

Agenda item: LD 52/22

WOUGHTON COMMUNITY COUNCIL

Planning, Licencing & Development Committee

Monday 24th October 2022

PURPOSE OF REPORT:

To consider **Application no: 22/01877/FUL Proposal:** Erection of one new dwelling **At:** 4, Holmfield Close, Tinkers Bridge, Milton Keynes, MK6 3AB.

RECOMMENDATION:

- 1. That the committee notes this report and associated documents.**
- 2. That the committee offers any views on this application, considering the rules around ‘material considerations’ only.**
- 3. That if the committee considers there are any valid objections, that these are provided and passed to the planning authority by the Council Manager before Monday 31st October 2022.**

MAIN ISSUES AND CONSIDERATIONS:

This application is a proposal to build a new property in the gardens of No 4 Holmfield Close.

There has been a previous application, which was rejected on a number of grounds, including noise on occupants, water and flooding and other concerns. The new application has moved the proposed property from the far end of the garden to a site abutting the current house and made other alterations to mitigate the issues for refusal.

There have been some amendments made to the application (detailed below) but looking at the papers submitted at time of writing this paper, some concerns remain from a variety of external bodies. This includes the Ecology department who have stated explicitly that this application fails to meet the necessary standard, due to non-renewal of the ecology assessments previously provided.

It should also be noted that the Supporting Planning Design and Access Statement is open about this application wanting to overturn the previous refusal (and appeal), stating:

‘This application is submitted as a direct response to the recently refused application of 20/01597/FUL for an identical description of development. This statement will identify the precise reasons for refusal and explain how they have been overcome within this current application. The application is supported by the following third party reports;

- Tree Survey prepared by Ligna Consultancy*
- Noise Survey prepared by Sound Solution Consultants’*

It should be noted that, as with so many applications, the reports that are included have been commissioned by and paid for by the applicant. This may or may not have an impact on the overall tone of any report or indeed, any conclusions reached.

There were some key aspects noted within the Appeals Inspectors report. This included:

Trees

There is a detailed ‘Arboricultural Method Statement’ – a plan for managing trees. This details the approach for each tree, as stated below:

Tree Ref.	Tree Works
T1	Remove
T2	Remove
T4	Remove
T5	Remove
T7	Crown lift tertiary branches and tips to provide 3.5m clearance with the ground.
T34	Crown lift tertiary branches to provide 3m clearance with the ground.
T35	Crown lift tertiary branches to provide 3m clearance with the ground.
T36	Crown lift tertiary branches to provide 3m clearance with the ground.
T37	Remove
T38	Reduce south western crown by ~4m.
G5	Remove
G7	Remove

Table 2 – Facilitation Tree Works

As can be seen, this involves the removal of 7 trees, with additional works needed for 5 further trees. Unfortunately, the plan doesn’t include any of the trees to be removed in the plan submitted – only those trees that will remain (full plan on Page 18 of the Arboricultural Method Statement). This detail IS available in an accompanying report – the Arboricultural / Tree Reports statement, where a map can be found on Page 28. Additionally, within the same report, pages 20-22 include a detailed breakdown of the individual trees – this suggests that of the trees that are planned for removal, all but one are considered in good condition and structurally sound, meaning the removal of six healthy, developed trees.

It is noted that the lack of these specific documents was noted by the Appeals Inspector in the report refusing permission previously (application 20/01597/FUL) – provision of these additional document may help this application, despite the impact on the environment. This report also stated ‘...there is no clear evidence before me to demonstrate that tree protection methods would be capable of being implemented nor that they would adequately prevent adverse harm to the health of any tree.’ This suggests that the tree protection proposal included may not be sufficient to ensure trees are protected from any development, but with this new application, this is unclear.

Noise

Many of the concerns noted previously were around the impact of noise on future occupants, especially from Groveway. T address this, the proposed property has

been moved away from Groveway and towards the existing dwelling and further information has been provided via a Noise Assessment. This report provided by the applicant suggests that through use of suitable materials, noise would be within acceptable levels.

Again, this specific issue was noted in the appeal report (attached), in terms of 'general living conditions' for residents. This covered noise, light and disturbance.

Water and Flooding

There is, within the papers, a Surface Water Strategy which is 38 pages long. It suggests that a tank in the garden (a SUDS scheme) will be sufficient to manage, based upon historical data, boreholes and flood risks.

This was the third specific area noted in the appeal – the effect on surface water. Again, it is unclear as to the planning departments view on this and whether the SUDS scheme will provide sufficient to permit development but would appear to be sufficient to satisfy the inspector undertaking the appeal.

Other issues

The view of the Council Manager is that this application addresses some of the issues that were cause for refusal of the previous application. It appears that the applicant is determined to build on this plot and the appeal report does state that this would be in line with policy – a unused piece of land, previously developed, within a 'settlement'. It would provide a house that exceeds space standards and, in the application, is more in keeping with the style of the existing development.

The issues around biodiversity and impact on nature remain significant. Whilst additional reports have been commissioned and provided, there remains considerable impact on mature, established trees that are in 'good' condition. The inspector has expressed concerns that any work will find it hard to offer protection to existing trees and that loss would have an impact on the 'visual amenity'. This is also an issue that has caused concern from residents. There is nothing that addresses the impact on the established species noted in the previous objection from WCC.

The issue previously noted by this committee, 'visual amenity' – the impact on the local area is also noted in various documents. The proposed site of development is currently well screened from any visual impact on others – there may be some seasonal variation, but as you can see from the images below, the site is hard to see from any viewpoint.



Views from the canal – Monkston Park side, abutting the Groveway overpass



This is the view from the Groveway overpass.

Despite all this, when the previous application was received, this committee responded, and this response included:

'The committee considers this application to be in breach of the fundamental underpinning duty to protect biodiversity. This duty sits at all levels of local government, including Town, Parish and Community Councils and supporting this development would be in breach of this duty. The impact on important and protected species is clear and the benefits of such a development are limited to such an extent as to make their value insignificant when compared to the negatives. We recommend that this application is refused and that any future applications to develop on this land are treated similarly.'

Whilst this application is a new one and is better in some ways than the previous application, this statement remains applicable.

Other concerns noted are that no formal notice was served on neighbouring properties, no signage within the vicinity and an unwillingness to extend the consultation period as a result of this. The Town and Country Planning (Development Management Procedure) (England) Order 2010 details how

applications should be publicised and, if no site notices or information to neighbouring properties has been provided, this may be considered a breach.

OTHER IMPLICATIONS:

The last application received many objections from local people and was 'called in' to Development Control Committee (withdrawn once the application was refused).

BACKGROUND PAPERS:

<https://publicaccess2.milton-keynes.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=RFMMQ0KWI4N00>

Planning appeal outcome Holmfield 2001597FUL

AUTHOR

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Our Ref: 22/01877/FUL
PP-11430077

Steve McNay
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3rd October 2022

Dear Sir/Madam,

Town and Country Planning Act 1990 (As Amended)
Town and Country Planning (Development Management Procedure) Order 2015
Application no: 22/01877/FUL
Proposal: Erection of one new dwelling
At: 4 Holmfield Close Tinkers Bridge Milton Keynes MK6 3AB

I have received the above application which can be viewed via the Council's Public Access system using the link: <https://publicaccess2.milton-keynes.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RFMMQOKWI4N00> .

I would be grateful to receive any comments you may have about the proposal by **31st October 2022**. Any objections must form a material planning consideration and should you wish for the application to be referred to the Development Control Committee/Panel for determination; an explicit request must be made to that effect. If no reply is received within this period the application may be decided without your comments.

Where a request to refer an application to Development Control Committee/Panel has been received from a Parish or Town Council, an undertaking to attend the meeting to address the Committee/Panel is expected. Failure to attend a Development Control Committee/Panel, following an undertaking to so do, on two occasions within a 6 month Period will result in;

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- a. The Parish or Town Council being barred from requesting an application be referred to Development Control Committee/Panel for a 3 month period from the date of the second incidence; and,
 - b. Any applications within that Parish being determined in accordance with the Officer recommendation under delegated powers. This would also be for a concurrent 3 month period and would only take effect in cases where no other parties have lodged objections and requested the case be heard before a Development Control Committee/Panel.

Yours faithfully,

Rachel Larner
Planning Officer (DM)

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