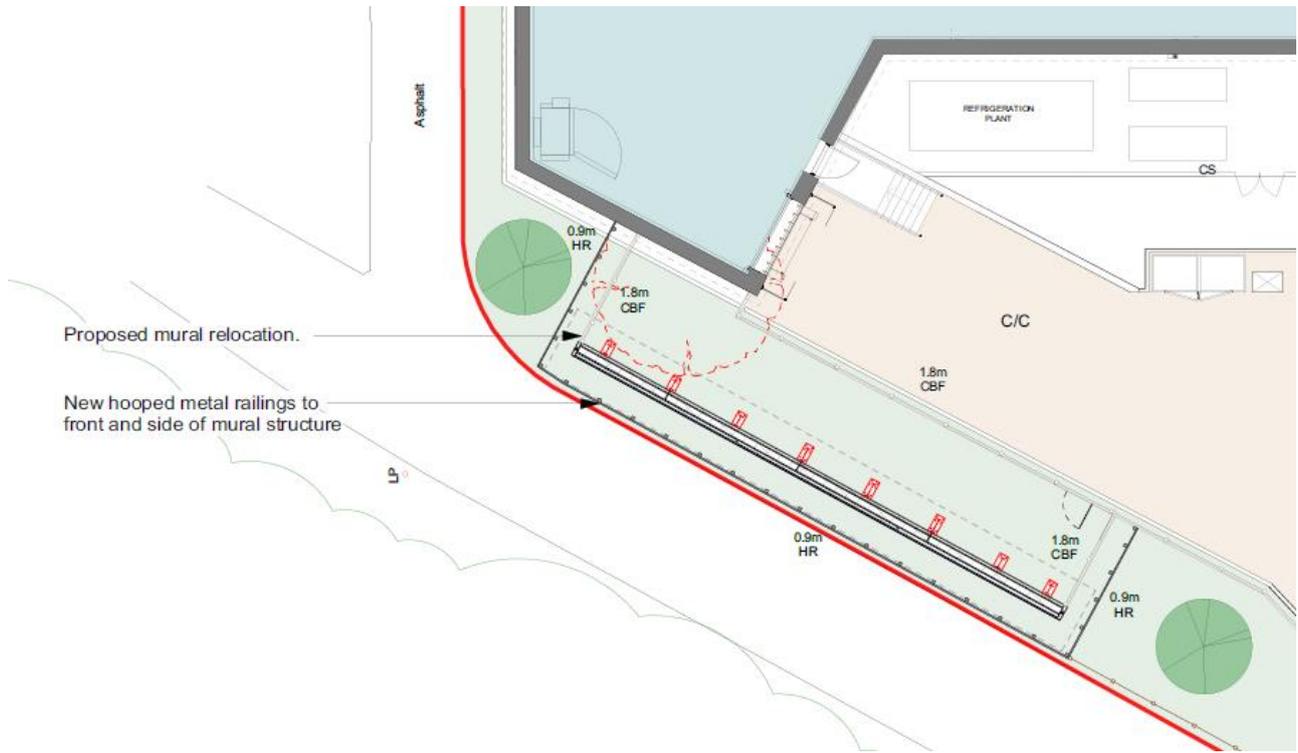
-  Bulb Planting
-  Proposed Tree Planting
-  Proposed Native Hedge Mix Planting
-  Proposed Ornamental Shrub Planting
-  Proposed Conservation Grass Seeding
-  Amenity mowing regime margin
-  Root barriers
-  Existing Trees and Vegetation Retained  
- refer to Arboriculturalist's report for details

Grass & Bulbs  
 Amenity Edge / Mowing strip - Road & Verge A18 by germinal  
 Conservation Grass - Eco rich Lawn WFG 20 by germinal  
 All seeding rates and establishment regime to suppliers recommendations  
 Daffodils / Narcissus pseudo-narcissus 'double' - 250 no.  
 Bluebells / Hyacinthoides non-scripta - 250no

# 1308-01 Rev E Soft Landscape Proposals (partial screenshot)



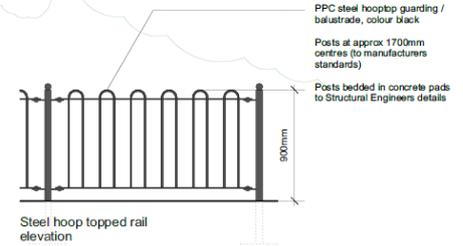
**140133-1400-P10 Proposed site plan revised 16/12/2020 (cropped to mural location with fence detailing shown)**



Typical Detail of close boarded fence to prevent access to back of mural (NTS)



Example image of installed close boarded



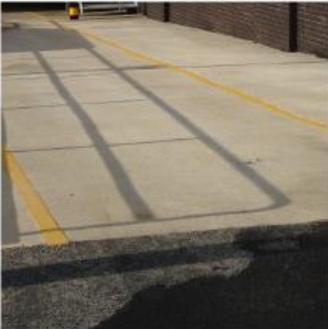
## 140133-1901-P1 Hard Landscaping Materials



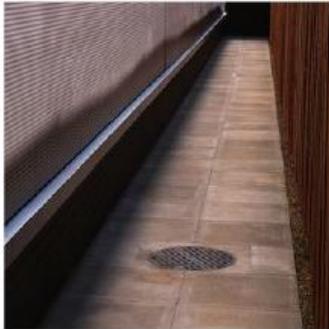
1 Tarmac path with concrete kerb edging



2 Tarmac car park area



3 Concrete surface to loading bay ramp and plant compound slab, brushed finish.



4 600 x 600mm concrete paving slabs to rear maintenance / escape area of Aldi. Colour grey



5 External paving tiles beneath Aldi canopy: 450 x 450mm Marshalls conservation paving



6 Blister paving

140133-1505-P1 Mural cross section

