

## ITEM 4(b)

**Application Number:** 16/02700/FUL

**Description** Diversion of a right of way and erection of a three bedroom detached house together with associated works.

**AT** Land to the North of 15, Gleneagles Close, Bletchley

**FOR** Taylor Wimpey South Midlands Ltd

**Target:** 1<sup>ST</sup> December 2016

**Extension of Time:** No

**Ward:** Bletchley Park

**Parish:** West Bletchley Council

**Report Author/Case Officer:** Lakeisha Peacock  
Planning Officer

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### 1.0 RECOMMENDATION

1.1 It is recommended that permission is granted subject to conditions set out in this report.

### 2.0 INTRODUCTION

#### The Site

2.1 The site is a plot of land located to the north of No. 15 Gleneagles Close which forms part of a small cul de sac in the residential area of Bletchley. To the north of the site is an area of open space, with residential dwellings located to the north east and immediate south and east of the application site. To the west and north west of the site is an existing golf course.

2.2 An existing public right of way runs through the centre of the application site.

#### The Proposal

2.2 The application seeks planning permission for a three bedroom detached house with associated works. The application also includes the diversion of the existing right of way.

## Reason for referral to committee

- 2.5 The application has been referred to Development Control Committee by West Bletchley Council who objected to the proposal under the previous scheme of delegation.

### **3.0 RELEVANT POLICIES**

#### 3.1 National Planning Policy Framework (2018)

Section 2 Achieving Sustainable Development

Section 4 Decision-making

Section 12 Achieving Well-Designed Places

## The Development Plan

#### 3.2 West Bletchley Neighbourhood Plan 2016-2026

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.

The West Bletchley Neighbourhood Plan 2016-2026 is currently in the process of being reviewed by an external examiner. Given the stage of the Neighbourhood Plan within the adoption process, the policies contained within the plan carry limited weight.

#### 3.3 Core Strategy (2013)

Policy CSA Presumption in Favour of Sustainable Development

Policy CS13 Ensuring High Quality, Well Designed Places

#### 3.4 Saved Policies of the Local Plan 2001-2011 (2005)

Policy D1 Impact of Development Proposals on Locality

Policy D2 Design of Buildings

Policy D2A Urban Design Aspects of New Development

Policy H7 Housing on Unidentified Sites  
Policy L2 Protection of Public Open Space and Existing Facilities  
Policy NE2 Protected Species  
Policy T10 Traffic  
Policy T15 Parking Provision

### 3.5 Supplementary Planning Documents

Milton Keynes Parking Standards 2016  
New Residential Development Design Guide 2012

### 3.6 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.

### 3.7 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  
Highway matters and parking  
Impact on character of the area  
Design  
Residential amenity  
Landscape  
Ecology  
Drainage and flood risk  
Other matters

## 5.0 **CONSIDERATIONS**

### Principle of development

- 5.1 The application seeks planning permission for a three bedroom detached dwelling. The site is located within the residential area of Bletchley. Core Strategy Policy CSA incorporates the presumption in favour of sustainable development. Where relevant policies are out of date, decisions are to take into account whether the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework 2018.
- 5.2 The Council cannot currently demonstrate a five year housing land supply. Footnote 7 of the National Planning Policy Framework 2018 considers policies for the supply of housing to be out of date where Council cannot demonstrate a five-

year supply of deliverable housing sites. In such circumstances, the Council must rely on the provision of Paragraph 11 of the NPPF, which outlines presumption of sustainable development,

- 5.3 When determining this application, it will therefore be necessary to consider the fact that the Council does not have a five year housing land supply and the proposed development would, albeit minimally, contribute towards meeting the identified shortfall. An assessment would then be made as to whether or not the proposal could be considered to be classed as sustainable development in terms of the economic, social and environmental role as set out in the NPPF.

#### Economic Role

- 5.4 In terms of the economic role, the construction activities associated with the development would generate employment opportunities for the local community and have associated benefits for local services and suppliers in the short term. In the longer term, the development would support the local economy in terms of the increased use of local shops, services and facilities.

#### Social Role

- 5.5 In terms of the social role, as part of the promotion of sustainable development, the NPPF requires that housing is located where it will enhance or maintain the viability of communities and be within a sustainable location. The site is located within the existing residential area of Bletchley and is therefore located within close proximity to other residential properties within Gleneagles Close and the surrounding streets. As such, the site would form part of an existing local community.

#### Environmental Role

- 5.6 Environmental matters are considered further in the remainder of this report; however, it is acknowledged that the application site falls within the development boundary of Bletchley. The site is not constrained by flood risk and the council's GIS mapping does not suggest that there are any protected species within close proximity to the site.
- 5.7 The proposed development is therefore considered to constitute sustainable development.
- 5.8 In addition to the above, however, the site is an area of existing amenity open space and therefore an assessment against the loss of this land is required in accordance with Policy L2 of the Milton Keynes Local Plan 2001-2011. The policy states that proposals involving the loss of amenity open space, when assessed by the council, are required to take into account the criteria of Appendix L2 which states:

Planning permission will only be granted for the change of use of amenity open space, including the incorporation of such areas into private garden land, if:

1. The land does not now or is unlikely in the future to fulfil a useful purpose in terms of its appearance, landscaping, recreational use or wildlife value.
2. The loss of amenity open space would not set a precedent for other similar proposals which cumulatively would have an adverse effect on the locality.
3. The continued maintenance of the land for public amenity purposes would be impractical or unduly onerous.

5.9 In certain cases, the loss of amenity open space may be acceptable if it is adequately compensated by proposals for improvements to the quality of landscaping and appearance of amenity space elsewhere in the locality.

5.10 The application site is a relatively small parcel of land at the end of a cul de sac, it is not apparent that it is particularly used for recreation, nor is it essential to the character of the area by providing a setting for it. There are no known protected species on the site. Birds may be nesting and the ecology officer has recommended conditions / informative to manage this.

5.11 There is only one other parcel of amenity open space on Gleneagles Close and this parcel of land is larger than the application site. Also, due to its size and shape, it has potential to act as functional amenity space for local residents. It is therefore not considered the proposal would set precedent for other proposals. The loss would therefore not lead to a cumulative adverse effect on the locality.

5.12 It is noted that the land is publicly maintained, however it is in private ownership and, other than the footpath, there is no automatic right of access to the site. It is not considered that the loss of amenity space needs to be compensated for in this instance.

5.13 The proposed development is therefore considered to be acceptable in principle.

Highway matters and parking

5.14 The application site is located within Zone 3 as identified within the Milton Keynes Parking Standards 2016 (SPD). A table of the parking provision required and proposed is presented below:

Parking Standards Requirement - Zone 3		Provided	
Allocated	Unallocated + tandem	Allocated	Unallocated + Tandem
2	0.5	2	0.5
<b>2.5 spaces required</b>		<b>2.5 spaces provided</b>	

5.15 The submitted site plan indicates the allocation of two on-plot parking spaces, with additional space provided on the proposed area of hard standing to the front of the dwelling for visitor parking. The Highways Engineer was consulted as part of the

application and raised no objections to the proposal subject to conditions relating to the implementation of the parking layout.

- 5.16 The proposed development is therefore considered to comply with Saved Policies D1(vi) and T15 of the Milton Keynes Local Plan 2001-2011.

#### Impact on character of the area

- 5.17 Saved Policies D2 and D2A of the Milton Keynes Local Plan 2001-2011 seek to ensure that all new buildings are high quality, well designed and relate well to the surrounding area. The requirement is also emphasised within Policy CS13 of the Milton Keynes Core Strategy 2013 and Section 12 of the National Planning Policy Framework 2018.
- 5.18 The west side of Gleneagles Close is characterised by a linear pattern of built form, with the dwellings located set back approximately 7 metres from the highways. The proposed dwelling is to sit slightly forward of the front elevations of these dwellings, however, this distance is considered to be significant in that it would not adversely disrupt the existing pattern of development. In addition, the proposed dwelling is of a similar ridge height to adjacent dwellings and is therefore considered to be in keeping with the character of the local area in this regard. The proposed layout of the site is also reflective of the local area and streetscene of Gleneagles Close.

#### Design

- 5.19 The local area and streetscene of Gleneagles Close is characterised of semi-detached dwellings with attached single garages. The scale of the dwellings is similar throughout the streetscene and there is a consistent design and style of dwelling within the local area.
- 5.20 The proposed dwelling is of a scale that is considered to be in keeping with the local area, and has a similar frontage and design to the existing dwellings within the locality. In addition, the proposed materials are considered to be in keeping with the local area.
- 5.21 The proposed dwelling is therefore considered to be in keeping with the character of the local area and streetscene of Gleneagles Close.

#### Residential amenity

- 5.22 Saved Policy D1(iii) of the Milton Keynes Local Plan 2001-2011 states that developments will be refused where they are harmful by the way of an unacceptable visual intrusion or loss of privacy, sunlight and daylight. In addition, the planning principles set out in paragraph 127 of the National Planning Policy Framework 2018 details that planning decisions should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 5.23 The proposed dwelling is located to the north of 15 Gleneagles Close. Due to the location and orientation of the proposed dwelling and its relationship with

surrounding residential units, the proposed development is considered not to result in an adverse loss of sunlight or daylight to neighbouring properties.

- 5.24 The nearest residential dwelling affected by the proposal is 15 Gleneagles Close, located to the south of the application site. The proposed dwelling is to be located approximately 6 metres from the side elevation of No. 15. It is acknowledged that there are no separation distances outlined for side to side relationships between residential dwellings. As such, the proposed development is considered not to result in an unacceptable visual intrusion to No. 15. The surrounding residential dwellings are of a distance that would ensure that their amenity is not adversely impacted by the proposal.
- 5.25 In regard to a loss of privacy, it is acknowledged that there are first floor windows proposed to side elevation of the proposed dwelling. These windows however, are to be obscurely glazed. As such, the proposed development is considered not to result in an adverse loss of privacy to neighbouring dwellings.
- 5.26 The Milton Keynes Residential Design Guide 2012 outlines the requirements for private amenity space for family housing. The proposal seeks to create a rear garden measuring 11.35 metres in depth. This is above the 10 metres as set out in the Residential Design Guide 2012.

#### Landscape

- 5.27 Details of the proposed landscaping arrangement have not been submitted as part of this application, though the proposed boundary treatments are considered to be in keeping with the character of the local area. It is recommended that a condition securing details of the proposed landscaping works is imposed to ensure appropriate soft landscaping.
- 5.28 In addition, a tree survey has been submitted as part of the application due to location of the application site. The tree officer has not made any objections to the content of this survey. It is considered appropriate, however, to secure the measures set out in the Tree Survey and Protection Report by conditions.

#### Ecology

- 5.29 In accordance with Saved Policy NE2 of the Milton Keynes Local Plan 2001-2011:
- “Planning permission will be refused for development if it would be likely to adversely affect animal or plant species, or their habitat, specifically protected by law”.
- 5.30 There are no protected species identified on site however the Council’s Ecologist has outlined that there is high probability that birds will nest on the site. It is therefore recommended that the applicant should have regard to the Wildlife and Countryside Act 1981 by conducting activities that might disturb birds outside of the nesting season. This will be emphasised via an informative on the decision.

## Other matters

### Public Rights of Way

- 5.31 It is acknowledged that the application includes the diversion of a public right of way that runs through the centre of the application site. The applicant has included details of the proposed right of way diversion which is to run adjacent to the application site. The proposed diversion is considered to be acceptable however the process to divert the right of way falls under a process that is separate to the planning application and therefore the applicant would require separate consent to carry out and complete the proposed works.

## **6.0 CONCLUSIONS**

- 6.1 The proposed development is in accordance with national policy and the local development plan and is therefore recommended for approval subject to conditions.

## **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. 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.

3. 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.

4. No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been 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 in accordance with Policy CS13 of the Milton Keynes Core Strategy 2013 and Saved Policies D1, T3 and T15 of the Milton Keynes Local Plan 2001-2011.

5. Development shall not commence until details of the extension to No.15 Gleneagles Close have been submitted and approved in writing by the Local Planning Authority and no part of the development shall be occupied until the access has been laid out and constructed in accordance with the approved details.

Reason: For vehicle access for number 15 Gleneagles Close and for the development in order to minimise danger, obstruction and inconvenience to users of the highway.

6. The development hereby permitted shall be carried out entirely in accordance with the Tree Survey and Protection Report submitted on 18th October 2016.

Reason: To safeguard existing trees.



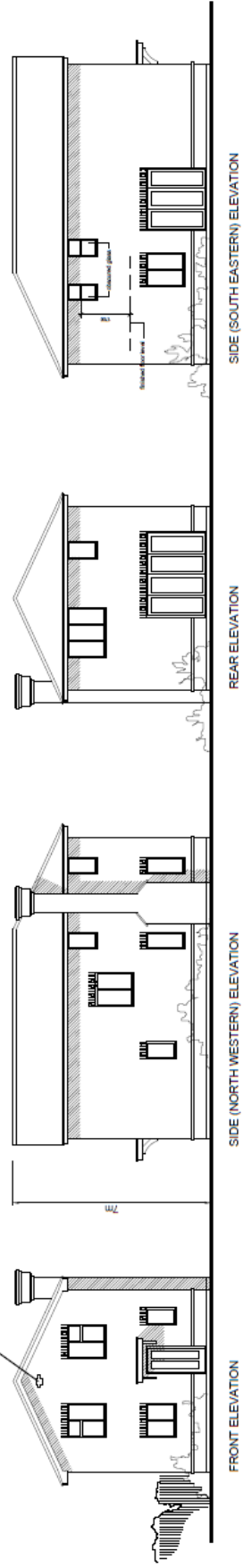
LOCATION PLAN

Land adjoining  
15 Gleneagles Close  
Bletchley  
Milton Keynes  
MK3 7RT  
1:1250 @ A4





Imagined bird brick, weather bar for  
 Blue or Green Tiles on North/East  
 gables. Standard bar from Bird  
 Brick Products or similar to be used.

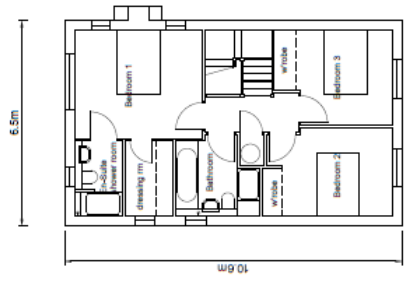


SIDE (SOUTH EASTERN) ELEVATION

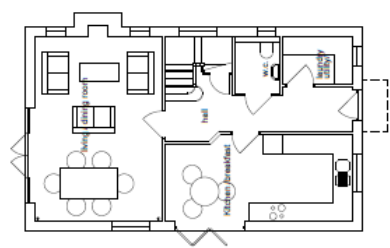
REAR ELEVATION

SIDE (NORTH WESTERN) ELEVATION

FRONT ELEVATION



FIRST FLOOR PLAN



GROUND FLOOR PLAN

Rev. a : Bird box added : Nov. 2016

<i>lp design</i>	
Client:	Taylor Wimpey South Midlands
Development:	Land to the North of : 15 Gleneagles Close Bletchley MK3 7RT
Drawing:	Plans and Elevations
scale:	1:100 @ A2

## Appendix to 16/02700/FUL

### A1.0 RELEVANT PLANNING HISTORY

13/00242/FUL Erection of a two storey three bedroom dwelling  
Withdrawn

### A2.0 ADDITIONAL MATTERS

None.

### A3.0 CONSULTATIONS AND REPRESENTATIONS

A3.1 Ward Councillor Clancy  
No response received.

A3.2 Ward Councillor Wales  
No response received.

A3.3 Ward Councillor Rankine  
No response received.

A3.4 Parish Council  
Objects

**Resolved: that West Bletchley Council maintains its strong objection to this application on the grounds that the proposed development:**

- i) would result in a loss of amenity open space enjoyed by local residents, where children currently play, which we understand has been maintained by the Council as amenity land in accordance with an agreement dated 1971,
- ii) includes for the removal of part of an existing hedgerow which local residents advise is a habitat for wildlife including many species of birds and bats,
- iii) would be situated too close to the protected Ash Tree, whose canopy would restrict the amount of daylight and sunlight that would reach inside the property, resulting in an unacceptably poor standard of living accommodation,
- iv) would generate increased traffic in an area where the road network is already considered as being 'overloaded',
- v) would result in the neighbouring properties experiencing a loss of privacy and light,
- vi) would place a further water disposal burden in an area which is already considered as suffering from poor drainage,
- vii) includes for the diversion of the Sewer to a position that it is considered to be too close to the foundations of the neighbouring property)

**In respect of the proposed diversion of the Right of Way this Council contends that:**

- viii) the proposed new route would result in lower quality and diversity of views for the path user, as it would be changed from a natural pathway across grass with clear views of vegetation to the side and beyond to a narrow hard surfaced

channel, set between fencing and with two dwelling houses (no.15 and the proposed house) causing an overbearing impact,

ix) the proposed new route would result in significant additional maintenance costs to the taxpayer which is considered to be an unreasonable burden,

x) the proposed new route would subject users to potential dangers and hazards. It would introduce conditions (e.g. darkness, narrowness, poor visibility, and hiding places) likely to encourage antisocial or criminal behaviour against users, and create a perception that this may be the case. The existing RoW is open and users can see what is in front and behind them, but can also see around the corners of the path that the RoW connects to, ensuring they would not be surprised by those with criminal intentions. In contrast the proposed RoW would be narrow and at night it would be dark, too. It would provide poor visibility when accessing the open space to the rear of the proposed dwelling, and the proposed vegetation would restrict visibility even more, such that users would be put at unnecessary risk of those with criminal intentions,

xi) the proposed new route is not suitable, either in width, position or design, to replace the current access for emergency vehicles to enter the golf course which we understand has been used by both ambulance and police cars,

xii) the applicant has not demonstrated that it has considered alternatives to the altering of a right of way, i.e. amending proposals, changing boundary locations or alternative routes for the new RoW etc and why they have been dismissed.

#### A3.5 MKC Highways Officer

I have no objections to the proposals. I would recommend that conditions are attached to manage access, parking and a condition for some secure and covered cycle parking. These are as follows:

1. Development shall not commence until details of the extension to Gleneagles Close have been submitted and approved in writing by the Local Planning Authority and no part of the development shall be occupied until the access has been laid out and constructed in accordance with the approved details.

Reason: For vehicle access for number 15 Gleneagles Close and for the development In order to minimise danger, obstruction and inconvenience to users of the highway.

Informative: the applicant will be required to enter into a s.278 agreement for works within the public highway. The applicant should contact the Highways Services team for advice on the information required to be submitted to complete this process.

2. 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.

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.

Officer comments

Highways issues are covered in Section 5 of the report.

### A3.6 Right of Way Officer

The legal team have informed me that the submission to the Department of Transport does not affect the rights of way process. Rights of way diversions are processed separately to the planning process, or is there an action you require from me so that you can determine the application?

Officer Response

Issues regarding the proposed rights of way diversion are covered within Section 5 of this report.

### A3.7 Ecology

All tree/scrub/woodland work and the demolition of buildings and other structures (where nesting birds are affected) should be avoided during the bird nesting season if possible. Vegetation should be removed outside of the nesting period to deny birds the opportunity to nest and therefore cause delay in the future. Similarly buildings which support nesting birds should be demolished outside the nesting season or if it is possible block access points.

The bird nesting season is defined as that time from which the birds start to construct their nests through to the young birds fledging and leaving the nest. It should be noted that some birds will produce two or even three broods in one nesting season. The bird nesting season usually covers the period from mid-February to the end of August, however it is very dependent on the weather and certain species of birds may nest well outside this period.

If work is deemed to be necessary within the nesting season the following protocol should be followed. However if it is suspected that a Schedule 1 species may be present more detailed discussion with Natural England must take place.

1. The day before works are planned a careful observation of the proposed working area for the presence of nesting birds should be undertaken by a suitably qualified or experienced person. The observations should take place from a reasonable distance from the proposed working area, to avoid

disturbance to any possible nesting birds and it may be necessary to observe the area from more than one vantage point.

2. It is probable that simple observation will not record any birds that are incubating eggs. It is therefore advisable to carry out a more detailed search, perhaps through gentle disturbance of the working area, which should cause any incubating birds to leave the nest and become visible; or through the use of angled mirrors to view possible hidden nesting sites.
3. If no signs of nesting birds are observed then works may continue the following day. However monitoring should continue during the working period.
4. A record of the observations and any results should be made and retained for reference. If at any time nesting birds are observed, works should cease and Natural England be informed.

Third party objections have been received from 6 addresses and are summarised as follows:

7 representations from third parties:

- Object to the footpath adjacent to property and potential noise.
- The land is used for recreation.
- There is an established footpath.
- The land has been maintained by the Council. The applicant will expect the Council to maintain the footpath.
- Anti-social behaviour from the altered footpath will have a negative impact on the adjacent properties.
- There is ancient hedgerow on the site. People can access the TPO tree.
- There is an agreement that the land is maintained as amenity land.
- Drainage and sewerage are an issue.
- The new dwelling will impact on the privacy of the adjacent properties.
- Told in 1970 that the plot was unsuitable for building and must be retained for access to the golf course.
- The house is not in keeping with the surrounding area.
- There are birds / bats.
- The senior landscape architect stated there is no space for the proposed development on this site.
- The proposal would result in increased traffic.