

# **DEVELOPMENT CONTROL COMMITTEE**

**19 AUGUST 2021**

## **COUNCILLORS' ADDITIONAL PAPERS**

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Officer Updates (Pages 4 to 7)**



**SPEAKING LIST  
DEVELOPMENT CONTROL PANEL – 19 AUGUST 2021**

ITEM NO/APP NO	ADDRESS	REQUESTS TO SPEAK IN OBJECTION	TIME ALLOCATED	RIGHT OF REPLY OR SPEAKERS IN FAVOUR	TIME ALLOCATED
Item 5b - 21/01017/FUL	23 Thrupp Close, Castlethorpe, Milton Keynes	Cllr R Forgham (Castlethorpe Parish Council)  Cllr Wardle (Ward Councillor)	3 Mins  3 Mins	Mr D Mavir (Applicant)	6 Mins



**Application Number:** 21/01285/FUL

**Description** Creation of 3 x 1-bedroom flats and alterations to floor area of retail unit at 5 High Street, Newport Pagnell

**Applicant:** Neil Briggs

**Application Type:** Full planning application

**Ward:** Newport Pagnell South                      **Parish:** Newport Pagnell Town Council

**Case Officer:** Tamlin Barton  
Planning Officer  
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**Team Manager:** Chris Nash  
Development Management Manager  
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### **Update paper to Panel**

#### **U1.0 Recommendation**

U1.1 The recommendation as set out in the main report remains unchanged.

#### **U2.0 Introduction**

U2.1 Since the publication of the agenda, a further representation has been received, as summarised below.

#### **U3.0 Additional consultations and representations**

All responses and representations received can be viewed in full, online at [www.milton-keynes.gov.uk/publicaccess](http://www.milton-keynes.gov.uk/publicaccess) using application ref. 21/01285/FUL. The following paragraphs summarise the additional responses and representations received. As these may have been received very recently, they may not yet have been processed so to appear on the website.

##### **U3.1 Newport Pagnell Town Council**

The Town Council has withdrawn their objection and no longer intends to speak at the Panel meeting.

#### **UA1.0 Full text of additional consultations and representations**

##### **UA1.1 Newport Pagnell Town Council**

“Our Town Planning & Environmental Management working group has decided to withdraw its objection to application 21/01285/FUL and therefore our request to speak is also withdrawn.”



**Application Number:** 21/01017/FUL

**Proposal:** Loft conversion with front rooflights and rear dormer (Resubmission of 21/00369/FUL) at 23 Thrupp Close, Castlethorpe, Milton Keynes, MK19 7PL

**Applicant:** Mr Darren Mavir

**Application type:** Householder (full) planning application

**Ward:** Newport Pagnell North and Hanslope                      **Parish:** Castlethorpe

**Case Officer:** Charlotte Ashby  
Planning Officer  
charlotte.ashby@milton-keynes.gov.uk

**Team Manager:** Chris Nash  
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chris.nash@milton-keynes.gov.uk

### **Update paper to Panel**

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##### **U3.1 Castlethorpe Parish Council**

Castlethorpe Parish Council have submitted additional comments highlighting the points below:

- Location of the site within the character area of the Castlethorpe Neighbourhood Plan and therefore design contrary to Policy;
- The delegated report does not highlight the impact on the character area;
- The approval of a dormer would set a precedent for similar design within the local area;
- The site would be visible from the public realm;

- The proposal would be extremely visible from Casa Rocca and would result in a loss of privacy;
- The other dormers referred to within the applicant's response are outside of the Neighbourhood Plan character areas and were constructed prior to the Neighbourhood Plan being adopted;
- Neighbourhood plans are planning law and must be adhered to.

#### **U4.0 Discussion**

##### Neighbourhood Plan status

U4.1 Within the response from Castlethorpe Parish Council it states *“Neighbourhood Plans are planning law and must be adhered to”*. As outlined in the Planning Practice Guidance (PPG) *“A neighbourhood plan attains the same legal status as a local plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”*.<sup>1</sup>

U4.2 As such, neighbourhood plans are not planning law but are development plan policy, to the same extent that Plan:MK is. The legal duty is not absolute in favour of planning policy. It does not require development proposals to adhere to the policies of the development plan, but instead take them into account and regard them as the starting point for assessment before material planning considerations are applied<sup>2</sup>.

##### Design and impact on residential amenity

U4.3 The comments received from Castlethorpe Parish Council in relation to the design, scale, materials and impact on Casa Rocca have been addressed within the delegated report.

##### Heritage

U4.4 The dormers referred to within the representation are located within Castlethorpe Conservation Area. Whilst they are outside of the character areas as defined within the Castlethorpe Neighbourhood Plan, they do influence the character and appearance of the local area and Conservation Area. As such, assessment of the proposal in line with the surrounding box dormers, given their location within the Conservation Area, is considered to be relevant to the material considerations of the application.

#### **U5.0 Conclusions**

U5.1 Neighbourhood plans are not planning law but are part of the statutory development plan for consideration in the assessment of planning applications. The assessment set out in the main report remains unchanged in light of the representation received.

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<sup>1</sup> [www.gov.uk/guidance/neighbourhood-planning--2#what-is-neighbourhood-planning](http://www.gov.uk/guidance/neighbourhood-planning--2#what-is-neighbourhood-planning)

<sup>2</sup> See section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004

## **UA1.0 Full text of additional consultations and representations**

### **UA1.1 Castlethorpe Parish Council**

#### **Additional comments**

“23 Thrupp Close is currently situated within the Castlethorpe Conservation Area but the boundaries have been altered and when the revised Conservation Area Plan is adopted by Milton Keynes Council it will be outside the boundary. However, it will still be in the Thrupp Close Character Area designated in both the 2017 and the Modified 2020 Plan, which is due to be “made” by MKC very shortly, having been approved with a large majority at its public referendum last month, and while the Planning Officer in her report has a great deal to say about this application’s relationship and affect on the Conservation Area, we believe that its affect on the Character Area has not been given the prominence it should have.

Castlethorpe Parish Council calls on the panel to reject this application because the proposed design for a rear dormer window in this planning application does not comply with the Design Guidance in Policy 3 of the Castlethorpe Neighbourhood Plan (2017) and Policy CAS4 Design Guidance in the Modified Neighbourhood Plan 2020. Both Plans include Thrupp Close as one of the designated “character areas”.

Policy 3 of the 2017 Plan states:

“Development proposals will be supported, provided their scale, density, massing, height, landscape design, layout and materials, including alterations to existing buildings, reflect and enhance the architectural and historic character and scale of the surrounding buildings and landscape in their specified character area, as shown on the Policies Map, as follows:

- Two storeys building height;
- Roof pitch ranging from 35° to 45°; and
- Window openings are small in relation to the elevation of the building; and
- Proposals should be constructed from materials similar in colour and texture to the materials and design found on adjacent buildings. Extensions and other building works to existing buildings will be required to be constructed from materials and design matching the existing building.”

Policy CAS4 of the 2020 Plan states:

4.4.4 The [character] areas are observed to have a consistency of design and materials and the policy requires that proposals for infill or redevelopment in these five locations have regard to the common building form, plot size, building line and materials in each location and particular attention should be paid to conformity of form and design with the adjacent buildings in each location.

I was one of the team that wrote both Neighbourhood Plans and for the avoidance of any doubt, these policies apply to all elevations of any building – the front, the rear, either side and the roofline on top.

The previous application for a loft conversion with front and rear dormers was refused in March due to the addition and siting of the front and rear box dormer which was considered to be

unsympathetic in scale and design when compared to dwellings in the immediate vicinity and does not relate well to or enhance the local area or Conservation Area. The development was therefore contrary to Policy HE1, D1, D2 and D3 of Plan:MK, Policy 3 of the 2017 Castlethorpe Neighbourhood Plan and Section 16 of the National Planning Policy Framework.

The current application replaces the front dormer with roof lights but the rear dormer remains the same size as the rejected application and if councillors will see in the photo montage above that it is quite out of proportion for what is, essentially, a fairly small and narrow house. By the way, a similar application for a similar size dormer on a much larger house in one of the other design areas in Castlethorpe was withdrawn following similar objections by the Parish Council.

Also there are no other dormer windows in Thrupp Close so to allow this one would set a precedent which could have an extremely adverse affect on the street scene in the Close. The applicant correctly points out that there is one other roof conversion in the Close but this has small velux-style rooflights front and rear which are scarcely visible from the ground.

The Planning Officer states that the rear dormer would not be visible from the public realm but it "may be visible" from the Scheduled Ancient Monument of Castle Field which is criss-crossed by public footpaths and is certainly in the public realm as the land is owned by the Parish Council. It will be extremely visible in the autumn and winter months when the trees shed their leaves.

And it is extremely visible from the garden of Casa Roca, a house in North Street, which adjoins the applicant's property, and we contend that it is also contrary to also Plan:MK Policy D3, which states that developments should provide "a reasonable degree of privacy to new and existing private living space and the main private garden area, with overlooking limited to an acceptable degree."

The applicant states in his response to the Parish Council's first letter of objection that there are two double dormers visible from his house. Both are bungalows outside the Character Area and built many years ago. One is Casa Roca, on the left of the picture above and the other, on the right, is slightly larger. On both the dormer windows run the entire length of the front elevation which makes them look like like first floor windows and are in keeping with the rest of the house, unlike this application, as councillors can see from the comparison picture above.

The applicant also justifies his application on the grounds that there are covenants in the deeds of the houses saying that external TV aerials and picket fences are not permitted, nor are businesses to be run from them, which have been ignored, but nowhere does it say in the deeds that houses cannot be extended. Covenants, of course, are not enforceable in planning terms but Neighbourhood Plans are planning law and must be adhered to.

This application is in clear contravention of both the 2017 and 2020 Castlethorpe Neighbourhood Plans and we respectfully ask the Panel to refuse it."