

Minutes of the meeting of the DEVELOPMENT CONTROL PANEL held on THURSDAY 19 JULY 2018 at 7:00 pm.

Present: Councillor: McLean (Chair)
Councillors Akter, Exon, A Geary and Williams

Officers: N Thompson (Development Management Manager), E Verdegem (Senior Planning Officer), L Peacock (Planning Officer), S Watson (Planning Officer), V Watts (Locum Planning Solicitor) and D Imbimbo (Committee Manager).

Apologies: Councillor Baines.

Number of Public Present: Circa 25

Also Present: Councillors P Geary, Green, Hosking and Nolan

DCP05 WELCOME AND INTRODUCTIONS

The Chair welcomed Councillors, Officer Colleagues and the Public to the meeting and explained the procedures to be adopted.

DCP06 DECLARATIONS OF INTEREST

None were made.

Councillor A Geary asked that it be noted that the published update report in respect of application 17/02325/FUL showed him to be the applicant, this was an error as he was not in any way connected to the applicants.

DCP07 REPRESENTATIONS ON APPLICATIONS

Councillor Bush (Sherington Parish Council) and Mr Councillor P Geary spoke in objection to application 16/03119/FUL Residential development for 9 x dwelling houses at Land To The East of, High Street, Sherington.

The Applicant's agent Ms L Beresford exercised the right of reply.

Mr M Leggett, Mr B Stark, Mr D Hart and Councillor C Williams (Vice Chair of Shenley Brook End and Tattenhoe Parish Council) spoke in objection to application 18/01022/FUL First floor side extension, Garage conversion and single storey rear extension at 136 Lynmouth Crescent, Furzton, Milton Keynes.

The Applicant did not attend to exercise the right of reply.

Mr C Permal and Councillor Green (Ward Councillor) spoke in objection to application 17/02325/FUL External insulation and rendering of walls, 2 storey side and rear extension, garage conversion, orangery extension and creation of outdoor swimming

pool at Half Acre, Castlethorpe Road, Hanslope, Milton Keynes.

The Applicant's Agent Mr C Phillips exercised the right of reply.

Mr M Cashman, Mr B Redding, and Councillor Nolan (Ward Councillor also representing Loughton & Great Holm Parish Council) spoke in objection to application 18/00373/FUL Change of use from Single Family Dwelling to Bed and Breakfast Establishment at Loughton Rectory, Pitcher Lane, Loughton, Milton Keynes

The Applicant did not attend to exercise the right of reply.

DCP08

APPLICATIONS

16/03119/FUL RESIDENTIAL DEVELOPMENT FOR 9 X DWELLING HOUSES AT LAND TO THE EAST OF, HIGH STREET, SHERINGTON FOR HIGH STREET HOMES

The Planning Officer introduced the application with a presentation.

The Panel heard that an update paper had been published setting out details of a revised recommendation to refuse, the Panel heard that in the consideration of the application, it had been considered that further reflection on the weight allocated to the Neighbourhood Plan and 2016 Ministerial Statement on Neighbourhood Plans had necessitated a revised recommendation it was further reported that additional wording as below be added to the reasons for refusal 'In this case, in applying the tilted balance, the benefits of the proposal do not outweigh the adverse impacts'..

The Panel heard that the recommendation, taking account of the above was to refuse the application for the following reasons (amended to include the wording in italics);

1. The site is outside of the settlement boundary of Sherington and in the Open Countryside as defined by Saved Policy S10 of the Milton Keynes Local Plan 2001-2011 (2005). Policy S10 states that planning permission will only be granted for development in the Open Countryside where it is essential for agriculture, forestry, countryside recreation and other development which is wholly appropriate to a rural area and cannot be located within a settlement. *In this case, in applying the tilted balance, the benefits of the proposal do not outweigh the adverse impacts.* This proposal would detract from the rural character of the

countryside and therefore the proposal is therefore contrary to Saved Policy S10 of the Milton Keynes Local Plan 2001-2011 (2005) and Paragraph 17 of the National Planning Policy Framework (2012) which recognise the intrinsic character and beauty of the countryside.

2. The Sherington Neighbourhood Plan has allocated sites for housing, and Policies CS1 and CS9 of the Milton Keynes Core Strategy (2013) seek to focus development in the rural area within the development boundaries of the main and most sustainable towns or key settlements. Paragraph 198 of the NPPF states that planning permission should not be granted for proposals which conflict with the Neighbourhood Plan. *In this case, in applying the tilted balance, the benefits of the proposal do not outweigh the adverse impacts.* The proposal is not an allocated site for housing and is outside of the settlement boundary and therefore contrary to Policy NP1 of the Sherington Neighbourhood Plan, Policies CS1 and CS9 of the Milton Keynes Core Strategy (2013) and Paragraph 198 of the NPPF

The Panel heard representations from the objectors who made the following points:

- The amended recommendation to refuse was welcomed by the Parish Council and Ward Councillor.
- The Neighbourhood Plan policies carried full weight and the proposal was contrary to policy NP1 as the site was outside the settlement boundary, therefore the proposed development should not have been recommended for approval in the first instance.
- The context of the neighbourhood plan is that the area of land that is more than the conservation area and listed buildings but also the general shape of the village and how it integrates with the countryside which is a heritage asset in its own right..
- The Local Plan Policy S10 holds full weight in light of the Neighbourhood plan having been made within 2 years and the Council

being able to demonstrate a 3 year housing land supply in accordance with the requirements of the Ministerial Statement.

The applicant's agent told the Panel that the original recommendation was to approve the application, this was on the balance of its planning merits, the scheme was designed to be low impact, low density with minimal environmental or heritage impacts. It was also the case that Sherington as a selected village was suitable for small scale development of the nature proposed. The Officers original report stated that the nature of the development would not have a significant impact on the village. The Panel heard that it had taken 3 years to reach the point of determination during which time the applicant had complied fully with the various requests made by the Council. The latest request being that sequential testing be undertaken to assess the suitability of the site taking account of the Neighbourhood Plan, that sequential testing demonstrated that there were no other sites that would provide a similar benefit. The results indicate that the site is the only suitable site for growth taking account of the neighbourhood plan's desire to see future development. This test should be a material consideration in determining the application.

Councillor McLean proposed that the revised Officer recommendation be agreed, this was Seconded by Councillor Exon.

In response to a comment from the applicant's agent the Panel heard that the Ministerial Statement had been tested at Court and that there was therefore only a need to demonstrate that the Council had a 3 year housing land supply and not 5.

It was further confirmed that in light of the above and also some appeal decisions, policy S10 of the Milton Keynes Local Plan could be given full weight at the present time.

Members of the Panel stated that they believed the Neighbourhood Plan should be given full weight and it was clear that the Neighbourhood Plan sought to protect the piece of land subject to the application.

Members of the Panel stated that they believed the application was completely contrary to the policies within the Neighbourhood Plan and should be refused on that basis.

On being put to the vote the proposal to refuse the application for the reasons stated above was carried unanimously.

RESOLVED –

That the application be refused for the reasons as stated above.

18/01022/FUL FIRST FLOOR SIDE EXTENSION, GARAGE CONVERSION AND SINGLE STOREY REAR EXTENSION AT 136 LYNMOUTH CRESCENT, FURZTON, MILTON KEYNES FOR MR FAWAZ

The Planning Officer introduced the application with a presentation.

The Planning Officer confirmed that the recommendation remained to grant the application subject to the conditions as detailed in the Panel report.

The Panel heard representations from the objectors who raised the following concerns:

- The application was contrary to policy D1 of the Milton Keynes Local Plan in so far as it would result in Unacceptable visual intrusion, Loss of privacy due to overlooking and Unacceptable loss of sunlight and daylight.
- The proximity of the extension to the boundary of neighbouring properties would make it intrusive and overbearing.
- The Panel report makes no reference to number 142 Lynmouth Crescent which is on the boundary of the application property and will be significantly impacted on by overlooking and shadow.
- A very similar application to extend the property had been refused in 2006 as it was deemed to have been an overbearing structure in relation to neighbouring properties and result in overlooking and a loss of privacy.
- Whilst the plans showed that windows would be obscured glazing there was no guarantee this would be retained.
- The addition of large Dormer windows will result in further overlooking of neighbouring properties.

- The Parish Council believed that the proposal was in breach of Milton Keynes Local Plan policy D1(iii), this concern had not diminished as a result of alterations to the plan carried out to address initial objections to the scheme when it was first proposed.
- The impacts described by the objectors speaking were shared by all residents in the immediate vicinity.
- The Parish Council stated further believed that the proposal was in breach of policy D2 of the Milton Keynes Local Plan as it was out of character with the area.

The applicant did not attend to exercise the right of reply.

Councillor McLean proposed that the Officer recommendation be agreed, this was Seconded by Councillor Exon.

In response to a question the Planning Officer confirmed that the previous application had been refused as it was likely to result in an unacceptable loss of privacy.

Members of the Panel shared the concerns expressed by neighbours in respect of the potential loss of privacy they would experience under the new proposals and the overbearing nature of the proposed extension.

Councillor A Geary stated that he believed that the proposal was contrary to policies D1(iii) and D2 insofar as it would result in an unacceptable loss of privacy for neighbours and represented a large and overbearing structure which was out of keeping with the area.

On being put to the vote the proposal to grant the application subject to the conditions was lost.

Councillor A Geary proposed that the application be refused as the proposed development would result in an unacceptable loss of privacy for neighbouring properties and was an overbearing structure not in keeping with the character of the area.

RESOLVED –

That the application be refused due to it being contrary to D1(iii) as it would result in an unacceptable loss of privacy for neighbouring properties and Policy D2 as it was an overbearing

structure not in keeping with the character of the area.

18/00320/FUL

EXTERNAL INSULATION AND RENDERING OF WALLS, 2 STOREY SIDE AND REAR EXTENSION, GARAGE CONVERSION, ORANGERY EXTENSION AND CREATION OF OUTDOOR SWIMMING POOL AT HALF ACRE, CASTLETHORPE ROAD, HANSLOPE, MILTON KEYNES FOR MR & MRS WARNER

The Planning Officer introduced the application with a presentation.

The Planning Officer confirmed that there was no further update following the publication of the Officer update report and that the recommendation remained to grant the application subject to the conditions as detailed in the Panel report.

The Panel heard from the objectors who raised the following concerns;

- The bulk and scale of the proposed development is too great.
- The extension is too close to the boundary of 21(b) and would result in a loss of privacy.
- Walls are too close to the bedroom windows of number 21(b)
- There is potential overlooking of 21(b) from the proposed roof terrace.
- Concerns in respect of potential noise transference.
- The proposal breach's policy D1(iii) due to loss of daylight to number 21(b) causing overshadowing.
- There is a potential for on street parking as a result of the proposal contrary to policy T15.
- The loss of mature trees.
- Policy D2 requires extensions to relate well to the area, this is not the case.

The Applicant's Agent stated that extensive testing had been undertaken to demonstrate that there

would be no loss of light to neighbouring properties. The proposals had been extensively modelled for all potential impact on any neighbours.

There was no potential for loss of privacy as an initially proposed window had been removed.

The Agent confirmed that any trees removed were dead and a safety risk.

The boundary is within acceptable parameters and did not breach any policy. Access arrangements had been designed to avoid any risk of on street parking. The agent confirmed that all attempts had been made to address any reasonable objections that had been made by the neighbour.

The Planning Officer confirmed that the Highways Officer was satisfied that parking provision was adequate and the proposal was not detrimental to highway safety.

Councillor McLean proposed that the Officer recommendation be agreed; this was seconded by Councillor Exon.

Councillor A Geary stated that whilst the site was large, he held concerns in respect of the bulk and scale of the proposed extension which was designed to be very close to the border with number 21(b), which due to its size would be overbearing.

Other members of the Panel took a view that despite the size the modelling indicated that it was unlikely overlooking would take place.

Councillor McLean, having attended the Site Inspection, stated that he recognised the street scene was confused and that the proposal would not cause any problems in this respect, he furthermore commented that the hedge between the development and 21(b), whilst it could be potentially be removed, negated any risk of overlooking and screened the building.

On being put to the vote the proposal to grant the application was carried.

RESOLVED –

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

CHANGE OF USE FROM SINGLE FAMILY DWELLING TO BED AND BREAKFAST ESTABLISHMENT AT LOUGHTON RECTORY, PITCHER LANE, LOUGHTON, MILTON KEYNES FOR MR NIGEL BURDETT

The Planning Officer introduced the application with a presentation.

The Planning Officer confirmed that the recommendation remained to grant the application subject to conditions as detailed in the Panel report.

The Committee heard from Objectors who raised concerns in respect of;

- Impact on the conservation area, access being via the conservation area.
- Increased traffic on a single track lane.
- Road Safety – the need to reverse out of the property.
- The potential that the premises will not have the resident family living on site and the classification as a 'Bed and Breakfast' therefore being incorrect.
- Inadequate Parking.

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

Members of the Panel were concerned that they did not have adequate information to assess fully the application as it was unclear whether egress would have to be by reversing out of the site onto Pitcher Lane. It was further commented that it was unclear whether the arrangements were such that the premises was proposed to be a Bed and Breakfast, which required owners to live on site or a Hotel. In such a case to ensure that the use was retained as a Bed and Breakfast there would be a need to make it a 'personal permission', to do so would require a planning reason, it was explained that in such a case if the person permitted the change of use was to move from the premises the use would revert to its original (in this case a dwelling). It was however unclear whether there would be resident owners or not.

Councillor A Geary Proposed that determination of the application be deferred to allow clarification of

the points raised, this was seconded by Councillor Williams.

On being put to the vote the proposal to defer determination of the application to seek greater clarity on the points raised was carried

RESOLVED –

That determination of the application be deferred to seek clarification in respect of;

- i. The parking and egress arrangements and what impact that would have on road safety if vehicles could not turn onsite forcing them to reverse out onto Pitcher Lane.
- ii. Any potential risks associated with the school and any pedestrians from that in respect of Highway Safety.
- iii. Whether there was to be a resident family on the premises and confirmation of whether the classification would be Bed and Breakfast or a Hotel.
- iv. Further advice in respect of the implications of applying a personal permission and whether this was appropriate in the circumstances.

18/01203/FUL

REMOVAL OF CONDITION 7 (REMOVAL OF HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS) IN REGARDS TO PERMISSION 17/03096/FUL AT 12 ST MARYS CLOSE, WAVENDON, MILTON KEYNES FOR MR STEPHEN BURN

The Planning Officer introduced the application with a presentation.

The Planning Officer confirmed that there was no update on the panel report and that the recommendation remained to grant the application.

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

On being put to the vote the proposal to remove condition 7 was carried unanimously.

RESOLVED –

That the application be granted.

18/01301/LBC

**LISTED BUILDING CONSENT FOR REMEDIAL/
CONSERVATION REPAIRS TO THE CHAPEL TO
THE NORTH OF BRADWELL ABBEY HOUSE AT
BRADWELL ABBEY, ALSTON DRIVE,
BRADWELL ABBEY, MILTON KEYNES FOR MS
JILL DEWICK**

The application was withdrawn by the applicant.

THE CHAIR CLOSED THE MEETING AT 9:20 PM