

Minutes of the meeting of the **DEVELOPMENT CONTROL COMMITTEE** held on **THURSDAY 7 MAY 2020** at 7.00 pm.

Present: Councillor Bint (Chair)
Councillors Alexander, Baines, Brackenbury, Brown, Exon, A Geary, Legg, McLean, Petchey and Wallis

Officers: J Palmer (Head of Planning), S Hine (Development Management Manager), R Edgington (Senior Planning Officer), J Lee (Senior Planning Officer), C Chan (Planning Officer), P Caves (Team Leader - Traffic & Development), E Gineikiene (Senior Solicitor - Planning and Highways), S Heap (Committee Services and Scrutiny Manager), D Imbimbo (Committee Manager)

DCC85 INTRODUCTION AND WELCOME

The Chair welcomed members of the public and councillors to the meeting and explained that the meeting was held remotely and would be broadcast live on YouTube he further explained the procedures to be adopted.

DCC86 DECLARATION OF INTERESTS

Councillors Baines and Petchey asked that it be noted that in respect of applications 19/03155/FUL and 20/00366/FUL, they were both members of Campbell Park Parish Council, however not had any involvement in discussions or made any comment in respect of the merits of the applications.

Councillor Bint asked that it be noted that in respect of application 19/03155/FUL he was the Ward Councillor for the area he had not a view in respect of the application.

DCC87 PUBLIC PARTICIPATION

Questions had been received from;

Mr T Skelton:

‘One of our members has alerted me to the fact that Aldi have started construction work on their new store at Stantonbury (Approval ref 18/01469/FUL). I have sent a photo confirming this to Katy Lycett, who has forwarded it to the Enforcement Team and asked them to investigate.

The planning consent makes it clear that work cannot start on site until a number of conditions had been satisfied, including a) Condition 19 which relates to protection of the Bicycle Wall mural whilst it

remains on site and b) Condition 20 which relates to the requirement that Bicycle Wall must be removed from site before demolition work takes place.

At the moment, as far as we can tell, Bicycle Wall is not protected and is therefore at risk of damage. In any event, work should not be proceeding until the appropriate Conditions (which are currently with the Council for determination) have been satisfied.

Please can we have the Council's assurance that appropriate action will be taken to ensure that Aldi stop all work on the site immediately and do not recommence until the relevant planning conditions have been approved.'

The Development Management Manager told the Committee that a full written response had been published.

As a supplementary question Mr Skelton asked if the Committee would record his thanks to the Development Control Officers for their continued work to protect the wall and the efforts to continue business as normal under the current difficulties associated with the Covid19 situation.

Mr A Herman:

'In 2010, this Committee refused a retrospective application for the change of use at 5 Rowton Heath in Oakhill to allow the property to be used as an HMO. It then took Enforcement Officers 9 years to issue an enforcement notice, which was quashed on appeal last week by a Planning Inspector because it had been issued too late. Why did it take 9 years to issue this enforcement notice following the refusal of the retrospective application?

A Planning Inspector recently allowed a planning appeal for the change of use to an HMO at 52 Bossiney Place in Fishermead. In his decision letter, the Inspector highlighted that the Council used the wrong buffer for HMO concentrations in its evidence and it also failed to respond to his request for comments on the appellant's evidence. Why did the Council use the wrong buffer and why did the Council not respond to the Inspector's request for comments on the appellant's evidence?'

The Development Management Manager told the Committee that a full written response had been published.

As a supplementary question Mr Herman asked for information in respect of how many 'retrospective HiMO' applications have been refused in the past 10 years and where there has been no subsequent enforcement action that the Committee give consideration to seeking

a report in respect of HiMO enforcement actions in Milton Keynes. He further asked that a further report be considered in respect of the overall management of appeals.

The Chair asked that the Head of Planning provide written responses to the Supplementary Questions.

DCC88

REPRESENTATIONS ON APPLICATIONS

Parish Councillor B O'Rourke (Bow Brickhill Parish Council)(Submission read by Committee Manager) and Mr M Pearce (Applicant's Agent) spoke in support of application 19/02141/FUL, New residential dwelling (retrospective) and associated works at Site To The West of 1, London End Lane, Bow Brickhill.

The Application having been recommended for refusal.

DCC89

PLANNING APPLICATIONS

19/02141/FUL NEW RESIDENTIAL DWELLING (RETROSPECTIVE) AND ASSOCIATED WORKS AT SITE TO THE WEST OF 1, LONDON END LANE, BOW BRICKHILL FOR GILL HUDSON HOMES.

The Senior Planning Officer introduced the application with a presentation.

The Senior Planning Officer confirmed that the recommendation remained to refuse the application for the reasons stated in the Committee report.

The Senior Planning Officer further summarised the history of the site and the breaches of planning control which the application sought to regularize, however he stated that in his view the proposals fell short of the measures needed to make the application satisfactory in planning terms.

The Committee heard from a representative of the Parish Council who gave a history of the Parish Councils objection to the Development in any guise, however now took a view that the property having been constructed had resulted in significant harm to the landscape and ecology, however now took a view that refusing permission for the as constructed development could lead to abandonment or a requirement to demolish which would itself cause further and greater harm to both the environment

and residents and therefore, reluctantly, asked that the Committee approve the application in its current form. This was a view shared by residents.

The Applicant's agent told the Committee that during the construction it became clear that the development could not be constructed as approved and minor changes were made to the scheme, the applicant had worked with the Council to address these changes and the current application sought to regularise those changes.

It was noted that additional works were proposed to mitigate some of the changes and to make the development more in keeping with the environment, these included a landscaping scheme.

The Applicant's agent stated that it was disappointing that despite the additional proposals the application was still recommended for refusal, as the Senior Planning Officer had indicated that further work which lead to the additional proposals would make the scheme acceptable.

The Chair asked that it be noted that the applicant's agent had previously been a planning officer with the Council and was therefore known to members of the Committee.

In response to questions from the Committee the Senior Planning Officer told the Committee;

- The Pillars do not form part of application or any previous application and were not a matter for the Committee to consider.
- The boundary fencing was in contravention to an original condition but hedging or other boundary treatment could be conditioned.
- The trees that had been felled were no to be considered by the committee in respect of this application
- The as built driveway was as applied for in the application however no proof that it was permeable had been provided.

- The Pond that had been created was as in the application to be considered but not as previously approved.
- The reason the application was still recommended for refusal was that the Senior Planning Officer was seeking to get the building to be close enough to the high standards set by inspector of sustainability in terms of landscape and construction but in his view not enough had been done to meet standards.
- Highways and bridleways culvert infringements, outside application site were not matters for Committee.
- Some of the original elements of the proposal that lead to approval were no longer achievable due to the reasons for those elements having been destroyed or removed by the work undertaken thus far.
- The indication that a recommendation for approval was likely on the basis of further information and changes to the proposal, some of which had not received or the level of proposed work did not reach the high standards set by the Inspector. There were measures like additional planting and boundary treatments that could make the proposals more acceptable.
- The Planning Inspector had granted permission on the basis that the property proposed would be an exceptional development, it was however not considered that what had been constructed amounted to exceptional.
- • In considering the application, the Committee should not consider the potential traffic movements that might result should the development need to be demolished if the proposal were refused. That would be a

matter to be taken into account when considering appropriate enforcement action.

Following a short adjournment Councillor Bint, seconded by Councillor Brown, moved, for the purpose of debate the Officer recommendation to refuse the application.

Councillor A Geary, noting the concerns raised by the Parish Council stated that he could not support the recommendation despite recognising the fact he was concerned about the actions of the developer in building a structure so far removed from that approved, he would however seek a significant set of strong conditions to ensure some compliance was achieved.

Councillor McLean commented that he believed it best to refuse the application and have the applicant return with a new proposal that was more in keeping with the originally granted application. He stated that he did not believe the Committee was in a position to draw up a full set of conditions to accompany an approval, however he stated that he wished to propose that determination be deferred for a period to allow some amendments made to the application taking account of the concerns expressed by the Committee and, if the amendments overcame those concerns, to allow officer to draw up a list of potential conditions to be imposed on any approval. Councillor Baines seconded the proposal.

Councillor Baines stated that he believed the fence was not an appropriate boundary in the setting of the property and a landscaping scheme was required. He further stated that the boundary needed to avoid any ingress on the footpath and the bridleway. The colour of the of the building was wrong as white did not enhance the setting, he noted that the original building proposed a wooden cladding to the façade.

Councillor A Geary proposed that the deferral be until September, this was seconded by Councillor Bint. Councillor McLean accepted the amendment.

On being put to the vote the proposal to defer determination of the application until the September meeting of the Committee was carried with Councillors Alexander, Baines, Bint, Brackenbury, A Geary and McLean voting in favour, and Councillors Brown, Exon, Legg, Petchey and Wallis voting against.

Councillor A Geary, repeating concerns in respect of the Enforcement action asked that Chair ask the Director, Growth, Economy and Culture provide a full report detailing the timeline of actions of the Enforcement activity for the Committee at the earliest opportunity.

RESOLVED –

That the determination of the application be deferred for the negotiation to take place between Officers and the applicant to seek to make the proposals more acceptable taking account of the comments made.

19/03155/FUL

CONSTRUCTION OF HOTEL (USE CLASS C1) AND RESTAURANT (USE CLASS A3) BUILDINGS, PROVISION OF CAR PARKING, LANDSCAPING, THE CREATION OF A NEW ACCESS ARRANGEMENT AND ASSOCIATED DEVELOPMENT AT LAND SOUTH OF MERCURY HOUSE, BRICKHILL STREET, WILLEN LAKE, MILTON KEYNES FOR WHITBREAD GROUP PLC.

The Senior Planning Officer introduced the application with a presentation.

The Committee heard that there was a shortfall of allocated parking, the site requiring a total of 210 with only 157 being provided.

A transport Assessment had been submitted and this demonstrated that there would be no harm resulting from the shortfall due to the location of the site and peak time use profiles which suggested that the highest number of spaces likely to be used at any one time was 130 leaving a surplus of 27, and it was on that basis that the Senior Planning Officer recommended that the application be granted.

The Senior Planning Officer confirmed that the recommendation remained to grant the application subject to the conditions as detailed in the Committee report together with an additional condition as detailed in the published update report and a s106 agreement, as detailed in the published update paper, to be signed within 28 days of the application being granted, and that should the s106 agreement not be signed the application be refused under delegated powers.

It was also noted that earlier concerns from the Highways Officers in respect of the provision of cycle storage had been addressed by the provision of additional spaces. Likewise concerns in respect of Service access in conflict with a pathway have been resolved by relocating the path.

Councillor McLean asked whether there were any arrangements for parking management as the site was in the vicinity of other leisure facilities and would likely attract overflow parking from them. The Senior Planning Officer told the Committee that should a parking management plan be required this could be conditioned.

It was confirmed that the staff parking spaces were included in the figure of 157 spaces. It was noted that there were 3 spaces allocated for Staff.

Councillor Bint proposed that the Officer recommendation be moved for the purpose of debate, this was seconded by Councillor Exon.

Members of the Committee expressed concern about the level of parking provision despite the transport assessment but acknowledged that there was no evidence to support a refusal of the application on this basis.

Councillor A Geary commented that he did not like the design of the development, particularly taking account of the setting.

Councillor Exon, seconded by Councillor A Geary proposed that a parking management plan be required as an additional condition to ensure that

parking provision is not impeded by virtue of other parties using the allocated parking. Councillor Bint accepted the amendment.

On being put to the vote the proposal to grant the application as proposed was carried, with Councillors Bint, Brackenbury, Brown, Exon, A Geary, Legg, McLean, Petchey and Wallis voting in favour, Councillor Baines against and Councillor Alexander abstaining from the vote.

RESOLVED –

That the application be granted subject to the conditions as detailed in the Committee report together with the additional condition as detailed in the update paper and a further condition as detailed above, subject also to a s106 agreement as detailed in the published update paper being signed within 28 days of the application being granted, in the event that the s106 agreement is not signed within 28 days the Head of Planning be delegated to refuse the application.

20/00366/FUL

SINGLE STOREY FRONT EXTENSION, WIDENING OF EXISTING DROPPED KERB AT 28 WILLIAM SMITH CLOSE, WOOLSTONE, MILTON KEYNES FOR MRS JANE HARRISON.

The Planning Officer introduced the application and told the Committee that there was no update on the Committee report and confirmed that the recommendation remained to grant the application, subject to the conditions as detailed in the Committee report.

Councillor Bint proposed that the Officer recommendation be moved for the purpose of debate, this was seconded by Councillor Brown.

It was noted that the reason the application had been taken to Committee was that the applicant was a senior Council Officer and therefore required to be determined in accordance with policy by the Committee.

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

RESOLVED –

That the application be granted subject to the conditions as detailed in the Committee report.

THE CHAIR CLOSED THE MEETING AT 21:10 PM