

Minutes of the meeting of the DEVELOPMENT CONTROL COMMITTEE held on THURSDAY 7 NOVEMBER 2019 at 7.00 pm.

Present: Councillors Alexander, Baines, Brackenbury, Brown, Exon, A Geary, Legg, McLean, Petchey and Wallis

Officers: T Darke (Director Growth, Economy and Culture), J Palmer (Head of Planning), S Hine (Development Management Manager), P Keen (Development Management Team Leader), D Buckley (Senior Planning Officer), D Law (Senior Planning Officer), P Caves (Senior Engineer - Development Management [Highways]), N Roy (Principal Solicitor) and S Heap (Committee Services and Scrutiny Manager)

Apology: Councillor Bint

Also Present: Councillors P Geary, Hosking, Lancaster, Miles, Rankine and Wales, N Weeks (Highways Consultant) and c48 members of the public

DCC41 ELECTION OF CHAIR

RESOLVED –

That Councillor Brown be elected Chair of the Committee for the meeting.

DCC42 INTRODUCTIONS AND WELCOME

The Chair welcomed members of the public and councillors to the meeting and explained the procedures to be adopted.

DCC43 MINUTES OF PREVIOUS MEETING

RESOLVED -

That the Minutes of the meetings of the Development Control Committee held on 10 October 2019 and the Development Control Panel held on 19 September 2019 be agreed and signed by the Chair as correct records.

DCC44 DECLARATION OF INTERESTS

Councillor Brackenbury advised the Committee that he had received correspondence from the Applicants in respect of Application 19/01195/FUL (Land at Corner of Lavendon Road and Warrington Road, Olney), on which he had neither commented nor formed a view and therefore he would be taking part in the consideration of the application.

7 November 2019

CHAIR'S INITIALS.....

JTB

Councillor Brown advised the Committee that in respect of Application 15/00619/FUL (Land at Buckingham Road, Tattenhoe Roundabout, Standing Way to Bottle Dump Roundabout) the site adjoined the Ward he represented and he had spoken to residents about the proposed development and advised on process, but had not expressed a view on the application.

DCC45

PUBLIC PARTICIPATION

No public questions had been received.

DCC46

REPRESENTATIONS ON APPLICATIONS

Mr S Heath, Councillor Whipp (Newton Longville Parish Council), Councillor Rankine (Ward Councillor), Councillor Wales (Ward Councillor), Mr M Galloway (Parish Clerk - Newton Longville Parish Council); and Councillor Thomas (West Bletchley Council) spoke in objection to application 15/00619/FUL (Land at Buckingham Road, Tattenhoe Roundabout, Standing Way to Bottle Dump Roundabout). Mr M Hyde and Ms S Howard exercised the right of reply on behalf of the Applicant.

Mr T Skelton (MK Forum), Councillor Hosking (Ward Councillor), Councillor P Geary (Ward Councillor) and Mr S Axtell (Lavendon Parish Council) spoke in objection to application 19/00212/REM (Land off Olney Road, Lavendon). Mr P Shah Howard exercised the right of reply on behalf of the Applicant.

Councillor C Tennant (Olney Town Council), Councillor Hosking (Ward Councillor) and Councillor P Geary (Ward Councillor) spoke in objection to application 19/01195/FUL (Land at Corner of Lavendon Road and Warrington Road, Olney) Mr T Williamson (Applicant) Mr Best (Agent) and Ms C Fulgoni (Representative of the Applicant) exercised the right of reply.

DCC47

PLANNING APPLICATIONS

15/00619/FUL OUTLINE PLANNING APPLICATION FOR PHYSICAL IMPROVEMENTS TO THE BOTTLEDUMP ROUNDABOUTS AND A NEW ACCESS ONTO THE A421 (PRIORITY LEFT IN ONLY) TO ACCOMMODATE THE DEVELOPMENT OF LAND IN AYLESBURY VALE DISTRICT REFERENCE 15/00314/AOP (FOR OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR A MIXED-USE SUSTAINABLE URBAN EXTENSION ON LAND TO THE SOUTH WEST OF MILTON KEYNES TO

PROVIDE UP TO 1,855 MIXED TENURE DWELLINGS; AN EMPLOYMENT AREA (B1); A NEIGHBOURHOOD CENTRE INCLUDING RETAIL (A1/A2/A3/A4/A5), COMMUNITY (D1/D2) AND RESIDENTIAL (C3) USES; A PRIMARY AND A SECONDARY SCHOOL; A GRID ROAD RESERVE; MULTI-FUNCTIONAL GREEN SPACE; A SUSTAINABLE DRAINAGE SYSTEM; AND ASSOCIATED ACCESS, DRAINAGE AND PUBLIC TRANSPORT INFRASTRUCTURE - EIA DEVELOPMENT) LAND AT BUCKINGHAM ROAD, TATTENHOE ROUNDABOUT, STANDING WAY TO BOTTLE DUMP ROUNDABOUT

The Development Management Team Leader introduced the application with a presentation, referring to the additional documentation circulated, which included updated information submitted by the Development Management Team Leader, correspondence from Newton Longville Parish Council and a submission from Mr S Heath.

In respect of the submission from Mr Heath, the Committee was advised that the information related to technical highway issues which had already been assessed by the Council's Highway Officers and were taken account of in the report before the Committee.

N Weeks (Highways Consultant), clarified that he did not have a conflict of interests as suggested in the submission from Mr Heath.

The Development Management Team Leader advised the Committee that the substantive Planning Application related to a site within Aylesbury Vale District and would therefore be determined by Aylesbury Vale District Council. The site was allocated in the draft Aylesbury Vale Local Plan which out to examination. Application 15/00619/FUL related solely to highway improvements within Milton Keynes resulting from the proposed development.

The Development Management Team Leader also advised the Committee of the following revised recommendation from officers:

- "1. That officers be delegated authority to grant planning permission, subject to the conditions, with the exception of Condition 9, set out in the Committee Report, an approved plans condition and the issue of a decision notice granting planning permission for the development proposed in application reference 15/00314/AOP by Aylesbury Vale District Council.
2. That an Informative be added to the permission setting out that prior to commencement of the highways works the developer must enter into a section 278 agreement with Milton Keynes Council."

Objectors, in summary, referred to the potential impact on existing developments of the increased vehicle movements resulting from the proposed development, of the impacts on the current infrastructure of Milton Keynes, with particular reference to hospital and general practitioner services, and the prospect of additional development being attracted as a result of the highway improvements.

The Applicant's Agents outlined, in summary, that the proposed development would be subject to a Section 106 Agreement which would provide highway improvements to mitigate any impact the proposed development would have on the existing highway network, including improved access for cyclists and pedestrians; would take into account Milton Keynes Council's design principles; and not impact on any plans to construct a South Bletchley Bypass.

In response to questions from the Committee it was noted that:

- (a) the healthcare element of the Section 106 allocation would be directed at Milton Keynes Hospital;

- (b) the Application in front of the Committee related solely to highway issues;
- (c) in relation to the solicitor's letter submitted by Newton Longville Parish Council, it was not necessarily the Council's practice to respond directly to all submissions, but the Council had entered into extensive correspondence and held meetings with the Parish Council;
- (d) the Council could have delegated authority for Aylesbury Vale District Council to determine the Application on its behalf.

Councillor Brown, seconded by Councillor Exon, moved the revised officer recommendation.

The Committee expressed concern at the potential impact on the Council's Grid Road Network if planning permission was granted including the construction of additional roundabouts and the provision of two Toucan Crossings, rather than an underpass, which not only had impacts for traffic movement, but also on pedestrian and cyclist safety and connectivity.

The Committee also commented on the potential value of the Section 106 contribution to health care and the potential for the boundaries between Aylesbury Vale District and Milton Keynes Borough to be reviewed in light of potential developments in Aylesbury Vale District close to its boundary with Milton Keynes.

Concern was also expressed of the potential delay in granting permission if the revised recommendation was to be adopted.

On being put to the vote the motion to approve the revised recommendation was declared lost with 1 councillor voting in favour, 5 councillors voting against and 4 councillors abstaining from voting.

Councillor Brown, seconded by Councillor Exon, moved the officer recommendation to grant the application, subject to the conditions as detailed in the report be approved.

On being put to the vote the motion to approve the recommendation in the Committee's report to grant permission, subject to conditions set out in the report, was declared lost with 2 councillors voting in favour, 6 councillors voting against and 2 councillors abstaining from voting.

Councillor A Geary moved and Councillor Legg seconded:

"That the application be refused, on the basis that in the opinion of the Committee there is insufficient evidence to mitigate the harm of this development in terms of increased traffic flow and impact on the highway and Grid Road network, with specific reference to Standing Way and Buckingham Road, thus this will be in contravention of Policies CT1 and CT2 (A1) of Plan:MK."

On being put to the vote the motion to refuse the application was carried with 7 councillors voting in favour, 0 councillors voting against and 3 councillors abstaining from voting.

RESOLVED –

That planning permission be refused on the basis that in the opinion of this Committee there is insufficient evidence to mitigate the harm of this development in terms of increased traffic flow and impact on the highway and Grid Road network, with specific reference to Standing Way and Buckingham Road, thus this will be in contravention of Policies CT1 and CT2 (A1) of Plan:MK."

19/00212/REM

RESERVED MATTERS APPLICATION FOR 95 DWELLINGS FOLLOWING 17/00165/OUT RELATING TO APPEARANCE, LANDSCAPING, LAYOUT AND SCALE (AMENDED SITE PLAN) AT LAND OFF OLNEY ROAD, LAVENDON

The Senior Planning Officer introduced the application with a presentation referring to the additional documentation circulated, which included additional representations from Lavendon

Parish Council, Mr A Thomas and Mr T Skelton on behalf of Milton Keynes Forum.

The Senior Planning Officer reported that the outline Application had been granted on Appeal.

It was also reported that Mr Skelton, on behalf of Milton Keynes Forum, had submitted two questions relating to Open Space Provision and a revised plan had been submitted by the Applicant to show clearly which area would be open space

With regard to the proposed housing mix for the development, while the mix had been improved, following negotiation, by the inclusion of more three bed dwellings and fewer four bed dwelling it still did not meet the mix requirements laid down in Plan:MK. However, the Senior Planning Officer was of the view the proposed housing mix was acceptable taking account of the local context and he noted that the number of affordable homes was in line with Plan:MK requirements.

The Committee was advised of a Court ruling which held that housing mix could not be taken into account at reserved matters stage unless it had been secured through the original outline permission

Objectors, in summary, referred to the provisions for future maintenance of open space; housing mix; education, health and public transport provision; the impact on the emerging Neighbourhood Plan; the vulnerability of the Village to further development if the Application is approved; and the impact on the Village's sense of community.

The Applicant's Agent outlined, in summary, that the principle of development on this scale had been accepted when the outline application was granted; the Applicant had been working with the Council to make improvements to the Outline Scheme and that this had included working towards Plan:MK Standards; if the housing mix was to be further amended it would result in the loss of

open space; and the Applicant was willing to work with the Council and the Parish Council if the Application was approved.

The Applicant's Agents acknowledged that there were local concerns about the scheme.

In response to questions from the Committee it was noted that:

- (a) there would be both a Construction Management Plan and a Landscape Management Plan which could contain conditions regarding a requirement to not to restrict highway and footpath access during development;
- (b) the Planning Inspector on granting the Appeal at Outline Stage had not specified a desired housing mix and at that time the Council was not aware of the Court ruling;
- (c) whilst the Committee could take account of the Council's Housing Needs Assessment and the Housing Needs Assessment in emerging Neighbourhood Plan in coming to its decision, it was unlikely to take precedence over the Court ruling;
- (d) if the Committee refused the Application and that decision was appealed, the Court Judgement would still take precedence even if the Neighbourhood Plan was adopted before the Appeal was determined;
- (e) if the mix of the development was changed it might lead to an increase in the number of units to make efficient use of the land; and
- (f) the Section 106 Agreement only covered the larger Application site and not the site covered by Application 19/01257/FUL.

Councillor Brown, seconded by Councillor Exon, proposed that the officer recommendation to grant the application, subject to the conditions as detailed in the report and additional conditions requiring a Construction and a Landscape Management Plan to be in place before development commenced, be approved.

The Committee recognised that in light of the legal advice received it could not take into account the housing mix at this stage despite its concerns and the importance it gave to achieving the right housing mix for the locality.

The Committee also recognised the strain such a large development would place on the Village's infrastructure.

The Committee stressed the importance of, in future, addressing housing mix issues at outline stage.

On being put to the vote the proposal to grant the application subject to the conditions detailed in the Committee report and the additional conditions requiring Construction and Landscaping Management Plans was carried with 6 councillors voting in favour, 4 councillors voting against and 0 councillors abstaining from voting.

RESOLVED –

That the application be granted subject to the conditions as detailed in the Committee report and additional conditions requiring a Construction and a Landscape Management Plan to be in place before development commenced.

19/01257/FUL

PROVISION OF OPEN SPACE INCLUDING FOOTPATH, DRAINAGE POND, PUMP STATION AND 7 VISITOR PARKING BAYS AT LAND OFF OLNEY ROAD, LAVENDON

The Senior Planning Officer introduced the application with a presentation.

It was suggested by the Development Management Manager that the Committee might wish to add a condition requiring a Landscape Maintenance Management Plan to be in place before development commenced.

Councillor Brown, seconded by Councillor Exon, proposed that the officer recommendation to grant the application, subject to the conditions as detailed in the report and a Landscape Maintenance Management Plan to be in place before development commenced, be approved.

On being put to the vote the proposal to grant the application, subject to the conditions as detailed in the Committee report and an additional condition requiring a Landscape Management Plan to be in place before development commenced, was carried with 7 councillors voting in favour, 0 councillors voting against and 1 councillor abstaining from voting.

RESOLVED –

That the application be granted, subject to the conditions as detailed in the Committee report and an additional condition requiring a Landscape Management Plan to be in place before development commenced.

19/01195/FUL

CHANGE OF USE FROM B1A OFFICES TO C3 RESIDENTIAL COMPRISING REFURBISHMENT OF THE EXISTING BUILDING AND ERECTION OF TWO ADDITIONAL FLOOR LEVELS TO PROVIDE 40 X 1, 2, AND 3 BEDROOMED APARTMENTS AT CHANCERY HOUSE, 199 SILBURY BOULEVARD, CENTRAL MILTON KEYNES

The Senior Planning Officer introduced the application with a presentation.

The Committee, by way of a question, was advised by the Senior Engineer - Development Management (Highways) that there was a shortfall of 30 parking spaces for the development if the Council's Parking Standards were applied and that the sum of £75k, to be paid in lieu of the parking spaces would be a matter for the Council's Parking Services Team to decide how best to allocate the sum.

Councillor Brown, seconded by Councillor Exon, proposed the officer recommendation to grant the application, subject to the conditions as detailed in the report.

The Committee expressed concern at the impact and potential harm the parking shortfall could have on Central Milton Keynes, particularly the overall parking situation in Central Milton Keynes and the possible implications for estates surrounding the city centre.

It was suggested that an additional condition could be imposed which required the £75k to be spent on a parking scheme which did not necessarily already have planning permission.

It was outlined to the Committee that the S106 Agreement required the sum to be paid by the developer to go towards measures within Central Milton Keynes to mitigate the strain on existing parking spaces which would be associated with the development.

The view was expressed that any parking mitigation measures should be clearly identified as being associated with the development and not necessarily used for other more remote schemes.

The Committee also noted the implications of the recent Station Square Appeal for the Council's Parking Standards.

However, it was also recognised that, as the location of the development was close to excellent public transport links, car ownership might not be seen as essential by prospective residents of the development.

Also in response to a question the Committee noted that the Central Milton Keynes Obligations calculation had not identified that any of the S106 contribution should be directed towards health care facilities.

On being put to the vote the proposal to grant the application subject to the conditions as detailed in the Committee report was carried with 8 councillors voting in favour, 2 councillors voting against and 0 councillors abstaining from voting.

RESOLVED –

That the application be granted subject to the conditions as detailed in the Committee report.

19/01484/FUL

ERECTION OF 48 CLASS C2 RETIREMENT LIVING PLUS APARTMENTS AND 10 CLASS C3 RETIREMENT LIVING BUNGALOWS, ALONG WITH RELATED ACCESS, ROAD, PARKING, LANDSCAPING AND ASSOCIATED WORKS AT LAND AT CORNER OF LAVENDON ROAD AND WARRINGTON ROAD OLNEY

The Senior Planning Officer introduced the application with a presentation and referred to the additional documentation circulated, which included additional representations from a business owner in Olney; a prospective business owner; and the local GP's Surgery, together with a number of additional neighbour representations.

The Senior Planning Officer also referred to the local flood authority not having any objection to the application, subject to conditions which were already set out in the report, and the inaccurate description in the report of a building close to the site as a shed, when in fact it was a residential property. However, in his opinion the development would not have a detrimental effect on the amenities of that property.

The Senior Planning Officer outlined some of the planning history for the site, which was allocated for retail development, as part of Site R, in the Olney Neighbourhood Plan.

The Senior Planning Officer stated that while the application was contrary to the Neighbourhood Plan, he believed that Paragraph 120 of the National Planning Policy Framework provided cause for the application to be approved as there was little evidence of retail demand for the site, but there was a demonstrated demand for retirement living accommodation in Olney.

Objectors, in summary, referred to the departure from the Neighbourhood Plan; the speculative nature of the proposed development; the lack of affordable housing; limited parking provision within the site; the impact on the skyline; the impact on the local doctors' surgery; and the impact on the town's overall infrastructure.

The objectors were also of the view that the demand for retail on the site had not been sufficiently tested.

The Applicant's Agents outlined, in summary, that the Neighbourhood Plan was out of date in that there was no sizeable demand for retail development on the site and any retail development on the site would impact on the viability of the town centre; Plan:MK took precedence over the Neighbourhood Plan; it was both local and national policy to increase accommodation for persons of retirement age; that there was a demonstrable demand for this type of accommodation in Olney; that the development made good use of the site; and there were significant benefits which accrued from providing high quality housing for elderly persons.

The Senior Planning Officer advised the Committee that the National Planning Policy Framework took precedence over the Neighbourhood Plan; and that the Clinical Commissioning Group had agreed that the likely S106 contribution would allow the GP's Surgery to be upgraded.

The Senior Engineer - Development Management (Highways) advised that it was planned to provide 47 car parking spaces across the development site.

The Committee, in response to questions, noted that there would be a condition attached to the planning permission, if granted, preventing development taking place until such time that an archaeological field evaluation had been carried out, a Written Scheme of Investigation agreed and the programme for post investigation assessment and analysis published.

It was also noted that there was no provision currently in the proposed S106 Agreement requiring a contribution to the Cowper Museum which would enable it to manage any archaeological finds. However, it was also noted that to date trial excavations had revealed the site to be of low interest from an archaeological point of view.

Councillor Brown, seconded by Councillor Exon, proposed the officer recommendation to grant the application, subject to the conditions as detailed in the report.

The Committee express concerns at the potential disruption to the town from what was suggested to be insufficient parking provision within the site; the departure from the Neighbourhood Plan; the location of the development and the impact a development of this size would have on the town, in respect of appearance; and the potential reliance on National Planning Policy Framework guidance by officers in coming to the recommendation to approve. However, the need for development of this type was recognised if situated in an appropriate location.

On being put to the vote the motion to approve the recommendation in the Committee's report to grant permission, subject to conditions set out in the report as revised in the update paper circulated and the additional condition also in the update paper, was declared lost with 3 councillors voting in favour, 7 councillors voting against and 0 councillors abstaining from voting.

Councillor A Geary, seconded by Councillor Legg, proposed that the application be refused as it is in contravention of Policy ONP13 of the Adopted Olney Neighbourhood Plan.

A member of the Committee suggested that in essence that this was a desirable application and, if there was unequivocal evidence that there was no retail demand for the site, the Committee could reconsider a similar application at a later date.

On being put to the vote the proposal to refuse the application, as it is in contravention of Policy ONP13 of the Adopted Olney Neighbourhood Plan, was carried with 9 councillors voting in favour, 1 councillor voting against and 0 councillors abstaining from voting.

RESOLVED –

That the application be refused as it is in contravention of Policy ONP13 of the Adopted Olney Neighbourhood Plan, which states that planning permission will be granted only for retail development on Site R, including a food store (Use Class A1) and possibly a petrol filling station.

THE CHAIR CLOSED THE MEETING AT 10:26 PM

John BmV
JB

7 November 2019

CHAIR'S SIGNATURE.....

