

Minutes of the meeting of the ADDITIONAL DEVELOPMENT CONTROL PANEL held on MONDAY 31 JULY 2017 at 7:00 pm.

Present: Councillor: Eastman(Chair)
Councillors A Geary (Substituting for Councillor Morla), McLean, Petchey and P Williams

Officers: K Lycett (Development Management Manager, West), S Taylor (Senior Planning Officer), M Pearce (Planning Officer), M Davey (Planning Officer), P Tedd (Planning Solicitor) and D Imbimbo (Committee Manager).

Number of Public Present: 25

Also Present: Councillors Crooks and Middleton

DCP012 WELCOME AND INTRODUCTIONS

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

DCP13 DECLARATIONS OF INTEREST

Councillors Petchey asked that it be noted that in respect of Applications 17 00936 FUL and 17 00745 FUL he was the Ward Councillor and had attended Parish Council meetings where these had been discussed but had no discussion or expressed any position in respect of the applications.

Councillors A Geary asked that it be noted that in respect of Applications 16 03007 FUL and 17 01166 FUL he was the Ward Councillor and had attended Parish Council meetings where these had been discussed but had no discussion or expressed any position in respect of the applications.

DCP14 REPRESENTATIONS ON APPLICATIONS

Ms P Maniam and Councillor Crooks (Ward Councillor) spoke in objection to application 17/00936/FUL Partial demolition of a one storey dwelling and the erection of a new three storey dwelling at 6 Ketton Close, Willen, Milton Keynes

Mr I Shokar, (Applicant's Agent), exercised the right of reply.

Mr M Galloway spoke in objection to application 17/00185/FUL Change of use of first floor from a Working Men's Club (sui generis) to house in multiple occupancy (sui generis) with the conversion of the first floor to 4 lettable bedrooms with associated facilities at 6 Western Road, Wolverton, Milton Keynes

Mr R Graham (Applicant's representative) exercised the right of reply
Councillor Middleton (Ward Councillor) spoke in objection to application 17/01139/FUL Removal of conditions 6 (internal wall sound insulation) and 7 (dropped kerb) attached to planning

permission 16/01734/FUL at 4 Herdman Close, Greenleys, Milton Keynes

Mr R Kazemi (Applicant) exercised the right of reply

DCP15

APPLICATIONS

17/00351/FUL

CHANGE OF USE FROM A RESIDENTIAL DWELLING (USE CLASS C3) TO A HOUSE IN MULTIPLE OCCUPANCY (USE CLASS C4) WITH 5 LETTABLE ROOMS AT 44 COLUMBIA PLACE, CAMPBELL PARK, MILTON KEYNES FOR MR ROBERT CSATI

The Planning Officer told the Panel that a request had been received from the Parish Council seeking a site inspection.

Councillor Eastman proposed that a deferral be agreed this was seconded by Councillor McLean.

On being put to the vote the proposal defer the determination of the application was carried unanimously

RESOLVED –

That determination of the application be deferred to allow a site inspection to be undertaken.

17/00936/FUL

PARTIAL DEMOLITION OF A ONE STOREY DWELLING AND THE ERECTION OF A NEW THREE STOREY DWELLING AT 6 KETTON CLOSE, WILLEN, MILTON KEYNES FOR MR PAUL SHERMAN

The Senior Planning Officer introduced the application with a presentation.

It was noted that a Site Inspection had been undertaken on Monday 31 July which was attended by Councillors Eastman, A Geary and McLean. The Senior Planning Officer confirmed that the recommendation remained to grant the application subject to the conditions as detailed in the Panel report.

The Panel heard representations from objectors who raised the following concerns;

- The development would cause physical damage to the property at number 5.
- There would be overshadowing and loss of light to neighbouring properties.
- The separation between properties would be only .7m.
- There was believed to be a protected lichen

on the roof tiles and no account had been taken of this.

- The proposed use of white render rather than red brick was not in keeping with the street-scene.
- The development would lead to a loss of a bungalow which was needed to accommodate an aging population.
- Despite the requirement for a Third Party Wall agreement the Panel should not approve an application that would result in the requirement to remove a structural wall of the neighbouring property.

The Applicant told the Panel that he applicant had worked with the planning officers from the outset to make a proposal that was acceptable and policy compliant.

The Senior Planning Officer confirmed that issues of residential amenity had been addressed in the panel report as had issues of separation and that any third party wall issues were not material planning considerations.

It was confirmed that the Countryside Officer had not commented in respect of the Lichen, however no other examples were known in the area and it was considered of low likelihood that it was present, if however it was this could be mitigated by conditioning the re-use of the tiles should members of the Panel consider it necessary.

Councillor Eastman proposed that the officer recommendation be agreed this was seconded by Councillor McLean.

The Panel considered in detail the objections and noted that the issue of the third party wall agreement would be a matter for the applicant to pursue with the neighbours and did not amount to a matter for the panel and should not form a consideration when determining the application. It was also noted that other properties in the area had white rendering, although those members of the panel who had attended the site inspection expressed a view that it did not accord with the street-scene in this location, it was recognised that this was not a sustainable reason to refuse the application. The Panel invited officers to discuss with the applicant an alternative build material of red brick to make the scheme more acceptable,

however following an adjournment it was confirmed that the applicant wished the panel to consider the application in its present form.

Members of the Panel also recognised that despite there being separate legislation in respect of hours of construction the potential for disturbance was high and therefore Councillor A Geary proposed an additional condition in the terms;

'No building or other site works likely to cause nuisance to adjoining occupiers shall be carried out before 8.00 am or after 6pm Mondays to Fridays, nor before 8am or after 1pm on Saturdays, or at any time on Sundays or Bank Holidays.

Reason: To limit the detrimental effect on adjoining occupiers by reason of noise and disturbance'

This was seconded by Councillor P Williams

Councillor A Geary also proposed that a condition be included to require investigative work to be undertaken to establish whether there was a protected species present (Lichen). The Senior Planning Officer advised that in her view due to the lack of any other examples of such a presence in the area the likelihood was extremely low and therefore the condition could be considered unwarranted and unreasonable. The proposal failed to get a seconder.

On being put to the vote the proposal to include the condition was carried unanimously.

On being put to the vote the proposal to grant the application subject to the conditions detailed in the Panel report, together with the additional condition as detailed above was carried unanimously.

RESOLVED –

That planning permission be granted subject to the conditions as detailed in the Panel report, together with an additional condition as above.

17/00185/FUL

CHANGE OF USE OF FIRST FLOOR FROM A WORKING MEN'S CLUB (SUI GENERIS) TO HOUSE IN MULTIPLE OCCUPANCY (SUI GENERIS) WITH THE CONVERSION OF THE FIRST FLOOR TO 4 LETTABLE BEDROOMS WITH ASSOCIATED FACILITIES AT 6 WESTERN ROAD, WOLVERTON, MILTON KEYNES FOR MR B CLEVELAND

The Planning Officer introduced the application with a presentation.

The Panel heard that an amendment to condition 9

to read:

'Prior to occupation of the hereby approved development, the windows serving the en-suite to bedroom 3, the kitchen and the laundry room on the approved plan 6662-06-A and 6662-05 shall be obscurely glazed to a level of obscurity of level 3 within the Pilkington range of Textured Glass or equivalent and be non-opening below 1.7 metres from the finished floor level. These windows shall not be altered to clear glazing or opening thereafter.

Reason: To safeguard the amenity and privacy of the neighbouring residential occupiers'

The Planning Officer confirmed that the recommendation remained to grant the application subject to the conditions as detailed in the panel report with condition 9 amended as above.

The Panel heard representations from the objector who raised the following concerns;

- The plans as submitted do not show clearly the proposed parking bays.
- The area has limited parking available and the proposal would see increased on street parking and resultant congestion.
- Previous applications have been refused on the basis of Highways objections and this proposal was similar.
- The use of the roof in the proposed manner would be detrimental to the conservation area.
- Noise mitigation arrangements have not been clearly defined within the report, as this proposal is to provide residential accommodation above a licensed social club this was essential.
- The Site is unsuitable for the proposed use.

The applicant confirmed that it was not unusual for the club to have large numbers of customers, the club had a policy restricting the use of parking in the area to minimise any congestion or parking problems, the strategy was supported by the requirement to use taxi's and having a dedicated taxi firm available to customers.

The Planning officer outlined that it was appropriate to require details, such as noise mitigation measures, by condition rather than being submitted within the application.

Councillor Eastman proposed that the officer recommendation be agreed, this was seconded by Councillor McLean.

Members of the Panel recognised the concerns aired in respect of parking, however it was also acknowledged that the standards were met and there were no grounds to refuse the application on this basis. It was further commented that if the proposal would see an income to the club which made it viable and thereby provide a service to the area, this was a positive benefit from the development.

On being put to the vote the proposal to grant the application subject to the conditions detailed in the Panel report was carried and it was;

RESOLVED –

That planning permission be granted subject to the conditions as detailed in the Panel report with condition 9 amended as above.

17/01139/FUL

REMOVAL OF CONDITIONS 6 (INTERNAL WALL SOUND INSULATION) AND 7 (DROPPED KERB) ATTACHED TO PLANNING PERMISSION 16/01734/FUL AT 4 HERDMAN CLOSE, GREENLEYS, MILTON KEYNES FOR MR REZA KAZEMI

The Senior Planning Officer introduced the application with a presentation.

The Panel heard that it was appropriate in the circumstances for the Panel to remove condition 7 as the kerb was already lowered and therefore not an appropriate condition. In respect of condition 6 the proposal to remove the condition was to correct an error but rather than remove the original condition, which was not enforceable or appropriate due to changes in standards quoted within it, it was recommended that it be amended to read;

‘Within 4 weeks of the date of the decision, details of the noise mitigation measures for the party wall, shall be submitted to and approved in writing by the local planning authority. The approved scheme of mitigation shall be fully implemented prior to first occupation of the property as a House in Multiple Occupation, and shall be retained as such thereafter.

Reason: To ensure the development does not adversely affect the amenity of future occupiers'

This would provide for a condition to require sound insulation to neighbouring property that could be enforced should the need arise.

The Planning Officer therefore recommended that the development be permitted subject to the removal of condition 7 relating to the dropped kerb and variation of condition 6 to Within 4 weeks of the date of the decision, details of the noise mitigation measures for the party wall, shall be submitted to and approved in writing by the local planning authority. The approved scheme of mitigation shall be fully implemented prior to first occupation of the property as a House in Multiple Occupation, and shall be retained as such thereafter.

Reason: To ensure the development does not adversely affect the amenity of future occupiers

The Panel heard from the objector who told the panel that his primary concerns related to the noise insulation condition the original condition set a standard which would be clear and allow for action to be taken should it be breached, it was necessary that a strong condition was applied that could be enforced. There should not be a reliance on Environmental Health to apply alternative legislation to address noise in these circumstances.

The applicant confirmed that he accepted the revised condition.

The Senior Planning Officer reiterated that the existing condition was unenforceable and incorrect and that despite the Environmental Health team indicating that they did not believe there was a need for a noise mitigation condition, it was considered reasonable under the circumstances to add the revised condition to the permission as it would provide for reasonable control over any noise issues that may arise as a result of the development, and had been accepted by the applicant.

Councillor Eastman proposed that the Officer recommendation be agreed, this was seconded by Councillor McLean.

The Panel noted that the HiMO Supplementary Planning Document (SPD) specifically referred to 40 decibels and as the standard was no longer recognised this was now out of date.

It was further noted that whereas the original condition required insulation for the internal walls, the proposed revised condition no longer required insulation for the internal walls but rather only the third party walls to adjoining property, it was commented that the HiMO SPD also stated that required that the separate internal rooms seek to provide for the amenity of the individual tenants by being insulated and that in this respect it was appropriate for internal walls to be insulated against noise.

It was proposed by Councillor Petchey that the revised condition be amended to include the words 'and internal walls' thereby reading;

'Within 4 weeks of the date of the decision, details of the noise mitigation measures for the party wall and internal walls, shall be submitted to and approved in writing by the local planning authority. The approved scheme of mitigation shall be fully implemented prior to first occupation of the property as a House in Multiple Occupation, and shall be retained as such thereafter.

Reason: To ensure the development does not adversely affect the amenity of future occupiers'

This was seconded by Councillor McLean

Councillor Eastman as proposer of the original motion accepted the amendment.

On being put to the vote the proposal to grant the application as amended above was carried unanimously.

RESOLVED

1. That the development be permitted subject to the removal of condition 7 relating to the dropped kerb and variation of condition 6 to Within 4 weeks of the date of the decision, details of the noise mitigation measures for the party wall and internal walls, shall be submitted to and approved in writing by the local planning authority. The approved scheme of mitigation shall be fully implemented prior to first occupation of the property as a House in Multiple Occupation, and shall be retained as such thereafter.

Reason: To ensure the development does not adversely affect the amenity of future occupiers

2. That the HiMO Supplementary Planning Document be reviewed and any proposed

amendments reported to the Development Control Committee.

16/03007/FUL

ERECTION OF A DETACHED 2 STOREY DWELLING HOUSE AND ASSOCIATED WORKS AT LAND ADJACENT TO 8, TOWN END CRESCENT, STOKE GOLDINGTON FOR MR J BURNS

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 report.

Councillor Eastman proposed that the Officer recommendation be agreed, this was seconded by Councillor McLean.

Councillor A Geary expressed concern in respect of the access arrangements which could result in the occupants of the new dwelling being unable to gain vehicular access due to the position of other parked vehicles, it was however noted that the Highways Officer had raised no objection and that access being blocked was not a matter which the planning system can control.

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

RESOLVED –

That the application be granted subject to the conditions as detailed in the Panel report together with the additional conditions as detailed above.

17/01166/FUL

LOFT CONVERSION WITH DORMER TO REAR ROOFSLOPE AND ROOFLIGHTS TO FRONT AND REAR ROOFSLOPES AT 5 CARRIERS CLOSE, HANSLOPE, MILTON KEYNES FOR MR & MRS AINSWORTH

The Senior Planning Officer introduced the application with a presentation.

The Senior 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 report.

Councillor Eastman proposed that the Officer recommendation be agreed, this was seconded by Councillor McLean.

On being put to the vote the proposal to grant the application subject to the conditions detailed in the

Panel report was carried.

RESOLVED –

That change of use be granted subject to the conditions as detailed in the Panel report.

17/00745/FUL

SINGLE STOREY SIDE EXTENSIONS (RESUBMISSION OF WITHDRAWN APPLICATION 16/00537/FUL) AT 26 PENRYN AVENUE, FISHERMEAD, MILTON KEYNES FOR EVERGREEN SHOP.

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 report.

Councillor Eastman proposed that the Officer recommendation be agreed, this was seconded by Councillor McLean.

Councillor Petchey told the Panel that he had concerns in respect of security of tenants of the flats during the construction period due to the removal of a fence which was to be replaced and proposed that a construction management plan condition be added to address this issue.

The Senior Planning Officer recommended that the condition read;

‘No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. All building operations shall be carried out in accordance with the approved CMP.

Reason: To ensure the safety and security of local residents during the construction process in accordance with Policy CS13 of the Milton-Keynes Core Strategy 2013’

This was proposed as an amendment by Councillor Petchey and seconded by Councillor P Williams and on being put to the vote was carried unanimously.

On being put to the vote the motion to grant the application subject to the conditions detailed in the Panel report together with the additional condition as above was carried.

RESOLVED –

That planning permission be granted subject to the conditions as detailed in the panel report together with the additional condition.

SUBDIVIDE EXISTING DWELLING INTO 2 FLATS AT 30 FOLLY LANE, NORTH CRAWLEY, NEWPORT PAGNELL FOR MS K MORRIS

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 report.

Councillor Eastman proposed that the Officer recommendation be agreed, this was seconded by Councillor McLean.

Councillor McLean told the Panel that he had concerns in respect of access during the construction period due to the narrow road and potential for congestion and road safety issues.

The Senior Planning Officer recommended that a condition to read;

‘No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. All building operations shall be carried out in accordance with the approved CEMP.

Reason: To ensure that there are adequate mitigation measures in place and in the interests of existing and future residents in accordance with Policy CS13 of the Milton-Keynes Core Strategy 2013’

This was proposed as an amendment by Councillor McLean and seconded by Councillor A Geary and on being put to the vote was carried unanimously.

As the proposal was contrary to policy a recorded vote was called.

On being put to the vote the motion to grant the application subject to the conditions detailed in the Panel report together with the additional condition as above was carried unanimously.

RESOLVED –

That planning permission be granted subject to the conditions as detailed in the panel report together with the additional condition.

THE CHAIR CLOSED THE MEETING AT 9:15 PM