

## ITEM 3(c)

Minutes of the meeting of the DEVELOPMENT CONTROL PANEL held on THURSDAY 27 FEBRUARY 2020 at 7:00 pm.

**Present:** Councillor: Bint (Chair)  
Councillors Brown, Exon and McLean

**Officers:** E Verdegem (Team Leader, West), L Peacock (Planning Officer), N Roy (Principal Planning Lawyer) and D Imbimbo (Committee Manager).

**Number of Public Present:** 15

**Also Present:** Councillors D Hopkins and Hosking  
**Apologies:** Councillors Baines (Replaced by Councillor McLean) and Wallis

### **DCP28 WELCOME AND INTRODUCTIONS**

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

### **DCP29 DECLARATIONS OF INTEREST**

Councillor McLean asked that it be noted that he lived in close proximity to the site of application 19/03142/FUL, he had however not had any involvement in discussions or made any comment in respect of the application.

### **DCP30 REPRESENTATIONS ON APPLICATIONS**

Mr A McGrandle, Ms. S Soul and Councillor Hosking (Ward Councillor) spoke in objection to application 19/03142/FUL Retrospective planning permission the rebuild of a previously demolished barn, its extension and conversion into a two bedroom residential dwelling at Mounts House, West Lane, Emberton, Olney.

The Applicant Dr D Soul exercised the right of reply.

Mr M Riley, Mr P Smith and Councillor D Hopkins (Ward Councillor) spoke in objection to application 19/02925/FUL Demolition of the existing double garage and tennis court, erection of two detached dwellings and garages (including a replacement garage) and associated works at Cross End Cottage, 2 Cross End, Wavendon, Milton Keynes.

The Applicant's Agent Mr S Dix exercised the right of reply.

Ms M Muir, Mr S Pritchard and Councillor L Morgan (Stantonbury Parish Council) spoke in objection to application 20/00064/FUL Retrospective change of use of highway amenity land to residential garden area and enclosed with new 2m high timber fencing (Resubmission of 19/03203/FUL) at 10 Chalfont Close, Bradville, Milton Keynes.

The Applicant, Mr D Elliott exercised the right of reply.

**DCP31**

**APPLICATIONS**

**19/03142/FUL RETROSPECTIVE PLANNING PERMISSION THE REBUILD OF A PREVIOUSLY DEMOLISHED BARN, ITS EXTENSION AND CONVERSION INTO A TWO BEDROOM RESIDENTIAL DWELLING AT MOUNTS HOUSE, WEST LANE, EMBERTON, OLNEY FOR MR & DR DAVID JC AND DIANE SOUL.**

The Planning Officer introduced the application with a presentation and confirmed that the recommendation remained to grant the application subject to the conditions set out in the Panel report.

The Panel heard from objectors and the applicant. The Panel heard that;

- The title of the application had been altered since it was first published. This would appear to be because the original title which was for the retrospective demolition of the property which was in a conservation area and this was contrary to policy and legislation.
- Some reports in respect of enforcement action for the unauthorised demolition of the barn have not been published.
- The applicant had refused to enter into a party wall agreement with a neighbour.
- There was no permission for the demolition of the barn in the first instance.
- The new application is fundamentally different from the originally granted application and will result in a 150 year old barn in a conservation area being destroyed.
- There is no clarity or information in respect of what the outcome would be should the Panel decide to refuse the application.

Councillor Hosking told the Panel that he had emailed the members of the Panel earlier in the day to ask them to consider deferring the determination of the application due to information in respect of the ongoing enforcement action being missing from

the report.

The applicant told the Panel that the original development permitted under planning permission, granted in 2018 had been started and it was during the course of that it was determined that for safety reasons it was necessary to demolish the barn, this was done with the intention of rebuilding it using the original materials, and in compliance with the original permission granted, the newly constructed barn has the same footprint and dimensions and has the same appearance as it did prior to demolition. It was further commented that the East and West Walls together with some of the South wall of the barn were not dismantled and remain in their original condition as the builders were able to stabilise them in situ. The key change in the new development was the decision to move the main footprint of the extension further away from the barn's north wall and was done in compliance with structural engineering conditions in the 2018 permission. This application sought permission to rebuild the barn but as a more stable version than what previously existed. The Panel heard that the reason given to have the application determined by the Panel rather than on delegated powers was due to significant public interest, however the only interest in this matter is from two neighbours, no other objections or comments have been received from any consultees.

The Team Leader, West, advised the Panel that it was common practice to change the description of an application when it was necessary to better reflect the work proposed.

The Panel also heard that in respect of enforcement, the Enforcement Officer had attended the site and advised the applicants to stop the demolition, which had been complied with, no formal action was taken as the applicants had been advised to submit the application being considered by the Panel. Had any action been taken it would have been to require a 'like for like' replacement, which is what is proposed in this application.

Councillor Bint stated that he proposed that the determination of the application be deferred to get clarity on the issues raised by objectors as he believed there was enough doubt procedurally in respect of the merits of making a decision, he read a paragraph from one of the consultees which had not been included in the report but had only been summarised.

'The barn that is now the subject of the application is unlisted but located in the Emberton Conservation Area, although altered the windows are/were domestic detail, the barn represented a last vestige of a largely untampered with rural agricultural, traditionally made barn built on the West Farm Site. This is no longer the case having been demolished almost in its entirety and rebuilt'

The proposal to defer the determination of the application was seconded by Councillor McLean.

Councillors Exon and Brown stated that they believed that it was clear that enforcement was about mitigating any harm caused by the breach of planning permission and that any enforcement action would require the barn to be rebuilt using the materials originally used and to the same design, as this had been done there was no further information required and that the report was adequate as it sought approval to do just that.

Councillor McLean, stated that he believed that the Parish Council had not made comment as they did not believe that the comments they made in objection when the 2018 application had been approved had been taken account of, in particular a request for a site inspection that did not take place and the application granted under delegated powers.

On being put to the vote the proposal to defer to have the matter of 'process and content' to be looked into was carried on the Chairs casting vote with Councillors McLean and Bint voting in favour and Councillors Brown and Exon voting against the proposal to defer the decision.

RESOLVED –

That the determination of the application be deferred to have the matter of 'process and content' to be looked into.

**19/02925/FUL**

**DEMOLITION OF THE EXISTING DOUBLE GARAGE AND TENNIS COURT, ERECTION OF TWO DETACHED DWELLINGS AND GARAGES (INCLUDING A REPLACEMENT GARAGE) AND ASSOCIATED WORKS AT CROSS END COTTAGE, 2 CROSS END, WAVENDON, MILTON KEYNES FOR GOLDCREST (CAMPBELL PARK) LTD.**

The Planning Officer introduced the application with a presentation. It was confirmed that the recommendation remained to grant the application

subject to the conditions as detailed in the Panel report.

The Panel heard that a Site Inspection had been undertaken on Monday 24 February 2020 which had been attended by Councillors Bint and McLean.

The Panel heard from objectors and the applicant's agent. The Panel heard that the application should be refused as;

- The site was in 'open countryside' and as the Council maintained that it held a 5 year housing land supply (5YHLS) it would be contrary to policy.
- The negative impact of plot one on the established building line.
- The absence of shops and services within safe walking distance, and there being no bus service made the site unsustainable.
- The fact that the site is 'previously developed land' is not an automatic right to redevelop it.
- The access is a single track road with no footpath and further development without significant improvements will compromise safety for other highway users.
- The building of two large dwellings in the curtilage of the listed building will have a negative impact.
- The proposals would lead to an over-development of Cross End.
- There are a number of other applications in Cross End which are not considered in the report and will result in doubling the number of dwellings in the road.
- Scale and height online not correct as it reads 6m and should be 8m.
- Should the Panel be minded to approve the application there was a need to condition access and parking arrangements for construction and delivery vehicles.

The applicant's agent told the Panel that he

believed all the issues raised by objectors had been covered within the Panel report.

The Panel heard that concerns aired at the Site Inspection in respect of access due to the gradient of the entry had been assessed and the 1:14 gradient standard could and would be achieved.

The applicant's agent acknowledged the concerns raised in respect of the road but advised the Panel that a speed survey had been conducted and it had been concluded that the additional traffic that would be generated as a result of the development did not have a negative impact, however the applicant had offered a contribution towards highway improvements should the application be granted, however it had been noted that this may not be something that the Council could accept due to the regulations governing s106 contributions. It was also commented that the argument that the site was not sustainable was not supported by the fact that other developments had been agreed within the recent past, these themselves would not have been approved had the site been considered as unsustainable and in fact make the site more sustainable.

The Planning Officer acknowledged that the site was in Open Countryside and the Council did maintain that it held a 5YHLS. It was confirmed that the site was considered to be previously developed land and had therefore been assessed against paragraph 117 of the NPPF and was considered appropriate for redevelopment. It was also confirmed that the Council Highways Engineer held no concerns in respect of traffic and highway safety, it was noted that the street was due for Highway improvements in the future. It was however explained that the tests applied for the contribution of s106 funds could not be met and therefore it would not be appropriate for the Council to make a request in this respect despite the developer offering to contribute.

The Panel was advised that condition 7 would require a construction management plan which would address the issues raised in respect of construction and delivery traffic.

Councillor Brown, seconded by Councillor Exon proposed that the Officer recommendation to grant the application subject to the conditions detailed in the Panel report be agreed.

Councillor Bint expressed concern in respect of the

visibility for drivers leaving the site due to the limited view at the end of a steep gradient driveway.

Members of the Panel sought further clarification in respect of the s106 contribution offer. The Principal Planning Solicitor explained that as the contribution was not required to mitigate any harm caused by the development there was no legal basis for accepting the funds even if offered, this was compounded by there being no need for the contribution as it had been confirmed that improvement works had already been agreed to be done.

The Planning Officer confirmed that the application had been assessed on the basis of the highway being as it currently was rather than any potential improvement.

In response to a question the Planning Officer advised that should members of the Panel have concerns in respect of the levels of the site and their impact on drainage she would recommend that an additional condition be added, to read;

'No development shall take place until details of the proposed finished floor levels of all buildings and the finished ground levels of the site, in relation to existing site levels of surrounding property, has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved levels.'

Reason: To ensure that construction is carried out at suitable levels having regard to drainage, access, the appearance of the development and the amenities of neighbouring properties in accordance with Policies D3 and D5 of Milton Keynes' adopted Plan:MK (2019).'

Councillor Brown, seconded by Councillor Exon proposed that the additional condition be agreed should the application be granted. On being put to the vote the motion was carried unanimously.

On being put to the vote the motion to grant permission subject to the conditions as detailed in the Panel report together with the additional condition as detailed above was carried with 2 members of the Panel voting in favour, one against and one abstaining from the vote.

Councillor McLean proposed that an informative be added to seek to identify a means by which a contribution towards the planned highways

improvement, from the developer, could be accepted; this was seconded by Councillor Bint. On being put to the vote the proposal was carried unanimously.

RESOLVED –

1. That the application be granted subject to the conditions as detailed in the Panel report together with the additional condition as detailed above.
2. That an informative be added to seek to identify a means by which a contribution towards the planned highways improvement, from the developer, could be accepted.

**20/00064/FUL**

**RETROSPECTIVE CHANGE OF USE OF HIGHWAY AMENITY LAND TO RESIDENTIAL GARDEN AREA AND ENCLOSED WITH NEW 2M HIGH TIMBER FENCING (RESUBMISSION OF 19/03203/FUL) AT 10 CHALFONT CLOSE, BRADVILLE, MILTON KEYNES FOR MR DAVID ELLIOTT.**

The Planning Officer introduced the application with a presentation. The Panel heard that the recommendation remained to grant the application subject to the conditions as detailed in the Panel report.

The Panel heard that there remained a live enforcement action in respect of the fence and the application sought to regularise the work by moving the fence back from its present position to a position that was believed to allay the concerns of objectors.

It was noted that three previous applications had been refused under delegated powers on the grounds of the impact on the amenity of the local area and road safety. It was noted that the position of the fence also proposed enclosing a small section of Public Highway; this would be subject to separate agreement with Highways.

The Panel heard from objectors and the applicant.

The Panel heard that the application should be refused as;

- The proposal represents a visual intrusion
- There remain safety concerns as the fence reduces visibility for drivers of vehicles.
- The proposal will reduce accessibility for residents further up the cul-de-sac.



- The proposal to move the fence back by about 500mm and landscaping the edge will not address the previous reasons for refusal of applications.
- Loss of local amenity land
- The proposal was in conflict with policy SP1 of the emerging Stantonbury Local Plan
- The proposal was contrary to Policy L2 of the MK Local Plan in respect of change of use of amenity land.
- The land being enclosed is an integral part of the access to other residents in the close.
- Approval would set an unwelcome precedent.

The Applicant told the Panel that he had not realised the level of concern that had been so high amongst neighbouring residents and had not intended to cause upset by his action. He further stated that it had been a concern that the section of land had not been kept in good order and that by enclosing it he would be able to maintain it properly.

It was noted that the application did not seek to put the fence back to its original level, the proposal would however see the fence moved back towards its original line and would have a time limit on it within which to do the work.

The Planning Officer confirmed that there was a requirement on the part of the Council to assess the risk of a precedent for enclosure of public land, this had been done and it was considered that in this instance it was unlikely that precedence would be set.

In terms of the repositioning of the fence and the loss of amenity, the proposed position as detailed in the report was what officers considered could be deemed as acceptable.

Councillor Bint, seconded by Councillor Brown proposed that the Officer recommendation to grant the application subject to the conditions detailed in the Panel report be agreed

Councillor Exon stated that he was familiar with the site and it was his view that the area was a pleasant cul-de-sac and it was his view that the proposal represented an unacceptable loss of amenity and

had an adverse impact on the character of the area.

Councillor Brown stated that he believed that, despite the view expressed by the Planning Officer' approval of the application would set a precedent and that in his view the Council should not condone such action.

Councillor McLean stated that he did not believe that moving the fence back to any position other than its original would improve the situation of the loss of amenity. He also stated that he believed that there was an unacceptable loss of vision for vehicles emerging from the drive of number 11.

On being put to the vote the proposal to grant the application subject to the conditions as detailed in the report was lost with 3 members of the Panel voting against the proposal and one member abstaining from the vote.

Councillor McLean, seconded by Councillor Exon, proposed that the application be refused due to the impact on the character of the area.

On being put to the vote the proposal to refuse the application was carried withers of the Committee voting in favour.

**RESOLVED –**

That the application be refused The proposed development, by virtue of its height, position and location, would represent a negative visual intrusion on the street scene and a negative framing of public and private space to the detriment of the character of the local area. The development is therefore contrary to Policy D1 and Policy L3 (Part 2) of Plan:MK (2019)

**THE CHAIR CLOSED THE MEETING AT 8:25 PM**