

Application Number: 17/00823/FUL

Description Development of 3 x dwelling houses, restoration of walled garden and demolition of derelict greenhouse structures

AT Site to North West of, Wavendon House Drive, Wavendon,

FOR Court Warwickshire (Ltd)

Target: 1st February 2019

Extension of Time: Yes

Ward: Danesborough and Walton

Parish: Wavendon Parish
Council

Report Author/Case Officer: Elizabeth Verdegem, Senior Planning Officer

Contact Details: 01908 252462, elizabeth.verdegem@milton-keynes.gov.uk

Team Manager: Paul Keen, Deputy Development Management Manager
paul.keen@milton-keynes.gov.uk

1.0 RECOMMENDATION

1.1 It is recommended that permission is granted subject to conditions set out in this report and completion of the S106 agreement.

2.0 INTRODUCTION

The Site

2.1 The application site is 0.96 hectares and the main part of the application site is located to directly to the north-west of Wavendon House, a Grade II* listed building. This area encompasses the walled garden and a grassy area to the north of the garden (for the three new dwellings) which includes some greenhouse type buildings, but otherwise consists of areas of grass and trees. The application site also includes the whole of Wavendon House Road, which is not adopted, and leads to Lower End Road, to the north of the application site.

2.2 To the east of the main part of the application site there are two blocks of residential flats and blocks of garages. As above, Wavendon House, which is Grade II* listed, and its associated buildings, are to the south-east. There are four other Grade II listed buildings to the south-east beyond Wavendon House, as well as further residences. Approximately 37 residences are located in the buildings to the east and south-east of the main part of the application site, served from

Wavendon House Road, and three further residences are located to the west of Wavendon House Road where the road meets Lower End Road, to the north.

- 2.3 The site is otherwise surrounded by areas of grass and trees. There is a Public Right of Way to the south of the main part of the site which runs through the grounds of Wavendon House, all the way along Wavendon House Road to Lower End Road. The site is covered by a Tree Preservation Order, is in a Red Risk Area for Great Crested Newts, and is in Flood Zone 1. The entire application site is outside of the settlement boundary (the closest villages being Wavendon and Woburn Sands) and within the Open Countryside.

The Proposal

- 2.4 The application proposes the development of three new houses in order to enable the restoration of the walled garden of Wavendon House. The proposal includes the restoration of the garden and demolition of some derelict greenhouse structures.
- 2.5 The three houses to be built are two 6-bed and one 5-bed dwellings, each with garages, allocated parking to the front, and rear private gardens. The application proposes access to these properties off Wavendon House Road to the south of some existing garages, off which there will be two further visitor spaces. These three houses are to the north of the walled garden.
- 2.6 The restoration of the walled garden involves the restoration of the wall surrounding the garden, relaying of the footpath, re-roofing the outbuilding to the north of the garden, reinstalling features such as the sundial and replanting of trees and grassed areas in the original layout.

Reason for referral to committee

- 2.7 The application is referred to Development Control Panel as a departure from the Local Plan.

3.0 RELEVANT POLICIES

3.1 National Planning Policy Framework (2018)

Section 5. Delivering a sufficient supply of homes
Section 8. Promoting healthy and safe communities
Section 9. Promoting sustainable transport
Section 11. Making effective use of land
Section 12. Achieving well-designed places
Section 14. Meeting the challenge of climate change, flooding and coastal change
Section 15. Conserving and enhancing the natural environment
Section 16. Conserving and enhancing the historic environment

3.2 Planning (Listed Building & Conservation Areas Act) 1990

Sections 16 and 66 (in relation to listed building consent and planning permission respectively) of the Planning (Listed Building & Conservation Areas Act) 1990, requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. .

The Development Plan

3.3 Neighbourhood Plan

In May 2012, Wavendon Parish Council applied to Milton Keynes Council, in accordance with the Neighbourhood Planning (General) Regulations 2012, to designate a Hanslope Neighbourhood Plan Area and this designation was approved by Milton Keynes Council on 25 July 2012. To date, however, the Parish Council has not progressed a Neighbourhood Plan to a stage that it could be attributed any weight.

3.4 Core Strategy (2013)

Policy CSA: Presumption in Favour of Sustainable Development
Policy CS1: Milton Keynes Development Strategy
Policy CS9: Strategy for the Rural Area
Policy CS10: Housing
Policy CS12: Developing Successful Neighbourhoods
Policy CS13: Ensuring High Quality, Well Designed Places
Policy CS18: Healthier and Safer Communities
Policy CS19: The Historic and Natural Environment

3.5 Saved Policies of the Local Plan 2001-2011 (2005)

Policy S10: Open Countryside
Policy D1: Impact of Development Proposals on Locality
Policy D2A: Urban Design Aspects of New Developments
Policy D2: Design of Buildings
Policy HE2: Buildings of Special Architectural or Historic interest (Listed Buildings)
Policy HE5: Development Affecting the Setting of a Listed Building
Policy NE2: Protected Species
Policy T10: Traffic
Policy T15: Parking Provision
Policy H7: Housing on Unidentified Sites
Policy H8: Housing Density

3.6 Supplementary Planning Documents

Parking Standards SPD 2016
New Residential Development Design Guide SPD 2012

3.7 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.

4.0 **MAIN ISSUES**

Principle of development
Highway matters and parking
Impact on character of the area
Impact on Designated Heritage Assets
Design
Residential amenity
Landscape
Ecology
S106 matters
Other matters

5.0 **CONSIDERATIONS**

Principle of development

Open Countryside

5.1 The entire application site is outside of the settlement boundary (the closest villages being Wavendon and Woburn Sands) and within the Open Countryside as defined by Policy S10 in the Saved Policies of the Local Plan. Policy S10 states that planning permission will only be granted for development in the Open Countryside when it is essential for agriculture, forestry, countryside recreation and other development which is wholly appropriate to a rural area and cannot be located within a settlement. In addition, Core Strategy policies CS1 and CS9 seek to focus development in the rural area within the development boundaries of the main settlements and adjacent to the most sustainable towns or key settlements.

5.2 This proposal does not meet any of the exceptions within Policy S10, and is not adjacent to either the Wavendon or Woburn Sands boundaries. As such, the proposal is contrary to Saved Local Plan Policy S10 and Core Strategy Policies CS1 and CS9. However, it should be noted that the recent Secretary of State decision at Woburn Sands (APP/Y0435/W/17/3169314, Land to the East of Newport Road and to the East and West of Cranfield Road at Woburn Sands) states that he considers Policy S10 (and in conjunction the Woburn Sands Neighbourhood Plan Policy WS5) to be out of date for technical reasons. Essentially, because the policy tightly draws the Open Countryside/settlement boundary around Woburn Sands and was only designed to guide development for the Local Plan period up to 2011. He therefore considers S10 to be technically out of date by virtue of the age of the policy, but conversely states that S10 and WS5 have "moderate weight" attached to them. It is the Council's position that, policy S10 can be applied with moderate weight, as described above. S10 is not

fundamentally a housing policy, and has greater influence in terms of weighing the impact of development on the open character of the countryside.

- 5.3 Additionally, paragraph 79 of the NPPF states that isolated homes in the countryside should not be permitted unless “b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.” In this case the proposed development of three homes is intended to directly secure the restoration of the walled garden of Wavendon House and it is therefore considered that this exception applies. Therefore, despite being in the Open Countryside and a departure from the local plan, the application is supported by paragraph 79 b) of the NPPF.

Five Year Housing Land Supply

- 5.4 A recent Secretary of State decision at Woburn Sands (APP/Y0435/W/17/3169314, Land to the East of Newport Road and to the East and West of Cranfield Road at Woburn Sands) states that he considers the housing land supply in Milton Keynes to be approximately 5.9 to 6.2 years. However, it is the Council’s position that the Plan: MK examination process, and Inspector’s Interim findings published in August 2018, found no need to alter the proposed housing requirement figure. This figure is supported by considerable evidence and has been rigorously tested through the examination process. It is the opinion of officers that accepting alternative figures at this stage could undermine the Plan: MK process. Further to this, on review officers consider that the Council can now demonstrate a housing land supply of 5.25 years.
- 5.5 It should also be noted that the council considers that it will also have a 5 year housing land supply upon the adoption of the emerging Plan: MK. Plan: MK is currently undergoing Examination in Public, and has been through the public hearings. The Inspector has raised no significant issues in relation to the housing number trajectory or the Council's calculation for the predicted 5 year housing land supply following Plan: MK's adoption. Therefore the policies and allocations to justify the 5 year housing land supply can hold significant weight in the determination of the application, and continue to hold weight as the Examination continues without objections to these policies, in accordance with paragraph 48.
- 5.6 It should be noted that whilst Policy S10 is not for the supply of housing, it implicitly recognises the character and beauty of the countryside, in accordance with the aims of the NPPF, by seeking to protect it, and therefore greater weight should be afforded to this policy for this reason. However, there is also an element of conflict between Policy S10 and the housing supply aims of the NPPF, in that S10 has a restricting nature on the supply of housing land in the open countryside.
- 5.7 Despite the Council now considering that it has a 5 year housing land supply, the recent Secretary of State decision implies that policy S10 is out of date (although the Secretary of State still applies moderate weight towards it.) It is therefore considered necessary to consider paragraph 11 of the NPPF, which applies when “policies which are most important for determining the application are out-of-date” and goes on on to state that, “planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

5.8 The application site is not included in the protected areas, or assets of particular importance as defined by footnote 6. Therefore, it must be considered whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, by applying the three criteria for the presumption in favour of sustainable development, as set out in paragraph 8.

Sustainable Development - Economic Role

5.9 The site is somewhat isolated and although surrounded by other residences, it is some distance to the nearest shops and services, which would likely necessitate journeys by car. The construction of three houses and restoration of the garden wall are unlikely to create significant numbers of local jobs, and therefore it is considered that the proposal would be unlikely to be considered sustainable from an economic perspective.

Sustainable Development – Social Role

5.10 The provision of a small number of well-designed homes on an un used piece of land, and the enhancement of open space can be considered to give minimal weight to consider the proposal sustainable from a social perspective. However significant weight can be given to enabling development and securing the heritage assets on site in the long term.

Sustainable Development – Environmental Role

5.11 The proposal will result in a significant benefit to the historic environment in the restoration of the walled garden, as well as the provision of three houses in this location being considered an effective use of the land, and the resulting improvements to the landscaping of the garden and spaces around the houses leading to a net gain of biodiversity. Crucially, the restoration of the walled garden lends significant weight to the assessment of the proposal being sustainable from an environmental perspective, as will be discussed further below.

Public Benefit of Restoration of Heritage Asset

5.12 Notwithstanding the Council's position regarding housing land supply, the application has been submitted on the basis that the proposal for three new dwellings will enable the developer to restore the walled garden of Wavendon House. As above, the NPPF states in paragraph 79 that development of isolated homes in the countryside would be acceptable if they are considered appropriate enabling development to secure the future of heritage assets. The applicant has provided a Viability Assessment that shows that three dwellings are necessary for the scheme to be viable and the Council considers this assessment acceptable and appropriate to justify the development of three homes in the open countryside.

- 5.13 It should be noted that, paragraph 202 also states that “Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”
- 5.14 In this instance, the benefit of the restoration of the heritage asset is considered to outweigh the “disbenefits” of development of three houses in the Open Countryside, given the above assessment that shows that only moderate weight should be attributed to Policy S10, the aspects and details of the development which make the proposal less harmful development in the countryside (proximity to other existing buildings, low density, securing of a landscaping scheme and biodiversity enhancements), and given compliance with the other policies in the development plan, as set out in the rest of this report.

Highway Matters and Parking

- 5.15 The development of three dwellings is highly unlikely to result in the generation of significant volumes of traffic so as to generate undue disturbance or affect highway safety. The Council’s Highways Officers consider that the access to the site, via Wavendon House Drive, and the access to the south of the garage block adjacent to the site is acceptable for the three dwellings, although recommends that the surface is improved, and increased to a 3 metre width. This can be secured by condition.
- 5.16 The site is in Zone 4 of the Parking Standards, and provides at least 3 allocated spaces per dwelling, and two visitor spaces for the site overall, as shown in the table below. The amount of parking complies with the Council’s standards and the proposal is therefore considered to be compliant with Policy T15 Parking Provision and the Parking Standards SPD. The Council’s Highways Officer requested amendments to the plan to increase the dimensions at Plot 2 to provide the additional space required by the Parking Standards for spaces adjacent to the a wall. This has been revised and submitted by the applicant. Highways have also requested that the implementation of the parking be secured by condition, and this has been included.

		Parking Standards Requirement - Zone 4		Provided	
Plot Number	Type of House	Allocated	Unallocated + tandem requirement	Allocated	Unallocated
1	6-bed	3	0.33 + 0.5	4	2 spaces adjacent to entrance
2	6-bed	3	0.33	3	
3	5-bed	3	0.33 + 0.5	4	
Totals		9 spaces	2 spaces	11 spaces	2 spaces
Site Total		11 spaces required		13 spaces provided	

- 5.17 Concern has been raised by neighbours regarding construction access to the site, and that this should be via an alternative route to the private access via Wavendon House Drive, due to potential damage to the road from construction traffic which has resulted from previous developments on the estate. It is understood that the applicant is seeking agreement with the surrounding landowners for temporary access via an adjacent field, however that does not form part of this application. Nevertheless if this does not come to fruition, Wavendon House Road is a private drive and the applicants would need to gain permission from the owners to use the road, and repair any damage caused during the construction.

Impact on character of the area

- 5.18 The aim of Saved Local Plan Policy S10, is to protect the open countryside, stating that only development which is essential for "agriculture, forestry, countryside recreation or other development which is wholly appropriate to a rural area and cannot be located within a settlement" should be permitted. While the principle of development in relation to S10 has been considered above, it also stands that policy S10 should be applied as a determining policy when considering the impact on the character of the countryside in relation to this development. However, given the location of the proposal, on a small area of land behind existing garages, the small number of houses that are proposed, and the amount of trees that are proposed to be retained and new planting and landscaping proposed, it is considered that the loss of this area of Open Countryside would not have a significantly detrimental impact on the character of the surrounding area, particularly considering the other benefits of the proposal. The proposal will not be highly visible from off site in any direction, and given the other residences on the estate, highly unlikely to have a significant adverse impact.
- 5.19 The application proposes 3 dwellings within a site of 0.96 ha which equates to a gross density of 3.125 dwellings per hectare. Policy H8 of the Local Plan seeks net densities within the part of the borough of 30 dwellings per hectare, and when only considering the size of the area proposed for the three new dwellings, and access from Wavendon House Drive, this equates to a density of 8.57 dwellings per hectare (in a site of approximately 0.35 ha). This is a much lower density than sought as part of Policy H8, due in part to the size of the houses and large gardens associated with them. However, given that the site is in Open Countryside and the main reason for the proposal in terms of enabling development, a lower density than sought by the policy is considered acceptable in this case.
- 5.20 Overall, it is considered that this low density development is in keeping with the character of the area, with the visual impact minimised through the existing trees, and enhanced landscaping and boundary secured through conditions. It is therefore considered to be in accordance with Saved Local Plan Policies D2 Urban Design Aspects of New Development, and D2 Design of Buildings, in this regard.

Impact on Designated Heritage Assets

- 5.21 As noted above, the site is in close proximity to Wavendon House, which is a Grade II* listed building, and, there are further Grade II listed buildings further to the south-east of Wavendon House. The walled garden that is proposed for restoration

is covered by the listing that covers Wavendon House, and therefore effectively is Grade II* listed itself, with the three dwellings proposed therefore directly to the north of the listed walled garden. In this assessment, the impact of the new dwellings on the listed buildings must be assessed and weighed against the public benefit of the restoration of the walled garden. Comments from the Council's Conservation Officer have been provided and are considered in the assessment below.

Principle of development

- 5.22 The Council's Conservation Officer considers the following in terms of the acceptability of the development in principle:

"The harm arising from proposed development would be caused by visual distraction where the eye is drawn away from the heritage asset to what would be three assertively designed new dwellings. However, this should only have a pronounced impact on the north end of the walled garden. Elsewhere the impact should be less pronounced and might be further eased by judicious landscaping etc. There will be minimal harmful impact on the setting of the principle building itself. Overall the harm to the heritage assets is less than substantial and only moderate within that broad range of harm.

Offsetting this harm are the wider public benefits of building three new dwellings and the direct and significant heritage benefit of rebuilding or refurbishing lost walls and reinstating the garden use. On this basis there are no conservation based objections in principle to the grant of planning permission and listed building consent subject to conditions."

- 5.23 It is therefore considered that the proposal is acceptable, given the public benefit of restoration of the walled garden, and is therefore supported by paragraph 79 and 202 of the NPPF.

Development Detail

- 5.24 While the principle of the development is therefore supported, the Conservation Officer states that in terms of the new dwellings, the restoration of the walled garden should be directly linked to the occupation of the dwellings. It is proposed that this be secured by S106 legal agreement, to secure the completion of the restoration prior to the occupation of all three houses (i.e before the occupation of the third dwelling).
- 5.25 In addition, the conservation officer has suggested a number of conditions for the final detail and materials for the dwellings to be submitted for approval, which can be secured by condition to ensure that the impact on the heritage assets can be effectively minimised through use of materials and design detail.
- 5.26 In terms of the restoration of the walled garden, the Conservation Officer requested further details of the construction, including design details, Method Statement and materials. Much of this has now been provided to secure within the S106 agreement (as to what constitutes the works, and completion of the works), and any other conditions for the final details can be secured against the Listed Building

Consent to accompany this application, which will permit the detailed works to the walled garden.

- 5.27 With these conditions and the S106 agreement secured, it is considered that the proposal meets the requirement of Policy HE5 Development Affecting the Setting of a Listed Building and due regard has therefore been given in accordance with sections 16 and 66 of the Planning (Listed Building & Conservation Areas Act) 1990. It is also supported by paragraphs 75 and 202 of the NPPF, in justifying the provision of housing in this area to enable the restoration of a heritage asset.

Design

- 5.28 The application proposed three two-storey large family homes. Plots 1 and 2 are 6-bed homes with attached garages, and Plot 3 contains a 5-bed home with a detached garage. The houses are large, but of a simple design, and the Conservation Officer has requested that conditions are applied to any permission to request details and sample panels of the materials to be used to ensure that the new houses do not have a negative impact on the setting of the listed buildings. This is considered necessary to secure the finer detail of the buildings given the relationship to the heritage assets in the area, and will be secured by condition.
- 5.29 Although all the houses proposed are large 5 and 6 bed homes, it is considered an appropriate development given the small number of dwellings proposed within the site and the existing varied mix of house types in the area, which includes detached and terraced dwellings, flats, and a mixture of house sizes. Various materials and detail conditions will be secured as above, and it is therefore considered that the proposal complies with Saved Local Plan Policies D2 Urban Design Aspects of New Development, and D2 Design of Buildings.

Residential amenity

- 5.30 The Residential Development Design Guide contains recommended separation distances between existing and new dwellings at a first floor level, including a recommended rear to side distance of 13.7 metres, and rear to rear distances of 22 metres. The nearest existing dwellings to the proposed new dwellings are the flats within the block consisting of 33-40 Wavendon House Drive, which is approximately 40 metres to the east of Plot 1. There are numerous trees between Plot 1 and the block of flats and it is therefore considered that the amenity of the existing residents will be unaffected by the proposal.
- 5.31 In addition, the new dwellings are positioned and orientated so that there is appropriate separation distances between the dwellings. All the new dwellings are considered to benefit from a good level of residential amenity, having large rear gardens. It is therefore in accordance with Saved Local Plan Policy D1 Impact of Development Proposals on the Locality, in providing three new dwellings with a high level of residential amenity for future residents.

Landscape

- 5.23 As above, the site is entirely covered by a Tree Preservation Order, and the application site itself contains a number of trees and shrubs, some of which will require removal to allow for the development. The proposal includes the removal of four trees, all of which are in poor condition according to the Tree Survey and the development has otherwise been designed to avoid the Root Protection Areas of the remaining trees on site. The Council's Arboricultural Officer considered that this approach is acceptable, provided that the tree protection is secured by conditions, and the replacement elsewhere on the site of the trees to be lost.
- 5.24 No detailed landscaping scheme has been provided to ensure the replacement of these trees, nor any details regarding detailed planting in other areas of the site, or the planting restoration of the walled garden. It is therefore considered necessary and appropriate to require a detailed landscaping scheme by condition. It is also considered necessary to require details of the boundary treatments as fencing, and gates could have an impact on the character and setting of the heritage assets in the area.
- 5.25 With these details secured through conditions, it is considered that the proposal will be compliant with Saved Local Plan Policies D2A and D2 in providing an appropriate landscaping scheme to ensure integration with the surrounding area.

Ecology

- 5.26 Objections have been raised by the Council's Countryside Officer regarding the first submission of the Preliminary Ecological Appraisal (PEA) as it did not include the whole application site in the assessment. It was also noted that the proposal fails to demonstrate a net gain in biodiversity and fails to demonstrate that the proposal would not have an adverse impact on protected species or habitats. The applicant has subsequently submitted a revised PEA, to cover the entire area of the application site, which concludes that the habitat to be lost would be minimal and of low quality, with little potential impact on protected species. At the time of writing the report no further comments have been received from the Council's Countryside Officer. The case officer is however satisfied that the original concerns raised have now been addressed within the revised PEA.
- 5.27 The PEA concludes that protected species are unlikely to be affected by the proposal, although there is some likelihood of nesting birds being present on the site, requiring that all tree and vegetation clearance must take place outside the nesting bird season, unless the tree/hedge is thoroughly checked for nests prior to its removal, and mitigation put in place where necessary. Ensuring that no harm will come to protected species is required by law and therefore a precautionary method of working should be carried out as part of the development. If any protected species are found, then the developer has a legal obligation to stop works and carry out appropriate mitigation measures, which can involve conducting further survey work or getting a mitigation licence from Natural England. As there is presently no evidence of protected species, except potential for nesting birds, it is considered that the requirements have been met, and the developers separate

legal obligation will ensure that the proposal is in accordance with Local Plan Policy NE2 and the NPPF in this regard.

- 5.28 The PEA recommends that bat and bird boxes are installed on site, as well as the replanting of the fruit trees within the walled garden and reseeded with wildflower grass mix. Therefore, in order to ensure that the proposal results in a net gain of biodiversity at the site, a landscaping scheme, boundary treatments scheme and biodiversity enhancement and management scheme will need to be secured by condition. With these secured, the proposal will comply with Local Plan Policy NE3 and the NPPF.

S106 Matters

- 5.29 As discussed above in the Principle section of this report, the S106 Agreement for this proposal relates solely to the securing of the restoration of the walled garden prior to the occupation of all three dwellings. This would allow two of the dwellings to be occupied prior to completion, but not the third until the restoration works have been completed. At the time of writing this report the Council's Legal Officers have been instructed to draft the S106 with these requirements. No other obligations are sought via legal agreement for this application.

Other Matters

- 5.30 Concern has been raised from residents that the existing sewerage infrastructure will not be able to cope with three additional houses in this location. The applicant will need to arrange connections to the local sewerage system with the owners, be it a private network or Anglian Water, under their building regulation obligations. Any improvements required to the sewerage system as a result of this development can be dealt with by the developer under separate agreements with the network owner.

6.0 CONCLUSIONS

- 6.1 Ultimately, it is considered that this proposal can be supported in that the benefits of the restoration of the walled garden outweigh the negative aspects of development in the Open Countryside, when considered against the moderate weight to afford to policy S10, the minimal impact that the dwellings will have on the open countryside and character of the area, and the proposals compliance with other policies in the local plan. The proposal is considered to be supported as enabling works by the NPPF and will result in a public benefit for the restoration of the walled garden, secured by the S106 agreement. The application is therefore recommended for approval, subject to the conditions and completion of the S106 agreement.

7.0 CONDITIONS

Expiration

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 91 of the Town and Country Planning Act 1990.

Materials Schedule and Sample Panel

2. No development shall take place above slab level until a schedule of the external materials to be used in the construction of the development have been submitted and approved in writing by the Local Planning Authority, and a sample panel for such materials has been constructed on site. The development shall thereafter be carried out in full accordance with the approved details prior to the first occupation of the development.

Reason: To ensure that the development does not detract from the character and appearance of the area in accordance with Policy CS13 of the Milton Keynes Core Strategy 2013 and Saved Policy D2 of the Milton Keynes Local Plan 2001-2011.

Window and Door Detail

3. No development shall take place above slab level until full details of the proposed doors and windows in the dwellings have been submitted and approved in writing by the Local Planning Authority. Details shall include elevation drawings, horizontal and vertical cross sections at a scale of at least 1:5. Details shall confirm the finish of the windows, depth of reveal (to face brickwork) and include opening method and sill, and proposed finish. The development shall thereafter be carried out in full accordance with the approved details prior to the first occupation of the development.

Reason: To ensure that the development does not detract from the character and appearance of the area and to preserve the setting of the listed building in accordance with Policy CS13 of the Milton Keynes Core Strategy 2013 and Saved Policy D2 of the Milton Keynes Local Plan 2001-2011.

External Additions to Elevations

4. No new plumbing, pipes, soil stacks, flues, vents, extracts, ductwork, grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

Reason: To preserve the setting of the listed buildings in accordance with saved policy HE5 of the Milton Keynes Local Plan 2001-2011.

Access Road

5. Prior to the first occupation of the development hereby permitted details of proposed improvements to the access road to the south of the garage block shall be submitted to, and approved in writing by, the Local Planning Authority. The road

shall be laid out in accordance with the approved details prior to the first occupation of the development and shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter.

Details shall include detailed drawings with dimensions, materials and any proposed road markings.

Reason: To ensure that adequate access facilities are provided to serve the development with Saved Policy D1 of the Milton Keynes Local Plan 2001-2011.

Car Parking

6. Prior to the first occupation of the development hereby permitted the car parking area shown on the approved drawings shall be constructed, surfaced and permanently marked out. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter.

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the safety on the neighbouring highway and in accordance with Saved Policy T15 of the Milton Keynes Local Plan 2001-2011

Tree Protection

7. All existing trees, woodlands and hedgerows to be retained as shown on the approved plans shall be fully protected in accordance with the latest British Standards (currently BS 5837:2012 'Trees in relation to design, demolition and construction-Recommendations') by the time construction begins. All protective measures must be in place prior to the commencement of any building operations (including any structural alterations, construction, rebuilding, demolition and site clearance, removal of any trees or hedgerows, engineering operations, groundworks, vehicle movements or any other operations normally undertaken by a person carrying on a business as a builder). The Root Protection Area (RPA) within the protective fencing must be kept free of all construction, construction plant, machinery, personnel, digging and scraping, service runs, water-logging, changes in level, building materials and all other operations. All protective measures shall be maintained in place and in good order until all work is complete and all equipment, machinery and surplus materials have been removed from the site.

Signs informing of the purpose of the fencing and warning of the penalties against destruction or damage to the trees and their root zones shall be installed at minimum intervals of 10 metres and a minimum of two signs per separate stretch of fencing.

Reason: To protect significant trees and hedgerows, safeguarding the character of the area and preserving habitat and to minimise the effect of development on the area in accordance with Policies CS13 and CS19 of the Milton Keynes Core Strategy 2013 and Saved Policies D1 and D2A of the Milton Keynes Local Plan 2001-2011.

Landscaping Scheme

8. Notwithstanding the approved drawings, no development shall take place above slab level until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include existing trees and/or hedgerows to be retained and/or removed accurately shown with root protection areas; existing and proposed finished levels or contours; means of enclosure; visibility splays; areas of hard surfacing materials; proximity between street lights and tree planting; pedestrian access and circulation areas. Soft landscape works shall include planting plans at a minimum scale of 1:200 with schedules of plants noting species, plant supply sizes and proposed densities; written specifications (including cultivation and other operations associated with tree, plant and grass establishment; and the implementation programme.

Development shall be carried out in accordance with the approved details. If within a period of two years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity.

All hard and soft landscape works shall be carried out prior to the occupation of the building(s) or the completion of the development whichever is the sooner or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: To protect significant trees and hedgerows, safeguarding the character of the area and preserving habitat and to minimise the effect of development on the area in accordance with Policies CS13 and CS19 of the Milton Keynes Core Strategy 2013 and Saved Policy D1 of the Milton Keynes Local Plan 2001-2011.

Boundary Treatments

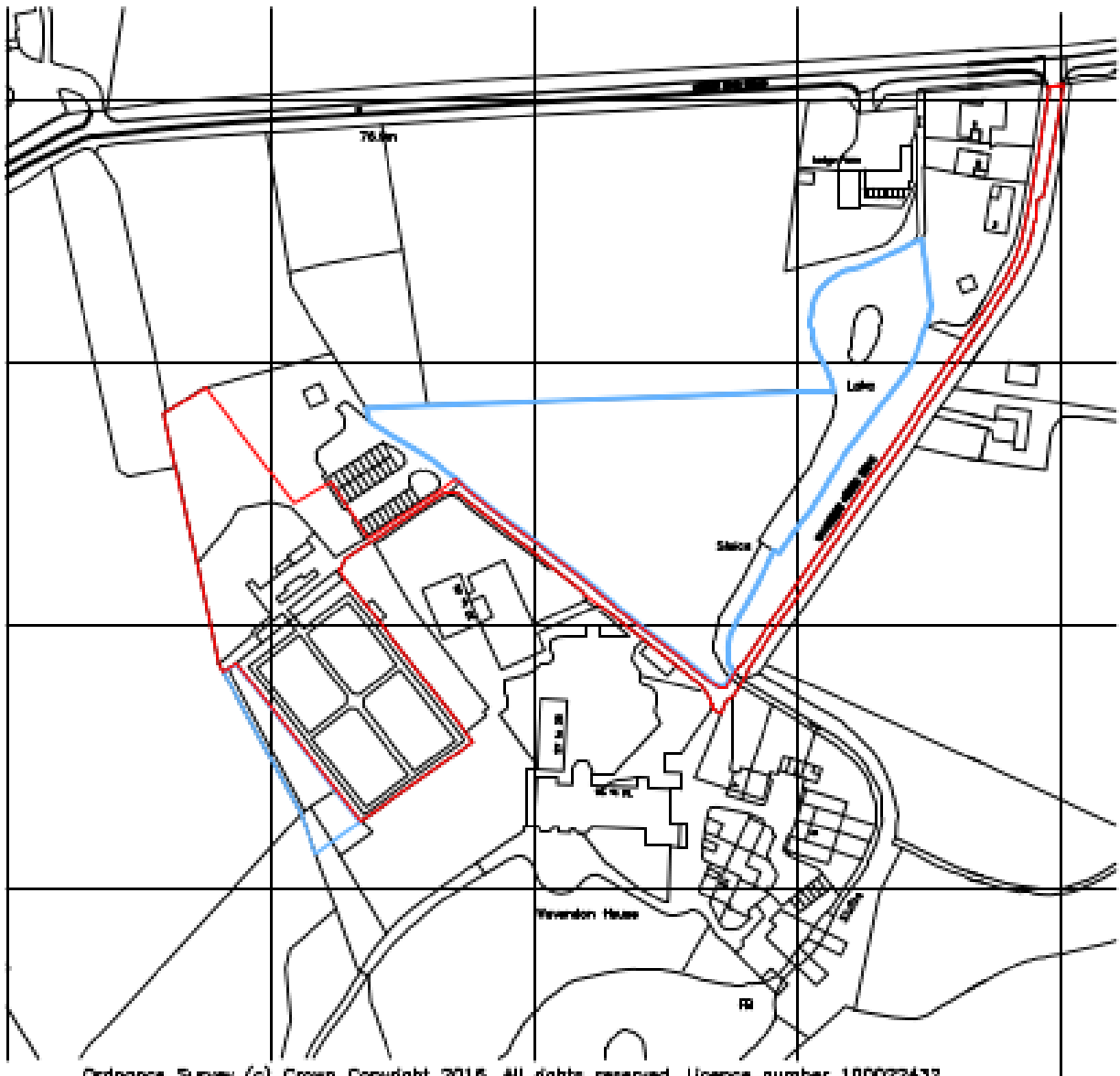
9. Notwithstanding the approved details, no development shall take place above slab level until details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The details shall include a boundary treatment plan (at a minimum scale of 1:500) detailing the position of all proposed boundary treatment and annotated or accompanied by a schedule specifying the type, height, composition, appearance and installation method of boundary treatment throughout the site. The development shall be carried out in accordance with the approved details prior to the occupation of any part of the development and shall thereafter be retained in that form.

Reason: To provide adequate privacy, to protect the external character and appearance of the area and to minimise the effect of development on the area in accordance with Policy CS13 of the Milton Keynes Core Strategy 2013.

Biodiversity Enhancement Scheme and Management Plan

10. No development shall take place above slab level until a Biodiversity Enhancement Scheme and Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To maintain and enhance local biodiversity and ecology in accordance with Policy CS19 of the Milton Keynes Core Strategy 2013 and Saved Policy NE3 of the Milton Keynes Local Plan 2001-2011.

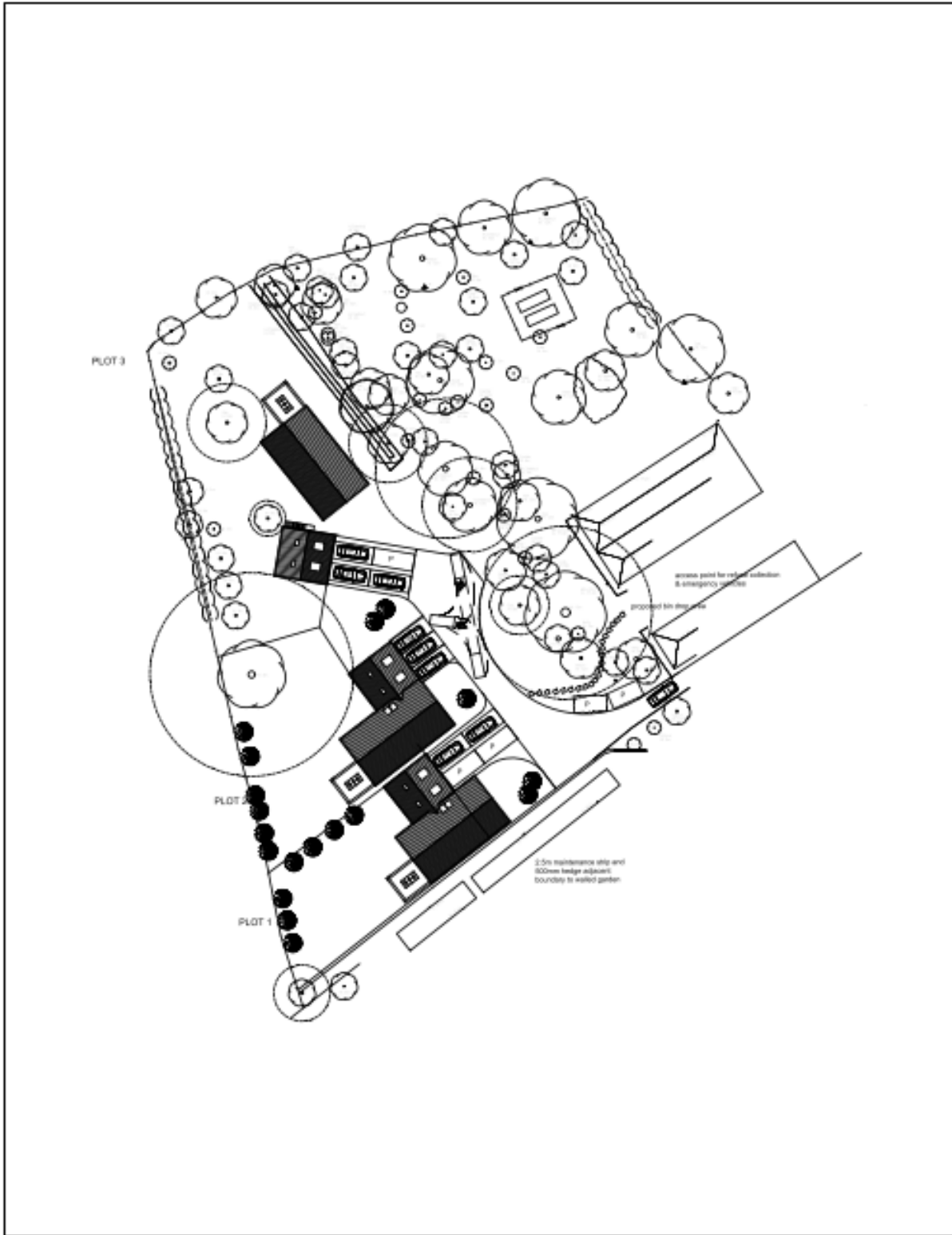


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Client COURT (WARWICKSHIRE) LTD.		Project PROPOSED DEVELOPMENT AT WAVENDON HOUSE		bat Architects 3 Abbey Court, Pease Road, Priory Business Park, Bedford, MK44 2WH Tel: 01234 261 266 Fax: 01234 231 437 Email: enquiries@bat-architects.co.uk Web: www.bat-architects.co.uk Offices also at Bristol, Cardiff, London, East Wiltshire and Sheffield ARCHITECTS 0204 611111	
Status PRELIMINARY NOT TO BE USED FOR CONSTRUCTION		Title RED LINE PLAN		Project No. B509-1	
Scale 1:2500	Author DJ			Drawing No. PL113	
Original Size A4	Checker HH				
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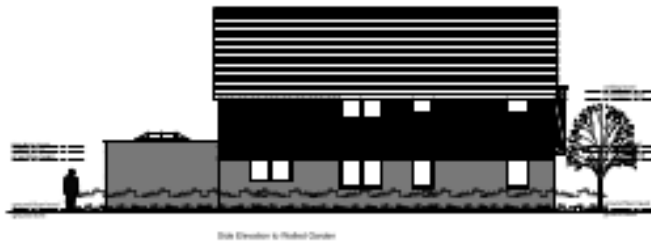
VI



Health & Safety Notes <small>Do not scale. Work from figured dimensions only. Except where noted for town planning purposes to a requirement. All dimensions to be checked on site prior to commencement of work or manufacturing.</small>			Court (Warwickshire) Ltd. PROJECT: PRELIMINARY NOT TO BE USED FOR CONSTRUCTION Version: 1.000 Author: - Checker: - Date: 29/11/18 Original Size: A3 Plot Size: A3 © Copyright reserved.		Proposed Development Wavendon House The Proposed Site Layout Plot No. BUS09 Plot No. PL100 B		Site 1 2 Abbey Court, Upper Road, Bury Business Park, Bedford, MK44 3JH Tel: 01298 311 361 Fax: 01298 311 362 Email: enquiries@bus.com Web: www.bus.com	
REV B	car parking spaces increased to six depth	29/11/18						
REV A	Footpaths revised on receipt of tree survey/RPA's	14/10/16						
Issue	Description	Date						



PLOT 1



<p>Validity & Safety Notice</p> <p>These plans are preliminary and are not to be used for construction.</p> <p>© 2024 [Company Name]</p>	<p>PRELIMINARY NOT TO BE USED FOR CONSTRUCTION</p> <p>Project: [Project Name]</p> <p>Client: Court (Warwickshire) Ltd</p> <p>Scale: 1:50</p> <p>Author: [Author Name]</p> <p>Check: [Check Name]</p> <p>Drawn: [Drawn Name]</p> <p>Copyright reserved</p>	<p>Project: Proposed Development Wavendon House</p> <p>Plot: Plot 1</p> <p>Plans & Elevations</p>	<p>Not for publication without the consent of the architect.</p> <p>Project No. BUS071</p> <p>Drawing No. PL01</p> <p>Scale: 1:50</p> 
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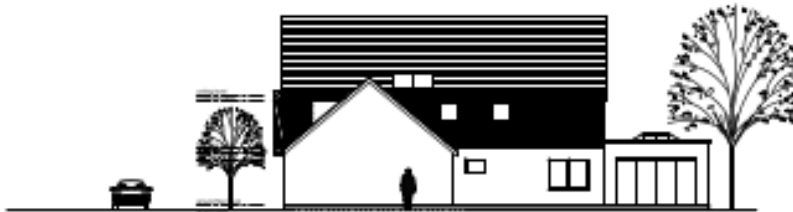
PLOT 2



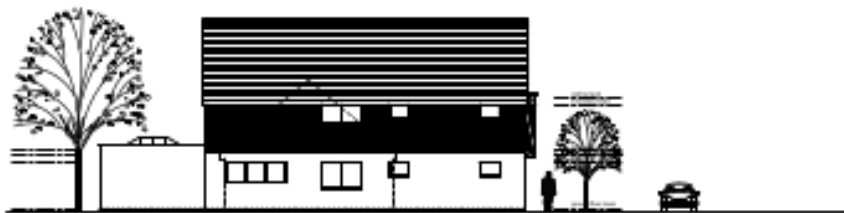
Front Elevation



Rear Garden Elevation



Side Elevation (Plot 2)



Side Elevation Plot 1

PRELIMINARY NOT TO BE USED FOR CONSTRUCTION		Client: Court (Warwickshire) Ltd.		Project: Proposed Development Waverdon House		
Project: Proposed Development Waverdon House		Title: Plot 2 Plans & Elevations		Project No.: BUS071 Drawing No.: PL103 Issue: A		

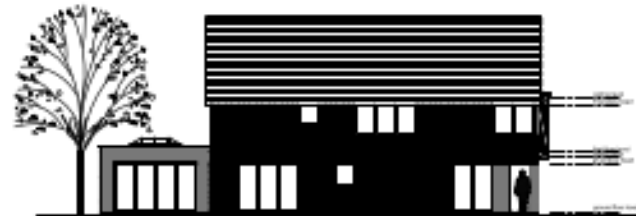
PLOT 3



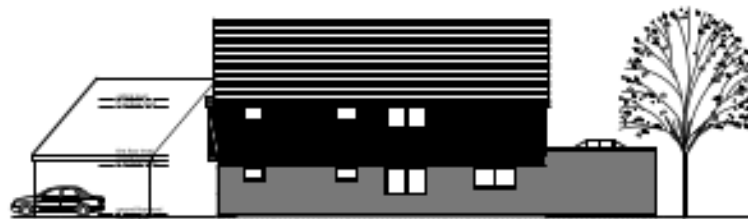
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

<p>Proposed Development Wavendon House</p>		<p>Client Court (Warwickshire) Ltd.</p>		<p>Project Proposed Development Wavendon House</p>		<p>Scale 1:100 EA1</p>		<p>Project No. BUS071</p>		<p>Drawing No. PL103</p>		<p>Sheet A</p>	
<p>Architect BUSBY & PARTNERS 100, High Street, Warwick, CV34 4EF</p>		<p>Architect's Reference 17/00823/FUL</p>		<p>Project No. BUS071</p>		<p>Drawing No. PL103</p>		<p>Sheet A</p>		<p>Scale 1:100</p>		<p>Project No. BUS071</p>	
<p>Architect's Reference 17/00823/FUL</p>		<p>Project No. BUS071</p>		<p>Drawing No. PL103</p>		<p>Sheet A</p>		<p>Scale 1:100</p>		<p>Project No. BUS071</p>		<p>Drawing No. PL103</p>	

A1.0 RELEVANT PLANNING HISTORY

17/00824/LBC

Listed building consent for the development of 3 x dwelling houses, restoration of walled garden and demolition of derelict greenhouse structures

PCO

A2.0 ADDITIONAL MATTERS

None.

A3.0 CONSULTATIONS AND REPRESENTATIONS

A3.1 Ward Danesborough And Walton – Councillor Alice Jenkins
No comments received.

A3.2 Ward Danesborough And Walton – Councillor David Hopkins
No comments received.

A3.3 Ward Danesborough And Walton - Councillor Victoria Hopkins
No comments received.

A3.4 Wavendon Parish Council

“We discussed the above mentioned planning application at our recent Parish Council meeting and our comments are noted below:

- It was considered that this is an over-development of the site.
- That Milton Keynes Council planning department take into consideration the views of neighbouring properties in their decision making process, some have already raised concerns over access to the development and utility services.”

A3.5 MKC Conservation

“The main issue is whether the proposals would harm the significance of designated and non designated heritage assets and, if they do, whether there are sufficient public benefits, including heritage benefits, to justify that harm.

These comments are made in respect of application 17/00824 LBC for works to the walled garden and application 17/00823/FUL for the construction of 3 new dwellings.

The area subject to development is an open area of land to the north of the existing walled garden. The walled garden is curtilage to the grade II* listed Wavendon House and hence is covered by the same level of protection as the principal building. There are issues of setting in respect of the walled garden and the poor condition of the walls that define the asset. There is no conservation area designation covering the Wavendon House site.

Principle of development

The harm arising from proposed development would be caused by visual distraction where the eye is drawn away from the heritage asset to what would be three assertively designed new dwellings. However, this should only have a pronounced impact on the north end of the walled garden. Elsewhere the impact should be less pronounced and might be further eased by judicious landscaping etc. There will be minimal harmful impact on the setting of the principle building itself. Overall the harm to the heritage assets is less than substantial and only moderate within that broad range of harm.

Offsetting this harm are the wider public benefits of building three new dwellings and the direct and significant heritage benefit of rebuilding or refurbishing lost walls and reinstating the garden use. On this basis there are no conservation based objections in principle to the grant of planning permission and listed building consent subject to conditions.

Development detail

The proposed dwellings are of an acceptable design for the location. The only suggestion is that the property on plot 1 is pushed a few metres further back in its plot so that there is a better view of the C18th structures that line the exterior of the north garden wall from shared space. Matters relating to materials and finishes can be dealt with by conditions attached to the consent. This should include a condition linking the occupation of the dwellings to the refurbishment of the walled garden.

The drawings of the walled garden proposals suggest 'replacement' of missing / collapsed wall which, without supporting documents to clarify matters, is a very loose description of what is intended. As the wall is protected by virtue of being part of the curtilage of the listed house and contributes positively to the listed house's setting the qualities that lend it merit need to be recognised and retained through a careful restoration programme.

Sensitive reconstruction is likely to be a complex task requiring a comprehensive structural survey at the outset of the surviving walls and an assessment of the state of collapsed material and what can be retained / salvaged. Details of how the garden wall would be restored need to be passed to the council. These details need to demonstrate the means by which any shortfalls in materials will be sourced, whether underpinning is required and how much, how traditional brickwork construction (using naturally hydraulic lime mortar) will avoid the need for expansion joints, what specifications and methods will be used for refurbishing the outbuildings and the wrought iron gate etc. Passing this information to the council should not be an onerous task however as it would be required anyway for pricing the works.

Therefore, and in light of the establishment of the principle of development, rather than seek a separate application for consent for the works to the wall that included these details, the LPA could consider granting consent for this application but include a condition requiring confirmation and approval of the construction / restoration specifications and methods before work on restoring the walled garden begins on site. In tandem with a condition preventing occupation of the dwellings until the walls, outbuildings and gate are fully restored this should secure the conservation of the walled garden.

If it can be confirmed that this means of securing the sensitive restoration of the walled garden is acceptable there would be no conservation based objection on grounds of lack of detail to the proposals being granted consent.”

Suggests conditions for details of the garden wall reconstruction (for the Listed Building Consent) and conditions for details of the houses, including sample panels.

2nd response

“The understanding is that from a planning perspective saved policy S10 of the MKLP 2001-11 is a barrier to the proposed development, notwithstanding the provisions of paragraph 55 of the NPPF (2012) and the derelict state of the walled garden which, by virtue of lying within the curtilage of a grade II* listed building, forms part of the significance of the principal building and also a designated grade II* heritage asset in its own right.

On reading the previous advice there are one or two clarifications and additional comments to make:

Firstly in reaching a conclusion on the acceptability of proposals only heritage benefits were considered in assessing the suitability of development in the setting of the designated heritage assets that populate the locality, namely the potential to bring redundant and derelict heritage assets back into good repair and a sympathetic viable reuse. Wider public benefits were not part of the weighing of the proposals’ acceptability.

No comment was made about the loss of the greenhouses which are also curtilage assets. However, these buildings are in a ruinous condition and did not appear to be of a notably early date or of particular interest in terms of the manner of their construction. On this understanding the buildings would probably not present a strong reason for resisting development in the locality despite the harmful impact on them being substantial. If further elaboration on this point is required please advise the conservation team accordingly.

No condition was sought to control the detail of the highly specialised work required to repair the gates which could be worded thus:

Repairs to the metal gates of the walled garden shall be undertaken in accordance with a written specification of work that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To preserve the setting of the listed buildings in accordance with saved policy HE4 of the Milton Keynes Local Plan.

Finally, and bearing in mind the limit of what may be reasonably asked for under the planning conditions, it is respectfully requested (if a scenario comes about where development management officers are minded to grant planning permission

for the proposals) that a robust link is made between the occupation of the dwellings and the completions of the restoration of the walled garden and gates.

The conditions from the previous advice are still sought for the listed building consent application.”

A3.6 MKC Highways

“All of the plots are showing at least three on-plot parking spaces in accordance with the council’s adopted parking standards for dwellings with at least 4 bedrooms in zone 4. The lengths of the parking spaces for plot 2 are below our standard requirements and these should be lengthened to 6m. As submitted it is likely that cars will overhang the plot and cause inconvenience to movements from plot 3.

The access serving the site to the south of the garage block is acceptable to serve the three units although I would recommend that the surface is improved as it’s fairly informal at present. If not prevented by constraints a surfaced width of 3m is recommended.” Recommends a condition for the car parking to be laid out prior to occupation.

A3.7 MKC Countryside Officer

“The proposed development site is located within a designated area of Open Countryside. Notwithstanding this policy, if development of this site is considered appropriate in principle, the following should be taken into consideration:

- The proposal fails to demonstrate that it would not have an adverse effect on biodiversity on or nearby the site.
- The proposal does not demonstrate a net gain for biodiversity.

This proposal should not be determined until the following issues have been addressed.

A Preliminary Ecological Appraisal (PEA) was undertaken of the site, concluding the site has low wildlife interest though there would be some value for invertebrates, small mammals, foraging and nesting birds and foraging and commuting bats. However, the PEA has only been undertaken on the part of the site that will be directly affected by the construction of the 3 houses and does not include all areas within the red line of the proposal and is therefore incomplete. The walled garden is likely to be the most biodiverse area of the development but this was one of the areas that were not assessed. The proposal indicates that large areas of vegetation will be removed during the renovation of the garden and that the walls will be renovated. An updated report including all areas within the red line must be submitted prior to determination. A survey of the entire site may reveal additional habitat that would require further species surveys. All existing trees and other vegetation on site should remain in place and undamaged until after all surveys are undertaken and approved.

Pre-application advice indicated an expectation that the PEA should include proposals for providing a net gain in site biodiversity. However, the document submitted does not include any such proposals.

In line with recognised good practice and governmental policy on biodiversity and sustainability (National Planning Policy Framework 2012 & NERC 2006), all

practical opportunities should be taken to harmonise the built development with the needs of wildlife. The NPPF seeks to provide a net enhancement to biodiversity through sustainable development. Examples of acceptable biodiversity enhancements would be bat or bird features built into appropriate locations in structures, other habitat enhancements, particularly those that benefit declining species such as hedgehogs, bees, etc, retention of dead wood where possible, provision of native trees, shrubs and plants that provide structure for habitats or a food source for wildlife, such as fruit, nuts, berries, nectar and pollen. I would welcome the inclusion of fruit trees into the landscape scheme.

Lighting and disturbance has the potential to disrupt foraging and commuting bats. Any lighting in areas containing features used by bats or bat features built into any structure should be kept to a minimum and directed away from the features. A “bat friendly” lighting scheme should be designed and submitted for agreement if the updated PEA shows bats are using the site.

This proposal shall not be determined until an updated Preliminary Ecological Appraisal is submitted for approval. Surveys for any species likely to be affected by any element of the proposal should also be undertaken and submitted for approval prior to determination. A Biodiversity Enhancement Scheme shall be submitted prior to commencement of any part of the development.”

A3.8 MKC Arboricultural Officer

1st response

“The site is covered by Tree Preservation Order no. 47 of 1984, however it is not clear which trees are covered under the order.

The proposals will involve the loss of a considerable number of trees within the development area for the dwellings and within the walled garden. Trees which appear to be proposed for retention will potentially be negatively affected by the construction phase.

No arboricultural information appears to be included with the application.

I request the submission of a tree survey and report, an arboricultural impact statement, a tree protection plan and an arboricultural method statement all in accordance with BS 5837:2012 would be appropriate, following which pertinent amendments should be made to the proposed layout and levels in light of the arboricultural findings, in order that the best existing trees are viably retained within the development for the long term.

It should include a scale plan accurately marking the position of all the retained trees and hedges, the extent of the root protection areas, the BS 5837: 2012 tree protection fencing along the root protection area margin, any areas to be covered in BS 5837: 2012 ground protection, construction details for the BS 5837: 2012 fencing and ground protection and sufficient detail of hard & soft landscaping works, service and drainage runs and proposed & existing spot levels in sufficient numbers and at appropriate spacing’s to enable the impact of the development on the tree root zones to be assessed.”

2nd response

“Further to my earlier comments the submitted tree survey reveals that only a small number of the trees are to be removed, new tree planting should be carried out to make up for the loss of those trees.

The tree survey shows the correct type of tree protection fencing and the tree protection fencing layout is acceptable.” Recommends conditions for tree protection, root protection and details of the replacement trees.

A3.9 Historic England

No comments received.

A3.10 Ramblers

No comments received.

A3.11 MKC Rights of Way

No comments received.

A3.12 Third Party Representations

Comments have been received from four addresses, summarised below:

- Support the application as will result in the restoration of the walled garden
- Concern regarding construction access via the bridge on Wavendon House Drive, considers a separate construction access is necessary;
- Concern regarding the existing infrastructure being able to cope with additional residents;
- Considers access to the south of the garage block to be too narrow and an alternative should be considered;
- Existing greenhouses should be deconstructed, not demolished and should be rebuilt as part of the restoration of the walled garden.