

Chairman's Report – WPC 19 July 2021

Missed Bin Collections

Wavendon (and other parts of Danesborough) appear to be experiencing missed bin collections on a weekly basis. This seems to be down to ongoing Covid issues, staff shortages, aged collection vehicles (Serco contract ends in 2023 so they appear reluctant to invest in new vehicle stock).

Cranfield Road (Lower End) Development

Jonathan Palmer (The Head of Planning) has responded to the Parish Clerk as follows.

Apologies for the delay in responding to you on this. There are a number of questions that have been raised which we have now taken a look at. I have highlighted (below) in bold each of the bullet points from the letter and included a related response. Hopefully this is reasonably clear to follow.

- They believe that Policy D5 regarding overlooking, and privacy was not adhered to in granting permission

The assessment of the application requires the policies of the Development Plan to be balanced against material planning considerations. Policy D5 of Plan:MK requires that all proposals should create a good standard of amenity and protect amenity enjoyed by existing properties surrounding new development. An element of professional judgement is therefore required in establishing whether the proposal accords with the policy. A material consideration in this matter was a previous permission granted for a similar development.

The officer's report confirms that comments received in respect of overlooking and privacy were taken into account. Having reviewed this assessment, which applied the guidance set out in the Residential Design Guide SPD, the proposal was correctly assessed against policy D5.

- *Now that site work is in progress some of the dwellings (Plots 2 & 3) are taller than when planning permission was granted. Ground level is being built up and is now higher than that at Sheen Cottage with the consequential flood risk due to run-off.*

This is a planning enforcement matter. As you have noted an enforcement complaint has been opened under ref: 21/00397/ENF. Zehn Sajid is the officer assigned to the case.

- *The lack of any comment from MKC Highways at the outline planning stage in 2018 no doubt resulted in planning approval being obtained at the appeal stage. HMG planning inspectorate had no option but to ignore the objections made at appeal by MKC Highways. The Delegated Report giving approval for 20/01406/FUL essentially ignores the concerns expressed by MKC Highways regarding visibility splays and refers to the HMG Planning Inspectorates decision in 2018 to suggest that visibility splays were not an issue. This demonstrates a clear lack of understanding of the reasoning behind the decision by the Planning Officer.*

Our records confirm that MKC Highways were consulted on 28 February 2018. However, no response was received before a decision was made. The Planning Inspector did not ignore the concerns raised and stated "third parties have raised concerns relating to the effects on road safety of increased traffic.... However, the Council raises no objections in relation to these matters and I have seen no substantial evidence that would lead me to different conclusions...". The Inspector does not rely solely on the lack of an objection from the Council, noting that the evidence before him did not

demonstrate an unacceptable effect. For the 2019 application (19/03219/FUL), the Inspector also found acceptable highway impacts arising from the three dwelling proposal – despite this being advanced as a reason for refusal following a material change in policy (ie. adoption of Plan:MK). The Inspector stated they had seen no evidence the use of the existing access has caused safety problems and there was “no reason to come to a different conclusion in respect of the proposed access arrangements.”

The delegated report on the 2020 application considers the response given by MKC Highways at that time, but it is noted that they did not hold an objection against the proposal, taking into account the material planning consideration of an extant permission for up to four dwellings. For the officer to raise objection unilaterally and seek to refuse permission on highway grounds, there would have needed to be substantive evidence to counter the Inspectors’ previous conclusions. To refuse permission would have most likely led to an award of costs at appeal on the grounds of unreasonable behaviour, and this is evidenced by the costs decision on the 2019 refusal which states “the Council was entitled to consider highway safety in assessing the full planning application, no changes to the highway circumstances have been put forward to justify a different conclusion. I find unreasonable behaviour on the part of the Council in failing to provide an objective analysis to justify a different conclusion in this respect”.

- *There have always been problems with drainage in the area and the concerns of residents have not been taken seriously enough by Milton Keynes Council.*

Assessment of technical matters for a planning application is informed by the responses of consultees holding relevant specialist knowledge. This includes the input of the Lead Local Flood Authority (LLFA) on flood risk and drainage matters, in the same way as MKC Highways consider highway safety and capacity matters.

The Inspector considers drainage concerns raised during the appeal but found that the impacts arising from this development could be satisfactorily resolved under a planning condition attached to the permission (paragraph 17). It is also noted that other legislation addresses sewer network capacity, and “it would be a matter for the appellant and the appropriate water authorities to ensure that satisfactory provision could be made”. This position was a material consideration in the assessment of subsequent applications, and it is noted that under the latest application in 2020 the officer reaches the same conclusion – that a condition can adequately address these matters.

- *The developer does not seem to have put proper tree root protection area barriers in place as per the advice from his own tree survey, thus root damage and compaction will probably take place, and which could result in the trees along Cranfield Road at the site having to be felled. The appeal inspector made a point of saying retaining the trees was important to avoid an urban look in a countryside area.*

Again, this is a planning enforcement matter and will be investigated under the above complaint (ref: 21/00397/ENF).

- *A request for a tree survey on the site was made to the council, via the parish council, early in 2018, however, the council did not get around to it until 2019/20 by which time the developer had felled most of the trees on the site and the only TPO granted, other than the ones on Cranfield Road, was one for a tree in a neighbour's garden which was not at risk.*

Having reviewed the Parish Council's representation on the 2018 application, it states "the tree survey does not take into consideration on how existing trees will be protected in the future and the impact that this development will have on the local habitat". This does not appear to seek a tree survey to be carried out or a TPO to be made. The creation of TPOs involves other services from across the council. Therefore, for this to be investigated it would be helpful if the Parish Council could provide copies of the relevant correspondence requesting the survey and/or TPO.

- The developer's drainage assessment clearly stated the risk of run-off water causing flooding at Sheen Cottage and that to prevent this, the residents of the new properties would have to maintain the various features, such as porous asphalt, to prevent this. However, since they will have little or no incentive to do so, flooding at Sheen Cottage will no doubt occur at some point in the future. Despite comments being made in the objection letters, this matter does not seem to have been seriously considered.*

Condition 9 of the appeal permission requires an associated management and maintenance plan. It then goes on to state that the approved drainage scheme shall subsequently be implemented in accordance with the approved detailed design and shall be retained thereafter. Should subsequent occupiers not manage the installed drainage in accordance with the management and maintenance plan, then this would be a matter for planning enforcement to investigate in liaison with the LLFA.

- The appeal inspector considered the proposed development too much for the site, but it was left to MKC to decide on an appropriate level of development, however, the development went ahead without any changes to the developer's plans resulting in an over development of an open countryside site.*

The Inspector was considering an outline application which proposed 'up to' 4 dwellings. He provides a clear marker of his concerns at paragraph 12 of the decision, but correctly acknowledges that the layout and scale of the proposed dwellings was a reserved matter and not before him for consideration at that time. The subsequent applications have proposed only three dwellings, and the 2019 Inspector notes "although taller than the adjoining bungalows, the proposed dwellings would not be unduly out of scale and would respond appropriately to the local context of one and two storey properties", going on to conclude that the proposed development would not have such a harmful effect on the character and appearance of the area as to justify withholding permission.

I hope this is of assistance for yourself and residents.

Jonathan Palmer MRTPI - Head of Planning

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Heath Court Issues

I was made aware (from several residents) of issues related to Heath Court (Glebe Farm part of Wavendon – junction of Lower End Road and Newport Road).

In brief the following from a resident sums up the issues;

I am alerting you to several incidents today where a man-

- threw things at passers by*

- *threw glass on to road*
- *shouted insults at passers by*
- *lay down in the road.*

I believe the police were called.

This all took place in Wavendon - opposite the Pub, and the person was / is a resident of the "Special needs Unit" set up in the new flats on the corner of Newport and Lower end road.

This is most concerning.

I do not believe we were told that such a unit had been given permission to operate.

I do not recall, the planning permission stating this was the purpose of the unit.

There has been NO consultation, information or contact with residents.

We have no information to who to contact if we have concerns.

I wonder -

- *Is the unit licensed by The Care Quality Commission?*
- *Who is operating it?*
- *Are the safety and staffing levels adequate?*
- *Were the council aware the unit was to be set up?*
- *Was planning permission sought?*
- *Who is managing the residents, the risks and the safety?*

The Director of Adult Services (after several exchanges) writes;

There are currently 2 people living at the property, which presumably is why it is not registered yet. The resident who is causing concern has only been there 10 days. He has autism, social worker reviewed the situation yesterday. I will get an up-date today. The other tenant was also visited on Tuesday by his social worker.

With regards to planning and requirements for consultation I think Paul Thomas was advising you on this point?

Our Quality Team will also be visiting to assure themselves on compliance with regards to staffing, care plans, risk assessments, the social workers will also check these.

I will advise you of the outcome of the above.

Victoria Collins - Director Adult Services (DASS)

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Stockwell Lane

Cllr Jamieson, Cllr Hill and myself met on Stockwell Lane and I have written to the Head of Planning and her team with the suggested outcomes from that meeting.

Access onto Phoebe Lane

Following the recent fire at the abandoned farm buildings and the inability of Refuse vehicles to access Phoebe Lane residents have contacted me regarding the numbers of parked cars in the centre of the village and onto Phoebe Lane which are leading to these potentially dangerous and/or inconvenient constraints to apply.

Swan Homes

Land west of Newport Road, Woburn Sands

I am writing to provide an update about the proposed development on land west of Newport Road, Woburn Sands. As you know, the site is allocated for residential development in the Milton Keynes Local Plan (Plan:MK) as part of the South East Milton Keynes Sustainable Urban Extension (SEMK SUE) and Milton Keynes Council has produced a draft Development Framework Supplementary Development Document (SPD) that guides the development of the SUE. We consulted stakeholders, residents and businesses from 10 June 2020 to 6 August 2020 about a proposal for 130 homes on the site. Since then, we have carefully considered the feedback we received and continued to develop our proposal in light of those comments and the framework provided by the draft SPD. We also decided to pause the project to allow Milton Keynes Council's consultation on the draft SPD to take place so that people were able to see our site in the wider context of the SUE. The Council's consultation on the draft SPD took place between 8 February 2021 and 19 April 2021.

Following our consultation and the Council's consultation on the draft SPD, we have now finalised our plans and have recently submitted a planning application. Rather than submitting a full planning application, the application has been submitted in outline with all matters reserved apart from access, which reflects the approach set out in the Council's draft SPD for the SEMK SUE. We have also reduced the number of proposed homes from 130 to up to 103 which will reduce the overall density of the development. Further, having considered the feedback we received, the apartment blocks which were originally located on Newport Road have been relocated to the rear of the site. A summary of the changes that have been made to the proposal since our consultation in 2020 has been included on our dedicated website - www.swanhill-woburnsands.co.uk.

The planning application has now been validated by the Council under application ref: 21/02085/OUT and a copy, including the Statement of Community Involvement, is available to view on Milton Keynes Council's planning portal and also on our dedicated website. There is now an opportunity to further comment on the proposal as part of the Council's statutory consultation.

We would like to thank everyone who provided comments on our proposal. If you have any queries about the application, please email consultation@swanhill-woburnsands.co.uk.



Cllr David Hopkins

Chairman – Wavendon Parish Council