

Minutes of the SPECIAL meeting of **DEVELOPMENT CONTROL COMMITTEE** held on **THURSDAY 17 SEPTEMBER 2020** at 7.00 pm.

**Present:** Councillor Brown (Chair)  
Councillors Bint, Cryer-Whitehead, Exon, Lancaster, Legg, McLean, Petchey, Reilly (Substituting for Councillor Alexander), Trendall and Wallis.

**Officers:** M Joyce (Interim Development Management Manager), E Verdegem (Team Leader, West), T Barton (Planning Officer), S Shaban (Planning Officer), E Gineikiene (Principal Lawyer) and D Imbimbo (Committee Manager)

**Apologies:** Councillor Alexander

**DCC31 INTRODUCTION AND WELCOME**

The Chair welcomed members of the public and councillors to the meeting, it was noted that the reference to a vacancy on the front page of the agenda was no longer valid as following a review of political proportionality the seat had been reallocated to the Labour Group, and the Chair welcomed Councillor Cryer-Whitehead to the Committee. The Chair stated that the meeting was being held remotely and would be broadcast live on YouTube he further explained the procedures to be adopted.

**DCC32 DECLARATION OF INTERESTS**

Councillor Bint asked that it be noted that in respect of application 20/01818/CLUP, the applicant was a serving Councillor and member of the Conservative Group, and was therefore known to him, he had however had no discussion or previous knowledge of the application and would judge it on its merits. Councillors McLean and Lancaster stated that they were in a similar position. All other members of the Committee confirmed that they had not engaged in any discussion in respect of the matter.

Councillor Bint also asked that it be noted that in respect of application 20/01718/FULR3, the site was within his former Ward and as such he had received emails in respect of the item, he had however not engaged in any discussion verbally or online in respect of the application and would judge it on his merits.

Councillor Legg asked that it be noted that in respect of application 20/00973/FUL, the application site was within the Parish of West Bletchley of which he was a Parish Councillor, he had however not been involved in any discussion or debate in respect of the application.

Councillor Petchey asked that it be noted that in respect of application 20/01718/FULR3, he was a member of Campbell Park Parish Council the application site was within the Neighbouring Parish, he had been involved in general discussions with members of the public in respect of the issues of 5G communications but had not been involved in any discussion or debate in respect of the application.

**DCC33 PUBLIC PARTICIPATION**

**Questions**

None had been notified.

**DCC34 REPRESENTATIONS ON APPLICATIONS**

Dr L Perryman and Mr S McNay (Clerk to Woughton Community Council) spoke in objection to application : 20/01718/FULR3, Erection of one 5G communication mast 22.5m in height with associated cabinets at Waterside, Peartree Bridge, Milton Keynes.

The Applicant's Agent, Mr B Matthews (Head of Transport Innovation, Milton Keynes Council), exercised the right of reply.

Councillor Harvey (West Bletchley Council) spoke in objection to application 20/00973/FUL, Construction of a four-bedroom detached house together with associated works (re-submission of previously refused scheme 19/03232/FUL) at Land adjacent to 15 Gleneagles Close, Bletchley, Milton Keynes.

The Applicant declined the right of reply.

**DCC35 PLANNING APPLICATIONS**

**20/01718/FULR3 ERECTION OF ONE 5G COMMUNICATION MAST 22.5M IN HEIGHT WITH ASSOCIATED CABINETS AT WATERSIDE, PEARTREE BRIDGE, MILTON KEYNES FOR MILTON KEYNES COUNCIL.**

The Planning Officer introduced the application with a presentation.

The Committee heard that the applicant had submitted further corrections to the Declaration of Conformity with ICNIRP Public Exposure Guidelines to include the proposed plans and elevations of the proposed mast installation. Also, additional representations had been received from the landscape Officer since the publication of the agenda and the update report.

The Planning Officer told the Committee that the

Landscape Officer had made the following Comments;

'Additional views have been provided. These gave examples of some of the worst views towards the mast which would be mainly from close-range to middle distance, which were missing from the submitted visual assessment.

I would prefer to see these views included within a revised visual assessment report including the viewpoint analysis and summary sections.

I think it is fair to say that by its inherent nature the mast will appear very tall and engineered and therefore will be noticeable and will have a moderate visual impact on some views. Due to its urban location along the grid road, set apart from housing and sufficiently distanced from conservation assets it wouldn't be of significant visual harm, enough to raise an objection from a landscape character perspective.

Soft landscaping as part of the development proposals could be used to exhibit a positive character, continue the verdant and green character of Milton Keynes and enhance the quality of the public realm. A landscape scheme condition could be attached to a planning consent but this would only be practical if the red-line of the application was extended and would need to cover an agreed area large enough to provide sufficient tree and shrub cover that doesn't in itself look out of place e.g. a square block of planting surrounding the mast wouldn't be appropriate / in keeping with the area.

Planting on highway land would need highways consent so it could be agreed via an agreement separate to planning but landscape may not be involved in its approval as those agreements don't usually come back to landscape Development Management. Highways could advise further on the type of agreement that would be needed and constraints on planting e.g. visibility splays at junctions.'

The Planning Officer also told the Committee that 2 representations from objectors that have previously made comments had been received after the update paper was written. One related to health concerns and another related to visual impact. These issues have already been considered in the report.

The Committee heard that the recommendation remained to grant the application subject to the conditions as detailed in Committee report.

The Team Leader, West, told the Committee that questions had been raised by members of the public regarding procedural issues, and the timing of the application coming to committee. Members of the Committee were reminded that the Council has a statutory duty to determine an application within set timeframes, in this case there had been original target of 8 weeks that had been extended slightly to meet this committee date. The original consultation period, by which time it would expected that most people would have responded based on the site notice or neighbour notification letters, closed well before the target date, on 11 August 2020.

The case officer had requested further supporting information for this application in the form of a Landscape Visual Impact Assessment in relation to the nearby heritage assets, his assessment of this was included in the published update paper and in the visualisations in the presentation. Because of the sensitive nature of this application the case officer resolved to reconsult on the application to give neighbours, and those who had already commented, another opportunity to make comments based on this supporting information. The crucial issue was that this consultation was only regarding the provision of additional supporting information, not a change to the proposal itself. The Authority would not normally reconsult neighbours on an application where the proposal was not changed during the process, but it was decided to reconsult in this case because of the sensitivities

surrounding this application and allow further comments on the supporting information.

The standard 14 day letters were sent, which gave until the day before the Committee to submit any further comments. This was considered procedurally acceptable as any comments received since the report was written and published could be included in the update paper, or reported verbally to the Committee. Any comments received prior to the report being published were in the main report. Members were told that this was common practice, and case officers were often in a position of reporting additional comments as part of the update paper.

In respect of members of the public being aware of this item being presented at committee, the reports have been published on CMIS by Democratic Services which fulfils the Councils statutory duty to publicise ahead of the committee. The Authority was made aware by a member of the public that the date for the committee was not showing on the Development Control Public Access page for this application, which was rectified as soon the Authority was made aware. Anyone using the public access page would now have seen that the committee date is showing as this evening, and consequently the deadline to register to speak was extended in order to allow any objectors to register if they hadn't previously.

It was confirmed that all written objections were covered fully in the Planning Officer's report and considered as part of his assessment. Members of the public had been granted time to comment on the application, in excess of normal statutory requirements, and the consultation and notification process has been thorough and proportionate to the level of interest in the application.

The Chair told the Committee that he had been asked by one of the Objectors if she might be

permitted to raise a procedural question, which he would allow.

Dr Perryman asked the Committee, 'How can a decision be made if an Officers report is written and published well before the closing date of consultations, the Committee held immediately after the closing date, and interested members of the public are not told of the date of the meeting?'

The Chair referred Dr Perryman to the comments made by the Team Leader, West and confirmed that the Committee had been provided with updates in advance of the meeting.

The Chair confirmed that the Committee members were satisfied that they had available the information they needed to make an informed decision. It was noted that the agenda had been published in advance of the required statutory 5 clear days, it was confirmed that the re-consultation did not end until after that event, however all responses had been evaluated and reported in the update report.

The Committee heard from the objectors who raised the following concerns;

- The report contains numerous inaccuracies and omissions, as an example there is no reference to the dwellings in Woodley Headland.
- The structure was not in keeping with the area.
- The scale was excessive, and took no account of the design of houses which is for the large part properties with 1<sup>st</sup> floor balconies that had views over tree lines.
- The proposal would see the loss of a green space. There is another mast located in close proximity which has already lead to the loss of one green space in the area.

- There will be an adverse impact on the conservation area which is adjacent to the proposed site, and in particular would detract from the setting of the Rectory, a Grade II listed building.
- Pre-Application discussion resulted in the proposed location of the mast being changed from a more suitable and less impactful location on the opposite side of the street to that being considered as a part of this application.
- The reasons given for not supporting the original proposed site apply equally to the new site.
- The proposal will have a negative impact on the bio-diversity in an area with potential great crested newts.
- The planning and consultation process has been flawed.
- There is significant concern and objections from large numbers of residents.

The Applicant told the Committee that the mast was a part of the overall 5G infrastructure and the site had been chosen as being least impactful on the locality and that the images in the Planning Officers introduction sought to demonstrate that although the mast was a tall structure it was for the most part screened from the view of residents.

The Planning Officers referring to objectors comments in respect of the original application and alternative locations for the mast the Committee was reminded that it was only the application as presented that should be considered on its own merits.

Councillor Brown, seconded by Councillor Exon, proposed that the application be granted subject to the conditions in the Committee report.

Councillor Bint expressed concern in respect of the pre-application process which appeared to have

persuaded the applicant to change the proposed site from somewhere that met with relatively little objections. He further commented that as the applicant was the Council this seemed an unusual process.

Councillor McLean stated that he recognized the future benefits of a robust 5 G infrastructure and the need for the masts, he stated that to his mind the identity of the applicant was irrelevant and it was necessary to consider the application on its merits without regard for who the applicant was.

In general members recognized the reasons that members of the public were objecting did not see any justifiable planning reasons to refuse the application.

On being put to the vote the proposal to grant the application was carried with Councillors Brown, Cryer-Whitehead, Exon, Legg, McLean, Petchey Reilly and Wallis voting in favour, Councillor Trendall voting against and Councillors Bint and Lancaster abstaining from the vote.

RESOLVED:

That the Application be granted subject to the Conditions as set out in the Committee report.

**20/00973/FUL**

**CONSTRUCTION OF A FOUR-BEDROOM DETACHED HOUSE TOGETHER WITH ASSOCIATED WORKS (RE-SUBMISSION OF PREVIOUSLY REFUSED SCHEME 19/03232/FUL) AT LAND ADJACENT TO 15 GLENEAGLES CLOSE, BLETCHLEY, MILTON KEYNES FOR MR BRENDAN HEALEY.**

The Planning Officer introduced the application.

The Committee was reminded that the application had been deferred following a late objection from the Public Rights of Way Officer due to a Secretary of State decision in respect of the footpath that runs through the site. This issue had now been addressed on revised plans and the objection retracted on that basis.

The Committee heard a summary of the planning history of the site, in particular it was noted that the

principle of development had been established by virtue of a previously approved scheme.

The Committee heard that the recommendation remained to grant the application subject to the conditions detailed in the Committee report and additional conditions detailed in the published update report.

The Committee heard from a representative of the Parish Council who stated that the Parish Council objected to the application which was contrary to the neighbourhood plan, which details the plot as a green space. There also remained other concerns in particular relating to the location of a major sewerage pipe running through the property and the plans show a patio being built over the roots of a protected tree, which would cause drainage issues for the tree and potentially damage to the tree.

The site suffers localized flooding during heavy rainfall yet the footpath provision has no detail of drainage.

The proposal being much larger than the previously approved scheme represents an overdevelopment of the site.

The applicant had declined the right of reply.

The Committee heard that the additional conditions as detailed in the published update report related to measures to protect the tree, it was further commented that the issue of the diverting of the sewerage pipe was a matter for the Water authority and did not amount to a material planning consideration.

Councillor Exon expressed concern in respect of the public footpath being proposed immediately adjacent to the side wall of the building with no provision for any safety by design features and stated that he believe there was a serious risk of Anti-Social Behaviour in the narrow confines of the footpath which would be created. The Planning Officer confirmed that a condition had been proposed in respect of boundary treatments.

In response to a question from Councillor McLean, the Team Leader, West, confirmed that permitted development rights had not been removed when the previously approved scheme was granted permission, she was however unable to detail which parts of the proposed scheme could be completed under those rights without further research.

Councillor Brown, seconded by Councillor Exon, proposed that the Officer recommendation to grant the application subject to the conditions detailed in the Committee Report together with the additional 4 conditions detailed in the published update report be agreed.

Councillor Bint stated that whilst he could not see any material reasons to refuse the application he proposed that an addition condition be agreed to remove any Permitted Development rights to avoid any over development of the site, this was seconded by Councillor McLean and the amendment to the motion accepted by the Chair who had proposed the original motion.

On being put to the vote the motion to grant the application subject to the conditions detailed in the Committee Report, together with the 4 additional conditions detailed within the published update paper and an additional condition, the wording of which to be delegated to the Head of Planning, to remove any remaining Development Rights was carried with all members voting in favour of the proposal with the exception of Councillor Exon who voted against it.

RESOLVED: -

That the application be granted subject to the conditions detailed in the Committee Report, together with the 4 additional conditions detailed within the published update paper and an additional condition, the wording of which to be delegated to the Head of Planning, to remove any remaining Development Rights.

**20/01818/CLUP**

**CERTIFICATE OF LAWFULNESS FOR PROPOSED SINGLE STOREY REAR EXTENSION AT 41 BRAFORD GARDENS,**

**SHENLEY BROOK END, MILTON KEYNES FOR MR & MRS RICHARD & AMANDA MARLOW.**

The Planning Officer introduced the application.

It was confirmed that there was no update on the Committee report and that the recommendation remained to grant the certificate of lawfulness.

Councillor Brown, seconded by Councillor Exon proposed that the Officer recommendation be agreed.

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

RESOLVED –

That the certificate of lawfulness be granted.

**DCC36**

**REPORT ON IMPLICATIONS ON THE UPDATE TO THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER AND THE IMPLICATIONS ON THE UPDATE TO THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER.**

The Committee considered a report in respect of Changes to the Use Classes Order and Changes to General Permitted Development Order.

**Changes to Use Classes Order**

The Development Management Manager introduced the report and explained in general terms the changes and the potential impact on Local Policies.

The Committee heard that to all intents and purposes Class A and Class B1 become part of new use Class E along with some D1 and D2 uses: Clinics, Health care, nurseries gyms and indoor recreation

It was noted that several of the uses previously within specified Use Classes have now been added to the list of sui generis uses set out in Article 3(6). These are uses:

- as a public house, wine bar, or drinking establishment,
- as a drinking establishment with expanded food provision,
- as a hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises
- as a venue for live music performance,

- a cinema,
- a concert hall,
- a bingo hall,
- a dance hall

It was noted that the changes were effective from 1 September 2020 though there was a transitional phase from 1 September 2020 until 31 July 2021.

Any references in the General Permitted Development Order (GPDO) to the uses or use classes specified in the Schedule to the Use Classes Order are to be read as if those references were to the uses or use classes which applied on 31st August 2020.

Therefore, if between those two dates, a prior approval application was made under Part 3 of the Second Schedule to the GPDO, or if an Article 4 Direction was made, modified or cancelled, it was the pre-September 2020 uses, use classes and definitions that were to apply to that application or to that Direction.

There were policy implications in respect of Policy ER11 for protection of local shops, post offices and public houses which refuses planning permission for changes of use that involve the loss of existing shops, pubs or post offices unless they were no longer commercially viable.

Policy ER18 relating to non-retail uses in town centres granting planning permission for non-A1 uses where they inter alia are appropriate within a town centre setting, there is not an existing over-concentration of non-class A1 uses within the town centre boundary and the proposed use would enhance the vitality of the town centre by extending the range of facilities offered and/or stimulating activity outside normal shopping hours.

### **Changes to General Permitted Development Order**

The Committee heard that recent changes to secondary legislation had allowed for the temporary use of land for up to 4

out of 28 days (before the end of 31st December 2020) for uses inter alia; the holding of a market; motor car and motorcycle racing and the holding of a market by a local authority.

On 1 August 2020 Permitted Development (PD) changes introduced a new Part 20 into the GPDO to allow the upwards extension of up to two storeys to purpose-built blocks of flats. In addition, the description of a habitable room was clarified and there was an additional requirement for the provision of adequate natural light for this allowance.

On 31 August further PD changes allowed upwards extensions of up to two storeys above the topmost storey (limited to one storey on a building of one storey) for dwelling houses, detached buildings and properties in mixed commercial use and the demolition of detached buildings and erection of dwelling houses in their place.

Councillor Bint asked what the potential implications were for the urban area of Milton Keynes and whether the Strategic Planning Officers had started any work on doing projections in respect of how much more dwelling space could be achieved upwards of the Council's current housing stock as an alternative to, or complimentary to, new builds to address housing shortages, the related land requirements to meet housing needs and the accommodation area within Milton Keynes in general.

The Development Management Manager undertook to raise the matter with relevant Officers.

RESOLVED;

That the report be noted.

#### **DCC37**

#### **MEMBER BRIEFING ON IMPLICATIONS OF FUTURE OF PLANNING WHITE PAPER AND CHANGES TO THE PLANNING SYSTEM PAPER**

The Committee considered a report in respect of the implications of the future of planning white paper and changes to the planning system paper.

The Development Management Manager introduced the paper and told the Committee that The Future of Planning White Paper proposes to overhaul the current discretionary based planning

system with a rules-based approach, splitting local plans into three main areas of Growth, Renewal and Protected. The Government was consulting on this document in conjunction with the 'Changes to the current planning system' paper.

For Growth areas these were suitable for substantial development with outline planning permission given automatically in the Local Plan. Renewal areas were appropriate for some development including infilling and densification of existing areas. Protected areas would include sites that justify more stringent development controls, including Green Belt and Conservation Areas.

The Plan Making process would be streamlined, with Development Management Policies proposed to be set nationally and the removal of the existing tests of soundness and the Duty to Cooperate. Centrally set housing targets were to reflect need and degree of development in area. Much of the public participation would be at the plan making stage.

Development would be required to be determined within the prescribed 8 or 13 week period. Decisions would be helped by Local and National design codes and pattern books. Where appeals against the Local Planning Authority were successful, the applicant would be entitled to a refund.

It was proposed to abolish Planning Obligations and replace them with a Nationally Set Infrastructure Tariff, which was expected to help fund Planning and Enforcement Services

#### Changes to the Planning System

There were four main proposals outlined within the consultation document:

1. Standard method for assessing housing numbers in strategic plans:
2. Delivering First Homes
3. Supporting small and medium-sized developers (SMEs)
4. Extension of the current Permission in Principle regime

The Chair reminded the Committee that an extensive debate in respect of the proposals had been had a Full Council the previous evening and members were invited to submit any comment to the Head of Planning to inform the Council's response to the consultation.

RESOLVED –

That the report be noted.

THE CHAIR CLOSED THE MEETING AT 9:49 PM