

**Application Number: 16/02614/OUT**

**Outline planning application (all matters reserved) for the erection of 9 x detached dwellings (7 x four bed houses and 2 x two bed retirement bungalows) following removal of all existing buildings and hardstanding**

**AT Smiths Yard, Water Lane, Sherington**

**FOR Chaldean Properties Ltd**

**Target:** 7th November 2016 (extension of time agreed to 17<sup>th</sup> March 2017)

**Ward:** Olney

**Parish:** Sherington Parish Council

**Report Author/Case Officer:** Stephen Gee, Senior Planning Officer

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## **1.0 INTRODUCTION**

*(A brief explanation of what the application is about)*

- 1.1 The main body of the report set out below draws together the core issues in relation to the application including policy and other key material considerations. This is supplemented by an appendix which brings together planning history, additional matters and summaries of consultees' responses and public representations. Full details of the application, including plans, supplementary documents, consultee responses and public representations and available on the Council's Public Access System [www.milton-keynes.gov.uk/publicaccess](http://www.milton-keynes.gov.uk/publicaccess). All matters have been taken into account in writing this report and recommendation.
- 1.2 The application is referred to the Development Control Panel for determination as more than one third party objection has been received.
- 1.3 **The Site**

The application site, known as Smiths Yard, lies approximately 120 metres to the west of the village of Sherington on the southern side of Water Lane within land defined as 'open countryside' in the Milton Keynes Local Plan 2001-2011 proposals map. The site extends to an area of 0.74 hectares (1.8 acres) and is currently an industrial yard containing a number of small business units (6 in total with 2 currently being vacant) within the B1(c) light industrial and B2 (general industrial) use classes.

- 1.4 The eastern half of the site comprises a number of buildings from which a number of small businesses operate. The buildings are single storey, brick built with corrugated sheet roofs, but are generally in a poor state of repair. The western half of the site is an area of open space which is used for the storage of old cars and other material accumulated through the operation of the site over the years. The site is generally flat, there being only a small level change of approximately 0.3 metres across the full width of the site.
- 1.5 The site is 'U-shaped' in plan and wraps around the existing house and garden of no. 43 Water Lane. The site has two frontages with Water Lane either side of this property. To the northeast of the application site is no.39 Water Lane which is a two storey detached cottage, To the south of this property is a fallow field which extends to the full depth of the application site.
- 1.6 Access into the application site is currently achieved via two entrances from Water Lane. The industrial yard is served by an access located between nos. 39 and 43 Water Lane. The western half of the site is served by a gated access central to its frontage with Water Lane. Immediately to the south and west of the application site is a small brook, beyond which the site is bounded by arable farmland. The southern and western boundaries are enclosed by an unmaintained mixed species hedge.
- 1.7 Beyond the application site, linear development extends to the east along Water Lane towards Sherington village centre and comprises of predominantly detached residential housing. The properties are a mix of bungalows and two storey houses. The properties are a variety of ages, the older properties being constructed of natural limestone with slate or plain tile pitched roofs, the more modern properties being of red or buff brickwork with concrete tile pitched roofs.
- 1.8 **The Proposal**
- This planning application seeks outline planning permission to establish the principle of residential development on the site consisting of the erection of 9 no. detached dwellings (7 no. four bed and 2 no. two bed retirement bungalows) following removal of all existing buildings and hardstanding. All details relating to the reserved matters, namely appearance, means of access, landscaping, layout and scale shall be reserved and determined under a subsequent application should outline consent be granted.
- 1.9 The proposed development of 9 dwellings equates to an overall site density of approximately 12 dwellings per hectare. An indicative site layout has been submitted with the application to demonstrate how the proposed development could be achieved on the site and shows a scheme arranged around a cul-de-sac served by a single access off Water Lane. However, this layout has been submitted for illustrative purposes only and does not form part of the details under consideration as part of this outline planning application.
- 1.10 The application is also accompanied by a Planning Statement, Design and Access Statement, Transport Assessment, Framework Travel Plan, Flood

Risk Assessment and Drainage Strategy, Tree Survey, Landscape Design Statement and Ecology Report.

## **2.0 RELEVANT POLICIES**

*(The most important policy considerations relating to this application)*

### **2.1 National Policy**

National Planning Policy Framework (March 2012), Paragraphs:

6-14 Presumption in Favour of Sustainable Development  
17 Core Planning Principles  
22 Protection of Employment Sites  
47-55 Delivering a wide choice of High Quality Homes  
56-58 Requiring Good Design  
69-70 Promoting Healthy Communities  
100-103 Flood Risk  
109-118 Conserving and Enhancing the Natural Environment  
183-185 Neighbourhood Plans  
186-187 Decision-Taking  
196-197 Determining Applications  
203-206 Planning Conditions and Obligations  
216 Weight applied to Emerging Plans

### **2.2 Local Policy**

Milton Keynes Core Strategy (Adopted 2013), Policies:

CSA Presumption in Favour of Sustainable Development  
CS1 Milton Keynes Development Strategy  
CS2 Housing Land Supply  
CS9 Strategy for the Rural Area  
CS10 Housing  
CS11 A Well Connected Milton Keynes  
CS12 Developing Successful Neighbourhoods  
CS13 Ensuring High Quality, Well Designed Places  
CS16 Supporting Small Businesses  
CS18 Healthier and Safer Communities  
CS19 The Historic and Natural Environment  
CS21 Delivering Infrastructure

Milton Keynes Local Plan 2001-2011 (Adopted 2005), Saved Policies:

S10 Open Countryside  
S11 Areas of Attractive Landscape  
D1 Impact of Development Proposal on Locality  
D2a Urban Design Aspects of New Development  
D4 Sustainable Construction  
NE2 Protected Species  
NE3 Biodiversity and Geological Enhancement  
NE4 Conserving and Enhancing Landscape Character  
T1-T5, T9, T11 and T15 Highways, Access and Parking

H7 Housing on Unidentified Sites  
H8 Housing Density  
H9 Housing Mix  
E11 Protection of Small Business Units

#### Supplementary Planning Guidance/Documents

New Residential Development Design Guide (April 2012)  
Parking Standards (January 2016)  
Sustainable Construction (April 2007)  
Milton Keynes Drainage Strategy - Development and Flood Risk (2004)

### **2.3 Neighbourhood Plan**

Once a Neighbourhood Plan has been agreed at a referendum and is 'made' (brought into legal force) by the local planning authority it becomes part of the local planning authority's development plan as an official development plan document which carries statutory weight. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. If a policy contained in the development plan for an area conflicts with another policy in the development plan, the conflict must be resolved by the decision maker in favour of the policy which is contained in the latest document to become part of the development plan.

Neighbourhood Plans therefore form part of the development plan for the relevant area. They will necessarily be in general conformity with the strategic policies contained in the development plan for the area. If they are the most recent document to become part of the development plan, they will attract statutory priority. Neighbourhood Plan policies will also take precedence over non-strategic development plan policies where there is conflict.

### **2.4 Sherington Neighbourhood Plan 2016-2031**

Sherington Parish Council has submitted their Neighbourhood Plan to Milton Keynes Council following a round of public consultation. The publicity stage of the Sherington Neighbourhood Plan 2016-2031, which was undertaken by the Council, closed on 9<sup>th</sup> February 2017 and the Neighbourhood Plan has now been submitted to an independent Examiner who will decide if the Plan should proceed to the referendum stage, which is where local residents will have the opportunity to vote on whether the plan should be made.

Only once the Neighbourhood Plan has been 'made' by the local planning authority does it carry full weight when considering planning applications. However, as the Neighbourhood Plan has progressed beyond the public consultation stage, limited weight can be afforded to the policies contained within the Plan.

The following policies of the Neighbourhood Plan are relevant to the consideration of this application:

NP1 Sherington Settlement Boundary and Development Proposals  
NP3 Biodiversity Enhancement

## NP6 Design and Energy Efficiency

In addition, of particular significance to the consideration of this application is Policy NP8 of the Neighbourhood Plan which identifies the application site as suitable for a development of up to 12 dwellings. The policy requires that any planning application for this site should incorporate the following:

- A balanced housing mix, including dwelling size and tenure to meet the needs of the local community.
- The details of the design of the new dwellings, layout of the site, materials to be used, including doors and windows, and landscaping within the scheme will be discussed and agreed with the Parish Council and Milton Keynes Council.
- The development will include measures to ensure that the new homes are highly energy efficient. This includes the use of appropriate elements of low carbon and renewable energy technology to minimise the carbon footprint of the new development.
- The scheme will include measures to enhance biodiversity of the site and ensure that the negative environmental effects of the development are minimised. This includes features such as bird and bat boxes, the use of sustainable drainage systems and balancing ponds designed to create wildlife habitats.
- Prior to the occupation of the development, a financial contribution will be made to support community assets within the village.
- Access will be taken from a single point onto the Water Lane.
- Opportunities to improve Water Lane should be investigated as part of a planning application. This includes the provision of traffic calming, passing places and sections of pavement where possible.

### **3.0 MAIN ISSUES**

*(The issues which have the greatest bearing on the decision)*

- 3.1
1. The Principle of Development
  2. Design and Layout
  3. Traffic, Access and Parking
  4. Landscaping
  5. Ecology
  6. Site Drainage
  7. Sustainable Construction
  8. Planning Obligations

### **4.0 RECOMMENDATION**

*(The decision that officers recommend to the Committee)*

- 4.1 It is recommended that planning permission be granted subject to the completion of a S106 Agreement to secure the following obligations:
- £20,000 contribution to support community facilities within the village.
  - £30,000 contribution to towards highway improvements to Water Lane.
  - Contribution to the Carbon Offset Fund
  - A mechanism to enable purchasers with an established local connection to

the Parish of Sherington to have first option of open market housing for a period of 3 months from the development being released to the market.

And subject to the conditions set out at Section 6 of this report.

## **5.0 CONSIDERATIONS**

*(An explanation of the main issues that have led to the officer Recommendation)*

### **5.1 The Principle of Development**

In accordance with paragraph 14 of the National Planning Policy Framework, Policy CSA of the Core Strategy confirms that the Council will take a positive approach that reflects the presumption in favour of sustainable development. Where relevant policies are out of date the Council will grant permission unless material considerations indicate otherwise taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

5.2 The application site is located a short distance to the west of Sherington which is identified as a 'selected village' under the Council's Settlement Hierarchy. Policy CS1 of the Core Strategy states that the village is able to accommodate a limited amount of new housing. In addition, Policy CS9 of the Core Strategy identifies Sherington as a village suitable for infill development.

5.3 The application site is also included in the most recent Strategic Housing Land Availability Assessment (December 2012) and the Council's Brownfield Land Register which is a statutory register of brownfield (previously developed) land considered suitable for housing development. Paragraph 12 of the National Planning Policy Framework seeks to make effective use of brownfield land and the proposal is considered to support this objective.

### **5.4 Impact on the Open Countryside and Five Year Housing Land Supply**

The application site is defined as 'open countryside' in the Milton Keynes Local Plan 2001-2011 proposals map. Saved Policy S10 of the Milton Keynes Local Plan 2001-2011 states that in the open countryside permission will only be given for development that is essential for agriculture, forestry, countryside recreation or other development appropriate to a rural locality which cannot be located in a settlement.

5.5 The site does not fall within the categories of acceptable development in the open countryside or constitute 'exceptional housing' as outlined in the Local Plan and Core Strategy. Local policy therefore indicates that in general terms, the principle of residential development would normally be considered unacceptable in this case.

5.6 However, when determining this application it is necessary to also consider the fact that the Council cannot currently demonstrate a five year housing land supply. Paragraph 49 of the National Planning Policy Framework advises that relevant policies should be considered out-of-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

In such circumstances, the Council must rely on the provision of paragraph 14 of the National Planning Policy Framework and an assessment must be made as to whether the proposal can be considered as sustainable development in economic, social and environmental terms.

5.7 Whilst the site lies outside of the built up area boundary of Sherington it is in close proximity to local facilities including a primary school, a shop/post office, public house, garden centre (containing a café) and bus stops. As such it is considered that the location of the site is sustainable. In terms of social issues, the development would provide an additional nine dwellings that would contribute to the currently identified need. In terms of economic issues, it is noted the construction of the development would generate employment opportunities in the short term and would support the local economy and services in the long-term. In terms of environmental issues, the site would make the effective use of previously developed (brownfield) land.

#### 5.8 Allocation in the Sherington Neighbourhood Plan

A valid planning application has to be determined by the local planning authority. The Council cannot delay a decision on a planning application because a community is preparing a Neighbourhood Plan. However, like all planning documents, Neighbourhood Plans will gather increasing weight as a material consideration the further they get through the process towards becoming a 'made' Plan.

5.9 Paragraph 216 of the National Planning Policy Framework states 'from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given)

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and

The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)'.

5.10 With regard to future housing sites in Sherington, the Neighbourhood Plan survey (summer 2015) identified the application site as the most popular location for development with 68 respondents in favour and only 11 against. Policy NP8 states that development of up to 12 dwellings will be supported. As there is evidence of public support for the redevelopment of the site for housing it is considered that greater weight to the Neighbourhood Plan could be applied when determining this application.

#### 5,11 Loss of Employment Use

Paragraph 22 of the National Planning Policy Framework states that planning policies should avoid the long term protection of sites for employment use

where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

5.12 Policy CS16 of the Core Strategy and saved Policy E11 of the Milton Keynes Local Plan 2001-2011 which seek to retain small business units are acknowledged. However the yard has developed into its current condition through a change from a haulage yard. The standard of accommodation is currently very poor and two of the six units have remained empty partly due to the condition of the building. The units had been previously marketed unsuccessfully for over a two year period. The cost of bringing the units back to a standard considered acceptable to potential tenants is financially unviable as the buildings and infrastructure are beyond economic repair.

5.13 Taking into account the guidance contained in the National Planning Policy Framework which supports the alternative use of sites in employment use where there is no reasonable prospect of the use continuing and the allocation of the site with the Sherington Neighbourhood Plan 2016-2031 for housing the loss of employment use in this instance is considered to be acceptable.

#### 5.14 Summary of Principle

In summary, whilst the application site is currently designated as open countryside, its current use as an industrial yard means that it should be considered as brownfield land, for which the proposed redevelopment for housing purposes would comply with the objectives of the National Planning Policy Framework and contribute to the Council's current housing shortfall.

5.15 The site represents a sustainable location and, whilst it is acknowledged that currently only limited weight can be applied, the development of the site for housing is generally supported locally through its allocation in the Sherington Neighbourhood Plan 2016-2031. The principle of the proposed development is therefore considered to be acceptable.

#### 5.16 **Design and Layout**

Saved Policies D2 and D2a of the Milton Keynes Local Plan 2001-2011 and Policies CS12, CS13 and CS18 of the Core Strategy seek to ensure that all new developments are high quality well-designed and relate well to the surrounding area and that proposals design out opportunities for crime. Furthermore the Core Planning Principles in Paragraph 17 of the National Planning Policy Framework state that planning should always seek to secure high quality design.

5.17 All details relating to the reserved matters, namely appearance, means of access, landscaping, layout and scale of the proposed development are not matters for consideration as part of this outline planning application.



Notwithstanding the applicant has submitted an indicative layout for illustrative purposes only to demonstrate how a development of 9 dwellings could respond to the requirements of the Core Strategy and Neighbourhood Plan and the more detailed design guidance contained in the New Residential Development Design Guide SPD.

- 5.18 All of the new houses are proposed to be served by a new single access road and private driveway that extends into the site. Plot 1 is orientated to face towards Water Lane, whilst plots 8 and 9 are sited to infill the gap between the existing houses at nos 39 and 43 Water Lane and would also be orientated towards the street. As such an active outward looking street scene would be created along Water Lane. Plots 2 and 7 would be orientated toward the new access road and would form a crescent of housing extending to the rear of plots 1, 8 and 9.
- 5.19 The applicant further states that they are committed to ensuring that the new houses would be sensitively designed and in keeping with the character of the village in terms of its architecture and landscape. The medium-low density of the proposal is considered to reflect the local character along Water Lane and would enable the retention and provision of hedgerows and landscaped gardens to enhance its rural setting. These matters would be considered in more detail at reserved matters stage.
- 5.20 Saved Policy D1 of the Milton Keynes Local Plan 2001-2011 seeks to protect the residential amenity of properties from new development in terms of loss of privacy, sunlight, daylight and visual intrusion. The illustrative layout demonstrates that it would be possible to locate 9 dwellings in a way that would satisfy the standards set out in the New Residential Development Design Guide SPD and could be accommodated without impacting on the amenities of neighbouring properties. In particular, all of the proposed houses are provided with generous gardens for the amenity of the developments residents.
- 5.21 Overall, it is considered that the introduction of housing on the application site would not unduly affect the amenity in terms of privacy, light and outlook of the adjacent houses and an acceptable level of amenity could be achieved for future occupiers of the site, in accordance with saved Policy D1 of the Milton Keynes Local Plan 2001-2011.

#### 5.22 **Traffic, Access and Parking**

Saved Policy T10 of the Milton Keynes Local Plan 2001-2011 relates to highway safety and details that planning permission will be refused for development that would generate traffic that would exceed the highway capacity of the local road network or cause significant risk of accident. Paragraph 32 of The National Planning Policy Framework also states that development should be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 5.23 Whilst not forming part of the details for consideration as part of this

application the applicant states that it is not anticipated that the proposed means of access would significantly differ from that shown on the indicative site plan. The proposed development would be accessed from a single point on Water Lane. The access has been sited central to the western site frontage in a location where safe vision splays along the highway can be achieved (vision splays of 43 metres x 2.4 metres suitable for 30mph traffic speeds can be achieved at the proposed site access point). The existing vehicular access to the east of the site will be stopped up whilst maintained the existing driveway access to no. 39 Water Lane.

- 5.24 A Transport Assessment accompanies the application and concludes that a development of less than 20 dwellings would generate fewer traffic movements than the existing industrial use. The proposed development of the application site for housing is therefore considered to represent an improvement in terms of the reduction in levels of traffic. This has been assessed by the Highways Engineer who is satisfied that the proposal would not have an adverse impact on the local highway network and overall raises no objections on highways grounds.

#### 5.25 Landscaping

The application site falls within the Ouse Valley Area of Attractive Landscape as defined by saved Policy S11 of the Milton Keynes Local Plan 2001-2011. The policy seeks to ensure that development should:

- Not damage the special character of the area
- Enhance important landscape features where possible
- Protect and enhance features of nature conservation value
- Retain and improve public access and opportunities for countryside recreation.

- 5.26 The special character in this location is its rural nature and the openness of the adjacent fields. However, the application site itself is a largely featureless industrial yard. The erection of 9 dwellings would clearly change the character of the area and the proposed access to the site would entail the removal of a short section of the existing hedgerow. However, the redevelopment of the site would significantly increase the amount of green space on the site with the inclusion of the gardens, replacing extensive areas of existing hard standing.

- 5.27 The landscaping of the site is not a matter for consideration as part of this outline application. Notwithstanding, the applicant has submitted an illustrative strategic landscaping plan and design statement to show how landscaping could be integrated with any residential development. Existing hedgerows would be retained and supplemented, whilst additional tree planting would be provided. The proposed planting will enhance the landscaping on the site with new native species which would be more in keeping with the rural edge location and the wider residential development of the local area. A condition is recommended for the approval of a detailed landscaping scheme.

5.28 The applicant has also undertaken an arboricultural assessment of the site and its immediate setting in order to ascertain the quality and extent of existing landscaping features. The trees within the application site range from young to mature in age and are predominantly native and include both broadleaved and coniferous species. However, generally these trees and hedgerows are not considered to represent remarkable examples of their type and/or are showing signs of stress such that their removal in order to accommodate the proposed development is considered to be acceptable subject to replacement planting of an appropriate species.

### 5.29 **Ecology**

The application is accompanied by an Ecological Appraisal which states that the site is generally of negligible ecological value, with the exception of an established hedgerow on the western site boundary. It is recommended that the hedgerow is retained within the scheme design and enhanced by planting a new hedgerow on the southern boundary. No evidence of protected species was found on the site and the existing buildings are considered to be of negligible roosting potential for bats. Notwithstanding the applicant has stated that they would incorporate bat and bird boxes into the detailed designs of houses at reserved matters stage.

5.30 Overall, based on the evidence obtained from the Ecological Appraisal and with the implementation of the mitigation measures recommended in the report, it is considered that there are no overriding ecological constraints to the development of the site whilst opportunities are also available for biodiversity enhancements. It is therefore considered that the proposals accord with the National Planning Policy Framework and with saved Policies NE2 and NE3 of the Milton Keynes Local Plan 2001-2011 and Policy CS19 of the Core Strategy which seek to protect wildlife and protected species and encourage biodiversity enhancements.

### 5.31 **Site Drainage**

The application site is identified as being at risk of surface water flooding within the Milton Keynes Strategic Flood Risk Assessment. A Flood Risk Assessment accompanies the application and details the proposed surface water drainage strategy. The report states that the application site is not subject to any significant flood risks i.e. tidal, fluvial, ground water or sewer.

5.32 There have been reported incidences of pluvial (surface water) flooding in the past caused by surface water flows along Water Lane with the front of the application site flooding to depths of 100-150mm. Works have been carried out along Water Lane to change the camber of the road to fall away from the site and to improve the ditch and grip system. Since this work has been carried out no further reported incidences of flooding have been reported.

5.33 Notwithstanding, to mitigate against the risk of pluvial flooding the finished floor levels of the dwellings would be set at a minimum of 300mm above existing ground level. During the detailed design stage, proposed design

levels would need to take into consideration flood flow routing to divert any possible pluvial flood water through the site, away from the dwellings, to the watercourse along the southern boundary.

#### **5.34 Sustainable Construction**

Saved Policy D4 of the Milton Keynes Local Plan 2001-2011 and the Sustainable Construction SPD requires all new development exceeding 5 dwellings to incorporate sustainable construction including renewable energy and carbon offset provision. As the submitted application is for outline planning permission there is no need to address saved Policy D4 at this stage. Instead, a condition is recommended to require the submission of a sustainability statement at reserved matters stage and a requirement to make a financial contribution towards the carbon offset fund would be set out in the S106 Agreement.

#### **5.35 Planning Obligations**

In accordance with Policy CS21 of the Core Strategy and Policy NP8 of the Sherington Neighbourhood Plan 2016-2031, the applicant has agreed to enter into a S106 Agreement to secure the following obligations:

- £20,000 contribution to support community facilities within the village.
- £30,000 contribution towards highway improvements to Water Lane.
- Contribution to the Carbon Offset Fund
- A mechanism to enable purchasers with an established local connection to the Parish of Sherington to have first option of open market housing for a period of 3 months from the development being released to the market.

5.36 The above contributions are considered to comply with the legal tests for planning obligations as set out in regulation 122 and 123 of the Community Infrastructure Regulations 2010 (as amended) and the applicant has adequately mitigated against the impact of the development upon existing local facilities and infrastructure.

#### **5.37 Conclusion**

The application site represents brownfield land in a sustainable location and therefore the proposed redevelopment of the site for housing would comply with the provision of paragraph 14 of the National Planning Policy Framework and contribute towards the Council's current housing shortfall. The proposed also complies with Policy NP8 of the Emerging Sherington Neighbourhood Plan 2016-2031. The principle of the proposed development is therefore considered to be acceptable.

5.38 The detailed scale, design, layout, landscaping and internal access arrangements are not matters for consideration as part of this outline application. Notwithstanding, the applicant has submitted a Conceptual Layout to demonstrate that a proposed development of up to 12 dwellings

could be achieved in a way that would ensure the delivery of a high quality development.

- 5.39 Overall, the proposed application is considered to generally accord with the policy requirements of the Milton Keynes Council Development Plan, including the Emerging Sherington Neighbourhood Plan 2016-2031, and the National Planning Policy Framework as a whole and there are no adverse impacts of such significance which would demonstrably outweigh the benefits of the development. In accordance with the presumption in favour of sustainable development it is therefore recommended that outline planning permission is granted.

## 6.0 CONDITIONS

*(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable )*

1) Approval of the details of the layout, scale, appearance of the buildings, access thereto and landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced.

Reason: Outline Planning Permission only is granted in accordance with the application submitted.

2) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3) The development hereby permitted shall be begun on or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

4) Prior to any development taking place, the developer shall carry out an assessment of ground conditions to determine the likelihood of any ground, groundwater or gas contamination of the site

The result of this survey detailing the nature and extent of any contamination together with a strategy for any remedial action deemed necessary to bring the site to a condition suitable for its intended use, shall be submitted to and approved by the local planning authority before any construction works commence.

Any remedial works shall be carried out in accordance with the approved strategy and validated by submission of an appropriate verification report prior

to first occupation of the development.

Should any unforeseen contamination be encountered the Local Planning Authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination will also be carried out to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the site is fit for its proposed purpose and any potential risks to human health, property and the natural and historical environment are appropriately investigated and minimised.

5) Details of the proposed finished floor levels of the proposed dwellings and the finished ground levels of the site, in relation to existing site levels of surrounding property, shall accompany the 'reserved matters' application(s). The development shall be carried out in accordance with the approved levels.

Reason: To ensure that construction is carried out at suitable levels having regard to drainage, access, the appearance of the development and the amenities of neighbouring properties.

6) Details of external materials to be used in the development shall accompany the reserved matters application(s). The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not detract from the appearance of the locality.

7) The 'reserved matters' application shall include a scheme for the disposal of surface water. The development shall be carried out in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

8) The 'reserved matters' application(s) shall include details of a biodiversity protection and enhancement plan to include measures to safeguard biodiversity during construction; protect retained habitats and species on site; and provide bat and bird roosting opportunities as part of the development shall be submitted to and agreed in writing by the Local Planning. Thereafter the development shall be carried out in accordance with the approved scheme and all features and access to them shall be maintained in perpetuity.

Reason: To ensure the development incorporates adequate biodiversity enhancements in accordance with saved Policy NE4 of the Milton Keynes Local Plan 2001-2011.

9) The 'reserved matters' application(s) shall include a landscaping scheme with detailed drawings showing which trees and hedgerows are to be retained and which trees and hedgerows are proposed to be felled or lopped. The landscaping scheme shall also show the numbers, types and sizes of trees and shrubs to be planted including their locations in relation to associated infrastructure and a species list to include native species and species

beneficial to wildlife. Any trees or shrubs removed, dying, severely damaged or diseased within two years of planting shall be replaced in the next planting season with trees or shrubs of such size and species as may be agreed by the Local Planning Authority.

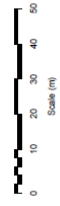
Reason: To protect significant trees, safeguarding the character of the area and preserving habitat and to minimise the effect of development on the area.

10) All existing trees and hedgerows to be retained shall be protected in accordance with the latest British Standards (currently BS 5837:2012 'Trees in relation to design, demolition and construction-recommendations') at 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).

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



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Project Name	Residential Development
Address	Smith's Yard Water Lane Sherrington Newport Pagnell MK16 9NS
Client	Chaloban Properties Ltd.
Drawn	Planning
Date	2016.08.08
Scale	1:1250@A3
Drawn/Title	Site Location Plan
Revision	16.06-102
Sheet	A





Project Name	Residential Development
Client	Smith's Yard Water Lane Newport Pagnall MK16 9NS
Developer	Chaldean Properties Ltd.
Stage	Planning
Date	2016.08.08
Scale	1:500@A3
Drawn by	Proposed Site Plan
Sheet No.	16.06-100
	Sheet B



Project Name	Residential Development South's Ford Water Lane Sherington Newport Pagnell MK16 9HS
Client	Chisleham Properties Ltd.
Stage	Planning
Date	2016.08.08
Scale	1:200@A3
Drawn By	A3
Checked By	Indicative Street Elevation
Sheet No.	16.06-101

## **Appendix to 16/02614/OUT**

### **A1.0 RELEVANT PLANNING HISTORY**

*(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)*

- A1.1 In terms of planning applications the history of the site is relatively historic and reflects its development from a haulage yard into a series of industrial units:

00/01348/CLUP

Certificate of proposed lawfulness for B2 use of buildings with open storage.  
GRANTED 01.01.2002.

MK/428/80

Change of use of plant of haulage depot to light industry.  
APPROVED 29.05.1980.

MK/580/74

Re-roofing and extensions.  
REFUSED. APPEAL DISMISSED 20.02.1975.

NR/450/72

Garage/storage and workshop bays.  
REFUSED 05.03.1974.

NR/82/63

Garage and stores.  
APPROVED 03.07.1963.

### **A2.0 ADDITIONAL MATTERS**

*(Matters which were also considered in producing the Recommendation)*

- A2.1 None.

### **A3.0 CONSULTATIONS AND REPRESENTATIONS**

*(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)*

#### **Comments**

#### **Officer Response**

##### **A3.1 MKC Highways**

Due to the sub-standard nature of Water Lane in terms of width and alignment it is important that development on this site does not impact in a negative way on Water Lane. The proposals have demonstrated that in traffic terms there will be fewer trips with the residential proposals than the existing commercial use. The type of vehicles would also be an improvement. As such I have no objections to the proposals.

Please refer to para 5.22-5.24.

A contribution towards highway improvements on Water Lane is proposed in accordance with Policy NP8 of the Sherington Neighbourhood Plan.

At the reserved matters stage we will need:

- Access and road layout proposals including tracking diagrams for refuse vehicles. This is to include visibility splays although it is noted in the supporting information that 43mm is achievable which would be acceptable.
- Scheme for parking. This to be in accordance with the Parking Standards. The site is located within Zone 4. Please note that on the indicative layout no unallocated (visitor) parking spaces are shown. These need to be in bays within the carriageway.
- Proposed improvements to Water Lane. This is mentioned briefly in the design and access statement and planning statement.

<p>A3.2 <u>MKC Urban Design</u> No comments received</p>		<p>Noted.</p>
<p>A3.3 <u>MKC Conservation and Archaeology</u> Confirmed no comments.</p>		<p>Noted.</p>
<p>A3.4 <u>MKC Environmental Health</u> As the development involves land that has been subject to a previous industrial use and will introduce a receptor vulnerable to the presence of contamination I recommend that a ground conditions/contamination condition be applied to any grant of planning permission.</p>		<p>Please refer to Condition 4.</p>
<p>A3.5 <u>MKC Landscape Architect</u> The main issue is the effect that the proposal would have on the character and appearance of the area.  Although the existing/previous uses give the site a poor appearance, residential development in this location would result in an isolated cul-de-sac of family homes and retirement bungalows poorly related to the village and facilities. The proposal would fail to contribute to the creation of a sustainable pattern of development.  To make way for the development the majority of vegetation on site would be removed and the provision of safe vehicular access and visibility splays would require the removal of section of the existing frontage vegetation and trees. However, well-designed and landscaped, the site's location means that the proposal would detract from the rural character of the surrounding countryside and setting of</p>		<p>Please refer to para 5.1-5.15. The principle of development is considered to be acceptable.  Condition 9 requires submission of landscaping details.</p>

the village.

Without a support landscape and visual impact appraisal I am of the opinion that the proposal has the potential to cause substantial harm to the character and appearance of the area contrary to saved policies S10 and S11 of the Local Plan. These policies restrict new building outside development boundaries to that which is essential for agriculture or other uses that are wholly appropriate to a rural area, and seek to ensure that development does not damage the special character of attractive landscape areas.

Permitting development in this location would set a precedent and further applications to develop parcels of land along Water Lane would likely follow.

A3.6 MKC Ecologist

Noted.

No comments received.

A3.7 MKC Policy D4

Noted.

No comments received,

A3.8 Environment Agency

Noted.

No objection.

Condition 4 relates to ground contamination.

The proposed development site appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters.

Where necessary we would advise that you seek appropriate planning conditions to manage both the risks to human health and controlled waters from contamination at

the site.

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|-------|--|--------|
| A3.9  | <u>Anglian Water</u><br>No comments received.  | Noted. |
| A3.10 | <u>Cranfield Airport</u><br>No comments received.  | Noted. |
| A3.11 | <u>British Pipeline Agency</u><br>We are not aware that any BPA Pipelines apparatus falls within the vicinity of the application site.           | Noted. |
| A3.12 | <u>Sherington Parish Council</u><br>We support the officer in decision making.   | Noted. |
| A3.13 | <u>Olney Ward – Cllr P Geary</u><br>No comments received.  | Noted. |
| A3.14 | <u>Olney Ward – Cllr Hosking</u><br>No comments received.  | Noted. |
| A3.15 | <u>Olney Ward – Cllr McLean</u><br>No comments received.   | Noted. |
| A3.16 | <b>Local Residents</b><br>The occupiers of the following properties were notified of the application:<br>Nos 1-4 End Farm, Water Lane Sherington |        |

Nos 23, 25, 37, 38, 39, 40, 43 and 44 Water Lane  
Sherington

**3 x representations in objection to the application have been received.**

The following comments were raised:

1. There is insufficient access and no provision along Water Lane for passing traffic. There would be more cars at evenings and weekends, when everyone is at home, compared to the current use.
2. The traffic generated by this proposal would add considerably to the difficulties already experienced by users of Water Lane.
3. There are no safe walkways or verges for pedestrians. The only way Water Lane can be made safe is for private land to be purchased along its entire length for the purposes of road widening and installation of safe walkway.
4. Any alleged shortage in housing land supply cannot justify allowing development on what is a totally unsuitable site.

1-3. Please refer to para 5.22-5.24.

A contribution towards highway improvements on Water Lane is proposed in accordance with Policy NP8 of the emerging Sherington Neighbourhood Plan.

4. Please refer to para 5.1-5.15. The principle of development is considered to be acceptable.