



Minutes of the DEVELOPMENT CONTROL COMMITTEE held on THURSDAY 03 MARCH 2016 at 7.00 pm.

Present: Councillor A Geary (Chair)
Councillors: Baume, Bint, Buckley, Exon, Gowans, Lewis, Morla, White, C Williams and P Williams.

Officers: A Rose (Service Director - Planning and Transport), S Manley (Head of Development Management), S Evans (DM - Strategic Business Unit Manager), N Wheatcroft (Senior Planning Officer), K Lycett (Senior Planning Officer), E Catchside (Senior Planning Officer), S Hine (Senior Planning Officer), S Gee (Senior Planning Officer), A Burton (Rights of Way Officer), G Clark (Senior Environmental Health Officer), J Robinson (Senior Planning Obligations Officer), N Ahmad (Solicitor - Planning) and D Imbimbo (Committee Manager).

Apologies: Councillors Green and Morla

Also Present: Councillors Crooks and Morris

Number of Public Present: 55

DCC73 CHAIRMANS WELCOME

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

DCC74 MINUTES

That the Minutes of the meeting of the Development Control Committee on 4 February 2016 the meeting of the Development Control Panel on 21 January 2016 be approved as accurate records and signed by the Chair as such.

DCC75 DECLARATION OF INTERESTS

None were made.

DCC76 REFERRAL FROM COUNCIL

The Committee considered a Petition that had been presented at Full Council and referred to the Committee in the terms;

‘Planning Inspector to dismiss appeal APP/Y0435/W/15/3134194 – Church Farm Access – We want a bridge over Byrd Crescent to create a grade separated crossing’.

The Committee noted that a paper had been published setting out the position in respect of this matter. It was commented that the Committee was satisfied that officers always sought to defend decisions of the Committee, however it was important that the petitioners recognise that whilst there were many different objections made to the application the decision of the committee could only be based on planning reasons, which many of the original objections were not and that it was on this basis that the appeal would be defended.

DCC77 REPRESENTATIONS ON APPLICATIONS

Councillor Whipp of Newton Longville Parish Council spoke in objection to application 15/01695/FUL, Hybrid application - Full planning application for 34 residential units and 1,724 sqm of retail (7 units) with associated access, landscaping and car parking. Outline planning permission for - Care Home, (Use Class C2), Public House (Use Class A4), Day Nursery (Use Class D1) with all matters reserved aside from access at Land to the North of, Arran Way, Newton Leys.

Mr J Harper (applicants agent) and Mr Kelly-Wilson (Residents Association) exercised the right of reply

DCC78 PLANNING APPLICATIONS

15/02731/MIN CONSTRUCTION OF WASTE TRANSFER STATION, READY MIX CONCRETE PLANT AND OVERNIGHT PARKING OF 14 HGVS (RESUBMISSION OF 14/02589/MIN) AT COTTON VALLEY SEWAGE WORKS, PINEHAM FOR MR JOHN GOUGH

The Senior Planning Officer told the Committee that an update report had been published giving details of notice of an additional planning consideration in respect of an application to Historic England to list some of the buildings within the Sewerage Works complex, that had been submitted since publication of the agenda, and as this was a material consideration it was now recommended that the Committee defer determination of the application to allow a full assessment to be carried out.

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

The Committee heard from Councillors Crooks and Morris during consideration of the matter.

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

unanimously, and it was;

RESOLVED –

That determination of the application be deferred to allow a full assessment of the Heritage Assets and the potential impact of the development on them.

15/01913/FUL

REFURBISHMENT OF KINGSTON CENTRE SHOPPING PARK TO INCLUDE RECONFIGURATION OF EXISTING CAR PARKS AND DEMOLITION OF COVERED WALKWAY TO IMPROVE PEDESTRIAN AND VEHICULAR CIRCULATION, ASSOCIATED HIGHWAY WORKS INCLUDING IMPROVEMENTS TO BUS BAYS, RE-CLADDING OF RETAIL TERRACE UNIT FACADES, CREATION OF NEW PEDESTRIAN PROMENADE, NEW EXTERNAL CHILDREN'S PLAY SPACE, REMODELLING OF HARD AND SOFT LANDSCAPE AND ERECTION OF DECKED STAFF CAR PARK ADJOINING WINCHESTER CIRCLE AT WINCHESTER CIRCLE, KINGSTON, MILTON KEYNES FOR BRITISH LAND

The Committee heard from the Senior Planning Officer that the reference in the Committee report to the Landscape Officer awaiting further information had been resolved and confirmation had been received that any outstanding matters could be resolved by the landscaping condition.

The Senior Planning Officer also reported that an additional representation had been received seeking clarity in respect of the provision of motorcycle parking.

In response to this it was recommended that condition 10 be amended to read;

‘Prior to the development being brought into use details of the proposed bicycle and motorcycle parking shall be submitted to and approved in writing by the Local Planning Authority and the scheme approved shall be provided and be retained thereafter.

Reason: To ensure that adequate parking facilities are provided to serve the development.’

It was further recommended that an additional condition in respect of details of the children’s play area be agree in the terms;

'Prior to the play area hereby permitted being brought into use, details of the play equipment and its location shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the details hereby approved.

Reason: In the interests of the amenity of the area and in accordance with Appendix L3 of the Milton Keynes Local Plan'

Councillor A Geary proposed that the application be granted subject to the conditions as detailed in the Committee report as amended above together with the additional condition be agreed, this was seconded by Councillor Exon.

Members of the Committee expressed concern that the proposed amendment to condition 10 could be misinterpreted to imply that bicycle and motorcycle parking would be combined and it was proposed by Councillor C Williams that the condition be further amended to include the word 'both' between 'of' and 'the'.

Prior to the development being brought into use details of *both* the proposed bicycle and motorcycle parking shall be submitted to and approved in writing by the Local Planning Authority and the scheme approved shall be provided and be retained thereafter.

This was seconded by Councillor P Williams, the amendment was accepted by Councillor A Geary.

Concern was also expressed in respect of the application as a whole which whilst compliant with policy was considered likely to result in a detrimental outcome for the public, the loss of a covered walkway was not a benefit.

Councillor P Williams sought clarification that parking bays for persons with disabilities would be provided near the array of restaurants on the opposite side of the complex to the Tesco Store. It was proposed that if the Committee were minded to grant the application an informative be added in the following terms;

'That the Committee would seek to encourage the

applicant to work with Officers to ensure that sufficient parking provision for persons with disabilities be made available on the eastern flank of the site'

On being put to the vote the proposal to grant the application in the above terms was carried, and it was;

RESOLVED –

1. That planning permission be granted subject to the conditions as detailed in the Committee Report as amended above together with the additional condition as above.

2. That an informative be added to read;

'That the Committee would seek to encourage the applicant to work with Officers to ensure that sufficient parking provision for persons with disabilities be made available on the eastern flank of the site'.

15/01695/FUL HYBRID APPLICATION - FULL PLANNING APPLICATION FOR 34 RESIDENTIAL UNITS AND 1,724 SQM OF RETAIL (7 UNITS) WITH ASSOCIATED ACCESS, LANDSCAPING AND CAR PARKING. OUTLINE PLANNING PERMISSION FOR - CARE HOME, (USE CLASS C2), PUBLIC HOUSE (USE CLASS A4), DAY NURSERY (USE CLASS D1) WITH ALL MATTERS RESERVED ASIDE FROM ACCESS AT LAND TO THE NORTH OF, ARRAN WAY, NEWTON LEYS FOR HDD NEWTON LEYS LTD AND TAYLOR WIMPEY SOUTH MIDLANDS

The Committee heard representations from the representative of Newton Longville Parish Council that there were concerns in respect of traffic impact on Newton Longville. The Committee heard that traffic through the village had increased to unacceptable levels due to vehicles travelling through the village to access the Newton Leys developments. The Parish Council had not been consulted on the plans and wanted assurances that measures would be put in place to address the problem.

The Applicants agent told the Committee that the scheme had been assessed by the Councils

Highways Officers and deemed acceptable in terms of its impact of the local roads network. The Representative of the Residents Association told the Committee that the residents of Newton Leys wanted local facilities provided as a matter of urgency as there was currently no provision for shopping or even children's play in the area.

The Senior Planning Officer told the Committee that an update report had been published setting out amendments to conditions, it was however also recommended that additional conditions be agreed in the following terms in respect of phases 1 and 2;

'1. Prior to the commencement of any development on site for both Phase 1 and 2, a Construction Environmental Management Plan (CEMP) should be submitted to Milton Keynes Council for approval prior to the commencement of works. Contractors would be expected to minimise impacts of noise, dust and vibration to residents, and to adhere to the following hours of working:-

- a) Monday – Friday: 08:00 to 18:00 Hours
- b) Saturday – 08:00 to 13:00 Hours
- c) Sunday and Bank Holiday – No working at all

Reason: To ensure that construction works are not harmful to the amenity of nearby properties and occupiers.

And;

2. Once occupied, all retail units (8 in total) contained within Phases 1 and 2, and the childcare day nursery shall not be operated outside the hours of 07:00 to 23:00 Monday to Sunday.

Reason: To limit noise and disturbance to nearby properties and occupiers'

The Committee was told that existing problems in Newton Longville could not be considered as part of the application and that the local community very much supported the application as local facilities were at present non-existent, and that the recommendation remained to grant the application subject to the Conditions detailed in the Committee report as amended and the additional conditions.

Councillor A Geary proposed that the Officer

recommendation be agreed, this was seconded by Councillor White.

Councillor Gowans told the Committee that he was a resident of Newton Leys and whilst he was supportive of the principle of a local centre being built he held reservations about the changed location. This was as the proposed site was originally allocated for employment. The proposed location was also a significant distance from the western part of Newton Leys, this was likely to result in additional car journeys rather than encourage users of the facilities to walk.

There was also a shortfall in parking places that would prove a problem if more users travelled by car, Councillor Gowans also asked for clarification as to whether permitting this development would result in the new location for the travellers site being established by default?

The Solicitor (Procurement and Planning) asked Councillor Gowans to consider whether he had a prejudicial interest in the application as he was a resident, due to the impact of the location if the application were approved and the impact on his personal wellbeing as a resident.

Following a short adjournment Councillor Gowans stated that he had spoken as a member of the Committee and was approaching the matter from a planning perspective, however, he recognised that he had a personal interest but did not believe this to be prejudicial, but for the avoidance of doubt he would step down from the Committee for the remainder of the debate and would not vote on the matter.

Members of the Committee further sought clarification as to the scale of the proposed facility as the employment of 180 FTE persons suggested it would be large, and whether there was an obligation on the Council to consult with Newton Longville Parish Council.

Members of the Committee further expressed concern about the fact that the application was 'hybrid' and therefore there were elements therein that made parts of the overall application less desirable and in their own right may not be

supported.

The Senior Planning Officer confirmed that there was a shortfall on the Parking provision but this was balanced against the mix of uses on the site, which would see different parts experience peak attendances at differing times.

It was further confirmed that a connectivity survey had been undertaken to establish whether residents would be able to access the community centre with ease as the location had changed from the more central location that had originally been proposed. The final setting of the travellers site was a matter that would be addressed when the relevant land parcel was planned.

It was further noted that a comparable centre was difficult to identify due to the mixed facilities proposed on this site, however, the large and smaller retail units could be compared to Willen, Grange Farm and Walnut Tree.

It was also confirmed that full consultation had been undertaken, and neighbouring authorities were being regularly updated on the development of the estate.

The Committee heard that whilst it was a hybrid application, the conditions had been separated into the various elements to avoid any confusion.

Councillor P Williams stated that he had concerns about the impact on Newton Longville and was disappointed to hear that there appeared to be little communication between the Applicants and neighbouring Parishes.

The Chair acknowledged the good work of the Planning Officers in having negotiated as good a scheme as they could taking account of viability issues and the need for a local centre.

The Senior Planning Officer told the Committee that if they had concerns about parking an additional condition to include a parking management plan could be applied.

Councillor C Williams raised concern about the wording of the proposed additional condition 1.

(above), as it was not seen as being robust enough and he proposed that the wording be amended to read;

‘Prior to the commencement of any development on site for Phase 1 or 2, a Construction Management Plan (CEMP) shall have first been submitted to and approved in writing by the Local Planning Authority and thereafter fully implemented fully in accordance with such approved details; such details within the CEMP shall be fully in accordance with details contained within Appendix E of the Proposed Code of Construction Practice of the Environmental Noise Assessment received 28th of July 2015 in respect of noise, dust and vibration. Notwithstanding the hours of construction identified in the Appendix E of the Proposed Code of Construction Practice of the Environmental Noise Assessment received 28th July 2015 the hours of construction shall be:

- a) Monday – Friday: 08:00 to 18:00 Hours
- b) Saturday – 08:00 to 13:00 Hours
- c) Sunday and Bank Holiday – No working at all

Reason: To ensure that construction works are not harmful to the amenity of nearby properties and occupiers.’

This was seconded by Councillor Bint

Councillor A Geary stated that as mover of the original motion he was happy to accept the amendment.

Councillor A Geary further proposed that an informative be added to read;

‘The Committee would expect the Developer to liaise with and work with Newton Longville Parish Council to address any issues that may arise as a result of the development’

This was seconded by Councillor P Williams.

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

RESOLVED –

1. That Planning permission be granted subject to the conditions as detailed in the Committee report amended as detailed in the published supplementary paper together with the additional condition as detailed above.
2. That an informative to read;

'That the Committee would expect the Developer to liaise with and work with Newton Longville Parish Council to address any issues that may arise as a result of the development'

DCC79 EAGLE FARM NORTH DESIGN CODE

The Committee considered a report in respect of the Eagle Farm North Design Code and heard that the Code had been drawn up by developers as part of a S106 obligation, therefore there had been no officer or Member input into it. It was noted that there was no reference to that fact in the Code and therefore any future printed copies would be endorsed on the front to reflect that fact.

The Senior Planning Officer recommended that the Eagle Farm North Design Code be approved.

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

Councillor P Williams stated that he believed that the detail was uninspiring for a development which is situated at the gateway to the Town.

On being put to the vote the proposal to approve the design code was carried, and it was;

RESOLVED –

That the Eagle Farm North Design Code be approved.

DCC80 DELEGATION OF POWERS UNDER SECTION 119 HIGHWAYS ACT 1980 RAVENSTONE FOOTPATH 4

RESOLVED –

That the Powers under Section 119 Highways Act 1980 in respect of Ravenstone Footpath 4 be delegated to the Rights of Way Officer.

DCC81 DELEGATION OF POWERS UNDER SECTION 257 TOWN & COUNTRY PLANNING ACT 1990 OAKGROVE FOOTPATH 32

The Committee considered a report in respect of the delegation of Powers under Section 257 Town and Country Planning Act 1990 Oakgrove Footpath 32.

The Committee heard from Councillors Pafford, Brown and T Baines of Campbell Park Parish Council during consideration of this item.

The Committee heard that there were concerns about the intentions of the landowner as the footpath was blocked. It was recognised that there was a large amount of public concern about the proposal to divert the footpath and confirmation that a full consultation would be undertaken, The Parish Councillors told the Committee that they would prefer to see the Committee make the final decision in respect of a diversion of the footpath.

The Rights of Way Officer told the Committee that a full consultation procedure would be undertaken as required by the Act.

The Committee took a view that the consultation ought to be commenced but asked that the decision to agree the diversion be brought back to committee with a full report for the confirmation part of the procedure.

Councillor Bint proposed that the powers under Section 257 Town and Country Planning Act 1990 in respect of Oakgrove Footpath be delegated to the Rights of Way Officer , with the final confirmation part of the procedure being referred back to the Committee for approval, and that the consultation be widened to all affected parties including Ward and Neighbouring Ward and Parish Councils.

This was seconded by Councillor White.

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

RESOLVED –

That the powers under Section 257 Town and Country Planning Act 1990 in respect of Oakgrove Footpath be delegated to the Rights of Way Officer , with the final confirmation part of the procedure being referred back to the Committee for approval and that the consultation be widened to all affected parties including Ward and Neighbouring Ward and Parish Councils.

DCC82 DEFINITIVE MAP MODIFICATION ORDER - WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53

The Committee considered a report in respect of a Definitive Map Modification Order (DMMO) to add a footpath to the map at the junction of Gleneagles Close, Bletchley and the eastern edge of the Windmill Hill Golf Course, the Committee heard from the Rights of Way Officer that The route was claimed to be 8.5m wide, the Committee was told that the Council would usually apply a footpath of 1.5 – 1.8m in width, however the Act allowed for a width that is commonly used.

The Rights of Way Officer told the Committee that having conducted the relevant enquiries he was confident that the statutory tests had been completed and he therefore recommended that the application be approved.

The Committee heard from the Applicant, Mr Giles, in respect of the application.

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

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

RESOLVED –

That the Council make a DMMO in accordance with Section 53(2)(b) of the Wildlife and Countryside Act 1981 (which provides that the authority shall, from the commencement date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of the events referred to in Section 53(3), by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event) to record a public right of way for pedestrians over the route marked A – B on Plan 1.

THE CHAIR CLOSED THE MEETING AT 9:35PM