

Application Number: 19/02141/FUL

Description New residential dwelling (retrospective) and associated works

At Site To The West of 1, London End Lane, Bow Brickhill,

For Gill Hudson Homes

Statutory Target: 22 October 2019

Extension of Time: 28 November 2019

Ward: Danesborough And Walton

Parish: Bow Brickhill Parish Council

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1.0 RECOMMENDATION

1.1 It is recommended that permission is refused for the reasons set out in this report.

2.0 INTRODUCTION

The Site

2.1 The application site is located high on the hill above the southern edge of Bow Brickhill and is seen in the context of the woods which largely surround it. Access to the site is via Church Road which climbs steeply from Station Road (the main road through the village) and London End Lane which is very narrow at the point it joins with Church Road.

2.2 The site is located within the open countryside as defined by the Plan:MK and is situated within a Biodiversity Opportunity Area and a Priority Habitat. Within the site are two Oak trees which are subject to a Tree Preservation Order. A bridleway runs across the north-west (front) of the site and footpaths run along both the north-eastern and south-western sides of the site. The frontage of the site is within an Archaeological Notification site. A Biological Notification Area and areas of Ancient Woodland abut the site.

2.3 Background

There is a long and complex planning history to the site which is considered in more detail in the Considerations section of this report. In brief, a dwelling was originally approved on this site on Appeal (08/01721/FUL) in 2009. There have been a number of subsequent applications to approve details required by conditions and to renew the original permission, but it is still that 2009 approval which forms the basis for the development of this site.

2.4 A house, largely based on the 2009 approval, has been constructed (and is nearing completion) on the site. However, the house as built differs in a number of significant ways from the house that was approved for development. The development as carried out has resulted in some significant harm to the ecology of the site and it is considered that the development has a damaging impact upon the appearance of the area. The changes compared to the previously approved scheme are set out in the section below in more detail.

2.5 Officers have sought to work with the applicants to secure amendments to the development to mitigate the impact of the development as far as possible, given the current situation, whilst minimizing the impact of any remedial work upon the amenities of local residents.

2.6 The current proposal represents the applicant's response to those aims.

2.7 The Proposal

There are two distinct, but interrelated, elements to the proposal. The first element relates to work that has already taken place and for which the applicant is seeking regularisation for the development as built and this includes:

- 1) The removal of a large amount of soil from the site
- 2) Changes to the design of the house
- 3) Changes to the landscaping of the site
- 4) Changes to the access/driveway
- 5) Changes to the water management system
- 6) The introduction of a new pond
- 7) The erection of fencing along the boundaries of the site

The second element relates to work that the applicant is proposing to overcome concerns expressed about the development, but which have not taken place yet and these include:

- 1) Changes to the elevational treatment of the house
- 2) Re contouring the levels on the site
- 3) Changes to the landscaping of the site

Members should be aware that other development has taken place on the site which it is envisaged will need to be the subject of Enforcement Action whether the

current application is approved or not. In particular this relates to the erection of concrete pillars erected along the frontage of the site.

2.8 The following sections set out the details of the works covered by this application and how they compare with the development as approved.

2.9 Removal of Soil

Under the original approval for the development of the house on this site, no soil was to be removed from the site. However, during the course of the development around 100 loads of soil were removed from the site by a dumper truck with a load capacity of 5.6 cubic metres giving an estimated 560 cubic metres of soil removed.

2.10 Changes to the design of the House

The proposal as originally approved was for an “earth sheltered” dwelling with external crib wall construction to exposed elevations to allow the hill to flow over and around the dwelling, to visually reflect the local landscape and minimize the visual impact of the dwelling on its surroundings.

The dwelling was two storeys in height and concave in shape, with the dwelling ‘bowing’ out to reflect the shape of the hill, with mainly small, recessed windows facing towards London End Lane using materials that matched the elevation. A double garage was proposed in front of the house along with a low bike and bin store. All these ancillary structures would be built into the banking of the hill.

The house as built, whilst a similar size and shape to the approved dwelling has replaced the approved garage with additional habitable accommodation, replaced the bike/bin store with a larger garage and includes a new, two storey high, ‘wing’ on the north-western end of the building to provide two stores. The dwelling as built is faced in white render with contrasting grey framed windows that are not recessed and are of a different style and appearance to the approved drawing. A large air conditioning unit has also been fitted to the front of the dwelling.

The current proposal includes a proposal to paint the render on the front elevation with a paint known as ‘Warm Ash’ which is a soft, sandy-green colour.

2.11 Changes to the Landscaping of the Site

The approved, detailed, landscaping scheme included retention of much of the existing landscaping on the site including the hedging along the front and both side boundaries and the bracken, wild flowers and other vegetation at the rear of the house. With the exception of an area to the rear of the house which was to be laid as lawn grass, the remainder of the site was to be sown with a wild flower mix. A number of trees, including two Oaks which have TPO’s near the front of the site, were to be retained and were to be supplemented by the planting of 29 fruit trees of different varieties and 29 standard trees of varying species.

None of the approved landscaping has been carried out. Some of the existing trees on the site appear to have been killed as a result of soil being mound close to them,

impacting on their drainage. In addition the bracken, wildflowers and other vegetation which was to be retained at the rear of the site has been totally removed, as has most of the hedging along the front and sides of the site.

The proposed landscaping scheme indicates that 56 new trees will be planted in roughly the same areas as previously approved. Information about the trees to be planted is lacking in detail, but it appears that all would be fruit trees. The proposed landscaping drawing also shows that the existing hedging along the front and sides of the site together with the existing bracken and wildflower area at the rear of the site would be retained (even though they have been removed/largely removed).

2.12 Changes to the access/driveway

The approved access/driveway was a permeable, resin bound, buff coloured, gravel driveway. Prior to approval full details of the sub strata of the driveway was provided. Just inside the site, the driveway included a small turning head area. The proposal did not include any alterations to the bridleway outside the site. Surface water drainage from the site, including the driveway, was to run off into the ditch that separates the site from the bridleway.

The driveway which has been built has been surfaced with black tarmac. No details of the sub strata of the driveway have been provided. It is not clear whether the driveway is permeable, although the applicants have stated that it is.

2.13 Changes to the water management system

The development as originally approved incorporated a water capture and storage system from rainfall on the buildings and hard surfaces to provide fresh water to the development. Waste water was to be dealt with via combination of a septic tank and then be filtered through a series of reed beds to treat the waste. Any excess water would be captured by a pond near the front of the site which would provide a limited discharge to the ditch that runs across the front boundary of the site.

No details have been provided relating to the supply of water to the site. However, in terms of the treatment of waste water, a reed bed system has not been installed. It would appear that the development is connected to a septic tank. A pond has been created near the front of the site, although not in the location where it was approved.

2.14 Re-contouring of the site

The original concept was that the house would largely be built into the hillside. The earth that would be removed to accommodate the building would be used to re-contour the hill to the front of the dwelling to largely hide the dwelling from public views so that the house would appear as part of the hill. The only gap between this mounding would be to allow the approach of the driveway to the house

To allow the re-contouring of the site, as part of the approved Construction Management Plan, areas of the site were designated for the storage of soil (up to set heights) during the construction process, before being redistributed across the

front of the site as part of the re-contouring designed to absorb the dwelling into the hill.

The development as carried out resulted in large mounds of earth being mounded up across the site (not in the locations or to the heights agreed). In particular large amounts of soil were mounded up along both side boundaries. So much soil was mounded up that significant amounts slipped down and onto the adjoining footpaths and into an adjoining garden. In an attempt to reduce the danger of further slippage and to allow earth that had already fallen to be removed from the footpaths and adjoining dwellings, officers agreed informally to allow soil to be removed from the site.

Nonetheless there are still significant amounts of mounding on the site. At the same time the site has not been re-contoured to absorb the dwelling into the hill and the dwelling sticks out above the earth in front of it, whilst the ground to the sides rises up. In particular the land has been mounded up alongside footpath 17 above 1.5 metres in height. To hold back such a large amount of earth a barrier made of 'sleepers' held in place by iron stakes has been constructed alongside the footpath.

2.15 Reason for referral to committee

The application has been referred to committee at the request of Councillor David Hopkins.

2.16 Scope of debate/decision

This proposal is a full planning application and so all matters are to be considered.

3.0 RELEVANT POLICIES

National Policy

3.1 National Planning Policy Framework (February 2019) (NPPF)

Section 4 Decision making

Section 5 Delivering a sufficient supply of homes

Section 11 Making effective use of land

Section 12 Achieving well designed places

Section 15 Conserving and enhancing the natural environment

In addition, the Planning Practice Guidance is also a material consideration

The Development Plan

3.2 Neighbourhood Plan

There is no Neighbourhood Plan for this area.

3.3 Plan: MK (March 2019)

Plan:MK was adopted at Council on 20 March 2019 and now forms part of the statutory development plan for Milton Keynes, and includes the Policies Map that indicates land use in the Borough.

Policy DS1 Settlement Hierarchy
Policy DS2 Housing Strategy
Policy DS5 Open Countryside
Policy NE2 Protected Species and Priority Species and habitats
Policy NE3 Biodiversity and Geological Enhancement
Policy NE5 Conserving and enhancing Landscape character
Policy CT6 Low Emission Vehicles
Policy CT10 Parking
Policy D1 Designing a high quality place
Policy D2 Creating a positive character
Policy D3 Design of Buildings
Policy D5 Amenity and street scene
Policy SC1 Sustainable construction
Policy FR1 Managing Flood Risk
Policy FR2 Sustainable Drainage Systems

3.4 Supplementary Planning Documents/Guidance

Parking Standards SPD (January 2016)

3.5 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.

3.6 Equality Act 2010

Due regard, where relevant, has been had to the Milton Keynes Council's equality duty as contained within the Equality Act 2010.

4.0 RELEVANT PLANNING HISTORY

4.1 Relevant Pre-application Advice

No pre-application enquiries were submitted prior to the current application. However, advice was provided in the course of the proceeding applications that indicated that a recommendation to approve the retention of the dwelling would be forthcoming providing the proposal included suitable re-contouring of the site to reduce the height of the banks alongside the footpaths, removal/reduction of the retaining wall alongside the footpath, removal of the pillars at the front of the site

and other works to soften the appearance of the dwelling and to restore the ecological value of the site.

4.2 Application Site

05/01170/FUL

Erection of dwelling with ancillary offices, garage, parking and 15m high wind turbine

Refused 21.10.2005

08/01721/FUL

Erection of low impact dwelling with parking and ancillary office

Refused 09.12.2008. Allowed on Appeal 25.11.2009.

12/01154/DISCON

Details submitted pursuant to discharge of conditions 3 (archaeological investigation), 4 (ground assessment), 12 (site waste management plan), 13 (green roof construction), 15 (finished floor levels), 19 (reptile mitigation plan), 20 (reptile mitigation strategy) and 21 (construction method statement) attached to planning permission 08/01721/FUL allowed on appeal ref APP/Y0435/A/09/2104644

Split Decision 13.03.2013 (Condition 21 Refused). Appeal Dismissed 27.11.2013.

12/01651/DISCON

Details submitted pursuant to discharge of conditions 2 (materials), 7 (surface water disposal from vehicular access), 8 (highway works at junction of Church Road and London End Lane), 10 (surfacing of vehicle and pedestrian areas), 11 (details of earth mounding and contouring), 16 (landscaping scheme), 17 (works to trees) and 18 (boundary enclosure) attached to planning permission 08/01721/FUL allowed by appeal ref APP/Y0435/A/09/2104644

Split Decision 13.03.2013 (Conditions 7 and 8 refused). At a subsequent appeal the Council withdrew the reason for refusing condition 8. The Appeal was Allowed in respect of condition 7 27.11.2013.

12/02504/FUL

Extension of time limit on planning permission 08/01721/FUL for erection of low impact dwelling with parking and ancillary office

Permitted 18.06.2013

14/02691/FUL

Variation of conditions 8 (Disposal of surface water details), 18 (Tree protection details), 21 (Crest newt habitat survey) and 22 (Construction method statement) attached to planning permission 12/02504/FUL

Permitted 12.03.2015

15/00965/DISCON

Details submitted pursuant to discharge of condition 22 (construction management plan) attached to planning permission 14/02691/FUL

Details approved 19.06.2015

17/01322/FUL
Erection of double garage
WDN 25.10.2017

17/01332/MMAM
Variation of condition 1 (approved plans), 3 (external materials) and 6 (fresh water supply and foul water treatment and disposal) attached to planning application
14/02691/FUL
Withdrawn 23.03.2018

18/00896/FUL
Erection of dwelling house and associated works (part retrospective)
Withdrawn 15.11.2018

19/00497/FUL
Retrospective application for the erection of a new residential dwelling and associated works
Refused 09.05.2019

5.0 CONSULTATIONS AND REPRESENTATIONS

5.1 Bow Brickhill Parish Council

No objections to the proposal, but are concerned that works carried out to the access and to widen the bridleway have covered over the ditch along the front boundary of the site causing water to run off the site, over the bridleway and onto the meadows beyond. This creates a hazard, particularly in Winter when ice forms.

5.2 The Parish Council request that a condition be applied to any planning application to narrow the bridleway and reinstate the ditch.

5.3 Cllr David Hopkins –Danesborough and Walton Ward

Requests that the application be considered by Development Control Committee/Panel

5.3 Cllr Victoria Hopkins –Danesborough and Walton Ward

No comments received

5.4 Cllr Alice Jenkins- Danesborough and Walton Ward

No comments received

5.5 MKC Highways

The submitted drawings do not include the required turning area that was shown on the approved plans.

5.6 MKC Urban Design

It is disappointing that the original plans have not been followed and what has been built is a poor interpretation of the original scheme. The original dwelling was approved based on its design merit and this scheme does not meet the same quality threshold in terms of design.

I would recommend that original features of the façade, particularly those that soften the elevation, such as the timber cladding be reinstated. The proposed landscaping to the front of the dwelling should be reinstated to minimise the visual impact of the building and help the building integrate with its natural setting. The garage as built would ideally be removed or hidden with extensive landscaping placed in front of the garage.

I would recommend:

- Removing the garage as it hasn't got planning permission and is a prominent blank façade facing the public right of way
- Alterations to the white façade that highlights the building within its setting as opposed to a more sympathetic facade. I'd encourage the use of the approved timber cladding system as this will weather and integrated with the natural environment
- The approved landscape scheme including the approved ground levels needs to be delivered to minimise the impact of the dwelling on the natural setting.

The plans also need to reflect what has / or is being built on site.

5.7 MKC Landscape Services (Tree Officer)

I understand that this is a retrospective application but I am not sure as to the extent of the works completed, I also understand that during development at this site damage occurred to the two TPO Oak trees mainly to the soil that is their root-zone and thereby to the root themselves. I would like it conditioned that an arboricultural inspection of the trees is carried by an arboricultural consultant with a view to assessing damage and recommending remedial works, which I would expect to include physical de-compaction of the soil and installation of a mulch to assist the trees in their recovery.

There are no arboricultural details submitted and if further construction works are yet to take place, the TPO Oak trees will be at danger of further damage / death unless they are properly protected in accordance with BS 5837:2012. If further work is required a condition requiring protection of trees on the site is required.

If further soft landscaping is required a condition should also be appended to any planning permission to control works within the root zones of retained trees.

5.8 MKC Landscape Architect

No objection subject to condition requiring landscape details to be prepared in co-ordination with drainage and ecology details and submitted for approval.

5.9 MKC Countryside Officer

The applicant has submitted a Site Landscape Plan, which shows a range of features that could be considered to be ecological enhancements. This includes:

- The planting of a range of tree species;
- The use of wildflower mixes to create meadows to the front and rear of the house;
- The retention of trees to the front and rear of the house;
- The creation of a pond on site.

A site visit in October 2019 highlighted that these features/management measures are either missing or have not been implemented in an appropriate way. The majority of the site is now covered by homogeneous rough grassland and has not been managed with biodiversity in mind. No trees have been planted on site and of the retained trees, two are dead and the rest have significant damage from construction activities and pruning (further advice should be sought from the MKC Arboriculture Officer and/or Landscape Technical Officer).

The installation of ten permanent hibernacula for reptiles (and amphibians), a number of temporary hibernacula/wood piles and an area of tree/scrub planting were required under a previously approved proposal; although trees/scrub were previously planted in the south-western area of the site and the hibernacula/log piles were constructed in the south-eastern end of the site, natural habitat that previously contained them seems to have been removed, flattened and the levels altered. Prior to development, this site provided suitable habitat for significant numbers of amphibians and reptiles, and their presence was recorded during site surveys. However, current site conditions have not compensated for the loss of this habitat. The landscape proposals should maintain the habitat links around the site to the wider landscape for these species.

The exclusion fence that was erected to protect reptiles and amphibians during construction should have been removed on the completion of construction. It is still present. If works are complete on site the exclusion fence must be removed to allow the species to access the site and maintain habitat links.

A reed bed had previously been included in the biodiversity enhancement/landscape proposal. However, this is not included in the current scheme, despite habitat of this type providing significant benefits for biodiversity. Instead, a pond has been created in the south of the site, but is of little ecological value due to the nature of its construction. The gravel substrate is not suitable for the establishment of plants and blanket weed is present. A natural substrate is preferable because this will allow water plants to colonise the pond and potentially provide suitable habitat for amphibians.

To comply with NPPF, the proposals should provide a net gain in biodiversity. The site would appear to have little biodiversity value and therefore the applicant should provide further information on the biodiversity enhancement measures that have been implemented on site, including specifications, and those are still to be completed.

If construction works are complete on site, the reptile/amphibian exclusion fence should be removed.

5.10 Rights of way Officer

A full drainage plan needs to be submitted to demonstrate that the development will not impact upon the rights of way. I am particularly concerned about the impact on Bridleway 006 as a result of infilling of a culvert.

The slippage of earth onto footpath 007 has stabilised, however, large lumps of material remain on the footpath and the footpath has been left in poor condition.

Works are still required to Footpath 017. Damaged fencing continues to lean into the footpath and some surface levelling works are yet to be undertaken. The erection of the sleeper retaining wall has affected the character of this footpath, replacing a natural boundary to the route with an imposing structure. An improvement would be if the Footpath was not so closed in. The applicant has commented that the cracks in the concrete at the base of the structure have been checked by a suitably qualified professional and confirmed they do not affect the structural integrity of the retaining wall, however no evidence has been provided to the Council.

5.11 Environmental Health

No Comments

5.12 Neighbour/ Third Party Representations

No comments have been received from local residents.

6.0 MAIN ISSUES

Principle of development
Impact on character of the area
Design
Residential amenity
Landscape
Ecology

7.0 CONSIDERATIONS

Principle of development

Relevant Policy / Principle Narrative

- 7.1 The application site is located in the Open Countryside where development is normally only usually permitted where it is related to agriculture, forestry or other activity appropriate to the open countryside. This was also the case in 2009.
- 7.2 In 2009 the Planning Inspector allowed an appeal (08/1721/FUL) on the site for a dwelling as an exception to planning policies that limit development in the open countryside. The Inspector concluded that the proposal complied with paragraph 11 of Planning Policy Statement 7(Sustainable Development in Rural Areas published by the government which supported the building of dwellings of “exceptional quality and innovative nature that can be deemed to be truly outstanding and ground breaking in its design”.
- 7.3 In reaching this decision the Inspector noted the design of the house and the way that it achieved neutral consumption of water and incorporated energy efficiency to the extent that it achieved carbon neutrality. In relation to the latter the Inspector imposed a condition requiring the dwelling to cease to be occupied should the energy efficiency rating fall below 12.5 on the National Home Energy Efficiency Rating scale. The Inspector also noted that the development would not require soil to be removed from the site, avoiding the need for additional vehicle movements.
- 7.4 The approved house was to be constructed with elevations constructed from Cribblock walling using a grid of timber with built in planters to allow the elevation, over time, to be covered with greenery. The windows of the house were relatively small and set back within the elevations so that they were almost hidden. The design of the house included a number of energy efficiency measures including high levels of thermal insulation and a photovoltaic collector integrated into the southern edge of the roof to supply energy at a level where it was anticipated that the house would not require energy from other sources.
- 7.5 The approved house also originally included a system for collecting rainwater on the site to provide all the water the house and its occupants required. The original design also included systems for managing organic waste and sewage, involving a read-bed system that avoided the need for waste to be removed from the site.
- 7.6 The landscaping of the site originally included the retention of a number of trees and existing hedges and a considerable amount of planting of new tree and shrubs to create a varied series of habitats and to help the development blend into the landscape around it. The hard landscaping included a permeable resin bound, buff coloured, gravel driveway. The proposal also contained a number of measures designed to mitigate the impact of the development on reptiles that were known to inhabit the site and surrounding area. These measures included 10 refuges and 5 log piles located around the site for reptiles.
- 7.7 The development as constructed
- 7.8 The house that has been built has concrete rendered white walls with windows with charcoal grey window frames. The driveway has been constructed in black tarmac, the access from the bridleway has been widened and large concrete pillars have been erected at the front of the site. None of the landscaping shown in the approved scheme has been provided. Whilst some of the reptile refuges are in situ

most are not and those that are provided are placed in locations where they are of little value because the associated habitat has been removed.

- 7.9 The contouring of the site has not been carried out in accordance with the approved site leaving the building sat on the hill rather than sculpted into it. At the same time in digging into the hill to locate the house more soil was removed than had been anticipated and much of this has been mounded around the boundaries of the site. In places these mounds have collapsed onto the footpaths on either side of the site. Although most of this has been cleared not all of it has been removed. In addition, to stop more of the soil falling onto the footpath along the north-eastern boundary, a retaining wall made of steel supports and wooden 'sleepers' has been constructed along the footpath to a height of about 1.5 metres.
- 7.10 The application site is within the open countryside as defined by Plan:MK and is not identified for development. The proposal would therefore be contrary to Policy DS5 (Open Countryside) of Plan:MK. Planning Policy Statement 7 has been replaced by the National Planning Policy Framework (NPPF). Paragraph 79 of the NPPF effectively replaces paragraph 11 of PPS 7 and states:

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

- 7.11 Policy DS5 D supports the development of such dwellings, but refers to paragraph 55 which was the relevant paragraph in an earlier version of the NPPF. It is considered that the development that is proposed would not achieve any of the requirements to meet paragraph 79 and, therefore, would not comply with policy DS5.

Highway matters and parking

- 7.12 London End Lane is narrow for much of its length and the junction with Church Road is particularly tight, with substandard visibility. However, apart from construction traffic, the development would not create a significant number of additional vehicle movements. It is, therefore, not considered that the proposal would have a detrimental impact upon the safety or convenience of highway users.
- 7.13 The site is situated in car parking zone 4 as set out in the Council's car parking standards. Within zone 4 a 3 bedroom dwelling house requires 2 allocated parking space plus 0.5 unallocated spaces. The proposed development can accommodate at least 6 vehicles on site, independently and, therefore, complies with Policy CT10 of Plan:MK.

Impact on character of the area

- 7.14 The dwelling originally approved in 2009 was designed to blend into its surroundings; indeed the original concept effectively contoured the dwelling into the hillside. The proposed materials were intended to ensure that the proposed dwelling would have as little visual impact upon the appearance of the area as possible and would largely be lost within its wooded setting. However, the house that has been built stands out sharply against its surroundings.
- 7.15 The use of white painted render on the elevations makes the building stand out against the woodland around it. The new garage and projecting side wing increase the bulk of the building and the amount it projects above the ground rather than sit down into the hill. The changes to the contouring of the site have led to the site appearing as a jarring feature against the surrounding landscape, rather than a feature sculpted into its surroundings. Particularly along the north-eastern boundary where the soil has been piled up to head height immediately abutting the footpath, the site dominates its surroundings. The changes to the access and the erection of the entrance gate pillars have turned what was a low key, lightly engineered entrance into an overpowering and visually intrusive feature. All these changes to the development as approved have had a significant and damaging impact upon the appearance of the area.
- 7.16 It is considered that each of these changes by itself would warrant refusal of the application, but cumulatively their impact is overbearing. There have been other detrimental changes, but it is considered that these have not had such a significant impact upon the appearance of the area.
- 7.17 Discussions have taken place with the applicant on measures to mitigate these impacts.
- 7.18 The applicant has agreed to paint the render on the elevation a darker colour to help it blend more into its surroundings. The suggested colour is Dulux's 'Estuary Sands' a sandy green colour. Whilst this would not break up the massing of the elevation in the way that the elevational treatment originally approved would have, it would achieve a similar colour and allow the building to be less visually intrusive. It is considered that should Members be minded to approve the application a condition requiring the building to be painted in this colour within two months and thereafter be retained should be imposed.
- 7.19 The applicant has also agreed to produce plans showing plants trailing down the front elevation from the existing 'Green Roof' to help break up the hard edge that the roof currently displays. At the time of writing those drawings have not yet been received. An update on the drawings will be provided prior to the Committee meeting. As the application stands it is considered that the proposal would be contrary to policies D1, D2 and D3 of Plan:MK.

Residential amenity

- 7.20 The dwelling is reasonably well separated from neighbouring occupiers and it is not considered that it results in any overlooking or overshadowing of adjoining

properties. The most significant impact that the development has had on local residents' amenities is the noise and disturbance during the construction of the house. Whilst construction of development always causes some problems for local residents, in this case the impact has been particularly difficult because of the narrowness of the northern end of London End Lane and the constrained layout of the London End Lane and Church Road. Both of these factors caused construction traffic to pass within centimetres of dwellings and caused traffic congestion.

- 7.21 The slippage of soil from the development onto the adjoining dwelling also impacted directly on the amenities of that property.

Landscape

- 7.22 The impact of the development on the landscape of the area has already been considered in respect of the impact upon the appearance of the area, but the main impact has been to change this area of rough pasture, overgrown with bracken and brambles on the edge of the woodland into a semi-suburban garden area around a prominent dwelling.

Trees

- 7.23 The site contains two Oak trees which are covered by a Tree Preservation Order. These trees are still alive, although concerns have been raised about their health as a result of the changes in the contouring of the site, the storage of building materials within their root protection zone during construction work and building activities in close proximity to these trees. A small group of trees further into the site which were shown to be retained in the planning approvals for the development appear to be dead: probably as a result of mounding up earth around the trees.
- 7.24 Trees which should have been planted as part of the development have not been planted and the proposed landscaping plan does not provide adequate detail regarding future planting.

Ecology

- 7.25 Prior to the commencement of development Slow Worms and Grass Snakes had been found on the site and there was evidence that the site was used for foraging by Great Crested Newts that live in ponds close to the site. All of these animals are protected species.
- 7.26 The development as originally approved incorporated a number of features designed to protect the ecology of the area during development and to enhance the ecology of the site post development. The proposal included a pond and a series of reed beds to provide a range of habitats (they also performed a drainage function), refuges for reptiles, a mix of wildflower planting across the site, the retention of a number of trees on site and additional tree planting.
- 7.27 To safeguard the protected species during the construction process reptile/GCN proof fences were erected around the areas that were to be disturbed during construction and surveys were undertaken to ensure that no protected species were within the construction areas prior to the commencement of building work.

- 7.28 During the construction of the dwelling that has been built it is clear development work took place outside the protected areas and the reptile refuges have either been removed or their ecological value destroyed by the removal of the undergrowth in which they were set.
- 7.29 It is considered that the development has clearly damaged the ecology of the site. However, there are still opportunities to mitigate the impact of the development and enhance the ecological value of the site. Officers have discussed with the applicant improvements that can be made to the development to improve the ecological value of the site. The pond that has been constructed near the front of the site is a response to those discussions. However, it is considered that the pond that has been constructed is of very limited ecological value. Whilst an amended landscaping plan has been received which includes additional tree planting and wild flower planting, that plan is so lacking in details and contains so many inaccuracies that it is considered to be of no value in ensuring the restoration of the ecological value of the site as it was prior to development. It is therefore considered that the proposal is contrary to policy NE3 of Plan:MK.

Drainage and flood risk

- 7.30 No details of the drainage system for the house as built/proposed have been provided. The site is on the side of a steep sided hill and surface water run-off has been a significant concern during the development of the site. Clearly the development has departed from the originally surface water and foul water drainage system, but what has replaced it is not clear. As it stands the application does not provide evidence that it complies with policies FR1 and FR2 of Plan:MK.
- 7.31 Concern has been raised about surface water run-off from the driveway/amended access. It is not clear from the information provided if the driveway as constructed achieves the permeability of the originally approved drive. Whilst there has clearly been some change to the access and the bridleway to the front of the site, this work appears to be outside the red line area of the current application and is, therefore, beyond the scope of the current proposal.

Sustainable construction

- 7.32 In his decision letter the Planning Inspector considered that the originally approved scheme that the dwelling would achieve “a high level of thermal efficiency” and would maximise “the potential for energy, water supply, surface water drainage, sewage treatment and waste disposal to be generated or managed on site”.
- 7.33 On that basis he was satisfied that the development would meet the sustainability principles contained in Government advice. In support of those principles the Inspector imposed a condition which required the dwelling to cease to be occupied should it fail to maintain an energy efficiency rating of at least 12.5 on the National home Energy Rating scale.
- 7.34 No information has been provided regarding the sustainable construction value of the dwelling as built.

Other matters

- 7.35 During the course of the development large amounts of soil spilled out of the site and onto the adjoining footpaths, bridleway and into the garden of an adjoining dwelling. This was a result of soil being piled up higher than shown in the approved contour plans. Whilst most of the soil has been removed from the footpaths and bridleway some remains. This is outside the scope of the current application, but may be an issue for planning enforcement and is also subject to enforcement under Rights of Way legislation.
- 7.36 Whilst the Highway Officer is concerned that the turning area at the front of the site, originally approved, has not been provided this turning area was designed to facilitate the construction of the site and serves no purpose in the completed development. There is adequate room to turn vehicles immediately in front of the house and an additional turning area at the front of the site cannot be justified.

8.0 CONCLUSIONS

- 8.1 The proposal clearly represents an inferior form of development to that originally approved and it is considered that it fails to meet the requirements of para 79 of the NPPF (which is the current equivalent of the government guidance which originally justified the approval of the dwelling on Appeal) and policy DS5 of Plan:MK. The development has had a detrimental impact upon the ecology and appearance of the area.
- 8.2 Nevertheless, the site does have planning permission for the development of a house and this is a material planning consideration that has to be taken into account when weighing up the merits of the case. It is also considered that the implications of approving or refusing the current application for the ecology of the area and upon the amenities of local residents need to be taken into account.
- 8.3 It is considered that the proposal is contrary to National and Local planning policy. Whilst the existing planning permission is a material consideration, the current proposal is so far from achieving the standards that provided the rationale for that permission that the existing approval can carry little weight in this instance.
- 8.4 Although the applicants have made some attempt to address the harm that has been done to the appearance of the area and the ecology of the site it is not considered that they have made sufficient progress as to override those concerns.
- 8.5 If planning permission is refused, this would need to be supported by appropriate Enforcement Action. This would almost certainly involve at least some demolition of what has been constructed. It is likely that demolition works would have a negative impact upon the amenities of local residents and the ecology of the site during the demolition works (and potentially during the rebuilding of the dwelling in accordance with the approved drawings). Nevertheless it is considered that the development that has been carried out is sufficiently contrary to planning policy and harmful to the appearance and ecology of the area that planning permission should be refused.

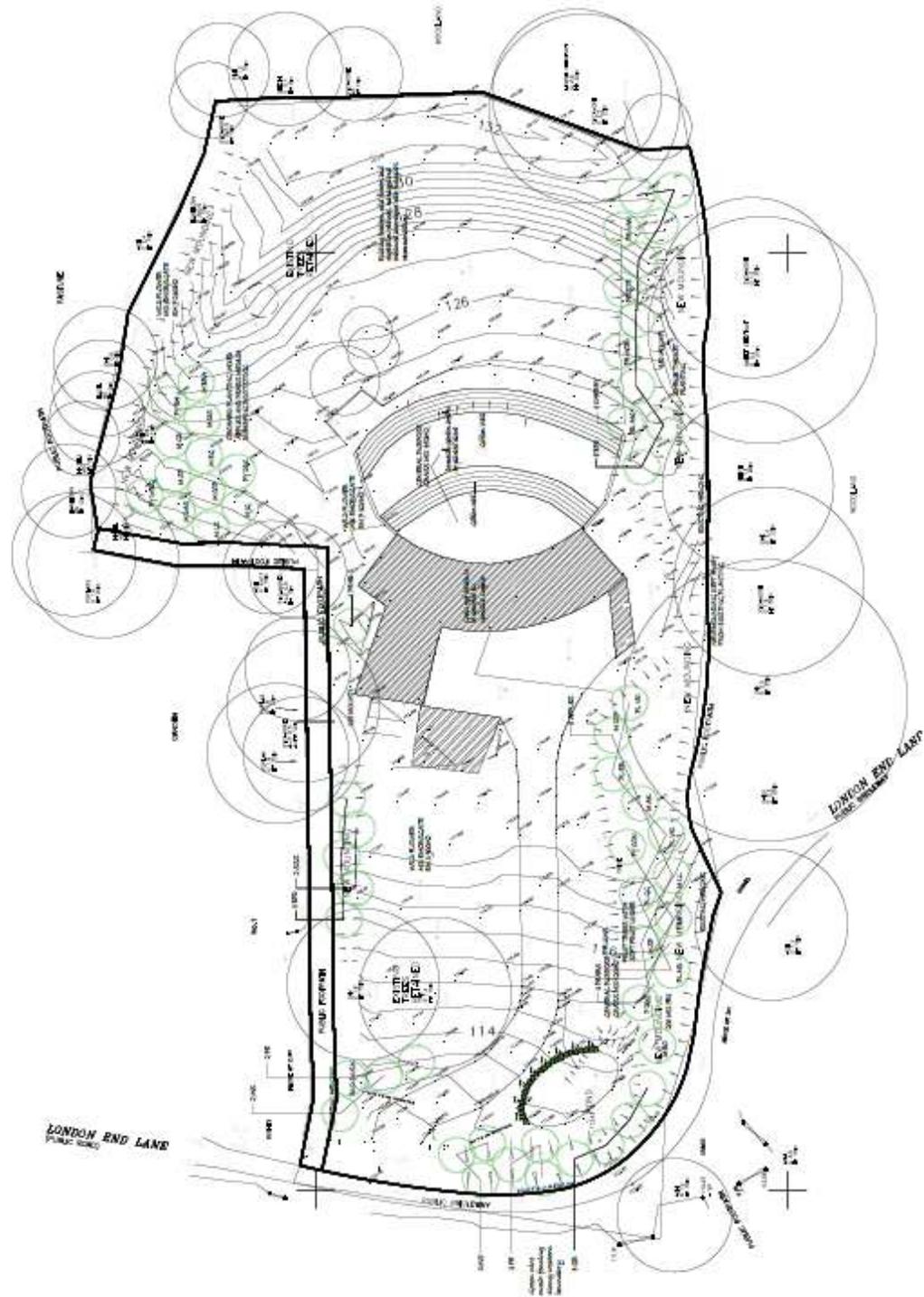
9.0 REASON FOR REFUSAL

1. The proposed development would result in a dwelling in the Open Countryside as defined in the Adopted Plan:MK which is not required for agriculture or forestry or other rural business and which does not meet the requirements for exceptional buildings within the Open Countryside set out in Paragraph 79 of the National Planning Policy Framework. As such the proposal would be contrary to Policies DS1 and DS5 of Plan:MK.
2. The proposed dwelling and associated mounding would appear as an intrusive and incongruous feature in views of the area to the detriment of the appearance of the area. As such the proposal would be contrary to policy D1, D2, D3 and D5 of Plan:MK.
3. The proposal would be detrimental to the ecological value of the site and protected species within it, through the destruction of habitat and inadequate proposals to enhance the ecological value of the site following development contrary to policies NE2 and NE3 of Plan:MK.
4. The proposal fails to demonstrate that the development would achieve the principles of Sustainable Construction set out in Policy SC1 of Plan:MK contrary to the requirements of that policy.
5. The proposal fails to provide adequate information to demonstrate that the proposal would incorporate a Sustainable Drainage System (SuDs) to minimise the risk of flooding and to ensure appropriate drainage to serve the development contrary to policy FR2 of Plan:MK.

1. THE LANDSCAPE ARCHITECT HAS CONDUCTED VISUAL IMPACT ASSESSMENTS AND VISUAL AMPLIFICATION STUDIES FOR THE PROPOSED DEVELOPMENT. THE RESULTS OF THESE STUDIES ARE SET OUT IN THE ATTACHED REPORTS. THE LANDSCAPE ARCHITECT HAS CONDUCTED VISUAL IMPACT ASSESSMENTS AND VISUAL AMPLIFICATION STUDIES FOR THE PROPOSED DEVELOPMENT. THE RESULTS OF THESE STUDIES ARE SET OUT IN THE ATTACHED REPORTS.

PROJECT	AS BUILT LANDSCAPE New Warehouse London Road Lane
DATE	12/2024
SCALE	AS SHOWN & NOTED
DRAWN	N. GILL
CHECKED	N. GILL
DATE	12/2024
SCALE	AS SHOWN & NOTED

LEE BUTLER ARCHITECTS
 ARCHITECTS AND LANDSCAPE ARCHITECTS
 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

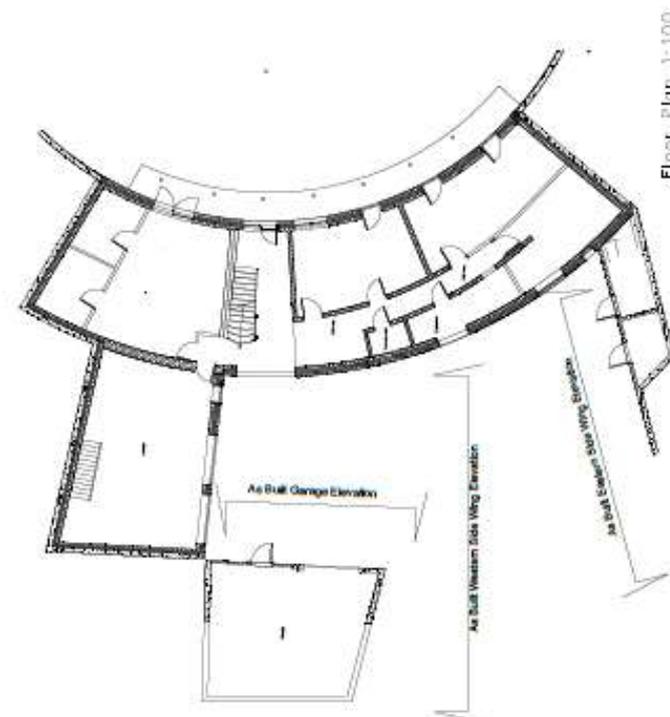
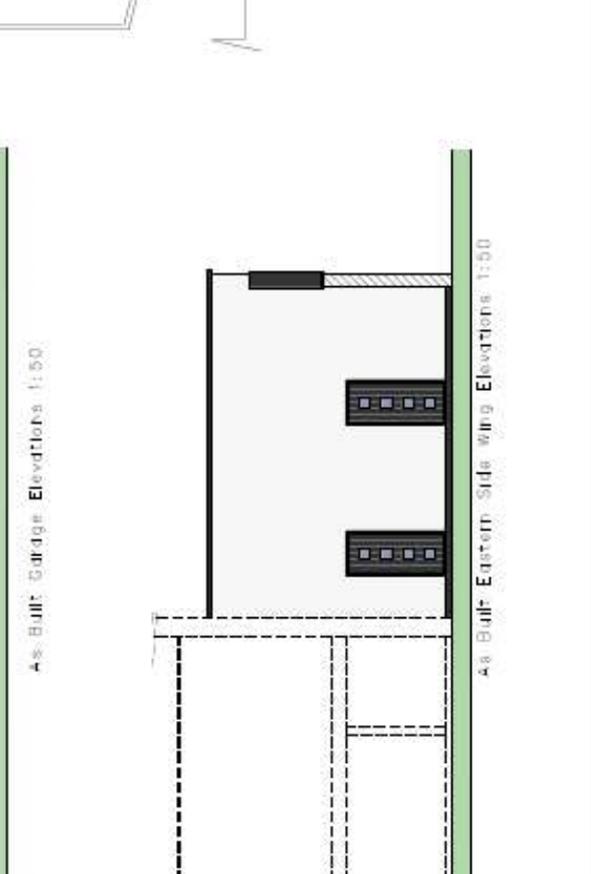
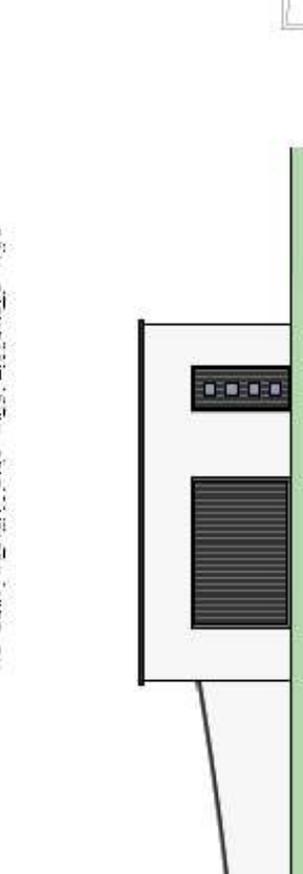
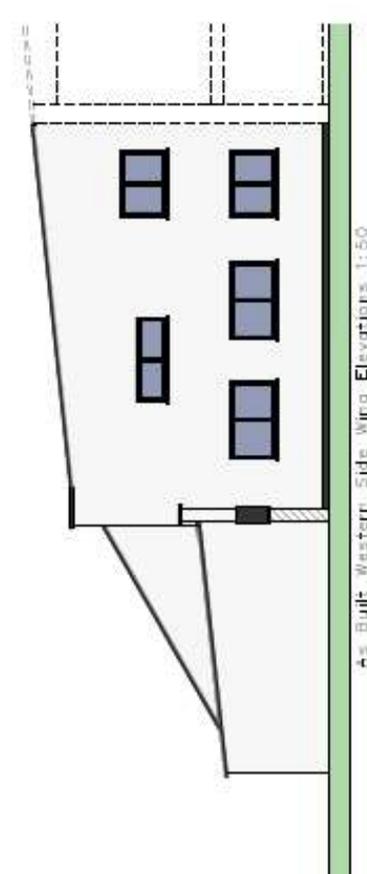


SITE LANDSCAPING PLAN 1:200 @ A1

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PROJECT: As-Built Garage
 DATE: 03/2018
 DRAWING NO.: 18-0231
 SCALE: 1/8" = 1'-0"
 SHEET: 01-111
 OF: 111

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Floor Plan 1:100

A1.0 FULL CONSULTATIONS AND REPRESENTATIONS

A1.1 Bow Brickhill Parish Council

At a meeting held on 12 September 2019, it was agreed that Bow Brickhill Parish Council has no objection in principle to the following application:

Application no: 19/02141/FUL

Proposal: *New residential dwelling (retrospective) and associated works*

At: Site To The West of 1 London End Lane Bow Brickhill

We would, however, like to request the following conditions to remediate the damage caused by the development to the drainage in London End Lane.

Now that the applicant has, in effect, significantly widened the bridleway to allow two vehicles to pass, the ditch at the foot of the slope and the verge have been lost under tarmac. In consequence, when it rains, the water runs down the slope from the bridleway round the corner, with nowhere to go other than straight across the bridleway onto the meadows beyond, creating a significant ice hazard in winter.

We would, therefore, request that it be made a condition that the applicant be asked to narrow the bridleway again after his entrance, reinstate the ditch, channel the water under the bridleway, and down the hedge line where it always went in the first place.

A1.2 Cllr David Hopkins – Danesborough and Walton Ward

I formally request that the above named application is heard at DC Committee or Panel.

A1.3 Cllr Victoria Hopkins - Danesborough and Walton ward

No comments received

A1.4 Cllr Alice Jenkins – Danesborough and Walton Ward

No comments received

Third Party/Neighbour Comments

A1.5 We fully concur with the comments made by your various officers regarding this property. Concerned about flooding on the bridleway as a result of the development.

We are quite fed up now with this whole affair, as you can probably appreciate, and look forward to having some new neighbours. This is not going to happen until the points your officers have made have been resolved and, hopefully, these drainage issues are fixed.