

Minutes of the meeting of the DEVELOPMENT CONTROL COMMITTEE held on
THURSDAY 02 SEPTEMBER 2021

Present: Councillors Alexander, Bowyer, Cryer-Whitehead, Exon, Lancaster, Legg, McLean, Priestley, Reilly and Taylor

Officers: J Palmer (Head of Planning), C Nash (Development Management Manager) J Lyall (Interim Principal Solicitor) and D Imbimbo (Committee Manager).

Apologies: Councillor A Geary

Also Present: Councillors Darlington and Rankine.

DCC22 INTRODUCTIONS AND WELCOME

The Chair welcomed members of the public and councillors, advising that the meeting was being held both at the Civic Offices and remotely and would be broadcast live on YouTube, further explaining the procedures to be adopted.

DCC23 DECLARATIONS OF INTEREST

No declarations were made.

DCC24 MINUTES OF PREVIOUS MEETINGS

RESOLVED –

That the minutes of the meetings of the Development Control Committee on 5 AUGUST 2021 and the Development Control Panel held on 22 JULY 2021 be agreed as an accurate record and signed as such by the Chair subject to an additional sentence being added at DCC20 in respect of application 20/03293/FUL after paragraph 18 to read;

“Upon questioning by the committee, the Development Management Manager, stated that the use of emerging evidence from unadopted parking standards would not be seen as setting a precedence due to the individual circumstances of the proposal before the committee, taking account of various factors – factors which are unlikely to be replicated together elsewhere. This clarity was welcomed through Cllr A Geary at later questioning, noting their use here would not set a precedent”.

DCC25 PUBLIC PARTICIPATION

Questions

None had been notified.

DCC26 APPEALS UPDATE

The Committee considered a report, introduced by the Development Management Manager, in respect of ongoing and recently decided appeals. The Development Management Manager gave the Committee an overview of the report and told the Committee that an update had also been published following a further decision.

The Committee heard an explanation of the outcomes of recent decisions.

In addition the Committee heard that the Bletchley Landfill Enquiry was now scheduled to commence on 19 October and that the Portland Drive Appeal outcome was expected soon, these matters would be reported to the Committee in due course.

Councillor McLean, referring to the 'Astwood appeal', asked that the Development Management Manager write to Parish Councils to make them aware of some of the issues that arise following that outcome in respect of 'windfall sites' and 'character', which in this case resulted in an application being allowed, following an appeal, resulting in a development that the Parish Council would not want.

RESOLVED –

That the report be noted.

DCC26 6 MONTHLY DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Committee considered a report, introduced by the Development Management Manager, in respect of Development Management Performance.

The Committee heard that about 92% of 'Major' Decisions were issued on time for the period February to July 2021 which was well in excess of both National and Local targets. There was however a decline in the percentage of 'Minor' application decisions being issued which was primarily due to a capacity issue within Development Management due to vacancies. The rate was 77.5% of decisions being issued which was still in excess of National targets.

The Development Management Manager told the Committee that there was an increase in Enforcement complaints resulting in some 500 enforcement cases so far this year, it was also commented that recruitment of a Senior Enforcement Officer had been successful, which will provide additional capacity, in addition a new team leader had been appointed recently.

The Committee also heard that the Planning Improvement Board continued to meet and that the interim improvement plan had been considered by the Audit Committee on 6 July where it had been referred to the Development Control Committee for information and consideration.

The Development Management Manager told the Committee that the frequency and schedule of the reports to the Development Control Committee did not run parallel to the National reporting timeline and recommended that the Committee agree to receiving future reports which cover the April to September, and October to March periods, with reports usually to be presented to the December and June meetings of the Committee.

Councillor Legg proposed that the schedule of reports be amended to reflect the recommendation, this was seconded by Councillor McLean and agreed unanimously.

Members of the Committee expressed concern at the number of vacancies that remained in the Planning Department, in response to questions the Development Management Manager and Head of Planning confirmed that initiatives to recruit and retain staff were being looked at including market supplement payments, it was hoped that in future in house development would see Officers promoted to senior levels, much of the difficulty in recruiting more senior staff lay in the historically low numbers that went into training in the early 2010's resulting in there being fewer planners with the level of experience and knowledge to fill the positions.

In respect of enforcement the Committee asked that more detail be provided in future reports in respect of why and how enforcement cases were closed, it was also asked that the Development Management Manager provide a briefing note for members explaining the categories of enforcement that are dealt with. The Committee, in response to a question, heard that Officers were trained to recognise and deal with vexatious complaints when received.

The Committee also heard an explanation in respect of the timescales that enforcement actions took and the factors that influenced that.

Councillor McLean commented that there remained concerns in respect of the public access portal which was difficult to navigate and frequently displaying faults which prevent the public accessing the information they require. The Development Management Manager confirmed that an improved system was being sought but was a major project that would need significant investment in both time and money

to secure a suitable system, in the short term there were initiatives being put in place to improve the portal.

RESOLVED –

1. That the report be noted.
2. That future reports provide more detail in respect of the reasons that enforcement cases are closed.
3. That future reports cover the April to September, and October to March periods, with reports usually presented to the December and June meetings of the Committee.
4. That a briefing note be circulated to the Committee setting out details of the various categories of enforcement actions.

DCC27 EXCLUSION OF PRESS AND PUBLIC - BLETCHLEY LANDFILL SITE

The Item was withdrawn.

DCC28 BLETCHLEY LANDFILL SITE

The Committee considered a report, introduced by the Development Management Manager, in respect of the Bletchley Landfill site appeal.

The Committee heard that the appeal inquiry had been put on hold as the Secretary of State had required an Environmental Statement to be submitted by the appellant. This had now been produced and was with the Council, and as a consultee it had assessed the Environmental Statement and would now submit any observations in respect of its content and findings. The inquiry was set to resume on 19 October 2021.

The Committee also heard that the report set out the response that the Council would submit to the Planning Inspector. It was noted that a number of omissions from the Environmental Statement had been identified, and some areas were considered to lack sufficient detail.

The Council's position remains that the proposal would have a significant detrimental impact on the amenity of residents in the area of the site, the response to the Inspector reflects the various comments received by the Council in its consultation with in-house stakeholders.

The Committee heard from Councillors Darlington and Rankine in consideration of the Item.

The Principal Solicitor told the Committee that it was the duty of the Council to make a full response to the Environmental Statement and it would be for the Inspector to determine whether he felt the

Environmental Statement was adequate or would require more information.

DCC29 EXCLUSION OF PRESS AND PUBLIC – JUDICIAL REVIEWS UPDATE

The Item was withdrawn.

DCC30 JUDICIAL REVIEWS UPDATE

The Committee considered a report, introduced by the Principal Solicitor, in respect of the status of Judicial reviews in respect of a Warehouse development at Blakelands, Milton Keynes and an application in respect of Lidl's at Oldbrook, Milton Keynes.

The Committee heard an update the Judicial Review in respect of the Warehouse application, which was against the Secretary of State with the Council as a second defendant, was now listed to be heard on 9 September 2021.

In respect of the Lidl Judicial Review, the Council has now agreed a Consent Order and the original application would be sent back to the Local Planning Authority to make a new decision on the application.

There remains a disagreement between the original objector (Tesco) and the Planning Authority as to whether policy ER10 of the Local Plan had been properly applied and it would now be for the Council to decide again whether that was the case and to both decide how the application should be decided, by delegated powers or Committee, and whether to refuse or grant it.

In response to a question the Principal Solicitor confirmed that the original consultation process was still valid in respect of the redetermination of the application.

RESOLVED –

That the report be noted.

THE CHAIR CLOSED THE MEETING AT 8:17 PM