

Minutes of the meeting of the **DEVELOPMENT CONTROL PANEL** held on **THURSDAY 25 FEBRUARY 2021** at 7:00 pm.

**Present:** Councillor: Brown (Chair)  
Councillors Bint, McLean Petchey and Trendall.

**Officers:** C Nash (Development Management Manager), E Verdegem (Team Leader (West) - Development Management), C Chan (Planning Officer), C Ashby (Planning Officer), T Barton (Planning Officer), S Shaban (Planning Officer), J Read (Planning Officer), E Gineikiene (Principal Solicitor) and D Imbimbo (Committee Manager).

#### **DCP21 WELCOME AND INTRODUCTIONS**

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

#### **DCP22 DECLARATIONS OF INTEREST**

Councillor Petchey asked that it be noted that he had received an email from the Applicant for Application 20/02598/FUL, but he had not studied the content. Councillor Brown stated that he had also received the email and had acted in the same manner.

Councillor Trendall asked that it be noted that he was a Ward Councillor for Downhead Park and in that capacity had called the application in for consideration by the Panel, the reasons he had given for the call-in were a reflection of the comments that he had received from residents but he maintained an open mind and would consider the application on its merits uninfluenced by those comments. He stated that he had also received two emails from the applicant lobbying in favour of the application but had not taken note of their contents.

#### **DCP23 REPRESENTATIONS ON APPLICATIONS**

Ms A Duggan, Mr S Thomas and Councillor Hosking (Ward Councillor) spoke in objection to application 20/01834/FUL Erection of five dwellings (Resubmission of 20/00887/FUL) at Land adjacent to Main Road and Cranfield Road, Main Road, Astwood.

The Applicant's agent, Ms K Johnson, exercised the right of reply.

Ms R Perez (Pre prepared Video recording), Mr P Hutchinson and Councillor Brackenbury (Ward Councillor) spoke in objection to Application 20/02598/FUL, Proposed two-storey side and rear and single storey rear extensions and roof terrace at 38 Coberley Close, Downhead Park, Milton Keynes

The Applicant Mr E Qirjako exercised the right of reply (using a pre-prepared video).

Councillor Readman (Sherington Parish Council) spoke in objection to Application 20/02598/FUL, Two-storey glazed link between house and garage at Honeysuckle House, Gun Lane, Sherington, Newport

Pagnell

The Applicant's Agent, Mr B Waine exercised the right of reply.

Councillor Harvey (West Bletchley Council) spoke in objection to application 20/02956/FUL Proposed loft conversion with rear dormer, re-alignment of boundary wall and conversion of detached double garage with removal of the roof & raise ridge height and form room in roof space with front dormers (Re-submission of 20/01828/FUL) AT 32 Ultra Avenue, Bletchley, Milton Keynes.

The Applicant, Mr M Blyth, exercised the right of reply.

**DCP24**

## **APPLICATIONS**

### **20/01834/FUL ERECTION OF FIVE DWELLINGS (RESUBMISSION OF 20/00887/FUL) AT LAND ADJACENT TO MAIN ROAD AND CRANFIELD ROAD, MAIN ROAD, ASTWOOD FOR TOM GRAHAM, ASTRUM CONSTRUCTION LTD.**

The Senior Planning Officer introduced the application with a presentation. It was confirmed that the recommendation remained to grant the application subject to the conditions detailed in the Panel Report and published update papers.

The Panel heard from objectors who, in summary, made the following comments relating to planning policy;

- The principle of development on the site contradicts the draft Astwood Neighbourhood Plan which has been through public consultation and should be given considerable weight. The progress has since been delayed due to the Pandemic. There is no mention of the Neighbourhood Plan in the Officer report.
- The draft Neighbourhood Plan supports the development of 2 new dwellings in the village, this proposal is for 5 and is not on an allocated site.
- The development will have a detrimental impact on traffic volume and will create road safety issues, particularly due to the proposal to fit gates at the entrance to the site which would result in stationary vehicles in close proximity to the junction.
- There is no provision for waste collection vehicles or other service vehicles to access the site without waiting for the gates to be

opened.

- The site is, in part, in Open Countryside.
- The proposed entrance to the site is on an area used for crossing the road.
- The village drainage system would not support the additional properties.
- The roads are liable to flooding and the development is likely to exacerbate the problem of flooding.
- There are ecological concerns.
- The development will change the character of the village.

The Applicant's Agent told the Panel that the Development would not physically intrude on the Open Countryside and the area referred to in that category was purely included from a landscaping perspective. The design of the dwellings was in keeping with the local area and did not detract from the character or appearance of the village. The Panel also heard that the Agent and landowner had presented the plans to the Parish Council during the development phase of the draft Neighbourhood Plan and no objections had been raised at that time.

The Neighbourhood Plan, whilst delayed, has not been through sufficient process to be given any weight.

The proposal will include infrastructure to address flooding issues and Highway concerns.

Members of the Panel sought confirmation of the status of the Neighbourhood Plan. The Senior Planning Officer confirmed that the Plan was referred to in the original report and further information in the published update papers, it was confirmed that the Neighbourhood Plan held little weight due to its early stage of development.

In response to a question, the Panel heard from the Senior Planning Officer that there was no policy in respect of gated communities, however, should the Panel be minded the boundary treatment condition could be amended to remove the gates.

The Development Management Manager reminded the Panel that Policy DS1 supported the principle of development within Astwood under that hierarchy.

The Panel heard that there was no objection from Highways Officers in respect of the manoeuvring space on site for service vehicles, however members of the Panel expressed concern in respect of the time required to wait on the Highway for access to be granted through the proposed gates.

It was further noted that the Council would not adopt a gated road, which would therefore remain private. The Waste Lorries would therefore not enter the site and would be required to stop on the Highway when collecting waste.

Councillor Brown, seconded by Councillor Bint, proposed that the Officer recommendation to approve the application, subject to the conditions detailed in the Panel report as amended in the published update paper, be agreed.

Councillor Bint stated that he recognised that the development accorded with Policy in Plan:MK in respect of infill developments and acknowledged the guidance published in respect of the weight to be given to the emerging Neighbourhood Plan but stated the belief that the residents should not have their Neighbourhood Plan ignored simply because it had not progressed through the planning process due to the restrictions during the Pandemic. He was therefore minded to give the Neighbourhood Plan more weight than would ordinarily be given to a Plan at this stage. He stated that he believed that the development of five dwellings was excessive for the village.

Councillor Bint further stated that he did not support the principle of the gated community which would be damaging to the Community Integration and general appearance of the village.

Councillor McLean shared the views expressed by Councillor Bint in respect of the Neighbourhood Plan status. He further expressed concern in respect of the manoeuvring on site. He also reminded the Panel that he did not believe the proposal to improve drainage within the village was a material consideration as it was an established principle that an application should not be used to correct an existing problem. He also commented that the site was deficient in parking provision, he also noted that there was no front to rear access provision on plot 5.

Councillor Bint proposed that condition 5 relating to the Boundary Treatment be amended to remove the gates or make clear that gates were not approved, and that the final wording of the condition to be delegated to the Head of Planning in consultation with the Chair and Vice Chair, this was seconded by Councillor McLean. The Panel accepted the amendment by acclamation.

Councillor Brown stated that whilst he had sympathy for the sentiments in respect of the Neighbourhood Plan he did not believe it appropriate to give it weight in its present state.

The Development Management Manager gave the Panel details of the Policies in the emerging Neighbourhood Plan and confirmed that whilst the policy was for no more than two new houses to be provided in the 10 year period there remained a clause to give consideration to other development on infill sites within the Development Boundary.

Councillor Trendall expressed concern that the Plan had not been made and would form a weak reason for refusal of the application. Councillor McLean stated that there remained an opportunity for the Plan to be made by the time any appeal was heard.

On being put to the vote the proposal to grant the application, subject to the conditions detailed in the Panel report and published update papers and the amendment to condition as detailed above, was lost, with Councillors Brown and Petchey voting in favour and Councillors Bint, McLean and Trendall voting against.

Councillor Trendall, seconded by Councillor Bint, proposed that the Application be refused as the proposals were contrary to policies detailed in the emerging Neighbourhood Plan that was in draft form but had undergone consultation and was supported by the Community and should carry weight, and was therefore in conflict with Policy H1 of the emerging Neighbourhood Plan, and Policies D1 and D2 of Plan:MK in so far as it would alter the character of the village, and that the final wording of the decision notice be delegated to the Head of Planning in Consultation with the Chair and Vice Chair

On being put to the vote the proposal to refuse the application for the reasons stated was carried with Councillors Brown, Bint, McLean and Trendall voting in favour, Councillor Petchey had lost connection but the meeting remained quorate.

RESOLVED –

That the application be refused as the proposal was contrary to;

- a. Policy H1 of the emerging Neighbourhood Plan.
- b. Policies D1 and D2 of Plan:MK as the proposed development would alter the character of the village

And that the final wording of the Decision Notice be delegated to the Head of Planning in consultation with the Chair and Vice Chair.

**20/02598/FUL**

**PROPOSED TWO-STOREY SIDE AND REAR AND SINGLE STOREY REAR EXTENSIONS AND ROOF TERRACE AT 38 COBERLEY CLOSE, DOWNHEAD PARK, MILTON KEYNES FOR MR J BATES.**

The Planning Officer introduced the application with a presentation. It was confirmed that the recommendation remained to grant the application subject to the conditions detailed in the Panel Report and published update papers.

The Panel heard from objectors who, in summary, made the following comments relating to planning policy;

- The loss of Privacy to the neighbouring property resulting from overlooking from the elevated terrace.
- The screen will not reduce the potential to overlook surrounding gardens and will itself be a visibly intrusive feature.
- General loss of Amenity for neighbouring properties.
- While there are no additional bedrooms proposed, there already exists a parking provision shortfall, and the increased size and number of ground floor reception rooms could be converted to bedrooms.
- The property to the rear of the site will be overlooked from the terrace and there will be clear unobstructed views into the windows of the property at the rear.
- The trees at the rear of the site could easily be removed and that is a likely course of

action as there is potential to damage the property.

- The separation distance at the rear is acceptable but does not mitigate the overlooking problems.

The Applicant presented photographs of the site, the Panel heard that the purpose of the terrace was to allow access to the outside from a bedroom for leisure, and was not to be used for social functions. The applicant stated that they had ample garden space remaining after the proposed development and that in respect of the trees at the rear of the property he was in control of the trees which were on his land and he would not be removing them, he had in fact had to put in special footings to ensure the continued survival of the trees.

The Panel heard from the applicant in respect of the views that he already had views of neighbouring gardens from his existing windows. The views from the Terrace would be no worse than the existing views from those windows.

The Planning Officer explained that the assessment in respect of overlooking and views had been conducted as if the terrace was a window using the back to back separation distances as this was the only recognised process. In this case the situation had been assessed as acceptable in this regard.

It was further confirmed that the applicant could reverse the living space and bedrooms under permitted development rights, however any assessment of amenity would remain the same.

It was noted that the maintenance of the hedge was irrelevant from the perspective of the assessment on amenity due to the separation distances exceeding the minimum requirements.

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

Members of the Panel noted that the concerns raised in respect of Parking could not be considered as the situation was pre-existing, it was also noted that the scheme would not amount to overdevelopment of the site and the potential to reverse the living arrangements was also not a matter for the Panel to consider.

It was also noted that assurances received in respect of the Terrace not being used for social events was not something that could be taken account, as future occupants may not adhere to that arrangement. Councillor Bint stated that he had concerns that the fact that the hedge was not totally in the control of the applicant was a concern, and he failed to see how a window could be assessed in the same way as a terrace. Councillor Bint, referring to Policy D5.4 of Plan:MK stated that he believed that the requirement to provide a reasonable degree of privacy to neighbours could not be assured. On this basis he believed that the elevated platform would result in a loss of privacy for neighbouring properties.

On being put to the vote the proposal to grant the application subject to the conditions as detailed in the Panel report was lost with Councillor Brown, voting in favour and Councillors Bint, McLean, Petchey and Trendall voting against.

Councillor Bint proposed that the application be refused as the Terrace would cause unacceptable loss of privacy and amenity to neighbouring properties contrary to Policy D5.4 of Plan:MK and Paragraph 4.11.39 of the Milton Keynes Residential Development Design Guide. The final wording of the reasons for the refusal of permission to be delegated to the Head of Planning in consultation with the Chair and Vice Chair. This was seconded by Councillor Brown.

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

RESOLVED –

That the application be refused as the terrace would cause unacceptable loss of privacy and amenity to neighbouring properties contrary to Policy D5.4 of Plan:MK and Paragraph 4.11.39 of the Milton Keynes Residential Development Design Guide. The final wording of the reasons for the refusal of permission to be delegated to the Head of Planning in consultation with the Chair and Vice Chair.

**20/02688/FUL**

**TWO-STOREY GLAZED LINK BETWEEN HOUSE AND GARAGE AT HONEYSUCKLE HOUSE, GUN LANE, SHERINGTON, NEWPORT PAGNELL FOR MR J ELLIS.**

The Senior Planning Officer introduced the application with a presentation, the Panel heard that the Officer recommendation remained to grant the



application subject to the conditions as detailed in the Panel report.

The Panel heard representations from the Parish Council in objection on the basis that the proposal would conflict with the Sherington Neighbourhood Plan policies NP1 relating to development outside the settlement boundary and NP6 which relates to the scale and appearance of the property which will be significantly altered to the detriment of the original building should the development be allowed. It was also a concern that there would be a later application to replace the garage further changing the appearance of the original building.

The Applicant's Agent told the Panel that policy NP1 referred to new development which this was not. In respect of Policy NP6 the requirements were for high quality design and the proposal was in accordance with the policy as it provided a glass link between the two buildings but allowed views of the property to be maintained.

The Panel was reminded by the Senior Planning Officer that the Permitted Development Rights (PDR) had been removed when the original application had been granted and any further development would need full permission.

Councillor Brown proposed, seconded by Councillor Bint, that the Officer recommendation to grant planning permission subject to the conditions detailed in the Panel report.

It was noted that there was one other property in the vicinity to the South of the site and the occupant of that property had made a representation in support of the application.

Members noted the concerns expressed by the representative of the Parish Council but believed that the proposal was sympathetic to the original building and were assured by the removal of the PDR. Councillor McLean commented that he did not believe that the proposed material was in keeping with the barn conversion that has been undertaken and was concerned that the development was slowly being increased in size with several applications over a period of time.

On being put to the vote the proposal to grant the application subject to the conditions as detailed in the Panel report was carried with Councillors Brown, Bint, Petchey and Trendall voting in favour and Councillor McLean voting against.

RESOLVED –

That planning permission be granted subject to the conditions as detailed in the Panel report.

**20/02956/FUL**

**PROPOSED LOFT CONVERSION WITH REAR DORMER, RE-ALIGNMENT OF BOUNDARY WALL AND CONVERSION OF DETACHED DOUBLE GARAGE WITH REMOVAL OF THE ROOF & RAISE RIDGE HEIGHT AND FORM ROOM IN ROOF SPACE WITH FRONT DORMERS (RE-SUBMISSION OF 20/01828/FUL) AT 32 ULTRA AVENUE, BLETCHLEY, MILTON KEYNES FOR MR M BLYTH.**

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

The Panel heard representations from the Parish Council in objection on the basis that the proposal would not be in keeping with the area and would have an overbearing impact on surrounding properties.

The Parish Council representative told the Panel that there had been no notification letters to neighbours of the development site.

The applicant told the Panel that the proposal was intended to allow for his family to work from home, the intention was to raise the roof height by 600mm and the dormer windows were identical with other properties in the area. It was also commented that other properties in the area had undergone garage conversions.

The Team Leader told the panel that notification letters had been sent to adjacent properties, in accordance with usual procedures, on 18 November.

Councillor Brown proposed, seconded by Councillor Bint, that the Officer recommendation to grant planning permission, subject to the conditions detailed in the Panel report and the delegation to the Head of Planning to amend condition 1 to reflect the update to the plans as detailed in the published update papers.

Members of the Panel recognised that the applicant was intending to use the new space provided by the development to enable home working and that there was clearly a need to be sympathetic to those needs.

Councillor Bint stated that he also recognised the

need to be sympathetic but was satisfied that the proposals were in accordance with policy and therefore supported the application.

On being put to the vote the proposal to grant the application subject to the conditions detailed in the Panel report together with the delegation to the Head of Planning to amend condition 1 as detailed in the published update report was carried with all Members of the Panel voting in favour.

RESOLVED –

1. That planning permission be granted subject to the conditions as detailed in the Panel report and;
2. That the Head of Planning be delegated authority to amend condition 1 to reflect updated plans submitted.

**20/03317/FUL**

**PROPOSED LOFT CONVERSION WITH A REAR BOX DORMER AND REAR ROOF LIGHTS AT 112 WINDSOR STREET, WOLVERTON, MILTON KEYNES FOR MR AND MRS HULBERT**

The Planning Officer introduced the application with a presentation. It was confirmed that there was no further update on the Panel report and that the recommendation remained to grant the application subject to the conditions detailed in the Panel Report.

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

On being put to the vote the proposal to grant the application subject to the conditions detailed in the Panel report was carried with all Members of the Panel voting in favour.

RESOLVED –

That planning permission be granted subject to the conditions as detailed in the Panel report.

**DCP25**

**CONFIRMATION OF TREE PRESERVATION ORDER PS/540/15/427**

The Panel considered a report in respect of the confirmation of Tree Preservation Order PS/540/15/427. The Panel heard that since publication of the report new information in respect of the estimated costs to install a root barrier had been received. This estimated the cost at £24,552 plus VAT and it was considered that this far outweighed the Helliwell Amenity Value of the trees which was estimated at a total of £10,943, therefore it was now recommended that the Tree Preservation Order was not

confirmed.

The Panel heard representations from the occupant of number 15a Bow Brickhill Road in consideration of the Item.

Councillor Brown proposed that the Tree Preservation Order was not confirmed, this was seconded by Councillor Bint.

It was noted that ordinarily if a Tree Preservation Order was not to be confirmed it would not be presented to the Panel for a decision as the temporary order would simply lapse, however at the point the report had been written the costs of the installation of the root barrier were unknown.

It was also noted that the property in question was number 15E the error in the report was due to a background mapping error.

On being put to the vote the recommendation to not confirm Tree Preservation Order PS/540/15/427 was carried unanimously

RESOLVED –

That tree Preservation Order PS/540/15/427 is not confirmed.

THE CHAIR CLOSED THE MEETING AT 10:21 PM