

## ITEM 4(b)

**Application Number:** 19/00111/FUL

**Description** Additional new two storey detached house on the plot of 9 Shipley Road with associated works

**AT** 9 Shipley Road, Newport Pagnell, MK16 8BN

**FOR** Ms J Pakes

**Target:** 14.03.2019

**Extension of Time:** No

**Ward:** Newport Pagnell North and Hanslope

**Parish:** Newport Pagnell

**Report Author/Case Officer:** Chris Walton, Planning Officer

**Contact Details:** 01908 253435 christopher.walton@milton-keynes.gov.uk

**Team Manager:** Paul Keen, Deputy Development Management Manager:  
paul.keen@milton-keynes.gov.uk

### 1.0 RECOMMENDATION

1.1 It is recommended that permission be approved subject to the conditions outlined at the close of this report.

### 2.0 INTRODUCTION

#### The Site

2.1 The application site currently is a semi-detached residential dwelling fronting onto Shipley Road in Newport Pagnell. It is flanked by other residential properties and bordered by the garden on a residential dwelling to the rear. The site is in flood risk zone 1.

#### The Proposal

2.2 The application seeks planning permission for the erection of a three bedroom dwellinghouse and lengthening of the dropped kerb from Shipley Road to provide access. An application for this development was previously refused earlier this year (18/02617/FUL) on the grounds of impact on character of the area and a lack of private amenity space.

2.3 This scheme has been amended from the previously refused scheme, reducing the overall size of the dwelling and increasing the amount of rear amenity space. The

revised scheme also possesses altered fenestration arrangements on the front elevation.

### Amendments

- 2.4 The applicant was advised that the description of the development did not include the dropped kerb and that the proposed block plan did not indicate the extent to which the kerb would be dropped. Accordingly, the applicant agreed to amend the description of the proposal to include 'associated works' and provided an updated block plan showing the extent to which the kerb would be dropped.

### Reason for referral to committee

- 2.5 This application is referred to the Development Control Panel at the request of Newport Pagnell Town Council on the grounds of the scheme being detrimental to the character and appearance of the area.

## **3.0 RELEVANT POLICIES**

### **National Policy**

- 3.1 National Planning Policy Framework 2018:

Para 11: Presumption in favour of sustainable development

Section 5: Delivering a sufficient supply of homes

Section 12: Achieving well designed places

Section 4: Decision making

### **The Development Plan**

- 3.2 Newport Pagnell Neighbourhood Plan (made 2016)

Once a Neighbourhood Plan has been agreed at a referendum and is made (brought into legal force) by the local planning authority, it becomes part of the local planning authority's development plan as an official development plan document which carries statutory weight. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. If a policy contained in the development plan for an area conflicts with another policy in a development plan, the conflict must be resolved by the decision maker in favour of the policy which is contained in the latest document to become part of the development plan.

Neighbourhood Plans therefore form part of the development plan for the relevant area. They will necessarily be in general conformity with the strategic policies contained in the development plan for the area. If they are the most recent document to become part of the development plan, they will attract statutory priority. Neighbourhood plan policies will also take precedence over non-strategic development plan policies where there is conflict.

Policy NP1: Preferred sites for housing development

Policy NP4: Windfall Sites

3.3 Milton Keynes Core Strategy 2013:

Policy CSA: Presumption in favour of sustainable development

Policy CS1: Milton Keynes Development Strategy

Policy CS10: Housing

Policy CS11: A Well Connected Milton Keynes

Policy CS13: Ensuring High Quality, Well Designed Places

Policy CS18: Healthier and Safer Communities

3.4 Saved Policies in the adopted Milton Keynes Local Plan 2001-2011:

Policy D1: Impact of Development Proposals on Locality

Policy D2A: Urban Design

Policy D2: Design of Buildings

Policy T10: Traffic

Policy T15: Parking Provision

Policy H7: Housing on Unidentified Sites

Policy H8: Housing Density

Policy H9: Housing Mix

3.5 PLAN:MK (submission version, October 2017)

Policy D1 Designing a High Quality Place

Policy D2 Creating a Positive Character

Policy D3 Design of Buildings

Policy D4 Amenity and Street Scene

Policy CT10 Parking Provision

Policy CT2 Movement and Access

3.6 Supplementary Planning Guidance:

Parking Standards SPD 2016

New Residential Development Design Guide 2012

3.7 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

3.8 Equalities Act 2010

Due regard, where relevant, has been had to the Milton Keynes Council's equality duty as contained within the Equalities Act 2010.

## 4.0 MAIN ISSUES

Principle of Development  
Design and Impact on the Character of the Area  
Impact on Residential Amenity of Neighbouring Properties  
Impact on Parking / Highway Safety  
Flood Risk and Surface Water Drainage

## 5.0 CONSIDERATIONS

### Principle of Development

- 5.1 As concluded in a recent appeal decision within the Borough, it was deemed, by the Secretary of State, that the Council is able to demonstrate a 5 year housing land supply. Following this decision, the Council has reviewed their position and now considers it has a housing land supply of 5.25 years.
- 5.2 The site is located within the Newport Pagnell Neighbourhood Plan Area. Therefore, the principle of the development must be assessed against the pertinent policies contained within the Newport Pagnell Neighbourhood Plan (made 2016) which, in this case, are policies NP1 (Preferred sites for housing development) and NP4 (Windfall Sites).
- 5.3 With reference to these policies, the site has not been identified as one of the preferred sites for housing developments as set out in NP1. However, windfall sites are distinguished from the preferred housing sites and, in this respect, the Neighbourhood Plan implicitly recognises that infill developments may be approved subject to the criteria set out in NP4 (Windfall Sites). NP4 of the Newport Pagnell Neighbourhood Plan states that, subject to the impact on heritage assets, character of the locality and residential amenity,
- "Small, well designed residential developments on brownfield sites within the settlement boundary which do not have a detrimental effect on the surrounding area will be permitted."*
- 5.4 The application site currently forms an existing garage associated with no 9 Shipley Road. As such, the site, having consideration for the relevant definitions set out in the NPPF (2018), would constitute 'brownfield' or 'previously developed land'.
- 5.5 In addition to the abovementioned policies, as the site is located within the Settlement Boundary of Newport Pagnell it is therefore appropriate to consider Saved Policy H7 of the Milton Keynes Local Plan 2001-2011, which pertains to housing developments on unidentified sites within Settlement Boundaries. The policy states that proposals for new housing on sites within the limits of development of settlements defined on the Proposals Map will be assessed against the following criteria:

*"(i) Whether the site has been previously developed*

*(ii) Whether any buildings on the site are empty or under-used and suitable for conversion to residential use.*

*(iii) The location and accessibility of the site to jobs, shops and services by means other than the car, and the potential for improving such accessibility.*

*(iv) The compatibility of housing development with existing land uses in the surrounding area*

*(v) Whether there is sufficient capacity in existing infrastructure, including water supply, drainage and other utilities, and community facilities (such as schools and health facilities) to serve the proposed development*

*(vi) Whether there are any physical and environmental constraints, such as contamination, noise and flood risk, affecting the site."*

5.6 The site, as indicated previously, would constitute previously developed land. It is located in close proximity to shops and facilities located in Newport Pagnell. The site also benefits from in an area primarily characterised by residential development and therefore additional houses in this location would not present any inherent issues regarding the mix of uses in the locality. There are no known physical or environmental factors which would prejudice the development of this site into a residential dwelling.

5.7 For these reasons it is considered that the proposed development would, subject to an assessment of other material planning considerations relevant to the acceptability of this proposal, accord with both Saved Policy H7 of the Milton Keynes Local Plan (2001-2011) and Policy NP4 of the Newport Pagnell Neighbourhood Plan (2016).

#### Design and Impact on the Character of the Area

5.8 Saved Policy D2A of the Adopted MK Local Plan (2001-2011) exists to ensure that all new development is of a high standard of design. Saved Policy D2 of the Adopted MK Local Plan requires that all new buildings are well designed and relate well to the surrounding area. Policy CS13 of the MK Core Strategy (2013) requires that all new development must be of high design quality in terms of layout, form and appearance, and make a positive contribution to the character of the area in which it is located; in addition, all new development must be based on a thorough site appraisal and be sensitive to its context; new housing should be of an appropriate density for the area in which it is located. This focus on good design is echoed by Section 12 of the NPPF (2018) and Policies D1-D4 of the emerging local plan, PLAN:MK (submission version, October 2017).

5.9 The previous application was refused on the grounds that the dwelling would be incongruous to the character and appearance of Shipley Road and would fail to accord with the pattern of development within the locality by virtue of its placement within the plot directly abutting the boundary with the neighbouring bungalow, its detached design and the arrangement of its fenestrations. The cumulative impact of

these issues was deemed to render the application unacceptable in terms of design.

- 5.10 Whilst it is acknowledged that there are bungalows within the surrounding area, the locality does possess a varying pattern of development which includes detached properties. The scheme proposed with this application has been altered to reduce the depth of the dwelling, moving the rear elevation forward to match the rear elevation of 9 Shipley Road. Furthermore, the depth of the property's rear garden would be increased to 9m, which although 1m short of the 10m distance recommended within the New Residential Development Design Guide (2012), would be more in keeping with other residential properties in the locality. Moreover, the fenestrations on the front elevation have been altered to provide a balance, particularly on first floor level, of openings that are comparable with other two storey dwellings within the locality.
- 5.11 For these reasons it is considered that the application, on balance, overcomes the previous refusal reasons regarding design, impact on the character and appearance of the area and therefore accords with the aforementioned local and national policy.

#### Impact on Residential Amenity of Neighbouring Properties

- 5.12 The following parts of Saved Policy D1 of the Milton Keynes Local Plan 2001-2011 would be applied to the proposal:
- 'Planning permission will be refused for development that would be harmful and result in an unacceptable visual intrusion or loss of privacy, sunlight and daylight.'*
- 5.13 Moreover, Policy D4 of the emerging local plan, PLAN:MK, (submission version, October 2017) attends to the impact of development proposals on amenity and, similarly to the above, impact of development on visual amenity, privacy and provision of sunlight and daylight.
- 5.14 It was considered that the previous scheme would not have a harmful impact on local residential amenity. The amended proposal put forward with this application is smaller in scale than the previously refused scheme and, therefore, it is not considered that this revised development would result in any greater impact on the amenity of local residents.
- 5.15 For these reasons it is considered that the proposed development would accord with Saved Policy D1 of the Milton Keynes Local Plan 2001-2011 and Policy D4 of the emerging local plan, PLAN:MK, (submission version, October 2017).

## Parking and Impact on Highway Safety

		Parking Standards Requirement - Zone 3		Provided	
Plot Number	Type of House	Allocated	Unallocated	Allocated	Unallocated
Existing Dwelling	3 bed	2	0.5	2	0
Proposed Dwelling	3 bed	2	0.5	2	0
	<b>Site Total</b>	<b>4 (1 unallocated)</b>		<b>4 provided (0 unallocated)</b>	

5.16 Saved Policy T15 of Milton Keynes Local Plan 2001-2011 relates to ensuring development proposals meet vehicle parking requirements as laid out in the Parking Standards Supplementary Planning Document 2016 (SPD). This policy resonates with Policy CT10, 'Parking Provision', of emerging local plan, PLAN:MK, (submission version, October 2017). Saved Policy T15 states,

*“Development proposals should meet the following vehicle parking requirements:*

*(i) Car parking provision must not exceed the Council's maximum standards.*

*(ii) On-site parking should not be reduced below the maximum standard if it would be likely to result in off-site parking causing problems that cannot be resolved by on-street parking controls”.*

5.17 Furthermore, both Saved Policy D1 (vi) and Policy CT2 of the emerging local plan, PLAN:MK state that development proposals should provide adequate and safe access.

5.18 The previously refused scheme was found to be sound in terms of access and parking and, given the nature of the alterations to this proposal in this scheme, it is not considered that the amended development would give rise to any issues regarding access or indeed parking.

5.19 Therefore, subject to conditions pertaining to the works to drop the kerb and construction of the parking area it is considered that the proposed development would accord with the relevant national and local policy.

## Flood Risk and Surface Water Drainage

5.20 Flood risk data indicates that the application site and surrounding locality possess a low to medium risk of surface water flooding. As such, to ensure that the proposed development would not adversely affect surface water drainage in the area, it is

recommended that a condition be placed on the decision notice requiring details of the method of surface water drainage from the proposed dwelling to be submitted prior to the commencement of works above slab level.

## **6.0 CONCLUSIONS**

- 6.1 Due to the reasons outlined above, it is considered that the development proposal accords with national and local planning policies. As such, it is recommended that planning permission is granted, subject to the conditions set out below.

## **7.0 CONDITIONS**

1. 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 91 of the Town and Country Planning Act 1990.

2. Prior to the initial occupation of the development the new means of 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: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

3. Prior to the first occupation of the development hereby permitted details of bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and the scheme approved shall be provided and be retained thereafter.

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

4. Prior to the occupation of the development hereby permitted the car parking area shown on the approved drawings shall be constructed, surfaced and permanently marked out. The car parking area so 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.

5. Notwithstanding the approved details, no development shall take place above slab level until details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The details shall include a boundary treatment plan (at a minimum scale of 1:500) detailing the position of all proposed boundary treatment and annotated or accompanied by a schedule specifying the type, height, composition, appearance and installation method of boundary treatment throughout the site. The development shall be carried out in



accordance with the approved details prior to the occupation of any part of the development and shall thereafter be retained in that form.

Reason: To provide adequate privacy, to protect the external character and appearance of the area and to minimise the effect of development on the area in accordance with Policy CS13 of the Milton Keynes Core Strategy 2013.

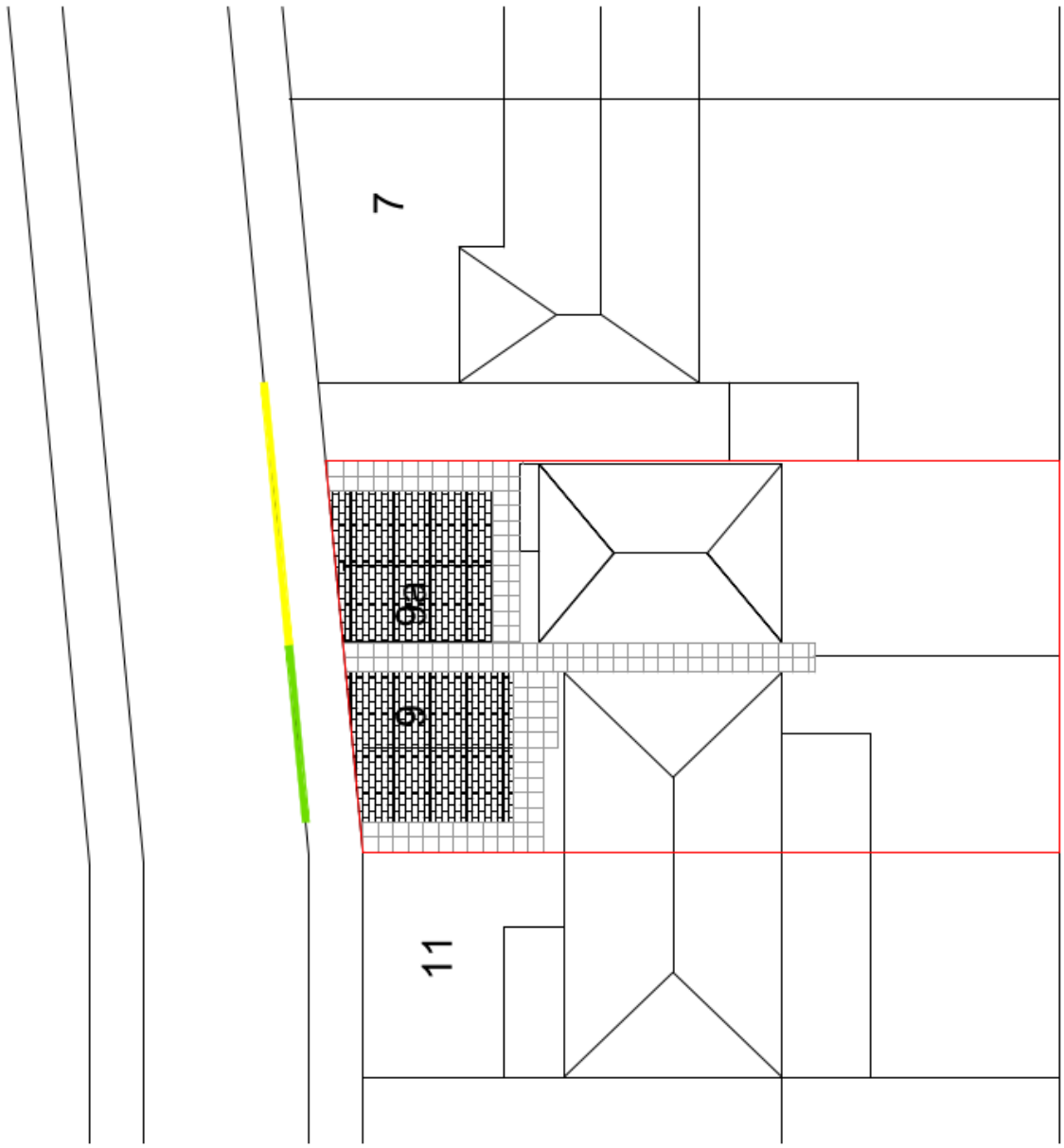
6. No development shall take place above slab level until details of the external materials to be used in the construction of the development have been submitted and approved in writing by the local planning authority. The development shall thereafter be carried out in full accordance with the approved details prior to the first occupation of the development.

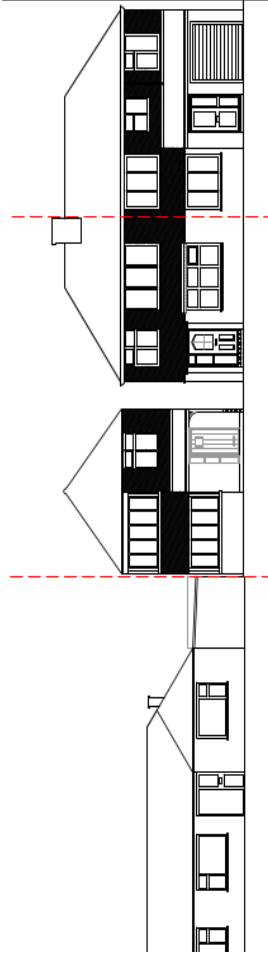
Reason: To ensure that the development does not detract from the character and appearance of the area in accordance with Policy CS13 of the Milton Keynes Core Strategy 2013 and Saved Policy D2 of the Milton Keynes Local Plan 2001-2011.

7. Prior to works commencing above slab level, full details of surface water drainage based on sustainable drainage principles for the site shall accompany the reserved matters application. The approved drainage scheme shall subsequently be implemented in accordance with the approved detailed design and be retained thereafter.

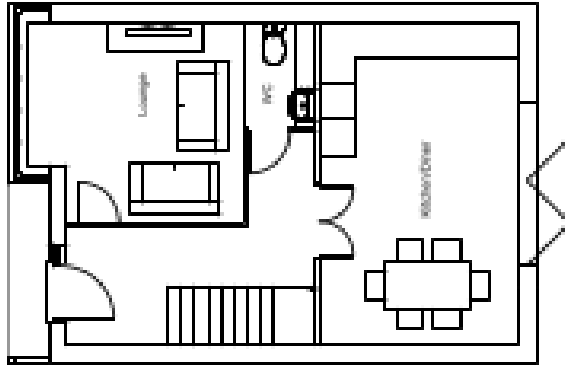
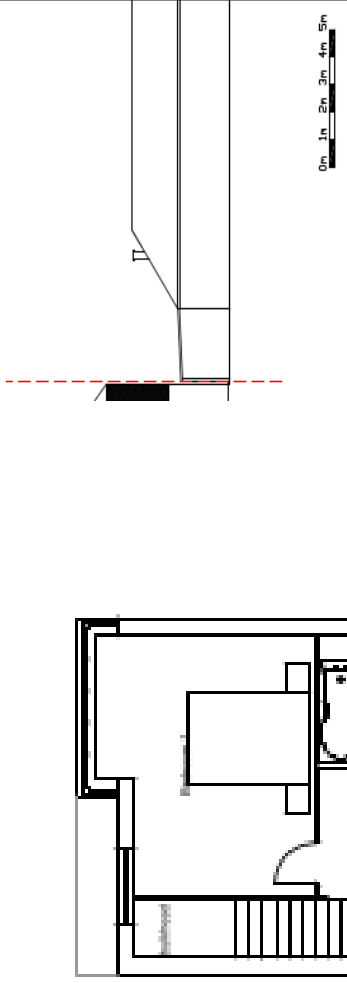
Reason: To ensure satisfactory and sustainable surface water drainage to prevent the increased risk of flooding on or off site in accordance with Policy CS13 of the Milton Keynes Core Strategy 2013 and Saved Policies D1 and D4 of the Milton Keynes Local Plan 2001-2011.



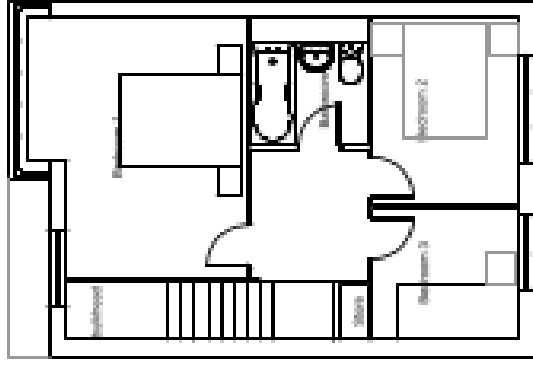




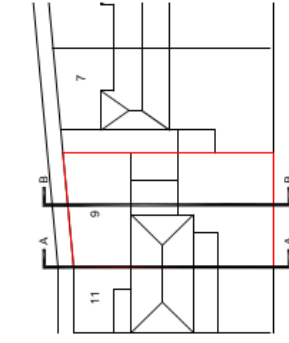
1 Front Elevation  
1:100



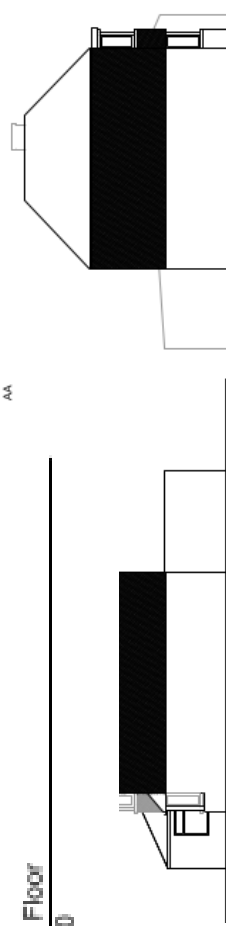
1 Ground Floor  
1:100



2 First Floor  
1:100



AA



Elevation BB

1 Side Elevations looking east along Shipley Road  
1:100

2 Side Elevations looking west along Shipley Road  
1:100

## **Appendix to 19/00111/FUL**

### **A1.0 RELEVANT PLANNING HISTORY**

18/02617/FUL

Erection of new dwelling

REF 09.01.2019

#### **Refusal Reasons**

1. The proposed dwelling, due to its two-storey and detached design, placement within the plot directly abutting the boundary with the bungalow at No. 7, unbalanced appearance to the fenestration on the front elevation, would appear cramped and incongruous on the streetscene and not fit in with nor relate well to the character of the built form in the local area. The proposal is therefore contrary to Saved Policy D2 & D2A of the Adopted Milton Keynes Local Plan (2001-2011) and Policy CS13 of the Milton Keynes Core Strategy (2013).

2. The proposed rear garden for the site would be 7.8 metres deep and 6.5 metres wide. This size of garden would not meet the minimum garden size required for family housing units as specified by the New Residential Development Design Guide (2012). This characteristic of the proposal would not be acceptable as sufficient private amenity space would not be provided for future occupiers of the new dwelling.

### **A2.0 ADDITIONAL MATTERS**

None.

### **A3.0 CONSULTATIONS AND REPRESENTATIONS**

#### **A3.1 Ward – Newport Pagnell North and Hanslope – Cllr Andrew Geary (Member of Development Control Committee)**

No response received.

#### **A3.2 Ward – Newport Pagnell North and Hanslope – Cllr Bill Green**

No response received.

#### **A3.3 Ward – Newport Pagnell North and Hanslope – Cllr Lynn Patey-Smith**

No responses received.

#### **A3.4 Newport Pagnell Town Council**

The Town Planning & Environmental Management Committee objected to this application on the grounds that the size of the proposed two-storey dwelling would have an adverse effect on the streetscene. The existing dwellings in this area are predominantly bungalows and shoe-horning a three bedroomed property into this space would not be in keeping with the surroundings. A better alternative would be a one-storey dwelling with the third bedroom in the loft and incorporating a dormer window, thereby keeping the roofline no higher than the adjacent bungalow at Number 7.

#### **A3.5 Highway Officer**

No comments received to date.

#### **A3.6 Neighbour/Third Party Representations**

None received