

ITEM 3(b)

Minutes of the meeting of the DEVELOPMENT CONTROL PANEL held on THURSDAY 23 JANUARY 2020 at 7:00 pm.

Present: Councillor: Bint (Chair)
Councillors Alexander, Legg, McLean and Wallis.

Officers: P Keen (Deputy Development Management Manager), C Chan (Planning Officer), R Edgington (Planning Officer), C Walton (Planning Officer), E Gineikiene (Senior Planning Lawyer) and D Imbimbo (Committee Manager).

**Number of
Public Present:** 11

Also Present: Councillor Baines, P Geary and Hosking
Apologies: Councillor Baines (Replaced by Councillor McLean) and Brown (Replaced by Councillor Legg)

DCP24 WELCOME AND INTRODUCTIONS

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

DCP25 DECLARATIONS OF INTEREST

None were made.

DCP26 REPRESENTATIONS ON APPLICATIONS

Ms I Stewart (Applicant), Councillor P Geary (Ward Councillor) and Councillor D Hosking (Ward Councillor), spoke in support of application 19/02526/FUL First floor extension above existing bungalow, convert garage, change conservatory to Orangery with new roof and replace fence to Southern boundary to brick to match North and West at East Cote, East Street, Olney, Milton Keynes.

The Application having been recommended for refusal.

Ms. F Jones spoke in objection to application 19/02319/FULR3 Detailed planning permission for 2 no. 5 bedroom dwellings with on plot parking and associated works at Land Between 29 and 43 Talland Avenue, Fishermead, Milton Keynes.

Councillor Baume (Ward Councillor), having registered to speak in objection to the application had sent apologies due to being unwell, but had sent a written representation which was read out by the Committee Manager

The Applicant's Agent Mr W Young exercised the right of reply.

Councillor T Baines (Campbell Park Parish Council) spoke in support of the application.

Councillor Y Cook (Wolverton and Greenleys Town Council) spoke in

objection to application 19/02734/FUL First and Second Floor Change of use to House in Multiple Occupation at 14 Stratford Road, Wolverton, Milton Keynes.

The Applicant having been offered the right of reply had made no comment.

DCP27

APPLICATIONS

19/02526/FUL FIRST FLOOR EXTENSION ABOVE EXISTING BUNGALOW, CONVERT GARAGE, CHANGE CONSERVATORY TO ORANGERY WITH NEW ROOF AND REPLACE FENCE TO SOUTHERN BOUNDARY TO BRICK TO MATCH NORTH AND WEST AT EAST COTE, EAST STREET, OLNEY FOR MR G STEWART.

The Planning Officer introduced the application with a presentation and confirmed that the recommendation remained to refuse the application for the reasons set out in the Panel report.

'The proposal by reason of its size, bulk, scale and overtly modern appearance would fail to harmonise into the street scene, thus having a negative impact on the character of the area. The first floor extension would appear over dominant when viewed from the main road and when viewed from the open playing field adjacent to the site. The proposal would not therefore conserve nor enhance the character and appearance of the Conservation Area. The proposed is therefore contrary to policies D1, D2 and D3 of the adopted Plan:MK (2019) in this regard.

The loss of an existing bungalow would be unacceptable and undesirable since Part B of Policy HN9 of Plan: MK (2019) states that there will be a presumption against proposals that would result in the loss of a bungalow(s) (or single storey dwelling) via demolition or its conversion to two or more storeys. The proposed is therefore contrary to policies HN9 of the adopted Plan:MK (2019) in this regard, as it would reduce the opportunity for suitable accommodation for people with specific needs.'

The Panel heard from the applicant and the Ward Councillors, The Panel heard that;

- Pre-application advice had been sought and paid for by the applicant and no objections in principle had been raised at that time..
- Whilst Plan:MK had not been finalised or adopted at the time of the pre-application, it

would be reasonable to expect that had there been conflict with emerging policies that would have been made known to the applicant and advice on that basis given.

- The reasons given to refuse the application contradict the advice given at the pre-application stage.
- The resumption against the loss of a bungalow in Plan:MK has a number of exceptions listed and despite no mention of Plan:MK and having not received any advice at the pre-application stage in that respect it is reasonable to believe that the proposals accord with the exceptions as the purpose of the conversion to a two storey home is to enable multi-generational living.
- The proposed plans demonstrate that the ground floor accommodation will be retained so the benefits of a bungalow will not be lost.
- There were some minor changes to the development as proposed, however they are of a very minor nature and make no difference to the principle of development.

The Ward Councillors, asked that the Head of Planning seek to establish how a situation had occurred whereby emerging policy that was almost at the point of being adopted had not been referred to in the pre-application process and would have been clearly likely to impact on the decision making process had been overlooked.

The Planning Officer reminded the Panel that the internal layout of the dwelling was not something that could be guaranteed to be retained as any changes would be governed by permitted development rights (PDR) and that it was not, in her view, reasonable to apply a condition to remove PDR as it would not meet the 6 tests, and would be unenforceable.

Councillor Bint, seconded by Councillor Legg, proposed that the officer recommendation to refuse the application for the reasons stated be agreed.

Members of the Panel noted that the location of the premises, as described in the report, was south of Grace Park, however this was not the name of any area in the vicinity, it was established that the name Grace Park had been intended to be used for a

new road which was eventually named Mobbs Close.

Councillor Bint stated that he believed paragraph 7.6 of the Panel report had an error in so far as it should read that 'proposed scale and design of extensions to existing buildings *should* relate well'.

Councillor Bint stated that it was clear that the Ward Councillors did not believe that the proposals would result in any harm to the amenity of the area and that the loss of a bungalow was acceptable, in the circumstances, and stated that on balance he shared their view. Councillors Legg and McLean concurred with the comments.

On being put to the vote the motion to refuse the application for the reasons stated was lost with four members of the Panel voting against it and one abstaining.

The Planning Officer told the Panel that should it be decided to grant the application it was her recommendation that it does so with conditions;

- To require commencement of the works within 3 years,
- That the Development should be built in accordance with the submitted Plans, and,
- That the materials used match those in the existing building, and that should there be any alternative materials proposed then they should be submitted to the Planning Authority and approved in writing.

Councillor Bint, seconded by Councillor McLean, proposed that the application be granted subject to the above conditions.

A recorded vote was taken as the proposal was technically contrary to Policy,

On being put to the vote the proposal was carried with Councillors Alexander, Bint, Legg and McLean voting in favour and Councillor Wallis abstaining from the vote.

RESOLVED –

That the application be granted subject to the conditions as detailed above.

19/02319/FULR3 DETAILED PLANNING PERMISSION FOR 2 NO. 5 BEDROOM DWELLINGS WITH ON PLOT PARKING AND ASSOCIATED WORKS AT LAND BETWEEN 29 AND 43 TALLAND AVENUE,

FISHERMEAD, MILTON KEYNES FOR MILTON KEYNES COUNCIL.

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 from an objector who, in summary, told the Panel that the residents of the adjacent property held concerns in respect of overlooking, loss of amenity space and parking, she further raised concern that the hours of construction could result in early morning disturbance to the occupants of an adjacent property, who were old and infirm. A number of non-material planning considerations were also raised.

A written representation from Councillor Baume was read on her behalf due to her being unable to attend due to being unwell, the matters raised were of a similar nature to those expressed by the objector.

Councillor Baines (Campbell Park Parish Council), and the applicant's agent told the Panel that the proposals were in accordance with the Neighbourhood Plan policies and site allocations, despite those not having been carried through to Plan:MK. It was acknowledged that there was a minor shortfall of on-site parking provision, however there was ample on-street parking within the 600m radius as required by policy.

The Planning Officer told the Panel that due to the scale of the development it was, in his view, unnecessary to seek to control working hours by condition, it was also noted that there remained separate Environmental Health legislation to address any problems that may arise.

Councillor Bint, seconded by Councillor McLean, proposed that the application be granted subject to the conditions as detailed in the Panel report.

Councillor Bint, taking account of the comments in respect of the elderly residents and potential for disturbance from early morning construction work, and the advice that a condition was inappropriate stated that he would propose that an informative be added to advise the applicant, which was the Council, that it would expect a considerate approach to be taken by builders and that this was something that should be conveyed to any potential tenders received for the work.

It was noted that as the proposal was contrary to policy due to the minor shortfall of parking a recorded vote was required. On being put to the vote the proposal to grant the application subject to the conditions detailed above was carried with all Councillors voting in favour.

Councillor Bint proposed that an informative be added to inform the applicant that the Panel invited the developer to organise the working hours for the contract to give the greatest practical consideration to the elderly residents, this was seconded by Councillor Legg. 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.
2. That an informative be added to inform the applicant that the Panel invited the developer to organise the working hours for the contract to give the greatest practical consideration to the elderly residents,

19/02734/FUL

FIRST AND SECOND FLOOR CHANGE OF USE TO HOUSE IN MULTIPLE OCCUPATION AT 14 STRATFORD ROAD, WOLVERTON, MILTON KEYNES FOR MR S CHADHA.

The Planning Officer introduced the application with a presentation. The Panel heard that the recommendation remained to refuse the application for the following reasons;

1. The proposed change of use fails to provide sufficient cycle storage provision within the curtilage of the site causing harm to the amenity of future occupiers of the site, and also fails to adhere to the sustainable travel choices required within Plan:MK. Thereby contravening policies D5, HN7 and CT3 of Plan:MK (2019).
2. By virtue of the lack of safe storage of refuse facilities within the site, the proposal is likely to have a detrimental impact on the residential amenity of the future occupiers. The arrangement would undermine the health and amenity of future occupiers and increasing the likelihood of unacceptable on-street overspill, undermining the character of the street scene, and amenity of

neighbouring residents and businesses. The development therefore fails to accord with Policies HN7 and D5 of Plan:MK (2019).

The representative of the Town Council asked that the Panel refuse the application as the proposed development provided no parking spaces, it was commented that the existing use did not do so either.

It was noted that the Town Council objected on the grounds of the failure to provide any parking, however as the existing premises has no parking provision, and there was no objection from highways, it was not possible to refuse on this basis. The premises did not however provide any outside amenity space and the reasons outlined for refusing the application were therefore reasonable and sustainable.

It was confirmed that the Applicant's agent had indicated that he would provide a written response to the objections from the Town Council, but nothing had been forthcoming.

Councillor Bint, seconded by Councillor Legg, proposed that the officer recommendation to refuse the application for the reasons stated be agreed.

Members of the Panel recognised that whilst there was no parking provision this was not a reason that would be appropriate to refuse the application on due to the lack of any parking under the present arrangements for the property. It was also recognised that the Council had produced a supplementary planning document in respect of HiMo's and this clearly required cycle storage and refuse storage provision.

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

RESOLVED –

That the application be refused as;

1. The proposed change of use fails to provide sufficient cycle storage provision within the curtilage of the site causing harm to the amenity of future occupiers of the site, and also fails to adhere to the sustainable travel choices required within Plan:MK. Thereby contravening policies D5, HN7 and CT3 of Plan:MK (2019).
2. By virtue of the lack of safe storage of refuse

facilities within the site, the proposal is likely to have a detrimental impact on the residential amenity of the future occupiers. The arrangement would undermine the health and amenity of future occupiers and increasing the likelihood of unacceptable on-street overspill, undermining the character of the street scene, and amenity of neighbouring residents and businesses. The development therefore fails to accord with Policies HN7 and D5 of Plan:MK (2019).

THE CHAIR CLOSED THE MEETING AT 8:25 PM