

## ITEM 6(d)

**Application Number:** 20/02159/DISCON

**Description** Details submitted pursuant to the discharge of conditions 16 (proposed lighting plan), 18 (car park management plan) and 21 (mural scheme of re-erection) relating to application 18/01469/FUL

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

**For** Aldi Stores Limited

**Target:** 30 October 2020

**Extension of Time:** Yes - 10 November 2020

**Ward:** Stantonbury

**Parish:** Stantonbury Parish

**Report Author/Case Officer:** Katy Lycett  
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### 1.0 RECOMMENDATION

1.1 It is recommended that details pursuant to Conditions 16, 18 and 21 are approved and are therefore discharged.

### 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 16 – Proposed Lighting Plan**

No building or use hereby permitted shall be occupied or the use commenced until a lighting plan has been submitted to and approved in writing by the Local Planning Authority. If any lighting is required within the vicinity of existing or newly created bat features, it shall be low level, with baffles to direct the light away from the features, thus preventing severance of bat commuting and foraging routes. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the development or the commencement of the use and shall be subsequently retained in that form thereafter.

Reason: To ensure the Protected Species is adequately protected and in accordance with policies D1 and NE2 of Plan:MK.

### **Condition 18 – Carpark Management Plan**

Development shall not be occupied or the use commenced until details of a scheme for the management of the car park has been submitted to and approved in writing by the Local Planning Authority. The scheme approved shall be implemented and remain thereafter unaltered unless agreed in writing by the local planning authority. For the avoidance of doubt the scheme should include details of the proposed monitoring and review of the use of the car park and appropriate measures to control parking to ensure that the displacement of vehicles does not arise. Details to include all measures, signage and operating hours.

Reason: to avoid the displacement of parking in the interests of highway safety and convenience.

### **Condition 21 – Mural Re-Erection**

Prior to the occupation of the development hereby permitted, the Bicycle mural shall be re-erected in a new location in accordance with a detailed scheme of re-erection to be submitted to and approved in writing by the Local Planning Authority. The scheme of re-erection shall include full details of the proposed location, its final appearance and all works associated with its installation.

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

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

## **3.0 RELEVANT POLICIES**

### **National Policy**

### 3.1 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 was 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 NE3 Biodiversity and Geological Enhancement  
Policy NE4 Green Infrastructure  
Policy CT10 Parking Provision

### 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  
Lighting  
Carpark Management  
Impact of works to Mural

## 5.0 **CONSIDERATIONS**

### Principle

5.1 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.

### Lighting

5.2 Details have been submitted as part of the DISCON providing information regarding the proposed external lighting scheme for the site. Comments provided by the Council's Countryside Officer confirm that the details submitted were appropriate for this development with regards to wildlife.

5.3 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.

### Carpark Management

- 5.4 The submitted strategy highlights the intention for an initial approach to not restrict parking on site but to monitor it closely. Appropriate signage and 'parking eye' technology is also to be installed from the outset of the store being opened, in order to do this, this approach is accepted by Highways Officers.

### Mural Re-Erection

- 5.5 After significant consideration of various alternative options, the proposed new location for the existing mural to be relocated has been selected as demonstrated in the attached plans. The new location is considered to offer the greatest level of opportunity for public view and appreciation in addition to the highest level of natural surveillance from the store site.
- 5.6 Other potential locations were considered but concluded not to be suitable. The mural is to be set facing into the Aldi site so it will be clearly viewed when entering the car park but also could be viewed from other points within Stantonbury Campus. The rear faces onto the pedestrian links, falling outside the site boundary.
- 5.7 Details have therefore been provided to demonstrate that the mural can re-erected within the development in the proposed new location in the north west of the site. The mural will be able to be viewed and enjoyed in the long-term in a secure location which is commensurate with the original aims of the condition.
- 5.8 At this stage it is important to highlight that the considerations of this particular Discharge of Condition application relate only to the installation of the mural in the new location. Previous submissions have dealt with the mural being dismantled and stored. Details of significant discussions and correspondence around the other two conditions relating to the mural were presented at a previous DCC meeting and were agreed and subsequently approved.

## **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

Details 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  
Approved 12.08.2020

20/00893/DISCON

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  
Approved 25.06.2020

## **A2.0 CONSULTATIONS AND REPRESENTATIONS**

### **A2.1 Stantonbury Parish Council**

At the Parish council meeting of the 16 September 2020 the Parish Council voted to fully support this application for the proposed location of the bicycle wall.

### **A2.2 Cllr Minns - Stantonbury**

No formal comments received

### **A2.3 Cllr Petchey - Stantonbury**

No formal comments received.

### **A2.4 Cllr Walker - Stantonbury**

No formal comments received.

### **A2.5 MKC Conservation and Archaeology Manager**

Significance

As set out in conservation response for 18/01469/FUL.

Development Principle

The principle of taking down and re-erection of the mural is established through 18/01469/FUL and 20/00893/DISCON. The principle of re-erecting the mural on the current development site is acceptable.

Development Detail

The proposed position is located with the current development site which is a positive step over previous, mooted only, positions outside the site. There are a limited

number of positions where the mural might be positioned on the site due to its size. All positions carry with them advantages and disadvantages. The current proposal is of a position that will gain some natural sunlight, to aid with moisture evaporation. This is better than a north facing position (for example on the north elevation of the building, where it would have been likely to receive no direct sunlight, as previously suggested by stakeholders), but not as advantageous as one that is more southerly facing (as currently exists). The proposed position has the advantage of being readily visible to everyone using the adjacent footpath and bus stop. The view is more oblique that would be ideal and the position on the outside of the site brings with it the risk of vandalism that faces any such artwork in the public realm, (although it might be argued that this risk was already present in the existing situation of a barely used local centre).

The disadvantages above could easily be significantly improved by a landscaping scheme opposite the mural to thin away some of the closest trees and create a pleasant local area from which to view the mural. Unfortunately, this falls outside the red line and the control of the applicant. There are technical questions that need clarification or amendment, I have set these out below, however, in coming to a view on the proposed location these are taken for the time being as if they will be addressed satisfactorily by the applicant. The location proposed is not without issues, this is also true of other locations. The possible exception to this is leaving the mural stood in its current position, however, this would create other issues and the applicant already has planning permission to take the mural down and re-erect it, so is not bound to leave it in situ.

Whilst not the ideal position, on balance, harm would not be caused to the mural in erecting in the position shown where it can be easily appreciated in a quiet environment by any member of the community or wider public using the footpath or making a specific visit to view it. It would ultimately preserve the mural where it can be seen. Technical points that require clarification form the applicant in order for the application to be acceptable:

1. Consideration of a damp proof course should be incorporated to prevent excessive ground / low level moisture absorption that could affect the mural.
2. Steel structure should be painted a colour that complements the brickwork (i.e. not grey) so as not to be so immediately obtrusive.
3. New brickwork should match that of the existing mural substrates.
4. New mortar to tile joints must be red to match existing.
5. Joints widths to match existing insofar as is possible, allowing for variance already present.
6. Confirmation of storage location (i.e. within the site) to be confirmed.
7. Consideration and solution provided to how anti-social behaviour around in the area behind the mural will be prevented, similarly, how the risk of vandalism might be reduced and discouraged, for example, through the use of appropriate lighting.

Subject to the above points being satisfactorily addressed, the proposed location, on balance, will not cause harm to the mural which has permission to be dismantled and re-erected.

**Further comments received following the submission of additional/revised information which is appended to this report.**

The applicant has satisfactorily addressed the first six points of my consultation response.

In respect of the last point (area behind the mural), the latest plan shows fencing to each side of the mural, although it does not confirm the specification, appearance and height of this fencing. These aspects will need to be clarified in order to be fully considered, in addition, their appearance be appropriate to the overall presentation of the mural.

**A2.6 MKC Public Arts Specialist**

I have reviewed the proposal and read the relating emails from the Public Art Trust and stakeholders, given that approval has been granted for the dismantling and relocation of the artwork my decision is based on gaining the best possible outcome for the long term security of the artwork. Each potential location presents issues that need further consideration, but overall the preferred location appears to offer an option that will keep the artwork in its entirety, be visible and accessible to the public whilst sitting within the ownership of Aldi. Therefore, I have no objection to the preferred location if we can get reassurance or further details on:

- Are there any plans for lighting the artwork so it can be enjoyed at all times and potentially reduce vandalism
- That the Steel Structure is not overtly obvious or in conflict with the artwork - consideration of colour and style
- The structure and brick is sympathetic and a match to the original brick and mortaring
- How the rear of the mural is protected from becoming a space for vandalism or anti-social behaviour
- Although I note that the land opposite is not within the gift of Aldi to manage, it would be good to know if they have had any conversations and what the feedback has been from the Parks Trust to the idea of the planting being cut back to create a space from which the artwork can be viewed more easily.

**Further comments received following the submission of additional/revised information:**

Additional comments to be provided within the DCC Update Paper.

**A2.7 MKC Countryside Officer**

Just to confirm I am satisfied with the additional information provided by the applicant re: the location of the bat boxes. Therefore, I content that condition 16 can be discharged.

## A2.8 MKC Highways

“While the plan refers to an initial no time restriction it is saying for Aldi customers. This will potentially displace parking as it will discourage non-Aldi customers to park elsewhere causing highway safety issues elsewhere.

The transport assessment provided information that there was spare capacity to cope with the Aldi customers and the previous demand. I suggest the monitoring at this stage without any associated signage so delete the first bullet point.

The last bullet point to be revised to something like:

Should observations and data analysis demonstrate that there are delays to customers and highway safety then an alternative scheme for management shall be submitted and agreed in writing by the local planning authority.”

Officer note: A revised document was duly submitted following these comments being issued removing reference to the time restrictions for parking. This is an acceptable approach and will limit the instances of cars being displaced within the site.

## A2.9 MK Forum

As per my previous email I have now had the chance to look at the proposed site and I have attached a photo of it for those recipients of this email who are unfamiliar with it.

I think that it has a number of attributes but I think that there is a better site for Bicycle Wall, which is in the triangular bed at the entry to your site, as shown on the attached plan. For the sake of convenience I will use "Proposed Site" to refer to your suggestion and "New Site" to refer to ours.

Firstly, we need a slight recap to consider the existing location of the mural and why it has suffered only the most minimal of damage over the 40+ years since it was erected. I suggest that there are a number of reasons for this:

1. It is respected by the community because it was an integral part of the school (but this might be fading with the passage of time).
2. It is in a very public place and, particularly when all of the shops were open, there was a constant stream of people walking past it, so it had a high degree of surveillance as a matter of course.
3. There is built in barrier in front of it due to the landscaping (albeit that this obscured part of the mural because it was not properly maintained).

Any new relocation proposal should consider these particular points alongside others such as aesthetic appeal, artistic relevance etc.

Having seen the Proposed Site I have a number of particular concerns:

1. It is very close to a public footpath - almost within touching distance. Even with a strip of barrier planting, such as pyracantha, in front of it I fear that it will be highly vulnerable. It will be a very tempting target for people who wish to stand back and throw objects at it or daub it with graffiti. It will only take one person to do irreparable damage, the cost of which would fall to Aldi. There would be inevitable public concern and criticism of Aldi should they not repair it..
2. Whilst it will be visible to people outside the site, there is no natural supervision other than from passers-by. There'll be no supervision, for example, from Aldi's staff as they go about their daily business. I worry that it will be a case of "out of sight, out of mind".
3. You will need to extend your site compound to re-erect it and close some, if not all, of the adjacent footpath to allow the building operations to take place: this will result in increased construction costs.
4. It will potentially require the removal of existing trees to improve visibility.
5. It could act as a potential constraint upon redevelopment or extension of the store at some point in the future.
6. It has no obvious connection with the original site. It will look as though Bicycle Wall has been "plonked" in that location for no specific reason. It will not look as though it has been designed for that particular spot.

The advantages of the New Site are:

1. It is highly visible and will be supervised as a matter of course throughout the day both by customers and Aldi staff. I presume that you will also have CCTV in the car park. The risk of malicious damage is therefore minimised. It would, I would have thought, be more secure than it was in its previous location.
2. It is close to the original location and in the same orientation. To all intents and purposes it will seem that it has always been there and that the rest of the building has been demolished (indeed, some people will undoubtedly think that that is what has happened!) It therefore has artistic integrity.
3. It will sit within a landscaped bed that will give it a proper dignity. I would envisage climbing plants up the rear wall although it could be a "green wall" were you so enthused.
4. It will be visible to Aldi's customers and visitors to the health centre, dental suite and school, as at present.
5. It will give you the option of using a crane to lift it in one piece to its new site, if that were to prove cost advantageous.
6. It will remain within your existing site compound.

Above all, our proposal for the New Site just seems like a natural solution and so much better than the alternatives (including my original suggestion to put it on the north wall of your building). Furthermore I think that it would provide something of which Aldi and your professional team could be genuinely proud: a starring example of how you have listened to, and worked with, the community. It will give you an excellent opportunity for publicity, far more so than with the Proposed Site. It should prove an exemplar of how to undertake such sensitive work.

The only drawback that I can think of is the traditional one of a retailer who fears that it will obstruct the view of the shopfront. However, I would counter this by pointing out that a) the site is at the end of a cut-de-sac and therefore all visitors will have made specific journeys to visit Aldi and b) I note that you are planning to erect a totem sign that will be visible from V7.

I can understand that there was an initial reluctance to incorporate Bicycle Wall within your site but now, having done so, I would ask that you embrace it with enthusiasm to create something of which we can all be proud. I hope that you and your client will agree.

I hope therefore that you will support this proposal which seems to have lots of advantages and no discernible negative points (that I could find).

We have further comments to make further to our submission dated 6 October. In view of the specific nature of Points 1 and 2 we have referred them to Aldi direct, but have yet to receive a response.

### **1. Potential Redway Closure**

Aldi have averred (in an email of 30 September 2020 – copy attached) that “the boundaries of the working area (for re-erecting the wall) are limited to the current development site” and that the adjacent redway will be “remain open and passable at all times”. According to our calculations, based upon submitted drawing 140133-1411-P3, the front face of the mural will be c1.25m from the site boundary. We consider that this provides insufficient working area for the mural’s re-erection and, furthermore, because of the height of the mural, there could be a danger to passers-by in the event of an accident. This issue, in itself, is not insuperable, but we believe that it is clear that the adjacent redway, in part at least, must be closed. This in turn will require the applicant to revise the Method Statement that has already been approved through the discharge of Condition 20 and, we presume, seek a Traffic Regulation Order via the Council.

### **2. Mural Reassembly**

We note that the joint width specified on the applicant’s drawing 10018-0402A is 10mm whereas the cuts made when the mural is disassembled will be approximately 3mm (the width of the blade of the angle grinder). There is therefore a clear conflict. Is it intended that the Ancron wall ties should be bonded into a 3mm joint (which, we suggest, might not provide the right degree of stability for the wall) or is it intended that the contractor will work on each panel and cut away sufficient of the existing mortar to create a 10mm gap?

Clearly, having cut a 3mm gap between each piece, it would not be feasible to reassemble the mural with a 10mm gap because this would throw the whole mural out of alignment as it would increase each cut joint by c7mm. We therefore need for further information from the applicant concerning the precise reassembly process.

### **3. Storage**

We note from an email from Dan Templeton to Katy Lycett (8 October) that the mural is now to be stored within the site once it has been disassembled. We have no objection to this but there will need to be an appropriate revision to the Method Statement (see above). For example, is it still proposed to store the mural in wooden crates and will the crates be stored within a steel container?

### **4. Update Drawings**

The same email (see 3 above) refers to a number of changes to drawing no 10018-0402A. We presume that the drawing itself will be updated prior to DCC.

### **5. Officer Comments**

We note the comments from Simon Peart and Louise Izod and note that both have raised the issue of potential vandalism to the mural as shown in the current proposal. We look forward to Aldi's response to this.

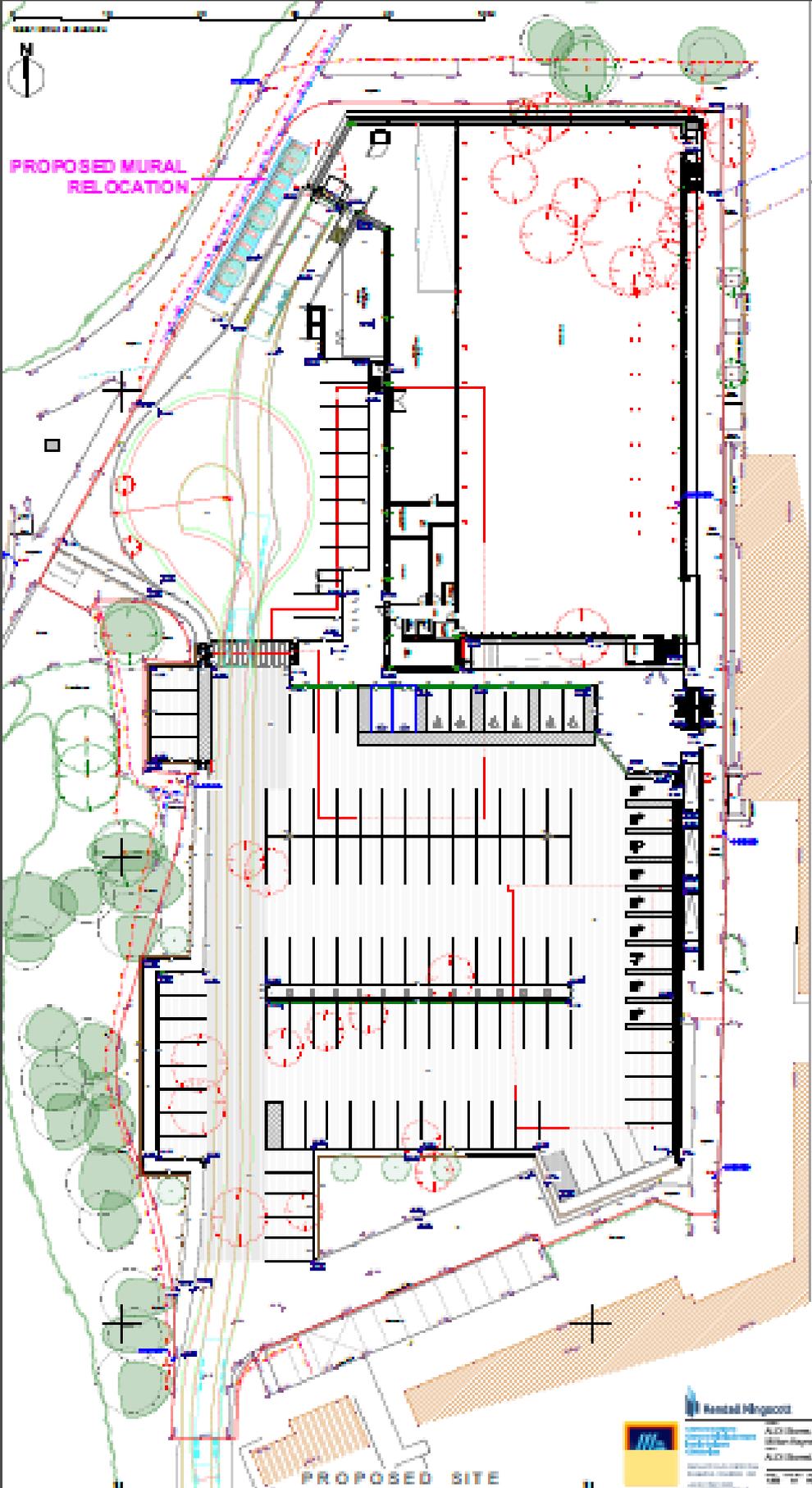
We continue to be of the opinion that the proposed location of the mural places it at high risk damage from vandalism and that the application should be rejected.

## **A2.10 Public Representations**

A further third party representation was received highlighting the following:

- The mural is locally significant and has important heritage impacts.
- The artwork should be retained as one unit.
- Risk of vandalism.
- Lack of clarity of re-erection of the mural elsewhere.
- Loss of historic community project.
- Technical queries regarding the mural being reinstated.
- Risk of damage to the mural.
- Proposed alternative location to the South of the site would be preferred.





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