



Minutes of the meeting of the DEVELOPMENT CONTROL COMMITTEE held on THURSDAY 6 MARCH 2014 at 7.00 pm.

**Present:** Councillor Legg (Chair)  
Councillors: Bint, M Burke, Exon, Ferrans, Hopkins, Kennedy, McLean, Middleton and C Williams

**Officers:** D Hackforth (Interim Assistant Director, Planning and Transport), A Horner (Head of Development Management), A Harrison (Team Leader, Minor Applications, A Holloway (Senior Planning Officer, J Kirkham (Senior Planning Officer), M Turner (senior Planning Officer, S Peart (Conservation and Archaeology Manager), D Blandamer (Urban Designer), N Sainsbury (Head of Urban Design and Landscape Architecture), S Gerrard (Interim Head of Legal and Democratic Services), and D Imbimbo (Committee Manager).

**Number of  
Public Present:** 24

**Also Present:** Councillors A Geary and P Geary, and, D Hill (Chief Executive).

**DCC84 CHAIRMANS WELCOME**

The Chair welcomed Members, Officers and the public and explained the procedures to be adopted.

**DCC85 MINUTES OF PREVIOUS MEETINGS**

RESOLVED –

That the minutes of the meetings of the Development Control Committee held on 9 January 2014 and 6 February 2014, and the minutes of the meeting of the Development Control Panel held on 23 January 2014 be agreed as accurate records, and signed by the Chair as such.

**DCC86 DECLARATION OF INTERESTS**

Councillor Hopkins stated that in respect of It 7 'Land adjoining Walton Manor, Walton Draft Development Brief, being the responsible Cabinet member he would take no part in the debate.

Councillor Williams declared a pre-determined position in respect of Application 13/02432/MKCOD3 and would therefore take no part in determination of that matter

**DCC87**

**REPRESENTATIONS ON PLANNING APPLICATIONS**

Mr D Stabler, Ms L Inoki, Mr T Chalmers and Councillor A Geary spoke in objection to application 13/01729/OUT Outline planning permission for the demolition of The Point and redevelopment of the site to provide a range of retail (use classes A1, A2, A3, A4 and A5) and leisure (use class D2) uses and incorporating a maximum of 20,600sqm (Gross Internal Area) floorspace at The Point, 602 Midsummer Boulevard, Central Milton Keynes for Hammerson Milton Keynes Limited

The Applicant, Mr J Hepburn, (Hammerson, Milton Keynes Limited) exercised the right of reply

Councillor A Geary (Neighbouring Ward Member) spoke in favour of application 13/02504/FUL

**DCC88**

**PLANNING APPLICATIONS**

**13/01729/OUT OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF THE POINT AND REDEVELOPMENT OF THE SITE TO PROVIDE A RANGE OF RETAIL (USE CLASSES A1, A2, A3, A4 AND A5) AND LEISURE (USE CLASS D2) USES AND INCORPORATING A MAXIMUM OF 20,600SQM (GROSS INTERNAL AREA) FLOORSPACE AT THE POINT, 602 MIDSUMMER BOULEVARD, CENTRAL MILTON KEYNES FOR HAMMERSON MILTON KEYNES LIMITED**

The Committee heard representations in objection to the application in respect of;

- The development would result in the loss of a heritage asset.
- A lack of any detail regarding any proposed replacement development.
- The reserved matters failed to detail the footprint or height of any new development.
- Any proposed development could overshadow Midsummer Place by virtue of its height and would dominate Midsummer Boulevard.
- The application and plans contradict one another by virtue of there being no trees in the drawings and yet the applicant referring to retaining them in the report.
- The canopy in the drawings extends into the public realm beyond the 'red line' boundary.

- The proposals at this stage could not be relied on.
- The drawings have no colonnaded pedestrian walkways.
- There was no design code to indicate what was intended on the site.
- The conditions being proposed will ensure that the demolition cannot take place until new plans are approved and therefore why approve the application at this stage.
- There being a 5 year restriction on listing the building it was not necessary to approve an application that had such little detail at this stage.
- The application is contrary to the NPPF paragraphs 60, 61, 62, 65 and 135.
- The application is contrary to CS7, CS11 and CS17.
- The application is contrary to Local Plan policies D2, CC8 and HE5.
- The Point is widely regarded as 'iconic' any replacement should be equally outstanding.

Councillor A Geary raised concerns in respect of the message that would be sent out to developers in general in the event that the application was refused and the need to attract investment to Milton Keynes. The Committee was also asked to be mindful of the needs of the Community Groups and Charities that currently occupy the Point and that there was a need to ensure a suitable mix of usage in any future development with clear commitment to the continued support of such organisations.

Members heard from the applicant that the proposal sought to establish the principle of redevelopment and enable marketing to be conducted with a view to achieving a range of retail and leisure business investment in Milton Keynes.

The Applicant acknowledged that the conditions were such that the owners would be committed to safeguard the building until detailed plans were submitted and approved by the Committee.

The Officer reported that following publication of

the report enquiries had been received in respect of the process by which the design code would be considered by the Council. Members heard that the proposed s106 agreement would contain a requirement for the applicant to carry out consultation (including at least one design workshop) with local stakeholder groups including (but not limited to) the Council and Central Milton Keynes Town Council prior to the submission of the Design Code. In addition, it is intended that the Design Code submitted under Condition 4 be subject to the same consultation and notification process as a planning application.

Likewise detailed plans would need to be submitted as reserved matters.

The Officer explained that should the application be granted, the s106 agreement would include an obligation to restrict the demolition of The Point until all the reserved matters and prior commencement conditions are approved and a contract for the carrying out of the works for the redevelopment of the site has been entered into..

Members heard that the Officer recommendation was that outline planning permission be granted subject to a condition listing the approved parameters plans, the conditions listed within section 6.0 of the Committee report and with the requirement for the Design Code to be submitted under Condition 4 to be subject to the same consultation and notification as a planning application, and the completion of a s106 agreement (to include the following obligations: Public Realm, Training and Learning, Public Art, Social and Cultural, Public Transport, Highway Network, Carbon Offset Contribution, Design Code and No Demolition prior to the approval of all reserved matters and prior commencement conditions and a contract for the carrying out of the works for the redevelopment of the site has been entered into).

Councillor Legg proposed that the Officer recommendation be agreed, this was seconded by Councillor McLean.

Members recognised that the application was not detailed and there would remain uncertainty as to what would ultimately be proposed, however the Committee was assured that any applications

would be put to committee to determine and the conditions were such that the existing structure would be preserved until such time as full plans were approved.

Members expressed a desire to ensure that any reserved matters application would be put to committee, Councillor Bint proposed that an additional resolution be made to reflect this requirement, this was seconded by Councillor Legg.

Members expressed concern that the plans submitted suggested that a future development might be able to fill a large area in terms of height and footprint and sought assurances that approval would not be indicative of a presumption that the full 'cuboid' on the indicative plans could be filled by a structure. The Committee heard that the drawings submitted with the application were indicative only of the limits in which a development could be made and any applications would be considered on their merits.

Members heard that the Developer was seeking a degree of certainty in having an in principle agreement to demolish the existing structure to enable them to market the site, but that the conditions and terms proposed for the S106 agreement were such that Officers were satisfied the existing structure could be protected until final plans were approved.

Councillor Ferrans reminded the Committee that there would need to be recognition within any proposals that there was a need for a mix of uses including community facilities and leisure facilities alongside retail units and asked that an informative be added to advise the developers that any subsequent plans submitted should take account of this.

Councillor Ferrans also asked that an informative to recognise the need for a contribution to public art in keeping with the needs of the town centre be included in a s106 agreement.

Councillor Legg proposed that an informative to ensure consideration of a provision for the needs of the community groups that occupy present building be added.

Members were advised that the considerations of

paragraph 135 of the NPPF were taken account of in the Officer report.

Members were reminded that paragraphs 60, 61 and 62 of the NPPF dealt with design policies and the design brief would need to take account of them when submitted.

On being put to the vote the proposal to include informatives for the developer to consider the following points when formulating the redevelopment proposals as below was agreed:

1. 1. A very high standard of design;
2. A mix of uses on both the Midsummer Blvd and Lower 10th Street frontages; and
3. The re-provision of the existing community uses in The Point within the proposed redevelopment.

On being put to the vote the motion to agree the officer recommendation together with the informatives was put to the vote and was carried.

RESOLVED: -

1. That outline planning permission be granted subject to a condition listing the approved parameters plans, the completion of a s106 agreement and the conditions listed within section 6.0 of the Committee report and with the requirement for the Design Code to be submitted under Condition 4 to be subject to the same consultation and notification as a planning application, the completion of a s106 agreement (to include the following obligations: Public Realm, Training and Learning, Public Art, Social and Cultural, Public Transport, Highway Network, Carbon Offset Contribution, Design Code and No Demolition prior to the approval of all reserved matters and prior commencement conditions and a contract for the carrying out of the works for the redevelopment of the site has been entered into) and that informatives be added to read: -

When the Development Control Committee considered the application they requested that the developer considers the following points when formulating the redevelopment proposals:

- A very high standard of design;

- A mix of uses on both the Midsummer Blvd and Lower 10th Street frontages; and
  - The re-provision of the existing community uses in The Point within the proposed redevelopment..
2. That the determination of the design code and reserved matters application be put to full Committee and not determined under delegated powers.

13/02658/FUL

**VARIATION OF CONDITION 1 (AMENDMENTS TO APPROVED DRAWINGS), VARIATION OF CONDITION 4 (AMENDMENT TO AMOUNT OF COMPARISON FLOOR SPACE) AND REMOVAL OF CONDITION 32 (RECYCLING CENTRE) ATTACHED TO PLANNING PERMISSION 10/01916/FUL FOR THE ERECTION OF 3527 SQ.M. FOODSTORE, CHANGE OF USE OF THE 3 TICKFORD STREET FRONTAGE BUILDINGS FOR USE CLASSES B1 (BUSINESS) AND D1 (NON-RESIDENTIAL INSTITUTIONS), NEW ACCESS JUNCTION, CAR PARKING, AREAS OF PUBLIC REALM, LANDSCAPING AND ASSOCIATED WORKS AT FORMER ASTON MARTIN SITE, TICKFORD STREET, NEWPORT PAGNELL FOR TESCO STORES LTD.**

The Officer reported that her recommendation remained that planning permission be granted subject to the completion of a s106 agreement and the conditions listed within section 6.0 of the Committee Report as amended below;

Condition 6 (materials)

The external materials to be used in the development shall be in accordance with the Materials Specification (Rev B) as electronically registered on 27th February 2014 and the samples of materials listed below as submitted on 25th February 2014 or shall be in accordance with samples and information to be submitted to and agreed in writing by the Local Planning Authority prior to the use of each material. The approved samples of materials as submitted on 25th February 2014 includes the following:

- Red Brick, supplier: Ibstock or similar, colour: Commercial Red, location: part of front and side elevation;
- Horizontal larch timber cladding, supplier: A20 cladding, colour: larch, location: all elevations including yard;

- Composite cladding panel, supplier: Eurobond, colour: Oyster grey RAL 7035, location: all elevations including yard;
- Composite cladding panel, supplier: Eurobond, colour: Ice Blue, location: high level on three elevations;
- Curtain Wall System, colour: Dark Grey RAL 7024, location: store shopfront and high level windows;
- Topdek roof cladding, supplier: Kingspan, Colour: Dark Grey RAL 7015, location: roof; and,
- Keyblok Pencil edge concrete paving, Supplier: Marshall's, Colour: Brindle, location: Pedestrian Areas.

Reason: To ensure that the development does not detract from the appearance of the locality.

And;

#### Condition 20 (CCTV)

The approved CCTV scheme shall be installed prior to the initial occupation of the development hereby permitted and shall be retained in working order thereafter. The approved CCTV scheme being the CCTV Layout (drawing number SSA 5387 PC20 D) as electronically registered on 27th February 2014.

Reason: To ensure that the development is served by an adequate CCTV system to ensure that the site remains safe and secure.

Councillor Legg proposed that the officer recommendation be agreed. This was seconded by Councillor McLean.

Members referred to the original approval of the application and the intention of the committee at that time to protect local businesses in Newport Pagnell by the inclusion of condition 4, and the necessary provision of recycling facilities on the site, some Members questioned the need for the recycling facility as other facilities were available within a reasonable distance of the site.

On being put to the vote the officer recommendation to approve the variations was lost as the proposals failed to protect local businesses.

The Committee heard from the Head of



Development Management, that the committee could consider each variation separately as the reasons given did not cover all aspects of the application, also the recommended variations to condition 6 and 20 would need to be considered.

Councillor Legg proposed that the variation to condition 1 in respect of the amendments to the list of approved drawings plans (including the removal of the recycling centre from the layout of the car park), this was seconded by Councillor McLean

On being put to the vote the motion was carried.

Councillor Legg proposed that the variation of condition 4 be agreed, this was seconded by Councillor McLean.

On being put to the vote the motion was lost.

Councillor Legg proposed that the removal of condition 32 (recycling centre) be agreed, this was seconded by Councillor McLean.

On being put to the vote the motion was carried

Councillor Legg proposed that the variation of condition 6 (materials) be agreed, this was seconded by Councillor McLean.

On being put to the vote the motion was carried.

Councillor Legg proposed that the variation of condition 20 (CCTV) be agreed, this was seconded by Councillor McLean.

On being put to the vote the motion was carried.

Councillor C Williams proposed that the variation to condition 4 (amendment to amount of comparison floor space) be refused because the committee believed that the original condition and reason for applying it was appropriate, this was seconded by Councillor Bint.

On being put to the vote the motion was carried

RESOLVED:-

1. That the variation to condition 1 in respect of the amendments to the list of approved drawings (including the removal of the recycling centre from the layout of the car park) be agreed.
2. That the removal of condition 32 (recycling Centre) be agreed

3. That the variation of condition 6 (materials) be agreed.
4. That the variation of condition 20 (CCTV) be agreed.
5. That the variation to condition 4 (amendment to amount of comparison floor space) be refused

Reason - The Committee believed that the original condition and reason for applying it was appropriate.

**13/02432/MKCOD3**

**ERECTION OF TWO STOREY ARTS BUILDING TO THE WEST OF THE EXISTING SCHOOL, EXTERNAL ALTERATIONS TO EXISTING SCHOOL BUILDING, ERECTION OF ADDITIONAL MULTI USE GAMES AREA (MUGA), RECONFIGURATION OF EXISTING PLAYING FIELDS (INCLUDING BUNDS), PROVISION OF ADDITIONAL CAR PARKING AND LANDSCAPING AT DENBIGH SCHOOL, BURCHARD CRESCENT, SHENLEY CHURCH END FOR MILTON KEYNES COUNCIL**

Councillor C Williams took no part in the consideration of this application.

The Officer reported that he in addition to the matters reported in the Officer report he recommended to minor amendments to the conditions as detailed below;

**Variation - Condition 6**

Following ground clearance works and prior to any construction, no further development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of 'Secured by Design' accreditation.

Reason: To design out crime and promote well-being in the area.

**Variation – Condition 19**

Prior to construction/occupation, full details of the proposed boundary fencing and any lighting to the

new Multi-Use-Games-Area hereby permitted shall be submitted to and approved in writing by the Local Planning Authority (LPA).

Reason: For the avoidance of doubt.

The Committee heard that there was an amendment to the officer report in that para. 5.7, in the final sentence, replace the word 'considered' with 'required.' There was no further update on the report and that the officers recommendation remained that the application be granted subject to the conditions as detailed in the Committee Report as amended above.

Councillor Legg proposed that the officer recommendation be agreed this was seconded by Councillor McLean.

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

RESOLVED –

That planning permission be granted subject to the conditions as detailed in the Committee report as amended above

**13/02504/FUL**

**CONSTRUCTION OF A SOLAR ENERGY PARK TO INCLUDE THE INSTALLATION OF SOLAR PANELS, SECURITY FENCING, TRANSFORMER HOUSING AND ASSOCIATED ACCESS AND OTHER ASSOCIATED WORKS AT BULLS HEAD FARM, EAKLEY LANES, STOKE GOLDINGTON FOR ANESCO LTD**

Members heard from the neighbouring Ward Member that he supported the application as the site was ideal but in anticipation of future such applications he would ask that Officers recognise the need to weigh up the need to use land for produce and take account of the measures to allow such a mix by sowing a species of vegetation as would support grazing and enhance conservation, this could be added to condition 3 Councillor A. Geary also asked that during the construction phase a condition is added to ensure that traffic is routed to avoid narrow country roads and use J15 M1 the A45 and the B 526 only.

The Officer reported that there was no further update on the Committee report and subsequent additional report circulated to Members, and that his recommendation remained that the application

be granted subject to the conditions as detailed in the Committee Report and amended by the update report

Councillor Legg proposed that the officer recommendation be agreed this was seconded by Councillor McLean.

Councillor Ferrans proposed that Condition 3 be amended to include the requirement to sow a species of vegetation to enhance grazing and ensure conservation of the site and a condition be added to route delivery traffic via J15 M1 the A45 and B526, this was seconded by Councillor Bint

On being put to the vote the amendment and additional condition was agreed.

On being put to the vote the proposal to approve the application subject to the conditions and as detailed above was carried;

RESOLVED –

That planning permission be granted subject to the conditions as detailed in the Committee report with condition 3 amended to read;

A landscaping scheme, which shall include provision for the planting of trees, grassland and shrubs, shall be submitted to and approved by the Local Planning Authority before any part of the development is commenced. The scheme shall show the numbers, types and sizes of trees and shrubs to be planted and their location in relation to proposed buildings, roads, footpaths and drains. The details shall also include details of a species rich grass mixture to be planted on the site. All planting in accordance with the scheme shall be carried out within a time scale to be agreed with the local planning authority as part of the submitted details. Any trees or shrubs or other planting removed, dying, severely damaged or diseased within the lifetime of the development shall be replaced in the next planting season with trees or shrubs of such size and species as may be agreed by the Local Planning Authority.

Reason: To protect the appearance and character of the area and to minimise the effect of development on the area.

And an additional condition to read:

All heavy goods vehicles associated with the

development shall be routed via Junction 15 of the M1, the A45 and the B526. No other routes shall be taken by HGVs associated with the development hereby permitted unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and convenience.

**13/02527/FUL ERECTION OF DETACHED DWELLING AND DOUBLE GARAGE AT, MANOR FARM, THE GREEN, LOUGHTON FOR MR DEREK MARTIN**

The Officer reported that there was no update on the Committee report and that his recommendation remained that the application be granted subject to the conditions as detailed in the Committee Report

Councillor Legg proposed that the officer recommendation be agreed this was seconded by Councillor McLean.

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

RESOLVED –

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

**DCC89 LAND ADJOINING WALTON MANOR, WALTON DRAFT DEVELOPMENT BRIEF**

Members considered a report in respect of the Walton Manor Draft Development Brief. Members heard from the Urban Designer that as part of the consultation process it was necessary to engage with the Development Control Committee and asked that Members make comment on the Draft brief.

Members made the following observations;

- That the emerging work being conducted in respect of 'Tandem Parking' should be incorporated in the document.
- The area having been developed in stages should have a play area to incorporate both this and the Walton Grange area, and that the proposed play area should not be sited in the flood plain.

- Officers were asked to explore with the MKDP the possibility of making part of the field that is accessible available for play until the site is developed.
- At page 16 paragraph 4.1.6 makes reference to affordable housing and viability. All references to viability should be removed.
- Support for the inclusion of a 'landmark building' at the northern side of the development and a desire to have a ground breaking design. This was not supported by all Members.

- There is inadequate detail of the provision of primary schools. It was noted that Heronshaw was considering an expansion.
- There is no reference to electric vehicle parking.
- The report only refers to houses being fibre ready, all buildings should have this facility.

RESOLVED -

1. That the comments of the Committee be recorded.
2. That the brief be noted.

**DCC90 DETERIORATION OF GRADE II LISTED BUILDING - SHENLEY DENS FARMHOUSE, CALVERTON ROAD**

Members considered a report setting out the situation in respect of the deterioration of a Grade II listed building, Shenley Dens Farmhouse, Shenley Church End. The Officer reported that since the report was written a site visit had been undertaken and it was noted that whilst no actual work on the premises had started, preparatory work such as the siting of a site office and fencing, this had been confirmed in correspondence from the developers together with a schedule for works to be conducted.

Councillor Legg proposed that the committee support the conservation officer with a resolution supporting enforcement action should work on the premises not be started within 7 days of this meeting, this was seconded by Councillor McLean

RESOLVED –

1. That the Development Control Committee noted the report.
2. That in the event that work is not started on making good the damage within 7 days of this meeting of the Committee the Council should serve notice and commence enforcement action.

THE CHAIR CLOSED THE MEETING AT 9:52PM