

# ITEM 5(b)

**Application Number:** 20/00893/DISCON

**Description** Details submitted pursuant of conditions 6 (Ecological Management Plan), 19 and 20 (Bicycle Mural Method Statement for dismantling and storage) attached to planning application 18/01469/FUL

**At** 22 - 24 Stantonbury Centre Purbeck Stantonbury

**For** Aldi Stores Limited

**Target:** 4<sup>th</sup> June 2020

**Extension of Time:** Yes - 26<sup>th</sup> June 2020

**Ward:** Stantonbury

**Parish:** Stantonbury Parish

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## 1.0 RECOMMENDATION

It is recommended that details pursuant to Conditions 6, 19 and 20 are approved.

## 2.0 INTRODUCTION

### The Site

2.1 The application site is the former Stantonbury Local Centre and adjacent to Stantonbury International School and associated community facilities. The Northern site boundary follows the edge of the pedestrian and cycle route running parallel with the residential road Tyrill.

### The Proposal

2.2 Under consent 18/01469/FUL permission was granted for the demolition of the existing retail/commercial units and the construction of a new Class A1 foodstore (1,790sqm), reconfiguration of adjacent car parking and associated landscaping. This discharge of condition application (hereafter referred to as DISCON) seeks approval of details of the following three conditions:

### **Condition 6 – Ecology and Biodiversity**

No development above slab level shall take place until a Biodiversity Enhancement Scheme and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To maintain and enhance local biodiversity and ecology in accordance with Policy NE3 of Plan:MK (2019).

### **Condition 19 – Mural Protection**

Prior to the commencement of works a scheme of protection whilst the Bicycle mural remains on site shall be submitted to and approved in writing by the Local Planning Authority. The mural shall be protected thereafter in accordance with the approved scheme of protection.

Reason: To ensure that affected heritage assets are adequately preserved in accordance with policies D1 and HE1 of Plan:MK

### **Condition 20 – Mural Dismantling/Demolition**

No demolition or dismantling of any parts of 22-36 Stantonbury Centre, including any works that may directly or indirectly endanger the structural integrity of 22-36 Stantonbury Centre and the Bicycle mural, shall take place prior to the completion of the removal and storage of the Bicycle mural. The removal and storage of the Bicycle mural shall be carried out in accordance with a detailed scheme of removal and storage to be submitted to and approved in writing by the Local Planning Authority. The removal and storage scheme shall include details of how the mural will be surveyed, recorded, cleaned, protected, facings applied, removed, handled and stored, including storage location. The scheme shall be in full accordance with the details set out in the submitted Conservation Method Statement, Project Name Stantonbury Bicycle Tile Mural received 19.06.2019.

Reason: To ensure that affected heritage assets are adequately preserved in accordance with policies D1 and HE1 of Plan:MK.

### **Reason For Referral To Committee**

2.5 The application has been referred to Development Control Committee due to the controversial nature of the original application.

### **3.0 RELEVANT POLICIES**

#### **3.1 National Policy**

National Planning Policy Framework (2019)

Section 12: Achieving Well- Designed Places

## **The Development Plan**

### **3.2 Stantonbury Neighbourhood Plan**

An examination in public was held on the Plan in 2019 and the Examiner raised a number of questions which were included in the Examiner's Report in June 2019. The Examiner, in his report, recommended that policies SNP14, SNP16 and SNP17 should be deleted from the Plan.

In the Council's view, these policies are capable of being amended in order to overcome the Examiner's concerns and to meet the basic conditions. The Council proposes to retain policies SNP14, SNP16 and SNP17 with modifications.

In January 2020 it was determined that a further examination has been deemed necessary to examine policies SNP14, SNP16 and SNP17 of the Stantonbury Neighbourhood Plan. Mr Andrew Ashcroft has been appointed to carry out the examination.

The Council notified individuals and organisations who made comments on the submitted Stantonbury Neighbourhood Plan and statutory bodies. Following the receipt of the Examiner's report following the re-examination of the Neighbourhood Plan, Milton Keynes Council decided that the plan, as modified, should proceed to a referendum.

In April 2020 the following statement was published by Milton Keynes Council:

'The referendum relating to the adoption of the Stantonbury Neighbourhood Plan, which was due to be held on Thursday 7th May 2020, has been postponed as a consequence of the coronavirus outbreak.

This postponement has been confirmed through The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020. These regulations exercise powers vested in the Secretary of State, via the Coronavirus Act, to postpone and defer referendums due to be held between 7 May 2020 and 5 May 2021. The Act and Regulations provide that any neighbourhood plan referendums arising in the above period are deferred until Thursday 6 May 2021. However, the Secretary of State does have the power to lay further regulations allowing for an earlier commencement.'

Further guidance in April 2020 set out that neighbourhood plans awaiting referendums can be given significant weight in decision-making. The Neighbourhood Plan can be attributed significant but not full weight. With regards to the current application there are no specific sections of the Neighbourhood Plan which would be in conflict with the details submitted as part of this DISCON particularly Policy SNP19 (Stantonbury Community Facilities).

### **3.3 Plan: MK (2019)**

Policy D1 Design a High Quality Place

Policy D2 Creating a Positive Character  
Policy D3 Design of Buildings  
Policy D4 Amenity and Street Scene  
Policy NE2 Protected Species and Priority Species and Habitats  
Policy NE3 Biodiversity and Geological Enhancement

### 3.4 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

### 3.5 Equality Act 2010

Due regard, where relevant, has been had to the Milton Keynes Council's equality duty as contained within the Equality Act 2010.

## 4.0 **MAIN ISSUES**

Principle  
Ecology and Biodiversity  
Impact of works to Mural

## 5.0 **CONSIDERATIONS**

### 5.1 Principle

This application relates to the submission for the approval of details reserved by pre-commencement conditions, and therefore only the details provided for those conditions need to be assessed.

### 5.2 Ecology and Biodiversity

Details have been submitted as part of the DISCON providing information regarding biodiversity enhancement measures and a scheme for the management of these. The Council's Countryside Officer has provided the following comments on the submitted Ecological Management Plan as below:

'The EMP is largely acceptable, and although the plan proposes the installation of bat and bird boxes on trees, which ordinarily would not be acceptable due to their temporary nature. However, the proposals have limited opportunity to install integrated boxes in the fabric of the building.'

The condition itself does not require the installation of integrated biodiversity enhancements, therefore on this occasion the measures are acceptable, and the condition can be discharged. I recommend that condition 6 of planning permission 18/01469/FUL is discharged.'

On this basis it is agreed that the submitted document is acceptable and fulfils the requirement of the condition, and the details can be approved.

### 5.3 Impact of works to Mural

The submitted Method Statement (v3) sets out the processes and intentions for the dismantling and storage of the mural safely. The details provided have been considered in conjunction with a Conservation Report and have been shared with Simon Peart, Conservation and Archaeology Manager and Louise Izod, Public Arts Specialist for their comments. By way of context the following provides a brief summary of the mural itself, the setting and local significance:

‘The site contains a local centre and the Bicycle Wall Mural. The buildings are simplistic in design in the familiar Milton Keynes Development Corporation idiom. The mural is located on gable end wall of one of the buildings. It covers almost the entire gable and as such is substantial in size. It is in fact formed of smaller format ceramic tiles, individually detailed to form the larger picture. The mural itself credits ‘John Watson 1977-78’ then separately, ‘assisted by Barry Brown and friends.’

The Bicycle Wall Mural is one of a series of artworks facilitated by MKDC. Whilst the Corporation had established a practice of both buying and commissioning more formal artworks for new developments and parks, it also recognised the important role that art could play in successfully forming entirely new communities.

The series of community artworks that remain throughout the new town are a key component of its ongoing legacy and the efforts made by the Corporation in these early phases of its life. They are also very individual and specific items. Whereas other artworks that were bought might also exist elsewhere (e.g. ‘The Whisper’ outside Central Library, the community artworks are one-off pieces that are a direct product of a collaboration between the artist and the local community at the time.

As above, the mural is a large piece. This combined with its gable location at a local centre means that it is a prominent feature within the locality. This was clearly intentional, since it would have been intended that it continue to be seen by the community which produced it. Stylistically, the mural is characterful and particularly representative of the period in which it was made, which adds to its ties with the early phases of the new town.

The mural was noted in *The Buildings of England: Buckinghamshire*: ‘ceramic tile mural BICYCLE WALL by John Watson, 1979’ (second ed. 1994, p551).

The details provided have been considered in conjunction with a Conservation Report and have been shared with the Council’s Conservation and Archaeology Manager and the Council’s Public Arts Specialist for their comments. The submitted method statement has been considered by both and responses provided on behalf of the applicant to clarify some of the technical details.

Details contained within the Method Statement specify the way in which the mural will be dismantled into a number of small pieces, removed, cleaned, protected, recorded and stored in accordance with the wording of the relevant Conditions.

The Council's Public Arts Officer has confirmed that there are no issues with the information submitted.

The Council's Conservation and Archaeology Manager has provided further comments based on v4 of the Method Statement which includes more detailed information regarding particular elements of the proposed works relating to specification of protection, cleaning methods, lifting and digital recording. A response was duly provided, and additional comments were submitted confirming that the cleaning process and photographic record details are now acceptable.

It has further been agreed that the details regarding the process of lifting the tiles, transferring into storage crates and the packing materials are also now acceptable, following the issuing of detailed comments to the applicant to ensure that the original Conservation Consultant verifies the methodology. As a result, the submitted revised details are satisfactory and can be approved. The Conservation and Archaeology Manager provided the following closing comments on these discussions:

'I have reviewed the updated method statement (version 5). As you are aware, there has been lengthy discussion on various technical points in order to ensure all aspects of the taking down of the mural are covered and that its preservation is given proper consideration at each stage. The method statement varies from the original Lincoln Conservation report that accompanied the original application. These changes bring some new risk in the form of additional cutting, however, this is outweighed by the advantages gained in the use of smaller panels that can be lifted by hand, avoiding the drilling of larger holes and the loads/stresses created by the lifting of much larger panels via rods method, as originally proposed in the Lincoln Conservation report. In summary, the latest method statement addresses the technical issues raised.

## **6.0 CONCLUSIONS**

- 6.1 It is recommended that the details are acceptable and the submitted details of the three conditions are approved.

## **A1.0 RELEVANT PLANNING HISTORY**

18/01469/FUL

Demolition of existing retail/commercial units and the construction of a new Class A1 foodstore (1,790sqm), reconfiguration of adjacent car parking and associated landscaping.

Approved 07.11.2019

20/00643/DISCON

submitted pursuant of conditions 3 (schedule of external materials), 7 (finished floor level details), and 17 (electric vehicle charging points) attached to planning application 18/01469/FUL

Approved 04.05.2020

20/01029/DISCON

Details submitted pursuant to discharge conditions 4 (hard and soft landscaping), 8 (surface water drainage), 10 (CEMP), 14 (contamination) and 15 (sustainability statement) attached to planning application 18/01469/FUL  
Pending Consideration

## **2.0 ADDITIONAL MATTERS**

The site is currently being monitored by the Council's Enforcement Officers following reports of works taking place that which would constitute development. The planning agent/applicant have been advised to terminate works on site and are in ongoing dialogue with the Council regarding this issue

## **3.0 CONSULTATIONS AND REPRESENTATIONS (comments are abridged)**

### Stantonbury Parish Council

The Council fully supports the application. The Council recognises that the mural wall is part of the community of Stantonbury and made due to account of the prospect of its repositioning in the referendum version of the Neighbourhood Plan 2020. The Parish Council having carefully reviewed the detail as set out in the method statement and is satisfied that the application provides sufficient assurance that the wall will be taken down and fully protected until its relocation and erection can take place. We are aware that the store cannot open until the wall has been reinstated.

The site has remained derelict for many years and the residents of this parish are desperate for a local shopping outlet. We would finally like to point out the risk to leaving the wall standing should the application not be granted. Therefore, the best solution is to take it down and store it before it collapses

### Alderman Henderson

I am appalled at the suggestion that John Watson's superb piece of community art - the "Bicycle" mural - could be broken up and used as signposting within Stantonbury school campus.

When planning permission was given for redevelopment of the site for a supermarket, my understanding was that the Development Control Committee imposed conditions for the protection, dismantling, storage and eventually re-erection of the whole mural before the site is open for business. This was an entirely satisfactory and sensible way of permitting redevelopment of the site while recognising the importance of the mural. It was a decision that accorded well with MK Council's recognition of our city's remarkable and precious commitment to its reputation as a city-wide public art gallery.

It would be an outrageous piece of cultural vandalism if MK Council now allowed this artwork to be broken up and its pieces used for signposting within Stantonbury Campus. It is questionable whether this would even be legal, since the artwork was funded by the Arts Council and the school is a closed private environment which no longer belongs to the people of MK. It is incumbent on the planning

department of MK Council to make every effort to ensure that the “Bicycle” mural is relocated and re-erected as a whole.

### Public Arts Trust

I wish to register a strong objection to the Bicycle Wall mural being broken up and used as “signposting” within the adjacent school campus. Background - MK Council had recently seen fit to apply to become the European City of Culture. To even consider the idea that this great “community” work of art be treated in this way is, in my view, equivalent to a form of corporate, and indeed, cultural vandalism!

The Bicycle Wall mural **MUST** be relocated and re-erected **as a whole**. It is an important community artwork and must be relocated and **re-erected as one artistic piece**. Breaking it up loses the artist’s overall visual intention as well as the integrity of the artist’s creative design.

I am sure that, when MK DCC agreed the planning permission on 18/01469/FUL to allow the redevelopment of the site for a supermarket, the committee never envisaged the mural being “**disaggregated**”! Other more enlightened companies participated with the community rather than effectively destroying a community asset.

Further comments were provided following submission of v4 of the Method Statement stating that the:

‘PAT argue that there is a risk in the process of protecting and cutting the tiles described in the Method Statement (V4 Final); which could damage every single tile and this is an unacceptable risk! There is an unacceptable risk in the process of protecting the tiles described in the Method Statement (V4 Final) with no apparent benefit to assist the removal of the tiles!’

‘The tile joints are not regular and are of varying thickness making the cutting difficult.’

The thickness of the diamond cutting wire or disc is not stated. If a disc is used it is essential to consider the disc thickness in relation to the tile joint thickness if damage to the cut tile edge is to be avoided. With a total of 1,200 tiles and 4 tiles in each 600mm x 600mm panel; this would make a total of some 300 panels to be cut and stored. To store 300 panels will require 50 number 1.2m by 0.9m pallet crates, each containing 6 panels.

### *Dimensions of proposed pallet crate taken from illustration on page 9 of Method Statement*

The proposed 2 steel containers will each have 25 pallet crates containing 150 number 600mm x 600mm 4 tile panels. Each individual tile would have two cut edges; either top and side or bottom and side; except for those tiles at the edges of the mural. EVERY one of the 1,200 tiles would have two cuts; and therefore, the risk of damage applies to EVERY ONE of the 1,200m tiles in the mural, less

so those at the edges. The processes described in the Method Statement (V4 Final) could damage every single tile and this is an unacceptable risk!

#### Milton Keynes Heritage Association

The report is very thorough and recognises the value of the wall to the local community as well as the problems of removal whilst proposes an appropriate method of removal if necessary. The report suggests that the wall is in quite good condition and has survived in its present location for around 40 years. However, the idea of displaying it in several locations around the school makes no sense as the work is one integral object. It would be like suggesting Constable's 'The Haywain' was cut up into separate pieces and the haywain itself exhibited as one painting, Willie Lott's cottage another and the trees and meadows as another. Much time and expense has already been put into this which would be wasted if it was split up.

#### MK Forum

The submitted Method Statement provides a clear methodology that Bicycle Wall should be first protected, **before** survey work, removal of vegetation and start of demolition. This has clearly not happened and is deeply concerning. The Statement should present a genuine course of action that should be followed to the letter rather than something submitted to pay lip service to satisfying a Planning Condition. Bicycle Wall is a valuable artwork and it is important that it is properly protected

We would ask therefore that the Statement is redrafted to record what has already happened and should clearly explain how work is to proceed henceforth: it is pointless having a document that is at variance with what has already occurred.

We strongly feel that dismantling Bicycle Wall can only be properly considered alongside the methodology for its re-erection. The chosen method for dismantling is one that necessarily involves a high level of work to the piece, results in a multitude of cuts and therefore increases the risk of resultant damage. How, therefore, will the joints be remade when the piece is reassembled and is there a risk that the result could be something of a patchwork quilt? Furthermore, whilst the cuts will go through the front along grout lines, they will, of necessity, go through the middle of the bricks to which the tiles are bonded at the back: how is it proposed to stick the bricks together again given that the joints will not be wide enough to accommodate mortar? In short, how is Bicycle Wall to be reassembled? The potential location is not important in this respect – it is the methodology for reassembly.

#### Tiles & Architectural Ceramics Society

The Bicycle Wall, constructed in 1978 is a site specific ceramic artwork built just 10 years or so after Milton Keynes was created. It is unique to its location, indicative of its time (and the desire to create new and memorable artworks in a new town) and valued by the local community. While we welcome the intention and commitment to retain the mural, we wish to object to the breaking up the

artwork into 4 tile sections with the intention to use these same sections as 'signposting' 'at some future time' as yet unspecified. We are familiar with how challenging and expensive it can be to remove such large, heavy ceramics murals from one location to place into another. Nevertheless, the method, if done correctly, can lead to a satisfactory outcome for all.

The original design was site specific and intended to be seen as a whole, not as a random series of sections with no particular location in mind. Yet this appears to be the end goal of the method statement. We urge you to reconsider the objectives of the detailed methods to be undertaken so that the mural can be rebuilt as one complete artwork in a new location.

### Public Representations

Third party support has been received from a total of 14 individuals/organisations and are summarised as follows:

- Proposed food store is needed locally.
- Local area has declined and this application would improve this part of Stantonbury.
- The local area is now encountering crime and anti-social behaviour.
- Many of the objections received are not from residents of Stantonbury.
- If the application is not approved the mural is at risk due to damage.

Third party objections have been received from a total of 13 individuals/organisations and are summarised as follows:

- The mural is locally significant and has heritage impacts.
- This application should not be determined without Condition 21 being determined.
- The artwork should be retained as one unit.
- The application should be determined.
- Lack of clarity of re-erection of the mural elsewhere.
- Loss of historic community project.