

Minutes of the meeting of the DEVELOPMENT CONTROL COMMITTEE held on THURSDAY 03 JUNE 2021

**Present:** Councillors Baume, Bowyer, Clarke (Substituting for Councillor Alexander), Cryer-Whitehead, Exon, A Geary, Lancaster, Legg, McLean, Priestley, Taylor and Trendall (Substituting for Councillor Reilly)

**Also Present:** Councillor Hume and 2 Members of the Public

**Apologies:** Councillors Alexander and Reilly

**DCC03 INTRODUCTION AND WELCOME**

The Chair welcomed members of the public and councillors, advising that the meeting was being held both at the Civic Offices and remotely and would be broadcast live on YouTube, further explaining the procedures to be adopted.

**DCC04 MINUTES OF PREVIOUS MEETINGS**

RESOLVED –

That the minutes of the meetings of the Development Control Committee on 1 APRIL 2021 and 19 MAY 2021 and the Development Control Panel on 22 APRIL 2021 be agreed as accurate records and signed as such by the Chair subject to the following amendments;

Paragraph 3 line 2 of DCP29 - 21/00129/FUL – the word Top amended to ‘to’

Paragraph 1 line 7 of DCP29 – 21/00016/FUL – ibn should be ‘in’

Paragraph 5 line 5 of DCP29 – 21/00130/FUL - a full stop after cul-de-sac and the ‘i’ following it capitalised.

**DCC05 DECLARATION OF INTERESTS**

None were made.

**DCC06 PUBLIC PARTICIPATION**

**Questions**

None had been notified.

**DCC07 REPRESENTATIONS ON APPLICATIONS**

Councillor Taylor (Walton Community Council) spoke in objection to application 20/03080/FUL, Full planning application for 46 no. dwellings comprising a partial re-plan of details approved under

reserved matters to include an uplift of 7 no. dwellings and a revised mix across the relevant development parcels and associated development works.

The Applicant's Agent, Mr Daruwalla, exercised the right of reply.

**DCC08**

**PLANNING APPLICATIONS**

**20/03080/FUL FULL PLANNING APPLICATION FOR 46 NO. DWELLINGS COMPRISING A PARTIAL RE-PLAN OF DETAILS APPROVED UNDER RESERVED MATTERS TO INCLUDE AN UPLIFT OF 7 NO. DWELLINGS AND A REVISED MIX ACROSS THE RELEVANT DEVELOPMENT PARCELS AND ASSOCIATED DEVELOPMENT WORKS AT SITE SOUTH EAST OF ELMSWELL GATE, TOWERGATE, MILTON KEYNES FOR CREST NICHOLSON, CHILTERN.**

The Senior Planning Officer introduced the application with a presentation. It was noted that there had been a published update paper that detailed information in respect of an amendment to proposed Condition 6. The Committee heard that there was a further amendment and that the revised proposed condition would read;

‘Prior to the occupation of each of the dwellings hereby permitted the allocated car parking area for that dwelling shown on the approved drawings shall be constructed, surfaced and permanently marked out. The unallocated parking spaces as shown on the approved drawings shall be constructed, surfaced and permanently marked out prior to the occupation of the dwelling closest to it. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter’, with the reason as detailed in the Committee report

It was further recommended that conditions 5 and 12 be removed as the matters they addressed were dealt with under other legislation or alternative arrangements.

The Committee was told that the application was a re-plan of a previously approved application for 39 dwellings providing an additional 7 dwellings, 46 in total. Concerns had been raised by the Community Council in respect of the tandem parking arrangements, this was however policy compliant and was a feature throughout the development. The Highway authority had not raised any concerns.

The Senior Planning Officer confirmed that her recommendation remained to grant the application subject to the conditions as detailed in the Committee report amended as above.

The Committee heard from the representative of Walton Community Council who confirmed that the Community Council objected to the application on the grounds detailed within the Committee report and asked that the Committee refuse the application as the parking arrangements, although policy compliant were likely to result in excessive on street parking combined with the increase in the number of dwellings adjacent to the main road, and bus route, through the estate was likely to have an adverse impact on road safety and increase congestion.

The applicant's agent responded, stating that the increased number of dwellings and revised layout had been reached following lengthy pre-application discussion with Officers and was to provide a more diverse range of houses and additional affordable units, and that the parking arrangements had not attracted any objection from Highways Officers.

The Senior Planning Officer, in response to a question, confirmed that the s106 contributions, based on the original

application in 2005, referred to Milton Keynes university contribution. This related to an aspiration to have a university within Milton Keynes for a number of years and specifically during that time the University Centre MK.. The contributions would be index linked in accordance with 2021 rates, except for 25% of the contributions on the already permitted 39 dwellings, which had already been paid.

The Chair, seconded by Councillor Exon, proposed that Subject to the completion of a section 106 (s106) agreement securing the obligations and terms set out in the Committee report, permission be granted subject to the conditions detailed amended as above.

In the event that the s106 agreement is not completed within 28 days following the Committee's resolution, the Head of Planning be delegated authority to extend the period for completion of the s106 agreement, or, in consultation with the Chair and Vice Chairs, refuse permission.

Members of the Committee shared the concerns in respect of Tandem Parking but recognised that at the present time it was policy compliant.

It was further recognised that while there were other concerns the scheme as a whole was policy compliant, in that respect the conditions designed to address flooding concerns were welcomed.

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

RESOLVED –

That, subject to the completion of a section 106 (s106) agreement securing the obligations and terms set out in the

Committee report, permission be granted subject to the conditions detailed within the Committee report condition 6 amended as above and conditions 5 and 12 removed, further,

That;

In the event that the s106 agreement is not completed within 28 days following the Committee's resolution, the Head of Planning be delegated authority to extend the period for completion of the s106 agreement, or, in consultation with the Chair and Vice Chairs, refuse permission.

**DCC09 ENFORCEMENT REPORT – PINK PUNTERS, WATLING STREET, FENNY STRATFORD, MILTON KEYNES.**

The Committee considered a report in respect of proposals for enforcement of planning regulations in respect of unauthorised works that have been carried out to the premises known as 'Pink Punters', Watling Street, Fenny Stratford, Milton Keynes. The Interim Service Development Manager gave the Committee a detailed overview of the report explaining the complex planning history of the site and the limitations on what enforcement action could now be taken. The Committee heard an explanation of why some elements were not considered expedient to enforce and what was proposed to rectify the planning status of those elements and what was considered as viable action in respect of those elements that could be considered for enforcement.

The Committee was told that, following the investigations a number of recommendations, as detailed in the Committee report, were made and invited the Committee to support them.

The Committee heard from 2 members of the public and Councillor Hume during consideration of the item.

Concerns were raised in respect of the lack of enforcement activity over a number of years that has resulted in matters no longer being enforceable due to the limitations on process, it was further commented that there would appear to be new development that has not been reported at this time and a request was made that this was investigated as soon as possible.

Representing the owners of the property, Mr Collinge, told the Committee

that the owners of the property had recently undertaken work while the Country was in lockdown to take advantage of the premises being closed, it was acknowledged that this was not authorised work but was in keeping with the desire to see the property tidied and made safer for customers when they returned, it was also claimed that despite the assertions to the contrary from the water flooding agencies the work conducted on the river bank had not created a greater problem and in fact provided for more water flow, such matters would likely benefit from a retrospective planning application.

The Ward Councillor asked that a timetable for works to be conducted and regular updates be provided to the Committee, Ward Councillors and Parish Council in respect of the enforcement action and any potential remedies to the unauthorised development.

The Interim Service Development Manager undertook to investigate the reports of new structures being placed in the North West Area of the site.

Members of the Committee asked for confirmation that all breaches were being looked at in respect of what was expedient to enforce against. The Interim Service Development Manager explained that to take any enforcement action it was necessary to identify 'harm' caused by a development and that there were examples of unauthorised development on the site where no harm could be identified and therefore in those cases the correct course of action was to have the land owner submit a retrospective planning application, there remained an opportunity for the Committee to review the recommendations made.

Councillor Legg, seconded by Councillor McLean proposed that;

1. Enforcement notices be served in respect of operational breaches of planning control relating to:
  - (a) the extension of the eastern wing towards the river and associated works to ground levels and the riverbank to facilitate this; and,
  - (b) the reprofiling/terracing of the riverbank along the eastern edge of the site along with creation of hardstanding and erection of barriers/railings atop, and restoration to former conditions and planting;
2. Officers seek a retrospective application to retain the second floor extension to the rear of the north-western elevation and, if such an application is not forthcoming, that the expediency of taking formal action be agreed in liaison with the Chair and Vice Chairs of the Committee.

3. It is not expedient to take enforcement action against remaining operational breaches of planning control observed at the site, noting the likely immunity of these works from formal action through the passage of time;
4. Should the owner/operator fail to voluntarily resolve the breach of condition 5 of planning permission ref. 19/01142/FULMMA within 2 months of a written request to do so, a Breach of Condition Notice (BCN) is served;
5. It is not expedient to take direct action in respect of the structure supporting the banner sign at the southern entrance; and
6. It be noted by the Committee that it was not possible to take formal action against remaining signage observed at the site (the rainbow signage affixed to the external walkway and the security kiosk), and the removal of two protected trees at a date unknown, including the scope for securing replacements.

Councillor A Geary proposed, seconded by Councillor Lancaster that the following amendments be made to the proposal;

At the end of clause 2. The words 'and a further update report be made to the Committee' be added,

That additional clauses be added, to read;

- '7. The alleged new structure on the northwest part of the site be investigated and a report be presented to the Committee setting out the situation and if found in breach what action was to be taken.'
8. A timetable be set out for proposed enforcement actions be prepared and presented to the Committee, and,
9. The Highways Department be asked to investigate the location and situation in respect of the Security Hut and a report be provided to the Committee setting out any action proposed to be taken if it is found to be on the public highway.'

On being put to the vote the amendments were carried unanimously.

Members of the Committee expressed a desire to conduct a site inspection when any further applications or reports are scheduled for the Committee to consider.

Councillor Exon told the Committee that he believed it was essential that the Committee assured itself that any action that was taken was supported by clear and good evidence.

On being put to the vote the motion, as amended, was carried with members of the Committee voting unanimously in favour.

RESOLVED –

That;

1. Enforcement notices be served in respect of operational breaches of planning control relating to:
  - (a) the extension of the eastern wing towards the river and associated works to ground levels and the riverbank to facilitate this; and,
  - (b) the reprofiling/terracing of the riverbank along the eastern edge of the site along with creation of hardstanding and erection of barriers/railings atop, and restoration to former conditions and planting;
2. Officers seek a retrospective application to retain the second floor extension to the rear of the north-western elevation and, if such an application is not forthcoming, that the expediency of taking formal action be agreed in liaison with the Chair and Vice Chairs of the Committee and a further update report be made to the Committee.
3. It is not expedient to take enforcement action against remaining operational breaches of planning control observed at the site, noting the likely immunity of these works from formal action through the passage of time;
4. Should the owner/operator fail to voluntarily resolve the breach of condition 5 of planning permission ref. 19/01142/FULMMA within 2 months of a written request to do so, a Breach of Condition Notice (BCN) is served;
5. It is not expedient to take direct action in respect of the structure supporting the banner sign at the southern entrance; and
6. It be noted by the Committee that it was not possible to take formal action against remaining signage observed at the site (the rainbow signage affixed to the external walkway and the security kiosk), and the removal of two protected trees at a date unknown, including the scope for securing replacements.

7. The alleged new structure on the northwest part of the site be investigated and a report be presented to the Committee setting out the situation and if found in breach what action was to be taken.
8. A timetable for proposed enforcement actions be prepared and presented to the Committee.
9. The Highways Department be asked to investigate the location and situation of the Security Hut and a report be provided to the Committee setting out any action proposed to be taken if it is found to be on the public highway.

THE CHAIR CLOSED THE MEETING AT 8:47 PM

DRAFT