

## FULL PLANNING PERMISSION REFUSED

To:	Mr Mike Kane 85 Lambeth Walk London SE11 6DX United Kingdom	<b>Application no: 21/03766/FUL</b>	Applicant: Mr A Miah Unit H7, Park Ave. Sundown Park Road Luton LU3 3BP
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Milton Keynes City Council, under their powers provided by the above legislation, **Refuse Permission** for

**Demolition of existing building supplies warehouse and construction of 103 residential units with associated parking and landscaping**

**At: 64 - 66 And 70 Simpson Road Bletchley Milton Keynes MK1 1BA**

in accordance with your application, valid on 7th January 2022 and the following drawings:

Received 20.12.21

64-66 Simpson Road Planning Statement 081221 (1)

91652\_TA\_FINAL\_Rev\_A

91652\_CMP\_RevA\_Final

91652\_ES\_RevA\_Final

91652\_FRA+DS\_RevA\_Final

91652\_HIA\_RevC\_Final

91652\_Noise\_Simpson\_Rd\_-REV-A\_Final

91652\_SimpsonRoad\_EC\_RevB\_Final

91652\_WasteandRecyclingManagementStrategy\_RevA\_FINAL

BPCBlock plan

Built Heritage Assessment  
CL\_91652\_REV\_A\_Final copy  
D1 PARKING  
D2 PARKING  
D3 simpson flat diagrams  
D4 simpson flat diagrams  
D5 simpson flat diagrams  
D6 simpson flat diagrams  
Design Access Part1  
Design Access Part2  
Design Access Part3  
Design Access Part4  
Design Access Part5  
ES1 existing long sectionv  
ES2  
ES3  
ES4  
ES5  
PA site photos  
PE00 SIMPSON location plan  
PE01 Site survey  
PE10  
PE20simpson elevs 1.200  
PE21simpson elevs 1.200  
PE22simpson elevs 1.200  
PE23simpson elevs 1.200  
PP30 plansBlockA  
PP31plans BlockB  
PP32 plans BlockC  
PP33 plans BlockD  
SIMPOSN ACCOM SCHED  
Simpson cover letter

simpson P01  
simpson P02  
simpson P03  
simpson P04  
simpson P05  
simpson PE6  
simpson PE7  
simpson PE8  
simpson PE9  
SP01 site photos1  
SP02 site photos2  
SP03 site photos3  
sunlightdaylightreport  
TRAVIS PERKIN archaeology desktop

Received 28.09.2022

Housing Accommodation Schedule  
PP33D Block Plans Block D  
PP31B Block Plans Block B  
PP32C Block Plans Block C  
PP30C Block Plans Block A

Received 12.12.22

PAL1A Site landscape plans  
PAL2A PROPOSED boundary treatment: canal side  
PAL3A Site landscape plans  
PAL4A SIMPSON ROAD BOUNDARIES  
PAL5A Site landscape plans  
PAL6A LANDSCAPE/TREES  
PAL7A RENEWABLES

**The reason(s) for refusing your application are:**

(1) The National Planning Policy Framework 2019 in paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Policy HE1 of Plan:MK states that proposals will be supported where they sustain and, where possible, enhance the significance of the heritage assets recognised as being of historic, archaeological, architectural, artistic, landscape or townscape significance. These assets include conservation areas, listed buildings and non-designated heritage assets as defined in Annex 2 of the NPPF. In this instance, the overall impact of the proposed development is one that would cause harm to a group of designated heritage assets within the Fenny Lock area (namely the Grade II listed Red Lion Public House, Lock View, Pine View, The Pump House, Canalside Cottage and The Lock). This harm is not total loss or substantial, thus would fall into the 'less than substantial' category. However, the impact on setting would be so marked for the group of listed buildings that it would fall at the top of this category. The local planning authority has considered the public benefits associated with the development but has concluded that these would not outweigh the harm caused to the significance of designated heritage assets.

(2) Paragraph 175 of the National Planning Policy Framework requires local planning authorities, when determining planning applications, to aim to consider if significant harm would result to biodiversity from a development and to assess if that harm can be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policies NE2, NE3 and NE5 of Plan:MK seek to protect and provide a net enhancement to biodiversity through sustainable development and seeks the protection of protected species.

The applicant has submitted a Preliminary Ecological Appraisal (PEA) for the site and wider area. The assessment recommends further surveys to be undertaken to assess potential

impacts on protected species, namely bats. These recommended surveys had not, at the time of the decision, been undertaken or provided.

A further requirement of the application is to provide a Biodiversity impact calculation through a Biodiversity Metric (BIAM) to evaluate Biodiversity Net Gain. This had not, at the time of the decision, been undertaken or provided to evaluate Biodiversity Net Gain.

Under Natural England's standing advice, the local planning authority should be provided with all of the information required to make an informed decision about the impacts of development on ecology before planning permission is granted. In the absence of the recommended additional assessments the Council is unable to make informed assessment of impacts on biodiversity and whether or not the development meets with paragraph 175 of the Framework and Policies NE2, NE3 and NE5 of Plan:MK.

( 3) The proposal, by reason of the siting of proposed 'Block D' with no. 68 Simpson Road - and in particular the number of windows situated in the flank north facing elevation of Block D - would result in an unacceptable level of overlooking and loss of privacy to the occupiers of the existing dwelling. As such the proposal is considered to be contrary to Policy D5 of Plan:MK (2019) and adopted New Residential Design Guide SPD (NRDG).

( 4) A completed Section 106 obligation to secure the relevant provision of Affordable Housing, Travel Plan provision and monitoring; Education; Local Play/Neighbourhood Play/Local Parks/and District Parks; Public Art; Museums and Archives; Health facilities; police services; highway related works and; carbon offsetting has not been provided to mitigate against the impact of the development, and the application is therefore contrary to the National Planning Policy Framework and Policy INF1 of Plan:MK.

( 5) The proposal, by reason of the loss of existing trees and landscaping and the lack of space to provide meaningful replacement soft landscaping to the Simpson Road frontage is considered to be contrary to Policy D1 of Plan:MK as it will not deliver landscaping and boundary treatments which would integrate and/or enhance those of the surrounding area and the public realm more generally.

## **Working With the Applicant**

In accordance with paragraph 38 of the National Planning Policy Framework Milton Keynes Council takes a positive and proactive approach to development proposals focused on solutions. Milton Keynes Council works with applicants/agents in a positive and proactive manner by: offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application; where possible suggesting solutions to secure a successful outcome; informing applicants/agents of any likely recommendation of refusal prior to a decision; and by adhering to the requirements of the Milton Keynes Council Corporate Plan and the Planning and Transport Service Plan.

## **Your attention is drawn to the attached notes**



27th January 2023

**Jon Palmer MRTPI – Head of Planning**  
For and on behalf of the Council

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal, then you must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

You can appeal using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Customer Support Unit, Tel: 0117 372 6372. Appeal forms and guidance can also be downloaded from the Planning Inspectorate's website [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).

Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – <https://www.planningportal.co.uk/info/200207/appeals>. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local planning authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory

requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council, or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State appeal or reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990 (as amended).