



Minutes of the DEVELOPMENT CONTROL COMMITTEE held on THURSDAY 6 APRIL 2017 at 7.00 pm.

Present: Councillor A Geary (Chair)
Councillors: Bint, Brackenbury (Substituting for Councillor Exon), Legg, McLean, Morla, Petchey, C Williams (Substituting for Councillor Eastman), P Williams and C Wilson

Officers: A Rose (Service Director - Growth, Economy and Culture), B Leahy (Head of Development Management), A Smith (Senior Planning Officer), A Swannell (Highways Engineer), J Price-Jones (Solicitor – Planning) and D Imbimbo (Committee Manager).

Apologies: Councillors Alexander, Eastman and Exon

Also Present: Councillors P Geary, Green and Patey-Smith

Number of Public Present: approx. 70

DCC89 CHAIRMANS WELCOME

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

DCC90 MINUTES OF PREVIOUS MEETING

RESOLVED –

That the minutes of the Meetings of the Development Control Panel held on 16 FEBRUARY 2017 and 23 FEBRUARY 2017 be agreed as an accurate records, and be signed by the Chair as such.

DCC91 DECLARATION OF INTERESTS

Councillor A Geary asked that it be noted that in respect of Application 16/02937/OUT, he had been lobbied by both objectors and supporters of the application but had expressed no views and would approach the determination of the application with an open mind.

DCC92 QUESTIONS FROM MEMBERS OF THE PUBLIC

Councillor T Baines (Campbell Park Parish Council) asked the following question;

‘Many Parish Councillors sat through the briefing presentation for

Plan MK on Monday afternoon or evening. What was presented to us was an 8 page summary of MK's expansion. Do you agree that if we are being consulted on Plan MK, which will shape our lives in MK to at least 2026, it should be the full Plan?'

The Chair thanked Councillor Baines for the question and advised him that as Chair of Development Control the matter was not within his remit but rather that of the relevant Cabinet member, however, as the Service Director was present at the meeting he was confident his concerns would be noted.

Councillor Baines asked a supplementary question.

DCC93 REPRESENTATIONS ON APPLICATIONS

Mr J Hammond, Mr B Greenwood (Highways Consultant representing Hanslope Parish Council) and Councillor Green (Ward Councillor), spoke in objection to application 16/02937/OUT, Outline planning application for the erection of up to 141 dwellings (Use Class C3) with associated access, earthworks and other ancillary and enabling works. All other matters (appearance, landscaping, layout and scale) reserved at Hanslope Site, Long Street Road, Hanslope

The applicant's Agent, Mr K Fenwick, exercised the right of reply.

DCC94 PLANNING APPLICATIONS

16/02937/OUT OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 141 DWELLINGS (USE CLASS C3) WITH ASSOCIATED ACCESS, EARTHWORKS AND OTHER ANCILLARY AND ENABLING WORKS. ALL OTHER MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) RESERVED AT HANSLOPE SITE, LONG STREET ROAD, HANSLOPE FOR MR & MRS JOHN WAKEFIELD ADAMS

The Senior Planning Officer introduced the application with a presentation. The Committee heard that since the publication of the agenda an update report had been published detailing additional public representations that had been received, these did not however raise matters not already addressed in the Committee report. The Committee was also told that a Member site Inspection had been undertaken which had been attended by Councillors A Geary and McLean.

The Senior Planning Officer confirmed that the recommendation remained to refuse the application as Saved Policy S10 of the Milton Keynes Local Plan 2001-2011 (Adopted 2005)

states that planning permission will only be granted for development in the open countryside where it is essential for agriculture, forestry, countryside recreation and other development which is wholly appropriate to a rural area and cannot be located within a settlement. In addition, Policies CS1 and CS9 of the Milton Keynes Core Strategy (Adopted 2013) seek to focus development in the rural area within the development boundaries of the main and most sustainable towns or key settlements. The application site lies outside the settlement boundary of Hanslope and falls within land designated as 'Open Countryside'. Furthermore, given the location of the development it is considered that the proposal would have an urbanising effect on and detract from the rural character of the countryside. The proposal is therefore contrary to Saved Policy S10 of the Milton Keynes Local Plan 2001-2011 (Adopted 2005), Policies CS1 and CS9 of the Milton Keynes Core Strategy (Adopted 2013) and the core planning principles in Paragraph 17 of the National Planning Policy Framework (2012) which recognise the intrinsic character and beauty of the countryside.

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

- The site would have an adverse impact on the setting of the Grade 2 listed building adjacent to the site
- The higher relative level of the site further impacts on the setting of the Listed Farm house
- The site is in open Countryside and the development would be contrary to Policy S10 of the saved local plan.
- The access arrangements are not safe. The access does not comply with National Design Guidance for the level of traffic that will use it.
- Access arrangements do not take account of the proposed development on the opposite side of the road and the potential for traffic conflicts resulting.
- No traffic audit has been provided by the applicant.

- The local highway infrastructure on the approaches to the village is sub-standard.
- The proposals fail the tests of Paragraph 42 of the NPPF.
- The village, having had another application approved will already see a population increase of 15%, this proposal if approved would see that rise to 30% and would change the nature of the village which had selected status.

The Applicants agent told the Committee that the Senior Planning Officer had indicated an intention to recommend the application for approval and only because the Authority claimed to be able to demonstrate a five year housing land supply was it now recommended for refusal. He challenged the basis of the claim as in his view the level of housing land supplied that was claimed by the Council that could be demonstrated was only fractionally in excess of 5 years and equated to only 80 units over target. The Agent asked the Committee to consider the weight that should be given to policies when judging a sustainable development in this respect.

It was further commented by the applicant's agent that at the time of the meeting this was not the Council's published position and the Council Website still stated that a 5 year supply had not been achieved.

It was also noted that the site in question was not a 'valued landscape' as defined and therefore the Agent asked the Committee to consider the weight that should be given to policies when judging a sustainable development in the circumstances.

Councillor A Geary proposed that the Officer recommendation to refuse the application for the reasons stated be agreed, this was seconded by Councillor Legg.

Members of the Committee received assurances from the Service Director - Growth, Economy and Culture and the Head of Development Management that they were confident that the Council could clearly demonstrate a 5 year housing land supply and that the test applied had been robust and therefore the Committee could apply full weight to relevant policies in respect of

development in open countryside.

The Committee considered the highways and conservation issues raised by the objectors. The Committee recognised that the proposed development site was clearly outside the village curtilage and in open countryside and that this represented a clear reason to refuse the application on the basis of Policy S10 of the saved local plan.

Members of the Committee confirmed that the setting of the Grade 2 listed building was a serious consideration.

It was further commented that whilst recognised there was no objection from the Highways Officer a single point of access for an estate the size proposed seemed inappropriate under the circumstances despite being policy compliant.

On being put to the vote the proposal to refuse the application for the reason stated above was carried unanimously and it was;

RESOLVED –

1. That planning permission be refused as Saved Policy S10 of the Milton Keynes Local Plan 2001-2011 (Adopted 2005) states that planning permission will only be granted for development in the open countryside where it is essential for agriculture, forestry, countryside recreation and other development which is wholly appropriate to a rural area and cannot be located within a settlement. In addition, Policies CS1 and CS9 of the Milton Keynes Core Strategy (Adopted 2013) seek to focus development in the rural area within the development boundaries of the main and most sustainable towns or key settlements. The application site lies outside the settlement boundary of Hanslope and falls within land designated as 'Open Countryside'. Furthermore, given the location of the development it is considered that the proposal would have an urbanising effect on and detract from the rural character of the countryside. The proposal is therefore contrary to Saved Policy S10 of the Milton Keynes Local Plan 2001-2011 (Adopted 2005), Policies CS1 and CS9 of the Milton Keynes Core Strategy (Adopted 2013) and the core planning principles in Paragraph 17 of the National Planning Policy Framework

(2012) which recognise the intrinsic character and beauty of the countryside.

2. That the Council Website be updated and include the evidence supporting the position of a 5 year housing land supply.

DCC95 PROPOSED AMENDMENTS TO THE SCHEME OF DELEGATION AND CHANGES TO SPEAKERS RIGHTS AT DEVELOPMENT CONTROL COMMITTEE/PANEL

The Committee considered a report setting out proposed changes to the Officer Scheme of Delegation and Access to Information – Speaking Arrangements for Development Control Committee and Panel.

The Committee heard from Mrs S Malleson, Mrs L Inoki, Councillor T Baines (Campbell Park Parish Council), Mr Thomas, Ms. E Pritchard, Councillor Shaw (Sherington Parish Council) Mr T Skelton, Mr A Preen and Mr A Senior in consideration of the Item.

The Committee recognised that since publication of the agenda a number of comments had been received from both the Public and members of the Committee. This had resulted in a number of proposed amendments to the scheme which required consideration.

The Committee considered in depth and at length the report and amendments and the Comments made by speakers and agreed that a revised report be prepared to clearly set out a final proposal for amendments taking account of a number of principles that should be applied, and presented to a special meeting of the Committee to be arranged for 11 May 2017.

RESOLVED –

1. That a revised report be prepared to set out a clear final proposal taking account of the below agreed principles;

SCHEME OF DELEGATION

- When an objection is submitted this should not automatically trigger a referral to a Committee or Panel.
- A referral to a Committee or a Panel should only be made when an objection is accompanied by an explicit request to do so and in all cases the objection must form a valid material planning consideration.
- A request for a referral to a Committee or Panel from a Town or Parish Council must be accepted only from the Town or

Parish Clerk or the Parish Secretary in the case of a Parish Meeting.

- A request from a Town or Parish Council must be received within 28 calendar days of notice of an application being given.
- A Town or Parish Council having requested a referral to a Committee or Panel must give an undertaking to attend the relevant meeting to explain their concerns.
- A failure on the part of a Town or Parish Council to attend a meeting on 2 occasions within a rolling six month period will result in the Town or Parish Council being excluded from requesting a referral for a three month period. The Chair of Development Control to have the discretion to waive the exclusion where circumstances justify the need.
- A Ward Councillor may request an application within their Ward, or an application in an adjacent Ward where there is a significant impact on their Ward, be referred to a Committee or Panel as long as the objection is based on a material planning consideration and received within 28 days of notice of the application being given.
- A Ward Councillor may request that an application that is not within their Ward or the adjacent Ward but within the Borough be referred to a Committee or Panel where, with the agreement of the Chair of the Development Control Committee, it is considered that there is a significant planning environmental consideration.
- Public representations in objection to an application will only trigger a referral to a Committee or Panel where;
 - In the case of a 'Minor', 'Other' or 'TPO' application there are a minimum of 5 objections from separate households are received.
 - In the case of a 'Major' application where a minimum of 20 objections from separate households are received.
 - In all cases the nature of objections forms a material planning consideration.
- A procedure be proposed to allow a 'conditional' referral to Committee or Panel on a material planning consideration to be requested where should amendments to a scheme be made or conditions be applied addressing the concerns raised, the objection and request for referral can be withdrawn.

ENFORCEMENT DECISIONS

That the status quo remain and no amendments be made to the Scheme of Delegation.

RIGHTS OF WAY

- That determination of an application for a non-executive decision to carry out functions relating to public paths and rights of way including those specified under Schedule 1 of the Local Authorities (functions and responsibilities)(England) Regulations 2000 Functions be delegated to the Service Director Public Realm.
- That in all cases when an unresolved objection is received the matter be referred to the Development Control Committee for determination.

SPEAKING ARRANGEMENTS

- That a Ward Councillor be permitted to speak on any application within the Borough (subject to fulfilling request criteria).
- That a maximum of 3 public speakers in objection be permitted in respect of any single application.
- That the public speakers be selected on a 'first come first served' basis following internet publication of the agenda for the relevant application.
- That individual speakers be granted a maximum of 3 minutes each to make their statements (excluding right of reply).
- That any Group or Organisation be treated as one of the three public speakers, but more than one person may speak within the allotted time. No preference will be given to any group or organisation when allocating speaking time.
- Town or Parish Councils will retain a separate right to speak in objection or support of an application.
- Objectors to an application may ask up to a maximum of 2 questions in respect of any one application. One minute will be allocated to ask a question and will not form part of the 3 minutes allocated for speaking. No supplementary questions will be permitted and any comment on a reply will be made as a part of a speakers allocated speaking time.
- The Right of Reply be granted the accumulative time allotted

to all objectors speaking to an application.

- Speakers wishing to speak in support of an application may speak as part of the time allocated for a right of reply.
 - Where there are no speakers in objection, no right of reply will exist unless the officer recommendation is to refuse the application in which case 3 minutes will be allocated for that purpose.
 - A Ward Councillor may speak in support, in Objection or from a 'neutral' position but must advise the Service Director Legal and Democratic Services where they object to any element of an application so that a right of reply may be offered to the applicant (or agent).
 - That the Chair of the relevant meeting maintain the discretion to vary the speaking arrangements for an individual meeting.
2. That a review of the arrangements be conducted after a 12 month period.

THE CHAIR CLOSED THE MEETING AT 11:17PM