

## ITEM 3(c)

Minutes of the meeting of the **DEVELOPMENT CONTROL PANEL** held on **THURSDAY 11 NOVEMBER 2020** at 7:00 pm.

**Present:** Councillor: Brown (Chair)  
Councillors Bint, Lancaster, Trendall and Wallis.

**Officers:** E Verdegem (Team Leader (West) - Development Management), C Ashby (Planning Officer), J Lee (Senior Planning Officer), S Shaban (Planning Officer) N Roy (Principal Lawyer (Planning)) and D Imbimbo (Committee Manager).

**Also Present:** Councillors Brackenbury and R Bradburn

### **DCP09 WELCOME AND INTRODUCTIONS**

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

### **DCP10 DECLARATIONS OF INTEREST**

None were made.

### **DCP11 REPRESENTATIONS ON APPLICATIONS**

Parish Councillor Barnes, (Ashland and Simpson Parish Council), and Councillor Brackenbury, (Ward Councillor), spoke in objection to application 20/01529/FUL Conversion of former nursing home into residential development of 28 unit House in Multiple Occupation at Five Acres Nursing Home Simpson.

The Applicants Agent, Mr I Gilbert, exercised the right of reply.

Mrs Bell, Ms Amos, Mr Walker and Councillor R Bradburn, (Ward Councillor), spoke in objection to application 20/01952/FUL 2-Storey Side & Rear Extension at 1 Leafield Rise, Two Mile Ash, Milton Keynes.

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

Mr P Endersby and Parish Councillor Williams, (Shenley Brook end and Tattenhoe Parish Council), spoke in objection to application 20/01848/FUL Raise height of existing roof, front porch extension, single storey side and rear extensions, and relocation of rear boundary wall to enclose parking area (part-retrospective) at 64 Challacombe, Furzton, Milton Keynes.

The Applicant, Mr Marco Encarnacao, exercised the right of reply.

Parish Councillor Greenwood, (Campbell Park Parish Council), spoke in objection to application 20/02153/FUL Two storey front/side extension with 2no dormer windows on front elevation and 1 on the rear (resubmission of 20/01531/FUL) at 1 Leafield Rise, Two Mile Ash, Milton Keynes.

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

DCP12

## APPLICATIONS

### **20/01529/FUL CONVERSION OF FORMER NURSING HOME INTO RESIDENTIAL DEVELOPMENT OF 28 UNIT HOUSE IN MULTIPLE OCCUPATION AT FIVE ACRES NURSING HOME SIMPSON FOR MS MALA MANDADI.**

The Senior Planning Officer introduced the application with a presentation.

The Panel heard from a Ward Councillor and a representative of the Parish Council who, in summary, raised the following concerns;

- The proposed conversion would be in breach of policy HN7 of Plan:MK in so far as it would result in an imbalance of the Housing Mix in Simpson Village.
- The proposal would have an adverse impact on the character of the area.
- The proposal would be in breach of policies C10, HN7, D5 and CT2 in respect of Parking, traffic Flow and noise.
- The proposal would have an adverse impact on biodiversity, in breach of policies NE3, D1 and D5 of Plan:MK
- The proposals would result in a concentration of HiMO's in excess of the Council Policy
- The reliance on the bus service in terms of sustainability is flawed as the bus service is planned to be withdrawn in April 2021 and the service currently available is not adequate to serve the needs of a development of this nature.
- Whilst not proposed as reasons for refusal there remained concerns in respect of Housing Mix (policy HN1)

The Applicant's Agent told the Panel that the Council was supportive of Houses in Multiple Occupation, however the concentration calculation in respect of the proposal was not reasonable as there were only 10 premises in the neighbourhood. The proposal would provide much needed affordable accommodation.

The proposal was in keeping with the previous use of a care home for 25 occupants. The Panel was also told that the proposal would see little difference in terms of traffic movements if it were developed for residential use.

The Applicant's Agent confirmed that additional parking, to meet the Parking Standard, could be provided, and information in respect of how trees could be protected could be provided.

The Senior Planning Officer told the Panel for clarity that most of the proposed units would have shared kitchens, however each unit would have its own lounge and bedroom facility.

The Panel noted that the Crime Prevention Officer (CPO) had indicated that he did not wish to comment on the proposal 'at this stage' and sought clarity in respect of what that meant and asked for an explanation of why the 'Dwelling Mix' had not been recommended as a reason for refusal.

The Senior Planning Officer confirmed that he had considered both issues, in respect of the CPO he would recommend a condition to ensure any actions recommended by the CPO be implemented should the Panel be minded to approve the application, however they were not considered as being of such significance to justify a refusal, in respect of the Dwelling Mix, whilst if the proposal was for permanent dwelling houses it would be clear, however the policy was ambiguous in respect of a proposal of this nature and therefore did not in his view a sustainable reason for refusing the application.

Councillor Brown, seconded by Councillor Bint, proposed that the Officer recommendation to refuse the application for the reasons detailed in the Panel report be agreed.

Members of the Panel stated that they concurred with the assessments of the Senior Planning Officer.

It was also commented that the Council had set policies after significant and detailed research and should be adhered to unless there were extremely convincing arguments to the contrary.

In response to a question from Councillor Bint it was confirmed that despite the issue not being cited as a refusal for refusal, should the matter go to appeal the Council could propose conditions to address the concerns in respect of the CPO.

On being put to the vote the proposal to refuse the

application for the reasons stated in the Panel report was carried with all Members of the Panel voting in favour.

**RESOLVED –**

That the application be refused as;

1. The proposal would result in an overall concentration of Houses in Multiple Occupation dwelling units within 50 metres of the application property of approximately 73.6%, which exceeds the threshold guide figure of 35% in order to preserve the character of an area and to maintain a mix of dwelling types as set out within the Houses in Multiple Occupation Supplementary Planning Document 2012. The proposal would therefore unbalance the housing mix of the area to the detriment of community cohesion and integration and the character of the area contrary to policy HN7 of Plan:MK and guidance in the Houses in Multiple Occupation Supplementary Planning Document, adopted April 2012.
2. The proposed intensity of occupation would result in a level of noise and disturbance from people and vehicles leaving and entering the site is likely to have a significant detrimental impact upon the amenities of local residents contrary to Policy D5 of Plan:MK.
3. The proposal would result in an intrusion into the root protection zones of a number of significant trees, some of which are protected by Tree Preservation Orders, which is likely to have a detrimental impact upon the health of the trees to the detriment of the appearance and biodiversity of the area. The proposal is therefore contrary to policies NE3, D1 and D5 of Plan:MK.
4. The proposal would not provide adequate off street parking to serve the proposed development and would therefore increase the level of on-street car parking to the detriment of the free flow of traffic on nearby roads and contrary to policies C10 and HN7 of Plan:MK.
5. The significant increase in vehicle movements that is likely to result from the proposal would impact upon the ease of movement for pedestrians and cyclists across the driveway serving the development

and the adjacent footpath/cycleway. It is therefore considered that the proposal would be contrary to Policy D5 and CT2 of Plan:MK.

**20/01952/FUL**

**2-STOREY SIDE & REAR EXTENSION AT 1 LEAFIELD RISE, TWO MILE ASH, MILTON KEYNES FOR MR & MRS DUBEY.**

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.

The Panel heard from the Ward Councillor and members of the public who, in summary, made the following points;

- The development will result in a structure which is out of keeping with the locality and was previously refused as it was not at least 4.8m back from the public highway.
- The proposal to put a hard surface in replacement of the front garden will have a negative impact on the visual amenity of the area.
- The proposed development would lead to parking on the Highway in an extremely dangerous location.
- The development would result in damage to plants and greenery that has been in place for a considerable amount of time.
- The increase from a 2 to a 4 bedroom property would place a greater requirement on parking which was not provided, this further increase will require more in reality, although the parking standards do not reflect this.
- There would be a loss of light to neighbouring properties.
- The development would result in an unacceptable visual intrusion for neighbouring properties.
- The size and scale of the proposed development results in an overdevelopment of the plot.

- The size and scale of the proposed development is not in keeping with the area of Two Mile Ash.

The Applicant's Agent told the Panel that there was a mix of styles of dwelling in locality and the proposal would therefore not be out of keeping. The Panel also heard that the plot was large and easily able to accommodate the size of property proposed.

It was further confirmed that there was no proposal to remove the bushes and that the parking provision on site would be adequate for the needs.

The Planning Officer told the Panel that an earlier application to demolish the extension and rebuild would have required additional parking to be provided, however the proposal before the Panel did not require additional spaces.

In response to a question from Councillor Bint it was confirmed that Permitted Development Rights (PDR) could be withdrawn as part of the permission to ensure that there was no further expansion to the size of the property without the requirement for permission. It was however noted that if PDR were not removed there could not be any further extension to the extended element of the development.

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 expressed disappointment at the clarity of legislation in respect of overdevelopment and that it meant that this was not a matter that could reasonably justify a refusal of the application.

The Panel recognised that the parking provision fell short of that required for the existing dwelling by virtue of there not being a 'half' unallocated space provided, however, despite concerns, it was not possible to expect the new application to address the previous shortfall.

There was also concern expressed in respect of the 0.8m encroachment of the separation distance to neighbouring properties. It was however recognised that the policy applied to new residential development rather than existing.

In response to an explanation from the Team leader, Councillor Bint proposed, seconded by Councillor

Lancaster that Permitted Development Right be removed to address concerns about future development, this was agreed by acclamation.

On being put to the vote the proposal to grant the application subject to the conditions as detailed in the Panel report together with an addition clause to remove Permitted Development Rights was carried with all members of the Panel voting in favour.

RESOLVED –

That the application be granted subject to the conditions as detailed in the Panel report together with an additional clause to remove permitted development rights, the final wording of which to be delegated to the Head of Planning.

**20/01848/FUL**

**RAISE HEIGHT OF EXISTING ROOF, FRONT PORCH EXTENSION, SINGLE STOREY SIDE AND REAR EXTENSIONS, AND RELOCATION OF REAR BOUNDARY WALL TO ENCLOSE PARKING AREA (PART-RETROSPECTIVE) AT 64 CHALLACOMBE, FURZTON, MILTON KEYNES FOR MR MARCO ENCARNACAO.**

The 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 viewed a video of the site and surrounding area. Members of the Panel were reminded that due to the restrictions in respect of the COVID19 pandemic the video was used to replace a site inspection.

The Panel heard from a member of the Public and a representative of the Parish Council, who, in summary, raised the following concerns:

- The development has converted a small one bedroom property into a structure that has changed the street scene and has an overbearing impact on the amenity of neighbouring properties.
- The height of the extension at 2.8m has had a detrimental impact and resulted in loss of light and shadow to the neighbouring property.
- The wall has resulted in a restricted parking space on either side.
- The design of the extension does not fit in with

the existing character of buildings in the surrounding area.

- The Planning Officer has stated in her report that the proposed changes 'do significantly alter the overall appearance of the Site' and this assessment supports the concerns expressed by residents and the Parish Council.
- The proposal fails policies D1 (i) and (vi) Designing a high-quality house, D2 (i) (ii) (iii) and (iv), creating a positive character. Policy D5 (iv) and (v) by virtue of loss of light,

The applicant told the Panel that as a result of discussions with the Planning Officer he believed the constructed extension was within Permitted Development Rights (PDR) and an application was therefore not required, that advice later changed, this was also because the plans changed.

The applicant further stated that the height was not 2.8m but 2.4m. The Boundary wall was sited within the land in his ownership.

The Team Leader confirmed that informal advice had been given on site, however it was clear that at all stages it had been made clear that some form of application would be required and a full assessment of what was subject to PDR would be made when plans were submitted.

Councillor Brown proposed that the application be granted subject to the conditions detailed in the Panel report, this was seconded by Councillor Bint.

Councillors Bint and Lancaster, recognising that the original parking spaces, before the construction of the wall, were 2.5m wide, however with the inclusion of a wall the spaces needed to be 3m to reasonably enable a vehicle to park, and to comply with the Parking standards, there would also be a requirement for a 6m combined width for the remaining two spaces that were outside the wall and this was in fact only 5.3m. effectively what was originally 3 compliant spaces were now no longer compliant by virtue of the building of the wall for which retrospective permission was being applied. It was also noted that as the parking proposed was tandem the width required was 4m. It was further noted that previously the spaces were non-compliant but by a significantly smaller margin. The



wall had made the situation such that none of the spaces were usable.

The Panel heard that in respect of policies D1, D2 and D5 these matters had been covered in the Panel report and were not considered justifiable reasons to refuse the application. It was further commented that the issues relating to encroachment onto neighbouring property was a matter for civil proceedings and did not amount to material planning concerns.

On being put to the vote the motion to grant the application subject to the conditions detailed in the Panel report was lost, with all members of the Panel voting against the proposal.

Councillor Bint, seconded by Councillor Lancaster, proposed that the application be refused as the proposal and in particular the wall had resulted in a failure to provide adequate parking with the minimum sized parking spaces in the circumstances, and that the final wording of the reason be delegated to the Head of Planning in consultation with the Chair and Vice Chair.

The Panel discussed the other areas of concern but recognised that they were unlikely to be sustainable reasons to refuse the application. It was commented that concerns remained in respect of the extra height and the loss of light.

On being put to the vote the proposal to refuse the application due to the non-complaint size of the parking spaces was carried with all members of the panel voting in favour of the proposal.

RESOLVED –

That the application be refused as the proposal, and in particular the wall, resulted in non-compliant parking provision by virtue of the size and dimensions of the spaces being too small, the final wording of the reason to be delegated to the Head of Planning in consultation with the Chair and Vice Chair.

**20/02153/FUL**

**TWO STOREY FRONT/SIDE EXTENSION WITH 2NO DORMER WINDOWS ON FRONT ELEVATION AND 1 ON THE REAR (RESUBMISSION OF 20/01531/FUL) AT 51 6 HOOPER GATE, WILLEN, MILTON KEYNES FOR MR J AU**

The 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 from the representative of the Parish Council who, in summary, raised the following concerns;

- The proposal is a resubmission of a previously refused scheme, the objections to the previous scheme remain relevant to this application.
- The increased traffic that is likely to follow approval will be excessive and cause problems in the area.

Several non-material considerations were raised in respect of proposed use of the property.

The Applicant's Agent confirmed that he did not have knowledge of the previous applications, he commented that issues raised should be disregarded by the Panel as they were not material to the application.

In respect of the application the proposals were policy compliant and there were no reasonable reasons for refusing the application.

Members of the Panel received further information in respect of what differences there were from the previously refused scheme.

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

Members of the Panel commented that despite any reservations about the detail the proposed scheme was policy compliant and therefore there remained no justifiable reasons for refusing it.

On being put to the vote the proposal to grant the application was carried with all members of the Panel voting in favour.

**RESOLVED –**

That the application be granted subject to the conditions detailed within the Panel report.

**THE CHAIR CLOSED THE MEETING AT 9:48 PM**