

Minutes of the meeting of the **DEVELOPMENT CONTROL COMMITTEE** held on **THURSDAY 6 AUGUST 2020** at 7.00 pm.

**Present:** Councillor Brown (Chair)  
Councillors Alexander, Baines, Bint, Exon, Lancaster, Legg, McLean, Petchey, Trendall and Wallis

**Officers:** T Darke (Director, Planning, Strategic Transport and Placemaking), J Lee (Senior Planning Officer), K Lycett (Senior Planning Officer), P Van Geete (Tariff Programme Manager), E Gineikiene (Principal Lawyer) and D Imbimbo (Committee Manager)

**Apologies:** J Palmer (Head of Planning)

**DCC18 INTRODUCTION AND WELCOME**

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

**DCC19 MINUTES**

RESOLVED;

That the minutes of the meetings of the Development Control Committee held on 18 June 2020 and 2 July 2020, and the meeting of the Development Control Panel held on 16 July 2020 be agreed as accurate records subject to Minute DCC17 being amended to delete the words 'and Lancaster voting against and Councillor Trendall abstaining from the vote.' At the end of the final paragraph before the resolution.

**DCC20 DECLARATION OF INTERESTS**

None were made

**DCC21 PUBLIC PARTICIPATION**

**Questions**

Mr Endersby asked the following question;

'I would like to ask a question regarding the development at 64 Challacombe, Furzton, MK4 1DP.

Work commenced on the property shortly after the lockdown was announced in late March and a Building application made to build side and rear extensions. This received a total of 8 objections to varying

aspects of the proposed development, but building was now underway.

It was clear in April that in size this would exceed any application made and the first application was withdrawn and what appeared to be an almost identical application entered which was also later withdrawn before a decision was required.

Since then work has continued and in May the local Parish Council held a meeting and maintained their objection and wrote to the council highlighting how this was contrary to Milton Keynes Planning Regulations and asking that a Hold order be made preventing further work. For my part I had been updating the council planning department since April 22nd with pictures showing what was happening at 64.

The building continued and on 15th June the MK Planning Department said that it could not be built under Permitted Development (which the owner had said it was) and referred it to Planning Enforcement.

Planning Enforcement also said that it would not come under Permitted Development and a Hold order would be made and planning permission would need to be applied for.

This was on 9th July and the work now continued at an increased pace over the weekend and the following week the scaffolding was removed to reveal that both extensions had been joined, effectively wrapping what had been a one-bedroom bungalow in a new structure. This had not been on any building application. I informed Planning Enforcement and on 16th July I was told that a hold order was now in place.

Since then the building work continued and the roof was finished, windows put in and the development is nearing completion. I informed Planning Enforcement that the hold order was being ignored, along with pictures to show this, on 23rd, 24th, 28th, and 29th July with no response as yet and with work still continuing.

The work at 64 now appears to be all but finished, built with no planning permission even applied for let alone given, and had been completed after a belated 'Hold' order had been put in place.

Obviously I feel let down by Milton Keynes Planning Department, as I am sure do the other objectors to this, and my question is what does the council intend to do now?'

The Director, Planning, Strategic Transport and Placemaking, replied that following the submission of previous applications at the site,

which were withdrawn, Enforcement Officers had visited the site and informed the applicant that he should cease works and submit a planning application to seek permission for the development. The applicants have this week submitted a new application to retrospectively apply for permission for the works that they have undertaken on site. The application was currently considered invalid, as the submitted plans are different to what has been built on site. In accordance with DM procedures, the applicants will have 28 days to provide sufficient information in order to make the application valid. Once the application is valid, members of the public will have the opportunity to comment on the retrospective application and it will be assessed by the case officer as to whether it would be acceptable. It would be premature to comment further on whether the proposal would be likely to gain planning permission at this stage, or what further action might be taken if permission was refused.

As a supplementary question Mr Endersby referring to communications, he had had with the Planning Enforcement Team, asked what enforcement action would be taken?

The Chair told the Committee that as a retrospective planning application had been submitted that would go through the usual process and a decision made. The Director, Growth, Economy and Culture, told the Committee that should planning permission be granted as a result of the retrospective application then the development would be deemed lawful, however, if the application was refused a decision would then have to be made in respect of whether it was expedient to take action and what action, if any, should be taken.

Mr Tooley asked the following Question;

‘Referencing the Independent Review of Blakelands Planning Application, at its meeting in July 2019, members of MKC's audit committee were told: "Officers estimate that the independent review will cost in the region of £20,000, and the Council will fund this from within existing resources."

My question is: What are the cost estimates for the independent review now?’

The Director, Planning, Strategic Transport and Placemaking, replied that the budget earmarked for the review was estimated in the region of £20,000 and it would be kept within that cost. The Council would not be paying anymore to Mr Marc Dorfman, who was carrying out

the review, than the agreed cap on the total cost for the investigation irrespective of how many days it took.

As a supplementary question Mr Tooley asked how the Council would reassure itself that the review would be value for money?

The Director, Planning, Strategic Transport and Placemaking, replied that, as everyone was aware the review had taken considerably longer than it had been anticipated, but there was clearly a range of work that had been undertaken under the review and it is clear from that that it had taken a lot longer than estimated but the cost had been capped at £20,000.

Mrs L Sung – Clerk to Walton Community Council asked the following question;

‘The Blakelands Residents Association and some local Councillor have asked the government to conduct an independent inspection into the Council's planning dept. These concerns call into question the departments ability to make the right recommendations to the Committee.

What is the Council doing to allay these concerns and does the Council think it should now review some of its recent decisions, such as the controversial granting of planning permission at the Hindhead Knoll site?’

The Director, Planning, Strategic Transport and Placemaking, replied that there was an ongoing review being undertaken of the warehouse on Yeomans Drive and it would not be appropriate to pre-empt that independent review process. It is also not appropriate to comment on a matter that had been formally passed to the police. They will decide if there was a case to investigate or not. A Planning Improvement Board has been set up and was led by the Deputy Chief Executive. It was already proposed to report the role and activity of this board to the September DCC meeting, alongside the committee’s regular six-monthly performance report.

As a supplementary question Ms Sung asked that her thanks be noted for the Chair and Vice Chair agreeing to look into the reasons for the changes to the local plan in respect of the increased density of dwellings on the Hindhead Knoll Site, a request had been submitted to the Secretary of State to review the decision on the Hindhead Knoll application and she asked what the status was in respect of issuing the decision notice in respect of that application.

The Director, Planning, Strategic Transport and Placemaking, explained that in respect of the call-in process, the Secretary of State

had a period of time within which to decide whether to call the application in, the Council had received notification of the call in request but no timescale had been indicated as to when a decision would be forthcoming. The Council does not issue a decision until such time as notice is received in respect of whether or not the application is called in. If it is called in then the Secretary of State would make a decision on the application, if it is not called in the Committee decision will stand and that decision notice will be issued.

A question was read by the Committee Manager on behalf of Councillor Hosking, who asked;

‘My question relates to the Mounts Farm application in Emberton:

DCC asked officers to provide a ‘case history’ for this application when it was granted in April. What progress has been made in drafting this report and when will a final version be available for members?’

The Director, Planning, Strategic Transport and Placemaking, replied that the Development Management Manager had left the Council and there was a short-term capacity constraint within the team that was being addressed with a job advert that was currently out at the moment. An Interim Development Management Manager would be in post in August which should address this issue and allow work on the review to be completed.

## **DCC22**

### **REPRESENTATIONS ON APPLICATIONS**

Parish Councillor Tenant (Newport Pagnell Town Council) and Councillor P Geary (Ward Councillor) spoke in objection to application 20/00835/REM, Reserved Matters relating to outline planning permission 17/00939/OUT for 250 dwellings and associated public open space at Bovis Homes Northern Home Counties Region.

The Applicant, Ms V Southern, exercised the right of reply.

Town Councillor A Thomas (Central Milton Keynes Town Council) spoke in support of application 18/00160/FUL, Deed of variation to the S106 agreement attached to application 18/00160/FUL to vary the transfer of the affordable units at Medina House, 302-340 Silbury Boulevard, Central Milton Keynes.

## **DCC23**

### **PLANNING APPLICATIONS**

**20/00835/REM RESERVED MATTERS RELATING TO OUTLINE PLANNING PERMISSION 17/00939/OUT FOR 250 DWELLINGS AND ASSOCIATED PUBLIC OPEN SPACE AT RESERVED MATTERS RELATING TO OUTLINE PLANNING PERMISSION 17/00939/OUT FOR 250**

## **DWELLINGS AND ASSOCIATED PUBLIC OPEN SPACE FOR BOVIS HOMES NORTHERN HOME COUNTIES REGION.**

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 Committee report with Condition 1 amended as detailed in the published update report.

The Committee heard from a representative of the Town Council and a Ward Councillor who raised the following concerns;

- The proposals were in conflict with the Neighbourhood Plan policy ONP4 which required a minimum of 4 hectares of open public land to be provided, together with a 32m deep landscape buffer area around the entire boundary of the site, the two features are required to be separate.
- The Proposals were in conflict with PlanMK policies in respect of infrastructure, in particular relating to drainage and electric vehicle charging points.
- There were material changes from the outline planning permission and should not include a strategic reserve site within the public green space.
- The proposals should include a large playing pitch within the open public space, the plans indicate a small pitch. The provision of the proposed reserved area would require the Council to agree a further application on a neighbouring site.
- The area set aside for the pitch is on an incline and unsuitable.
- There are concerns in respect of the design of some of the proposed houses, in particular those with a third storey, which will stand

out.

The Applicant told the Committee that a written submission, which had been published with the Committee update papers, had been made addressing the concerns raised by the Town Council.

The Committee heard that in respect of the playing fields, a junior pitch, which will be graded, was to be provided, however the reserved land was part of the s106 relating to the Outline Planning Permission and was not part of this application.

It was further confirmed that the reserved land would be available to the Town Council as soon as the site was completed.

It was also noted that the issues of drainage was covered in the Outline Application and an application would be submitted in due course.

In response to a question the Senior Planning Officer confirmed that no public amenity land was proposed to be sold as part of the dwellings to be built.

In response to a question from Councillor McLean The Senior Planning Officer confirmed that the s278 arrangements were part of the Outline application and would be completed prior to the development being commended, It was further clarified that condition 1, as amended, sought to address the internal roads detail and ensure they were delivered at appropriate stages of the development, Members of the Committee held concerns that the wording of the condition, as amended was ambiguous and required further amendment to be clear.

Councillor McLean, referring to Condition 3, held a concern that the proposed 205 unallocated parking spaces roll out phasing was not clear, and asked that when the Chair propose a motion for debate he include reference to delegating the final wording of condition 3 to the Head of Planning, in consultation with the Chair and Vice Chairs to take account of the phases of the development of the site.

In response to a question in respect of the design and proportions of some of the proposed dwellings, the Senior Planning Officer confirmed that he believed them to be policy compliant.

Councillor Brown, seconded by Councillor Exon, proposed that the application be granted subject to the conditions in the Committee report, with Condition 1 amended as detailed in the published update papers.

The Chair invited any amendment to that proposal.

Councillor McLean, seconded by Councillor Bint proposed that the motion be amended to read, 'That the Application be granted subject to the Conditions in the Committee report, with the final wording of condition 3 being delegated to the Head of Planning, in consultation with the Chair and Vice Chairs, to be amended to reflect the requirements to apply the requirements of the condition in accordance with the phases of the development of the site.

The amendment was agreed by acclamation.

Members of the Committee recognized that the proposals did not deliver on all the expectations of the Town Council, however, indicated that on balance the proposals were acceptable.

On being put to the vote the proposal to grant the application was carried with all members voting in favour and Councillor McLean abstaining from the vote.

RESOLVED:

That the Application be granted subject to the Conditions in the Committee report, with the final wording of condition 3 being delegated to the Head of Planning, in consultation with the Chair and Vice Chairs, to be amended to reflect the requirements to apply the requirements of the condition in accordance with the phases of the development of the site.

**18/00160/FUL**

**DEED OF VARIATION TO THE S106 AGREEMENT ATTACHED TO APPLICATION 18/00160/FUL TO VARY THE TRANSFER OF THE AFFORDABLE UNITS AT MEDINA HOUSE, 302-340 SILBURY BOULEVARD, CENTRAL MILTON KEYNES.**

The Senior Planning Officer introduced the application.

The Committee heard that the recommendation remained to agree the deed of variation.

The Committee heard from a representative of the Town Council who Stated that, whilst the Town Council had objected to the original application, it was in support of the application that seemed the most sensible way forward.

Councillor Brown proposed that the Officer recommendation to approve the Deed of Variation to the Section 106 agreement attached to application 18/00160/FUL, subject to any Legal requirements. This was seconded by Councillor Exon.

It was recognized that the proposal was not in compliance with the Councils Policies, however the reasons for agreeing the variation were fully explained in the Committee report and this would now offer an opportunity for the Council to see how an alternative means of providing affordable housing could work.

On being put to the vote the motion to agree the deed of variation was carried unanimously

RESOLVED: -

That the Deed of Variation to the Section 106 agreement attached to application 18/00160/FUL, subject to any Legal requirements be agreed.

**DCC24**

**APPEALS UPDATE AND RESPONSE TO ADDITIONAL QUESTION ASKED AT DEVELOPMENT CONTROL COMMITTEE ON THE 7TH MAY 2020**

The Committee considered the quarterly performance report in respect of Planning Appeals. The Director, Planning, Strategic Transport and Placemaking, explained that the report was

presented to the Committee, in part, to act as a learning process to seek to identify any lessons that could be learnt from previous decisions. The Committee heard an explanation of the outcomes of recent decisions. Further the Members of the Committee were encouraged to be involved in any appeal enquiries.

The Chair told the Committee that he had seen the work conducted in defending appeals and recognised that Officers went to great lengths to do so and supported the call for Member involvement.

It was further noted that the report had appended a draft procedure for the handling of Appeals. Members of the Committee were invited to submit any comments in respect of the procedures that were proposed prior to any formal adoption.

Councillor Bint stated that he welcomed the document and advised that he had submitted comments to the Head of Planning and asked that other Members of the Committee consider doing likewise.

RESOLVED;

That the report be noted and any comments be submitted to the Head of Planning by 14 August 2020

THE CHAIR CLOSED THE MEETING AT 8:45 PM