

Minutes of the special meeting of the DEVELOPMENT CONTROL COMMITTEE held on THURSDAY 11 MAY 2017 at 7.00 pm.

Present: Councillor A Geary (Chair)
Councillors: Bint, Eastman, Exon, Legg, McLean, Miles (Substituting for Councillor C Wilson and not present for Application), Morla, Petchey, C Williams (Substituting for Councillor Alexander) and P Williams

Officers: B Leahy (Head of Development Management), A Smith (Senior Planning Officer), J Bioorj (Senior Planning Officer), A Sacbuker (Senior Planning Officer), P Caves (Highways Engineer), J Price-Jones (Solicitor – Planning) and D Imbimbo (Committee Manager).

Apologies: Councillors Alexander, and C Wilson

Also Present: Councillors Hosking and P Geary

Number of Public Present: Approx. 100

DCC96 CHAIRMANS WELCOME

The Chair welcomed Members of The Committee, Officers and Public to the meeting.

The made the following announcements.

Congratulations extended to Mr B Leahy who had been appointed as Head of Planning,

Congratulations extended to Miss S Taylor who had been appointed a Senior Planning Officer, and,

Thanks to Mr A Smith for his service to the Council on his leaving the Authority.

DCC97 MINUTES OF PREVIOUS MEETINGS

RESOLVED –

That the minutes of the meetings of the Development Control Committee held on 9 March 2017, 30 March 2017 and 6 April 2017 and those of the meetings of the Development Control Panel on 16 March 2017 and 20 April 2017 be agreed as accurate records and signed as such.

DCC98**DECLARATION OF INTERESTS**

Councillor Eastman asked that it be noted that in respect of application 16/03023/FUL, he being the Ward Member was aware of the level of opposition to this matter, however, had not expressed a view and would consider the application on its merit.

Councillor A Geary stated that he had received numerous emails and other communications in respect of the application and that he believed other member of the Committee will have also received them.

Councillor C Williams asked that it be noted that he was Chair of the Councils Housing and Community Committee.

Councillor Bint asked that it be noted that in respect of application 17/00533/FUL, he was the Ward Councillor for the area and a resident and used the surgery in a personal capacity but had no greater involvement than any other resident could be expected to have.

Councillor McLean asked that it be noted that in respect of application 16/01630/OUT, he was Ward member and had attended various meeting where the application had been discussed but he had not expressed a view in respect the application and would judge it on its merits.

DCC99**QUESTIONS FROM MEMBERS OF THE PUBLIC**

The Chair told the Committee that this being a 'Special' meeting of the Committee, Ordinarily Questions from the Public would not be taken, however due to a notice of an intention to determine the 'Salden Chase' Application for South West Milton Keynes having been given earlier in the week, he would allow a question to be put in respect of that matter.

Mr M Galloway (Clerk to Newton Longville Parish Council), asked the following Question;

'As you are, I believe, aware AVDC are intending to consider the application described as South West Milton Keynes at a meeting in Aylesbury next Wednesday morning at 9:30am. This is the application which your committee, when commenting on the application as submitted to AVDC, decided to object following an excellent officer with additional points from the committee after hearing from residents of West Bletchley and Newton Longville. The objection was sent by way of a letter in your name to AVDC.

In the AVDC officer report to their meeting there are a number of instances in which various aspects of the proposal are said to be agreed to by Milton Keynes Council.

Can you please confirm that all that MKC have decided at this point is to comment on the application to AVDC with an objection, that any determination by Milton Keynes Council has yet to be made, and that

it is for the DCC to decide such matters following advice from planning and highways officers.

The Chair confirmed that the situation was as Mr Galloway had stated, furthermore the Chair confirmed that it was his intention to attend the meeting of the AVGC Development Control Committee where he hoped to address the Committee, though he had experienced some difficulty in registering to speak.

DCC100 REPRESENTATIONS ON APPLICATIONS

Mrs L Wardlaw, Mr S Hussey, Mrs Scholefield (all representing Blakelands Residents Association and Councillor D Stabler (Great Linford PC) spoke in objection to application 16/03023/FUL, Demolition of existing B8 storage and distribution warehouse, and erection of a new B8 storage and distribution warehouse with ancillary B1 floorspace and associated works at Blakelands 1, Yeomans Drive, Blakelands.

The applicant's agent, Mr D Staniland exercised the right of reply.

Mr S Axtell, Mr C Redsull, Councillor D Tomkins (Lavendon Parish Council), Councillor Hosking (Ward Councillor) and Councillor P Geary (Ward Councillor), spoke in objection to application 16/01630/OUT, Outline planning permission including means of access (all other matters reserved) for the erection of 14 new dwellings at Land East of Castle Road And North of, The Glebe, Lavendon.

The applicant's agents, Mr J Waite exercised the right of reply.

Mr P Addyman, Mr C Redsull and Councillor Pittman (Wavendon Parish Council) spoke in objection to application 16/03595/OUT, Outline application for residential development to provide approximately 16 units with access from Walton Road together with landscaping, infrastructure and ancillary works at Land Off, Walton Road, Wavendon.

The applicant's agent Mr A Collins declined the right of reply.

DCC101 PLANNING APPLICATIONS

16/03023/FUL DEMOLITION OF EXISTING B8 STORAGE AND DISTRIBUTION WAREHOUSE, AND ERECTION OF A NEW B8 STORAGE AND DISTRIBUTION WAREHOUSE WITH ANCILLARY B1 FLOORSPACE AND ASSOCIATED WORKS AT BLAKELANDS 1, YEOMANS DRIVE, BLAKELANDS FOR MR A MCGUIGAN

The Senior Planning Officer introduced the application with a presentation. It was noted that a Site Inspection had been undertaken attended by Councillors A Geary, Eastman, Petchey and McLean.

The Planning Officer told the Committee that following representations from the conservation Officer an additional condition in respect of recording the existing building, as detailed in the published additional report was recommended. It was further commented that a large number of late representations had been received and these had been addressed in the published additional report. Concerns raised in respect of overshadowing were recognized but the proposed building would not breach the Industry Standard BRE Assessment 25 degree rule and as such this was not a matter that could be considered as unacceptable in the circumstances.

The Committee heard that the Officer recommendation remained to grant the application subject to the conditions set out in Section 6 of the DCC Report together with the additional condition in respect of recording the existing structure in terms of conservation and a Section 106 Legal Agreement

The Committee heard representations from members of the residents association and the Parish Council in objection to the application, raising the following concerns;

- The proposed development is out of scale with the surrounding area.
- The proposal to develop a facility that would operate 24/7 with heavy vehicle movement at all times of the day in close vicinity to residential properties is unacceptable.
- Visual Intrusion.
- Loss of light.
- A shadow over residential properties for 5 months of the year.
- Increased Pollution.
- Disruption to the lives and amenity of a large volume of elderly and infirm persons living in close proximity to the site.
- There are numerous alternative sites, developing this site further, contravenes Policy CS1 of the Core Strategy.

- Independent research has demonstrated that properties in Bessemer Court will suffer overshadowing and no direct sunlight for 10 weeks between November and February due to the height and scale of the proposed development.
- The proposal is in breach of Policies D1(3) and D3 (1) and (2) of the saved Local Plan
- The proposal breaches the Great Linford Neighbourhood Plan Policy N13 Clauses A, C and D.
- The proposed development is contrary to two of the original key design principles for Milton Keynes; 'creating a city where traffic flows and traffic jams are avoided and creating an environment where industry and homes are situated side by side in harmony.
- The proposal will add to the existing congestion experienced in the area.
- Proposals to put parking restrictions in Yeomans Drive will serve to displace the increased parking problems that will result from the development.
- Air pollution will be significantly increased in an area where there is a high proportion of elderly persons suffering respiratory problems.
- If the Committee is minded to grant the application it should consider imposing a condition restricting hours of operation to reflect those presently operated.
- The proposals do not provide any benefit for the local economy or employment.
- The development represents a 62% increase in height and would present an unacceptable visual intrusion.

The Applicant's agent told the Committee that the proposal was completely compliant with all Milton Keynes Council Policies and the NPPF.

It was concluded from a soft marketing exercise that the existing building did not meet modern storage and distribution requirements and the

proposal sought to address this. Significant investment is intended to be made into external cladding and materials to negate any potential harm.

The Planning Officer confirmed that the Environmental Health Officer had not expressed any concern in respect of the 24/7 operations proposed by the developer.

Councillor A Geary proposed that the Officer recommendation be agreed, this was seconded by Councillor Exon.

In response to questions the Committee heard the following;

- Despite comments that the development could be sited elsewhere the Committee was required to consider the application as presented.
- The Neighborhood Plan was 'made' and therefore carried full weight.
- The benefits to employment do form a material planning consideration.
- No similar developments close to residential areas existed in Milton Keynes to act as a comparator.
- The existing operating hours were voluntarily applied by the existing occupiers of the premises but did not represent a requirement on the existing premises.
- Planting of trees could be conditioned to be by way of mature trees to avoid a long period of growth before the screening was effective.
- Right to Light was a matter covered by Building Regulations not a planning permission consideration. It was access to daylight and sunlight that was relevant and the BRE Vertical Sky Component 25 degree line rule was not breached by the proposed development.
- There was a risk that should the matter go to appeal there could be amendments or deletions to the condition being

proposed.

Members of the Committee recognised that the environment was unique within Milton Keynes in so far as industrial and residential developments being in close proximity.

The concerns of the residents were recognised as were the comments of the planning officer which demonstrated that the proposal was policy compliant.

It was proposed by Councillor Petchey that a condition in respect of the hours of operation of heavy vehicles into, out of and within the site be added to restrict operation to 07:00 to 21:00 Monday to Friday and 10:00 to 16:00 at weekends, this was seconded by Councillor P Williams

Councillor A Geary as proposer of the substantive motion accepted the amendment.

On being put to the vote the proposal to grant the application under the conditions detailed above was carried with 6 Members voting in favour and 4 against the proposal.

RESOLVED –

That the application be granted subject to the conditions set out in Section 6 of the Committee report together with the additional condition as detailed in the published update report and the additional condition in respect of hours of operation and a S106 agreement.

16/01630/OUT

OUTLINE PLANNING PERMISSION INCLUDING MEANS OF ACCESS (ALL OTHER MATTERS RESERVED) FOR THE ERECTION OF 14 NEW DWELLINGS AT LAND EAST OF CASTLE ROAD AND NORTH OF, THE GLEBE, LAVENDON FOR MR & MRS GRAY

The Senior Planning Officer introduced the application with a presentation. The Committee heard that the recommendation remained to grant the application subject to the conditions as detailed in the Committee report together with a S106 agreement.

The Committee heard from Objectors who raised the following objections;

- The site access would be through the Glebe and would result in congestion and safety concerns.
- The site is subject to regular flooding, as is the Glebe on occasions, the development would likely lead to additional flooding in the Glebe.
- The reduction to 14 dwellings from 21 would not reduce the risk of flooding, and would cause water to flow into Castle Road.
- The Site is not identified on the Development Plans for residential use.
- The site despite being referred to as a Brown Field site is open countryside and only a small area was developed and only by way of a stable and ménage, the proposal is therefore in contravention of Policy S10 of the saved local plan and Policies CS9 and CS10

The Applicant's Agent told the Committee that the site was defined as a Brown Field site and the argument that the proposed development was in breach of Policy S10 was not valid.

The applicant's agent confirmed that specialist flooding prevention advice had been taken and the development reduced from 21 to 14 units to take account of the advice.

The Senior Planning Officer confirmed that the site did fall into the definition of Brown Field as defined in the NPPF. All matters raised were addressed in the Committee report.

Councillor A Geary proposed that the Officer recommendation be agreed, this was seconded by Councillor Legg.

It was noted that the NPPF required that a proposal represented a significant boost to the provision of housing, the Committee heard that the proposal represented an increase of 2.5% of houses in the village which was not seen to be a 'significant boost'. It was also noted that the by reducing the number of dwellings to 14 the threshold of 15 to provide affordable housing was not reached.

Members commented that if it were accepted that the site was 'Brown Field', only about 1/3 of the site had any form of development on it. It was noted that the definition did include the curtilage.

Members of the Committee took a view that the site was clearly in open countryside and the majority of the site was undeveloped and could not be considered 'Brown Field'.

On being put to the vote the proposal to grant the application was lost.

Councillor A Geary proposed that the application be refused as the site was in Open Countryside and did not meet the criteria and was therefore in contravention of saved policy S10 of the Local Plan and Policies CS1 and CS9.

This was seconded by Councillor McLean.

On being put to the vote the motion to refuse the application for the reasons stated above was carried unanimously, and it was;

RESOLVED –

That the application be refused as the proposed development, by virtue of its location was in open countryside and the application was therefore in contravention of saved policy S10 of the Milton Keynes Local Plan and policies CS1 and CS9 of the Core Strategy.

16/03595/OUT

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT TO PROVIDE APPROXIMATELY 16 UNITS WITH ACCESS FROM WALTON ROAD TOGETHER WITH LANDSCAPING, INFRASTRUCTURE AND ANCILLARY WORKS AT LAND OFF, WALTON ROAD, WAVENDON FOR HEWLETT PACKARD ENTERPRISE SERVICES UK LIMITED

The Senior Planning Officer introduced the application with a presentation. The Committee heard representations in Objection to the Application raising concerns that the site access arrangements were potentially dangerous and presented Highway Safety Concerns, the proposed siting of the access was directly opposite the windows of 'The Barn' a residential building.

The applicant's agent told the Committee that mitigation was proposed to lessen the impact on the Barn, however these had been rejected by the occupant of the Barn. It was further commented that alternative access arrangement through Ortensia Drive could not be used due to the land not being in the control of the applicant.

Councillor A Geary proposed that the Officer recommendation to grant the application subject to the conditions as detailed in the Committee report be agreed, this was seconded by Councillor Exon.

The Committee debated the application at length and in particular the concerns raised in respect of the access arrangements and potential impacts of the proposed arrangements.

Members of the Committee indicated that they supported the principle of the development but could not support the access arrangements and following a short adjournment Councillor A Geary proposed that determination of the application be deferred to allow further discussion with the developer and relevant parties to redesign the access arrangements, this was seconded by Councillor Legg.

On being put to the vote the proposal to defer the determination of the application was carried unanimously.

RESOLVED –

That determination of the application be deferred to allow discussion with the applicant to redesign or move the access road.

17/00533/FUL ERECTION OF THREE SINGLE STOREY EXTENSIONS TO FORM ADDITIONAL EIGHT CONSULTING ROOMS, AND TREATMENT SPACE TO EXISTING DOCTOR'S PRACTICE AT MILTON KEYNES VILLAGE PRACTICE , GRIFFITH GATE, MIDDLETON FOR MILTON KEYNES VILLAGE PRACTICE

The Officer reported that there was no update on the Committee report and that the recommendation remained to grant the application subject to the conditions as detailed in the Committee report.

Councillor A Geary proposed that the application be granted subject to the Conditions as detailed in the Officer report, this was seconded by Councillor Legg.

On being put to the vote the proposal to grant the application was carried unanimously, and it was;

RESOLVED –

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

**DCC102 DEVELOPMENT CONTROL SCHEME OF OFFICER DELEGATION
and DEVELOPMENT CONTROL MEETINGS – PUBLIC
PARTICIPATION – SPEAKING ARRANGEMENTS**

The Committee considered reports in respect of the proposed Development Control Scheme of Delegation and Development Control Speaking Arrangements; Access to Information – Annex A of the Council Constitution.

The Committee heard from the Head of Development Management that following the matter being considered at length by the Committee in April, all the agreed amendments had been made and incorporated into the scheme. Since the publication of the agenda a further representation from the representative of the Parishes had been received asking for an amendment to the wording of Paragraph 4 of annex A of the scheme.

It was recommended that the paragraph be amended to read;

‘No Delegated decision on a planning application shall be made until the formal consultation period has expired.’

The Committee heard from Councillor L Inoke speaking on behalf of Milton Keynes Town Council that paragraph 5b. of the Officer Scheme of Delegation was slightly ambiguous in so far as it implied that where a Parish Council had failed to attend the meeting on two occasions any applications within that Parish would be determined by delegated powers irrespective of what objections might be made by other parties and asked that the Committee consider amending the paragraph to include after the word ‘Powers’ the words where the Parish or Town Council is the sole objector.

Councillor C Williams proposed that the wording be amended to read;

‘Any applications within that parish being determined in accordance with the Officer recommendation under delegated powers. This would also be for a concurrent 3 month period and would only take effect in cases where no other parties have lodged objections and requested the case be heard before a panel or committee as at point 1.’

The amendment was agreed by acclamation.

Councillor Miles proposed that Paragraph 7 be amended to include the word 'Partner' at the final bullet point. This was agreed by acclamation.

In respect of the Speaking Arrangements, the Committee heard that the Parish Councils sought a right to speak in a neutral position, the Committee took a view that in such cases the Town or Parish should submit a written representation rather than speak on a matter in these circumstances.

The Committee asked that paragraph f. be amended to include the words 'or their agents' after 'Applicant'.

It was further commented that due to the fact that the matters are related Councillor Miles proposed that the Committee recommended to Council that it Adopts the Officer Scheme of Delegation and the Amendments to Annex A of the Access to Information rules relating to speaking at Development Control meetings. as one item, this was seconded by Councillor A Geary and agreed by acclamation.

RESOLVED –

1. That the Development Control Scheme of Delegation be agreed as amended above, and,
2. That the Development Control Speaking Arrangements; Access to Information – Annex A of the Council Constitution be agreed as amended above.
3. That the Development Control Scheme of Delegation and the Development Control Speaking Arrangements; Access to Information – Annex A of the Council Constitution be recommended to Council for Adoption.

THE CHAIR CLOSED THE MEETING AT 10:47 PM