

# **DEVELOPMENT CONTROL COMMITTEE**

**18 NOVEMBER 2021**

## **COUNCILLORS' ADDITIONAL PAPERS**

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2. **Item 5a – 21/01891/FUL - Land to the west of 6 and 8 Cross End, Cross End, Wavendon**  
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**SPEAKING LIST  
DEVELOPMENT CONTROL PANEL – 18 NOVEMBER 2021**

ITEM NO/APP NO	ADDRESS	REQUESTS TO SPEAK IN OBJECTION	TIME ALLOCATED	RIGHT OF REPLY OR SPEAKERS IN FAVOUR	TIME ALLOCATED
Item 5(b) - 21/02173/FUL	426 Simpson, Simpson, Milton Keynes	<p data-bbox="491 936 587 1048">Cllr P Barnes (Simpson and Ashland Parish Council)</p> <p data-bbox="491 1048 587 1160">Councillor P Trendall (Ward Councillor)</p> <p data-bbox="491 1160 587 1272">Councillor C Hall (Ward Councillor) – (notice given will speak to confirm withdrawal of her objection)</p>	3 Mins	No reply	6 Mins



**Application Number:** 21/01891/FUL

**Proposal:** The erection of 1 detached dwelling with a garage, external parking and associated works (resubmission of 20/03392/FUL) at Land to the west of 6 and 8 Cross End, Cross End, Wavendon

**Applicant:** Aldermans Estates Ltd

**Application type:** Full planning application

**Ward:** Danesborough and Walton

**Parish:** Wavendon Parish Council

**Case Officer:** Charlotte Ashby  
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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, it has been noted that the condition numbering as set out within the report includes an error and therefore for clarity the conditions with the correct numbering are set out below. The wording of the conditions as detailed has not varied from the wording within the report.

U2.2 An informative that was not included previously is also proposed, as set out at the end of the conditions list.

### **U3.0 Conditions**

1. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990:

Plans received 07/10/2021:

3120-L1E - Location Plan  
3120-L4C - Existing Site Plan  
3120-L2J - Block Plan  
3120-L3F - Site Plan  
3120-L5C - Graining Plan

Received 18/06/2021

3120-P01F - Proposed Plans  
3120-P02F - Proposed Elevations  
3120-S1 - Topo Survey

Reason: For the avoidance of doubt and in the interests of securing sustainable development.

2. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances, and to comply with section(s) 73 and 91 of the Town and Country Planning Act 1990 / section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. The development hereby approved shall be carried out in accordance with the materials specified on the approved plans.

Reason: To ensure that the new work complements the existing building and to ensure the development does not detract from the character and appearance of the area in accordance with Policies D1, D2, D3, D5 and SD1 of Plan:MK

4. All mitigation and compensation recommendations set out in Preliminary Ecological Appraisal; dated January 2021; shall be implemented at the appropriate stage of the development and no later than one year after the final occupation of the development.

Reason: To maintain and enhance local biodiversity and ecology in accordance with Policy NE3 of Plan:MK (2019).

5. Notwithstanding the approved drawings, no development shall take place above slab level until full details of both hard and soft landscape works, tree protection details and boundary treatments have been submitted to and approved in writing by the local planning authority. Soft landscape works shall include planting plans at a minimum scale of 1:200 with schedules of plants noting species, supply sizes and proposed densities; and a tree planting details drawing. The planting plans shall include existing trees and/or hedgerows to be retained and/or removed accurately shown with root protection areas; existing and proposed finished levels and contours; visibility splays; proposed and existing functional services above and below ground. All hard and soft landscape works shall be carried out in accordance with the approved details and prior to the first occupation of

the building(s) or the completion of the development whichever is the sooner. If within a period of two years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity. Thereafter the hard and soft landscape works shall be maintained and retained in situ.

Reason: To protect the appearance and character of the area and to minimise the effect of development on the area in accordance with Policies D1 and D2 of Plan:MK (2019).

6. Full details of replacement tree planting to be carried out in accordance with BS 8545: 2014 are to be submitted for approval and which should include full details of tree sizes, species, planting locations, planting spacings, pre-planting ground preparations, planting method and long term maintenance. Also where appropriate details of root deflection barriers and permanent protective measures against soil compaction, vehicle impact, de-icing salt etc. Particular attention should be paid to ensuring the trees are planted in a sufficient quantity of high quality growing medium, to ensure their quick establishment and the early provision of maximum benefit to the locality. Any trees failing to thrive within five years of planting to be replaced in accordance with the original planting specification.
7. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR25-2020-1) and with the proposals detailed on plan 'Land to the rear of Forge Cottage: Impact Plan for great crested newt district licensing (Version 2)' dated 19th August 2021.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR25-2020-1.

8. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR25-2020-1), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence.

The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

9. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR25-2020-1 and in addition in compliance with the following:
  - a) Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

- b) Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
- c) Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately mitigate impacts on great crested newts.

- 10. Prior to the commencement of the development, the new means of vehicular access shall be sited and laid out in accordance with the approved drawing and constructed in accordance with Milton Keynes Council's guide note "Residential Vehicle Crossing Details". The access so laid out shall be retained thereafter.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and of the access.

- 11. Notwithstanding the information provided with the application, prior to occupation of the development full details of the proposed bicycle parking shall be submitted in writing to the Local Planning Authority for their approval. The approved development retained in perpetuity for the lifetime of the development hereby approved.

Reason: To ensure that adequate cycle parking facilities are provided to serve the development.

- 12. No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Drainage Report prepared by Abington Consulting Engineers dated 9th June 2021 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

- 13. Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.



14. No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

15. Prior to the commencement of development above slab level, a sustainable construction strategy demonstrating how the development will accord with the principle as set out in Policy SC1 shall be submitted to and approved in writing by the Local Planning Authority, the development shall be carried out in accordance with these details.

Reason: To accord with Policy SC1 of Plan:MK (2019).

16. Prior to occupation of the development hereby approved the applicant/developer shall ensure digital communications services providing at least superfast broadband speeds are installed in or around the development site to serve the occupiers of the development.

Reason: to accord with Policy CT9 of Plan:MK (2019)

17. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted in writing to the Local Planning Authority for their approval. The CEMP shall include site procedures to be adopted during the course of construction including:

- routes for construction traffic
- Method of prevention of mud being carried onto the highway
- location of site compound
- loading and unloading of plant and materials
- the erection and maintenance of security fencing/hoardings and lighting
- proposed temporary traffic restrictions
- parking of vehicles of site operatives and visitors

The development shall be carried out in full accordance with the approved CEMP.

Reason: To ensure there are adequate mitigation measures in place, in the interests of highway and pedestrian safety and in order to protect the amenities of existing and future residents.

18. No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been constructed, surfaced and permanently marked out. The car parking area provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter.

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the safety on the neighbouring highway in accordance with Policies SD1, D1 and CT10 of Plan:MK (2019).

19. Prior to the first occupation of the development hereby permitted, details of the Electric Vehicle Charging Spaces (at a minimum of 1 space per dwelling) shall be submitted to and approved in writing by the Local Planning Authority, these details shall be implemented prior to first occupation and retained thereafter.

Reason: To provide suitable Electric Vehicle Charging Spaces in accordance with Policy CT6 of Plan:MK (2019).

20. No development shall take place above slab level 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).

#### **U4.0 Informative**

- U4.1 It has been suggested that an informative in relation to the construction hours is included on the decision as set out below:

1. The applicant is reminded that no building operations or any other site works likely to cause nuisance to adjoining occupiers and the local community (noisy works), including the use of plant or machinery, the maintenance or cleaning of any plant or machinery, deliveries to the site and the movement of vehicles within the curtilage of the site, shall be carried out before 8am or after 6pm Mondays to Fridays, nor before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

**Application Number:** 21/02173/FUL

**Proposal:** Erection of a ground floor front and side extension at 426 Simpson, Simpson, Milton Keynes, MK6 3AF

**Applicant:** Mr and Mrs Giuseppe Tudisco

**Application type:** Householder development

**Ward:** Campbell Park and Old Woughton      **Parish:** Simpson and Ashland

**Case Officer:** Rachel Larner  
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 be amended to deferral, to seek additional information from the applicant. If due to further consideration of the further information leads officers to recommend refusal, that the decision to refuse planning permission is delegated to officers.

### **U2.0 Introduction**

U2.1 Since the publication of the agenda, further responses have been received as summarised below.

U2.2 Officers have also further considered the published report and seek to provide the following updates, corrections and/or additions.

### **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. 21/02173/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 Representations from interested parties

4 further comments have been received from 4 addresses. Where these do not repeat matters already summarised in the main report, the matters raised are summarised below:

- **Privacy concerns raised by the adjoining neighbour as a result of the position of the window to Bedroom 3**
- **Privacy concerns as a result of increased use of the path between no. 426 and 428**
- **Disputes over the boundary due to lack of available Land Registry data**

### U4.0 Discussion

#### Privacy

U4.1 The late representation from the neighbour at No. 428 has raised the issue of privacy in relation to the repositioned window to Bedroom 3 on the application dwelling, and the potential for overlooking into the living room window of that neighbouring property.

U4.2 The submitted plans do not show that relationship.

U4.3 So that Members can be satisfied that they have all the information they need to make a determination on the application, officers will seek further information from the applicant. For example, information on the relative position of the neighbouring property (and its side windows) to the application proposals, including the proposed side windows.

U4.4 Officers therefore advise Members to defer the application until the additional information has been received and can be considered.

U4.5 Other matters relating to privacy can be included into a future report to Development Control Panel.

#### Boundary dispute

U4.6 This matter can be included into a future report to Development Control Panel.

### U5.0 Conclusions

U5.1 Due to some of the matters raised (privacy) in the late representations, it is considered that further information would aid Members to come to a view. It is therefore recommended by officers that the application is deferred.

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

#### UA1.1 Representations from interested parties

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. 21/02173/FUL.