



Minutes of the meeting of the DEVELOPMENT CONTROL COMMITTEE held on THURSDAY 14 MARCH 2013 at 7.00 pm.

Present: Councillor White (Chair)
Councillors: Eastman, A Geary, Ferrans, Hawthorn, Kennedy, McLean, Middleton and C Williams

Officers: A Horner (Head of Development Management), A Harrison (Team Leader Minor Applications), D Kirk (Senior Planning Officer), N Wheatcroft (Senior Planning Officer), J Kirkham (Senior Planning Officer), N McTeer (Senior Planning Officer), C Megson (Student Planner), S Peart (Conservation and Archaeology Manager), N Sainsbury (Head of Urban Design and Landscape Architecture), A Swannell (Senior Engineer), N Wheatcroft (Senior Planning Officer), M Wilde (Student Planner), S Bridglalsingh (Senior Solicitor), and D Imbimbo (Committee Manager).

Number of Public Present: 150

Apologies Councillors Exon, Hopkins and Legg

DCC101 CHAIRMANS WELCOME

The Chair welcomed Members, Officers and public and explained the procedures to be adopted.

DCC102 MINUTES OF PREVIOUS MEETINGS

RESOLVED -

That the minutes of the meetings of the Development Control Committee held on 14 February 2013, 21 February 2013 and those of the Development Control Panel held on 28 February 2013 be agreed as an accurate record, and signed by the Chair as such.

DCC103 DECLARATION OF INTERSTS

Councillor C Williams declared a predetermined position in respect of Application 03 - 12/00628/FUL as a Member of the Parish Council and having considered the application in that forum. He would take no part in the consideration of this item.

DCC104**REPRESENTATIONS ON PLANNING APPLICATIONS**

Councillor P Wharton,(MKC), Councillor R Gifford (SSTC) and Mr G Benjamin spoke in objection to application 11/00143/FUL The partial demolition of the existing buildings at Cofferridge Close and the construction of a new food store with the reconfiguration of the car parking (amended description, amended plans and amended supporting information) at Properties at, Cofferridge Close, Stony Stratford for CB Richard Ellis Investors

The applicants agents, Ms K Morris and Mr. C Patmore exercised the right of reply.

Mr. K Payne, Mr. S Loud, Councillor McDonald (MKC) and Councillor Bint (MKC) spoke in favour of application 13/00024/ful (recommended for refusal) removal of play area to be replaced with landscaping and the creation of a wet pond at former play area, Far Holme, Middleton

Mr S Malka spoke in objection to application 12/01967/FUL Change of use from internet cafe (use class A1) to hot food take-away (use class A5) at, 330 Conniburrow Boulevard, Conniburrow, Milton Keynes for Mr Fiaz Malik

The applicants agent, Mr. Sirah exercised the right of reply.

DCC105**PLANNING APPLICATIONS**

11/00143/FUL THE PARTIAL DEMOLITION OF THE EXISTING BUILDINGS AT COFFERRIDGE CLOSE AND THE CONSTRUCTION OF A NEW FOOD STORE WITH THE RECONFIGURATION OF THE CAR PARKING (AMENDED DESCRIPTION, AMENDED PLANS AND AMENDED SUPPORTING INFORMATION) AT PROPERTIES AT, COFFERRIDGE CLOSE, STONY STRATFORD FOR CB RICHARD ELLIS INVESTORS

The Officer reported that since preparing her report and Officer Update a further two letters of objection had been received, these had been circulated to members and published, they did not raise any new points. She reported that a Site Inspection had been held on 11 March attended by 3 Members of the committee.

The Officer reported that her recommendation remained to refuse the application for the reasons stated in the report..

Members heard representations that the proposals would have a negative impact on traffic flow in the area, and that the loss of car parking spaces would have a severe detrimental impact on the area. The

Committee also heard that there was a serious concern held by local traders that development of a large supermarket in such close proximity to the High Street would have a serious negative economic effect on local businesses and cause significant harm to the viability and vitality of Stony Stratford town centre and that the failure to provide for resilience to economic change was contrary to paragraph 23 of the NPPF and saved Local Plan Policy R1 (2).

Members heard that the replacement of the various units that had provided a wide variety of local services including a dentist by one supermarket was contrary to paragraph 70 of the NPPF in that it failed to plan for community facilities and services.

The Committee heard counter representations that a full transport assessment had been conducted and had identified no concerns with the proposals, and that a delivery management plan would allay any fears held by residents about the impact of large vehicles delivering to the store. The committee also heard that the NPPF made no requirement on an assessment of the impact of or the need for a development in terms of the local economy.

Councillor White proposed that the Officers recommendation be approved. This was seconded by Councillor McLean.

Members recognised that whilst there was no need to assess the impact or need of a development on the local economy there remained a need to make provision for the protection of local economies..

Members considered the need for an additional reason for refusal in respect of the impact on parking and local road systems. Members heard that the Senior Highway Engineer had conducted research and did not recommend any objections on that basis.

Councillor A Geary proposed an additional reason for refusal due to the loss of parking spaces in the Town Centre; this was seconded by Councillor White. On being put to the vote the motion was declared lost.

The proposal to refuse the application on the grounds stated in the Officer report was put to the vote and was carried unanimously and it was;

RESOLVED -

That the application be refused as;

1. The size, scale, form and design of the development and extent of the area of hard standing to accommodate an over provision parking to serve the development and lack of opportunities to retain an existing area of public open space within the site; the loss and re-provision of less trees than are already contained with the site; the lack of opportunities for on site biodiversity and detrimental impact on the residential amenities of 7-23 Silver Street would all constitute an over development of the site. The application would be contrary to policies D2, D2a, D1 (iii and iv), NE3, L2 of the Milton Keynes Local Plan 2001 – 2011.

2. The demolition of a large section of the existing building and proposed scheme would cause harm to Cofferridge Close as a heritage asset in its own right. The proposed development would cause harm to the significance of the designated heritage assets, Stony Stratford Conservation Area and the listed buildings, 7-23 Silver Street. The development would be contrary to policies HE5 and HE6 of the Milton Keynes Local Plan 2001 – 2011, Policy CS20 of the Core Strategy and paragraphs 134 and 135 of National Planning Policy Framework

3. The development would result in the loss of an important community facility (NHS dental practice) for which no alternative provision has been made within Stony Stratford Town Centre. The development would be contrary to policy C2 of the Milton Keynes Local Plan 2001 – 2011.

13/00024/FUL REMOVAL OF PLAY AREA TO BE REPLACED WITH LANDSCAPING AND THE CREATION OF A WET POND AT FORMER PLAY AREA, FAR HOLME, MIDDLETON FOR CREST NICHOLSON

The Officer reported that her recommendation remained that the application be refused for the reasons set out at the end of the report. It was noted that a Site Inspection had taken place on 11 March 2013 attended by 3 Members.

Members heard representations to the effect that the siting of the play area and the nature of the play equipment fitted had resulted in groups of

youths causing disturbance to residents and anti-social behaviour. As a result of this the play area had been closed. The proposals to landscape the area had come from a long term problem solving initiative between Ward Councillors, Parish Councillors and residents and was seen as the only acceptable way forward.

It was recognised that a play area was needed in the area but this site presented more problems than could be reasonably expected from such a facility. The Committee heard that whilst it was policy to have a play area this particular facility was not compliant with the policy in a number of aspects.

Councillor White proposed that the Officers recommendation be approved. This was seconded by Councillor McLean

Members recognised that the play area had no realistic prospect of being re-opened and sought clarification as to whether as part of the current application any amendment to the S106 agreement could provide for alternative play facilities in the vicinity. The Committee heard that this was not an option.

Members recognised that whilst the proposals of this application were contrary to policy there was a need to recognise the exceptional situation and the proposals were sympathetic to the area.

On being put to the vote the motion to agree the Officer recommendation was lost.

Councillor White proposed that the application be agreed with conditions, this was seconded by Councillor McLean.

The motion was put to the vote and it was;

RESOLVED –

That the application be permitted subject to the following conditions;

A. Completion of a deed of variation to:

- Delete reference to Local Equipped Area of

Play and replace with pond and landscaped area

- The Local Equipped Area of Play Contribution (£80,000) to be used for the removal of the play area and the provision of landscaping and pond.
- The landscaped area and pond to be completed and offered for transfer to the Council or Parks Trust

B. Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the proposed boundary treatment of the site (including the type and height of any fence) shall be first submitted to and approved by the Local Planning Authority and the boundaries of the site shall be enclosed in accordance with the approved details before the landscaped area is brought into use. The approved fence shall subsequently be retained to the satisfaction of the Local Planning Authority.

Reason: To protect the amenities of the locality

3. Notwithstanding the submitted details, a landscaping scheme, which shall include provision for the planting of trees and shrubs, shall be submitted to and approved by the Local Planning Authority before any part of the development is commenced. The scheme shall show the numbers, types and sizes of trees and shrubs to be planted and their location in relation to proposed buildings, roads, footpaths and drains. All planting in accordance with the scheme shall be carried out within twelve months of commencement of development. Any trees or shrubs removed, dying, severely damaged or diseased within two years of planting shall be replaced in the next planting season with trees or shrubs of such size and

species as may be agreed by the Local Planning Authority.

Reason: To protect the appearance and character of the area and to minimise the effect of development on the area

4. No development shall commence including the removal of any existing play equipment until a new mitigation strategy has been submitted to and approved in writing by the Local Planning Authority.

Reason: For the protection of a European Protected Species.

5. All existing trees to be retained are to be protected according to the provisions of BS 5837: 2012 'Trees in relation to Design, Demolition and Construction - Recommendations'. Tree protection plan and construction detail to be submitted and approved before commencement on site. Tree protection measures to be put in place before any other work commences on site.

Reason: To protect the recently planted trees on the site during construction work

12/00628/FUL

ERECTION OF ELECTRICITY SUB-STATION AND ASSOCIATED ACCESS FROM H7 CHAFFRON WAY AT LAND TO THE EAST OF, CHAFFRON WAY V1 TO V2, MILTON KEYNES FOR WESTERN POWER DISTRIBUTION

Councillor Williams stepped down for this Item and took no part in the proceedings.

The Officer reported that his recommendation remained that the application be granted subject to the conditions set out at the end of the report. It was noted that a site Inspection had taken place on 11 March 2013 attended by 3 Members

The Committee heard that letters had been received from residents expressing concerns regarding noise and the potential medical risks associated with electronic emitted radiation.

Councillor White proposed that the Officers recommendation be agreed, this was seconded by

Councillor McLean.

Members recognised that there were a number of members of the public present who wished to make representations to the Committee but had indicated that they had been unaware of the right to register to speak in objection.

Councillor A Geary proposed that the determination of the application be deferred to the next meeting of the Committee to allow people to register to speak and make representations, this was seconded by Councillor Hawthorn before being put to the vote, and it was;

RESOLVED:-

Determination of the application be deferred to the next meeting of the Committee to make provision to allow Members of the Public to make representations in objection to the Committee.

12/01967/FUL

CHANGE OF USE FROM INTERNET CAFE (USE CLASS A1) TO HOT FOOD TAKE-AWAY (USE CLASS A5) AT 330 CONNIBURROW BOULEVARD, CONNIBURROW, MILTON KEYNES FOR MR FIAZ MALIK

The Officer reported that his recommendation remained that the application be granted subject to the conditions set out at the end of the report.

Members heard representations to the effect that the proposal would have detrimental impact due to odours of flats which were immediately above the application premises. There were also concerns that the application failed to address waste disposal.

Residents also held concerns about potential anti-social behaviour resulting from persons attending the premises and asked that consideration be given to installing CCTV as a precaution.

Councillor White proposed that the Officers recommendations be accepted this was seconded by Councillor McLean.

Members heard that those Members that had held a site inspection on a similar site recognised the potential impact of odours; the Committee heard that the proposed filtering and ventilation system

was assessed as satisfactory by the Environmental Health Officer.

The Committee also recognised that the NPPF made it a duty on planning Committees to give consideration to seeking to promote a healthy lifestyle and that some 'take-away' facilities could be seen as to contravene that initiative.

Councillor Ferrans proposed that two additional conditions be applied to address the waste management arrangements and installation of a CCTV system. This was seconded by Councillor White

On being put to the vote the motion to approve the application, amended to include the two additional conditions, was put to the vote and it was carried on the casting vote of the Chair and it was;

RESOLVED –

That planning permission is granted subject to the conditions set out at the end of the report and the addition of conditions to read;

Waste Management Plan

Full details of a waste management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the initial occupation of the unit as an A5 Use. The proposed facilities must be implemented as per the agreed details and thereafter maintained as per the agreed details.

Reason: To ensure adequate measures are in place for the storage and future use of waste facilities in order to minimise the impact of the development upon neighbouring residents

CCTV Surveillance

Details of CCTV surveillance to be installed at the unit shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the A5 use hereby permitted. The works shall then be carried out in accordance with the approved details and thereafter retained.

Reason: To create a safe and secure environment during the operation of the use hereby permitted.

12/02290/FUL

CHANGE OF USE FROM A SANDWICH BAR (USE CLASS A1) TO A HOT FOOD TAKEAWAY (USE CLASS A5) WITH MINOR ALTERATIONS TO SHOP FRONT, AT 90 PENRYN AVENUE, FISHERMEAD, MILTON KEYNES FOR MR RAFAEEK AHAMED MOHIDEEN

The Officer reported that his recommendation remained that the application be granted subject to the conditions set out at the end of the report.

It was noted that a Site Inspection had taken place on 11 March 2013 which had been attended by 2 Members.

Councillor White proposed that the Officers recommendations be accepted this was seconded by Councillor McLean.

Members heard that the Ward Member had made representations in respect of the potential for Anti-Social behaviour in the area associated with the premises and that residents held concerns that the ventilation systems were inadequate.

The Committee heard that the proposed filtering and ventilation system was assessed as satisfactory by the Environmental Health Officer.

The Committee also recognised that the NPPF made it a duty on planning Committees to give consideration to seeking to promote a healthy lifestyle and that some 'take-away' facilities could be seen as to contravene that initiative.

Councillor Ferrans proposed that a condition be added to require that a CCTV system be installed to ensure that Anti-Social Behaviour could be monitored, this was seconded by Councillor White

On being put to the vote the motion as amended to include the additional condition was declared carried.

RESOLVED –

That planning permission be granted subject to the conditions set out at the end of the report and an

additional condition to read;

CCTV Surveillance

Details of CCTV surveillance to be installed at the unit shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the A5 use hereby permitted. The works shall then be carried out in accordance with the approved details and thereafter retained.

Reason: To create a safe and secure environment during the operation of the use hereby permitted

DCC106 AREA 10 PHASE 1 RESIDENTIAL DESIGN CODE

12/02225/CONS AREA 10 PHASE 1 RESIDENTIAL DESIGN CODE AT WESTERN EXPANSION AREA, AREA 10.1, WATLING STREET H3 TO H4, MILTON KEYNES FOR GALLAGHER ESTATES

The Committee considered a report in respect of The Western Expansion Area 10 Phase 1 Residential Design Code at area 10.1. and 10.3 The Committee heard that a Members workshop had been held and that it had been attended by one Member.

The Officer reported that there were a number of amendments to the design code to include;

- Amend pg 30 of the Phase 1 to read “Advancedu Infrastructure”.
- Amend Section 3.6 of Phase 3 to read the same as section 3.6 of Phase 1 but the former must say that the SPD was adopted in April 2012 and will be the key guidance for new residential development
- Amend Phase 3 Pg 38 (typo), when comparing the vision of City Street for Phase 1 and 3 it reads Whitehouse change to “Western Expansion Area” as occurs in the Vision statement for the Phase 1 code for the City Street (pg 38)
- Amend Section 3 - The illustrative sections text in the first sentence should refer to the “scale and massing desired for housing” (not elevations)
- Amend Phase 10.1 p51 wrong picture ‘modern timber’
- Amend Phase 10.1 pg 74 ‘MANDATORY’

Members were concerned that the design code should not prohibit

developers seeking to diversify over a number of parcels of land rather than simply within parcels as defined in the plan. It was stressed however that matters such as the continued reliance on grid roads were not negotiable and should be protected at all times.

Councillor Ferrans proposed the following amendments to the code.

1. Additional wording re: Parking pg 112 Area 10.1

Replace, 'Parking courts are the last resort but in many situations can not be avoided' (wording in 10.1)

With, 'Where space and set backs permit, front parking courts on or off the highway are often an acceptable solution, rear parking courts are only acceptable as a last resort where other solutions are not possible'.

2. Additional wording re: Densities (pg 23 Area 10.1

Whilst the density bands indicated for the development should be observed, particularly in zones where an increase or reduction would not harm the character of the area as described within the code, there is the flexibility and scope where justified for the average density of parcels to be varied, provided that the density range for that area or parcel is met and the overall design solution is of sufficient quality to vindicate such a departure'.

These were seconded by Councillor A Geary before being put to the vote and it was;

RESOLVED –

That the Design Code be agreed subject to the amendments above;

DCC107 AREA 10 PHASE 3 RESIDENTIAL DESIGN CODE

12/02226/CONS AREA 10 PHASE 3 RESIDENTIAL DESIGN CODE AT WESTERN EXPANSION AREA, AREA 10.3, WATLING STREET H3 TO H4, MILTON KEYNES FOR GALLAGHER ESTATES

The Committee considered a report in respect of The Western Expansion Area 10 Phase 1 Residential Design Code at area 10.3. The Committee heard that a Members workshop had been held and that it had been attended by one Member.

Members referred to comments made in consideration of the previous Item (DCC106) and Councillor Ferrans proposed that the following additional amendments be made to the Code;

1. Additional wording re: Parking pg 148 Area 10.3

Replace, 'Parking courts are the least favoured option but in certain situations can not be avoided with, 'While where space and set backs permit, front parking courts on or off the highway are often an acceptable solution, rear parking courts are only

acceptable as a last resort where other solutions are not possible'

2. Additional wording re: Densities pg 23 Area 10.3

'Whilst the density bands indicated for the development should be observed, particularly in zones where an increase or reduction would not harm the character of the area as described within the code, there is the flexibility and scope where justified for the average density of parcels to be varied, provided that the density range for that area or parcel is met and the overall design solution is of sufficient quality to vindicate such a departure'

This was seconded by Councillor A Geary before being put to the vote and it was;

RESOLVED:-

That the Design Code be agreed subject to the above amendments.

THE CHAIR CLOSED THE MEETING AT 9:20 PM