

**Minutes of the meeting of the DEVELOPMENT CONTROL PANEL held on THURSDAY 24 JANUARY 2019 at 7:00 pm.**

**Present:** Councillor: McLean (Chair)  
Councillors Alexander, Baines, Williams and C Wilson

**Officers:** P Keen (Deputy Development Management Manager), D Law (Senior Planning Officer), J Lee (Senior Planning Officer), E Verdegem (Senior Planning Officer), R Edgington (Planning Officer), C Walton (Planning Officer), V Watts (Planning Lawyer) and D Imbimbo (Committee Manager).

**Number of Public Present:** Circa 20

**Also Present:** Councillors A Geary, Hosking and Darlington

**DCP26 WELCOME AND INTRODUCTIONS**

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

**DCP27 DECLARATIONS OF INTEREST**

Councillor Baines asked that it be noted that in respect application 18/01963/FUL he was the Chair of the Parish Council but had not had any discussion in respect of or involvement in the application.

Councillor Baines asked that it be noted that in respect application 18/02473/FUL the site was within his ward but he had not had any discussion in respect of or involvement in the application.

Councillor McLean asked that it be noted that in respect application 18/02597/OUT he knew the parents of the applicant, who was a former MP, but had not had any discussion in respect of or involvement in the application.

Councillor Williams asked that it be noted that in respect application 18/01963/FUL he was the ward Councillor but had not had any discussion in respect of or involvement in the application. He had also been involved in a decision at Panel for another application on the same site.

**DCP28 REPRESENTATIONS ON APPLICATIONS**

Mr S Porter and Councillor Darlington (Ward Councillor) spoke in objection to application 15/02596/FUL erection of part single storey, part two storey front and side extension to accommodate ancillary facilities for the night club, removal of continuous walkway and external staircase, removal of rainbow signage and improved parking and manoeuvring arrangements (part retrospective) at the Pink

Punter, 2 Watling Street, Bletchley, Milton Keynes.

The Applicant J McMahon exercised the right of reply.

Mrs I Bowler (Applicant) and Councillor Hosking (Ward Councillor) spoke in support of application 18/02597/OUT outline planning application with all matters reserved, for the erection of a single detached dwelling at Land to the North of Weston, Castle Road, Lavendon, the application having been recommended for refusal.

A Statement of support was read on behalf of Councillor P Geary (Ward Councillor) as he was delayed in attending the meeting.

Mr Lumsdon spoke in objection to application 18/01963/FUL Extension to garage and change of use application (Conversion to Osteopath Clinic) (C3 to D1) at 18 Wardle Place, Oldbrook, Milton Keynes.

The Applicant declined the right of reply.

## **DCP29**

### **APPLICATIONS**

#### **18/02705/FUL TWO STOREY REAR EXTENSION AND A SINGLE STOREY FRONT EXTENSION AT 5 HIGHLAND CLOSE, BLETCHLEY, MILTON KEYNES FOR MR RAYMOND BUCKINGHAM**

The Chair told the Panel that a request had been received from the Ward Councillor for a site inspection. This had not been conducted and it was proposed that the application be deferred to allow it to be done.

Councillor McLean, seconded by Councillor Williams proposed that the application be deferred which was carried on acclamation.

RESOLVED –

That the application be deferred.

#### **15/02596/FUL ERECTION OF PART SINGLE STOREY, PART TWO STOREY FRONT AND SIDE EXTENSION TO ACCOMMODATE ANCILLARY FACILITIES FOR THE NIGHT CLUB, REMOVAL OF CONTINUOUS WALKWAY AND EXTERNAL STAIRCASE, REMOVAL OF RAINBOW SIGNAGE AND IMPROVED PARKING AND MANOEUVRING ARRANGEMENTS (PART RETROSPECTIVE) AT THE PINK PUNTER, 2 WATLING STREET, BLETCHLEY, MILTON KEYNES FOR PINK PUNTERS.**

The Senior 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 representations from the objectors who reiterated objections made during the course of the formal consultation phase. In particular references to over development of the site, parking problems on Watling Street, increased traffic in the area, noise and anti-social behaviour associated with the venue, which is all contrary to policy D1 of the Milton Keynes Local Plan. The Panel heard that similar applications to expand the venue had been refused in the past. It was commented that the work having been completed and the application mainly retrospective it was not a case of what may occur but rather what had happened as a result of the proposed development. The completed retrospective elements of the application do not satisfy paragraph 12 of the NPPF as they are not in keeping with the overall design and are not well designed.

The applicant responded by addressing the anti-social behaviour and the reasons it was happening being out of the control of the establishment. The applicant explained why retrospective elements were in the application stating that some development had been done to seek to address issues such as sound escape. It was also commented that when the venue first started trading much of the area was a trading estate rather than residential.

The Panel heard from the Senior Planning Officer that objections relating to noise and anti-social behaviour were for the most part licensing issues and not relevant planning considerations, although the Panel could take account of matters resulting in a loss of amenity arising from the development, in particular any breach of policy D2 of the local plan, however, it would be necessary to demonstrate that any breach of policy D2 was specifically resulting from the extension rather than the premises as a whole.

The Panel sought clarification in respect of what matters were retrospective and what was proposed to be developed as a result of the application. It

was noted that a number of breaches were listed in the Panel report. The case officer explained that it was a complex situation with various developments having been undertaken at various times resulting in a confused picture which was not assisted by the plans which were unclear. The application sought to regularise all the various elements that have been completed and also sought permission for those proposed in addition. It was noted that there were some elements included in the proposed plans which did not require planning permission as they involved the removal of unauthorised development and were, therefore, subject to control through Enforcement action.

The Senior Planning Officer explained that all works detailed under paragraph 2.9 of the Panel report were subject of the application; however, matters listed under paragraph 2.8 were in part for approval under the application being considered but not in their entirety.

It was also noted that advice in the National Planning Policy Framework with regard to the protection of music venues from the encroachment of residential development (and resultant noise/disturbance complaints) was not relevant in respect of this application which relates to a club. Furthermore, the Highway Engineer had advised that as Watling Street is a major road it was designed to cope with the volume of traffic that the venue generates. The Highway Engineer had held concerns regarding parking at the venue, but the current proposals addressed those concerns.

Councillor McLean proposed that the recommendation to grant the application subject to the conditions as detailed in the Panel report be agreed, this was seconded by Councillor Baines.

Members of the Panel recognised that the proposal would improve the parking situation, it was also commented that despite problems as detailed associated with the venue in planning terms there did not appear to be any reason to refuse the application.

It was noted however that the application being retrospective should not be considered in terms of what exists but rather than the difference between what was permitted and what the application seeks to allow.

On being put to the vote the proposal to grant the application subject to the conditions as detailed in the panel report was carried.

RESOLVED –

That the application be granted subject to the conditions detailed in the panel report.

**18/02379/FUL RESIDENTIAL DEVELOPMENT OF EIGHT NEW DWELLINGS WITH ASSOCIATED FOOTWAY LINK AND ALL ANCILLARY WORKS AT LAND OPPOSITE CEMETERY, THE OLD STONEYARD, HIGH STREET, LAVENDON, OLNEY FOR HILLTOP RESOURCES LTD**

The Senior Planning Officer introduced the application with a presentation and confirmed that the recommendation remained to grant the application subject to the conditions as detailed in the Panel report together with the completion of a s106 agreement.

It was noted that the application site was on land defined as open Countryside and therefore a departure from policy, however the harm was considered to be minimal as the site was previously developed and was considered to be in a sustainable location. It was further noted that the site was subject to extant permission for 7 dwellings which had been approved in 2017 but better more efficient use of the site could be made by putting 8 dwellings on it.

Councillor McLean proposed that the recommendation to grant the application subject to the conditions as detailed in the panel report be agreed, this was seconded by Councillor Baines.

Members of the Panel recognised that the site was bordered on 3 sides by developments and could be considered as an infill.

On being put to the vote the recommendation to grant the application subject to the conditions as detailed in the panel report together with the completion of a s106 agreement was carried with all members voting in favour.

RESOLVED –

That the application be granted subject to the conditions as detailed in the Panel report together with the completion of a s106 agreement.

**17/00823/FUL DEVELOPMENT OF 3 X DWELLING HOUSES,**

**RESTORATION OF WALLED GARDEN AND DEMOLITION OF DERELICT GREENHOUSE STRUCTURES AT SITE TO NORTH WEST OF, WAVENDON HOUSE DRIVE, WAVENDON FOR COURT WARWICKSHIRE (LTD).**

The Senior Planning Officer introduced the application with a presentation and confirmed that the recommendation remained to grant the application subject to the conditions as detailed in the Panel report together with the completion of a s106 agreement.

It was noted that the application site was on land defined as Open Countryside and therefore a departure from policy, however the harm was considered to be minimal and this was outweighed by the benefit of repairing the walled garden of the listed building.

Councillor McLean proposed that the recommendation to grant the application subject to the conditions as detailed in the Panel report together with the completion of a s106 agreement be agreed, this was seconded by Councillor Baines.

The Panel recognised that the NPPF supported applications where the proposal would assist in repairing and supporting heritage assets on the site or neighbouring properties as was the case in this instance.

On being put to the vote the recommendation to grant the application subject to the conditions as detailed in the panel report together with the completion of a s106 agreement was carried with all members voting in favour.

RESOLVED –

That the application be granted subject to the conditions as detailed in the Panel report together with the completion of a s106 agreement.

**18/02696/FUL**

**ERECTION OF TWO DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING AT WAVENDON MANOR, 18 CROSS END, WAVENDON, MILTON KEYNES FOR ALDERMANS ESTATES**

The Planning Officer introduced the application with a presentation. The Panel heard that the application represented a departure from the Local Plan as it was technically in Open Countryside but any harm was minimal and the site was considered

to be sustainable.

The Panel heard that the recommendation remained to grant the application subject to the conditions as detailed in the Panel report and subject to the completion of a Section 106 agreement.

Councillor McLean proposed that the recommendation to grant the application subject to the conditions as detailed in the Panel report and subject to the completion of a Section 106 agreement be agreed, this was seconded by Councillor Alexander.

The Panel noted that the site was surrounded on three sides by development and represented an infill.

On being put to the vote the recommendation to grant the application subject to the conditions as detailed in the panel report together with the completion of a s106 agreement was carried with all members voting in favour.

RESOLVED –

That the application be granted subject to the conditions as detailed in the Panel report together with the completion of a s106 agreement.

**18/02597/OUT**

**AN OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED, FOR THE ERECTION OF A SINGLE DETACHED DWELLING AT LAND NORTH OF WESTON, CASTLE ROAD, LAVENDON FOR MR AND MRS BOWLER**

The Planning Officer introduced the application with a presentation.

The Planning Officer told the Panel that the application site was in Open Countryside and therefore contrary to policy s10 of the Local Plan. It was noted that the second reason recommended for refusal no longer applied as a Newt Survey had been submitted and it was therefore recommended that the application be refused as the proposed development, by virtue of its location outside the settlement boundary Milton Keynes, would represent an intrusive form of development in the open countryside. No evidence has been presented to demonstrate that the proposed housing is essential for agriculture, forestry, countryside recreation, and is not considered to be an appropriate form of development in a rural area. It is not considered that the proposed development would constitute a sustainable form of development

in this location by reason of its impact on the environment of the locality. The proposal is therefore contrary to Saved Policies S10 (Open Countryside), D2 and D2A of the Milton Keynes Local Plan 2001-2011 (adopted 2005), Policy CS13 (Ensuring High Quality, Well Designed Places) of the Core Strategy (adopted 2013), and paragraph 11 and paragraph 170(b) of the National Planning Policy Framework 2018

The Panel heard from the applicant and the Ward Councillors that the proposal was for a single family dwelling to allow the applicant and their family to live in close proximity to their aging parents and remain as part of the community in which they had grown up in, The Panel also heard that this was a private individual and that there would be no risk of a developer seeking to further encroach on open countryside. The site was close to local amenities including the village shop, transport links and the primary school and was sustainable. It was further commented that the proposed design of the dwelling will greatly enhance the landscape.

Councillor McLean, seconded by Councillor Baines proposed that the Officer recommendation be agreed.

It was noted that the village had seen several applications granted in the recent past including a 95 home development granted on appeal, it was commented that a single dwelling in the proposed location would have minimal harmful impact on the nature of the village.

Members of the Panel expressed some concern that the site was clearly in Open Countryside and contrary to the Council's policies, however, it was also noted that policy s10 had recently been deemed to be out of date as the new Plan:MK was being introduced.

Members of the Panel also recognised the community benefits in these particular circumstances, it was commented that should the Panel be minded to approve the application this would not set a precedent for other development as each case must be judged on its merits and this was an application to provide a family home in a sustainable location with benefits to the community.

On being put to the vote the motion to refuse the application subject to the conditions as detailed was lost with Councillors Alexander, Baines, McLean and C Wilson voting against the officer recommendation and Councillor Williams voting in favour.



Councillor C Wilson had to leave the chamber to address an unrelated matter and did not take part in the remainder of the deliberation of the application or the vote.

Councillor Baines proposed, seconded by Councillor McLean, that the application be approved subject to standard conditions and any additional conditions as requested by consultees, the final conditions being delegated to the Development Management Manager in consultation with the Chair of the Panel.

On being put to the vote the proposal was carried with Councillors Alexander, Baines and McLean voting in favour and Councillor Williams voting against the proposal, the application was therefore granted.

RESOLVED –

That the application be granted subject to standard conditions and any additional conditions as requested by consultees, the final conditions being delegated to the Development Management Manager in consultation with the Chair of the Panel.

**18/01963/FUL**

**EXTENSION TO GARAGE AND CHANGE OF USE APPLICATION (CONVERSION TO OSTEOPATH CLINIC) (C3 TO D1) AT 18 WARDLE PLACE, OLDBROOK, MILTON KEYNES FOR MS MUNNELLY**

The Planning Officer introduced the application with a presentation.

The Planning Officer confirmed that there was no update on the Panel report and 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 stated that he held concerns in respect of the parking arrangements as customers were using the applicant's drive which is shared with that of the neighbouring property, this causes difficulty for the neighbouring property, the objector asked the Panel to condition that the drive is not used by customers but domestic use only, the original application and the present application refer to availability of on street parking. It was further commented that the hours of operation had increased since the premises had initially been used as a chiropractor extending operating time to 8pm from 6pm. The objector asked that the Panel revert operating times to the original hours.

Councillor McLean, seconded by Councillor Baines proposed that the Officer recommendation be agreed.

The Officer confirmed that the proposal was to conduct the same business as previously but operating in the garage area rather than within the dwelling as at present, therefore it would be unreasonable to apply a condition in respect the parking and that it was likely to be unenforceable, also the proposed hours of operation for the relocated operation were the same as those currently approved and therefore a reduction would be unreasonable as there were no changes to the nature of the operation.

Members of the Panel recognised the concerns of the objector but also that there were no planning reasons to refuse the application or make the amendments requested

On being put to the vote the motion to approve the application subject to the conditions as detailed was carried.

RESOLVED –

That the application be granted subject to the conditions as detailed in the panel report.

**18/02473/FUL**

**SINGLE STOREY REAR EXTENSION AT 4 LONGCROSS, PENNYLAND, MILTON KEYNES FOR MR SATHASIYAM**

The Planning Officer introduced the application with a presentation.

The Planning Officer confirmed that the objections of the Parish Council had been withdrawn and that there was no update on the panel report and that the recommendation remained to grant the application subject to the conditions as detailed in the Panel report.

Councillor McLean, seconded by Councillor Baines proposed that the Officer recommendation be agreed.

On being put to the vote the motion to approve the application subject to the conditions as detailed was carried.

RESOLVED –

That the application be granted subject to the conditions as detailed in the panel report.

THE CHAIR CLOSED THE MEETING AT 8:50 PM