

ITEM 4(i)

Application Number: 18/02283/FUL

Description: Proposed Detached Dwelling and Double Garage

At Land Adjacent To 8 Phoebe Lane, Phoebe Lane, Wavendon

FOR Miss Vicky Hopkins

Target: 12th November 2018

Extension of Time: No

Ward: Danesborough and Walton

Parish: Wavendon Parish Council

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1.0 RECOMMENDATION

- 1.1 It is recommended that the application is granted subject to the conditions at the end of this report.

2.0 INTRODUCTION

The Site

- 2.1 The application site is located just outside of the Wavendon settlement boundary and situated within the open countryside. The site forms something of an informal clearing in a large area of adjacent woodland. There is an existing gated vehicular access to the site which also features an agricultural grain store circa 1950. Planning permission was granted for an outline application for 1. No detached dwelling and garage with landscaping as the only reserved matter. The current layout is similar, with a slight relocation of the proposed garage. This is the reason for the resubmission of the scheme, which will be addressed in the body of the report.

The Proposal

- 2.2 The application proposes the demolition of the existing grain store and the construction of a two storey detached dwelling and associated garage.

Reason for referral to committee

- 2.3 This application is referred to the Development Control Panel for determination as the applicant is an elected member of the Council.

3.0 RELEVANT POLICIES

3.1 National Policy

National Planning Policy Framework 2018
Section 2 – Achieving Sustainable Development

3.2 Local Policy

Core Strategy 2013

Policy CS1 Milton Keynes Development Strategy
Policy CS2 Housing Land Supply
Policy CS9 Strategy for the Rural Area
Policy C13 Ensuring High Quality Well Designed Places

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

Policy D1- Impact of Development Proposals on Locality
Policy D2 – Design of Buildings
Policy T15 – Parking
Policy S10 – Open Countryside
Policy NE2 – Protected Species
Policy NE4 – Conserving and Enhancing Landscape Character

Supplementary Planning Document/Guidance

Woburn Sands Neighbourhood Plan
Policy WS1
Policy WS4

Milton Keynes Parking Standards 2016

Neighbourhood Planning

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 a 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.

Woburn Sands Neighbourhood Plan is a made Plan and part of MKC Development Plan. However, as the plan does not contain housing allocations as required by paragraph 14 b of the NPPF 2018, it would be considered out of date and therefore carrying limited weight.

3.3 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

3.4 Equalities Act 2010

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

4.0 MAIN ISSUES

Principle of Development
Design and Layout
Impact on Neighbouring Amenity
Access and Parking
Trees and Ecology/ Landscaping

5.0 CONSIDERATIONS

Principle of Development

- 5.1 The site is situated outside of the settlement boundary of Wavendon on land designated as open countryside. As such, in most cases, new residential development is unacceptable in principle in accordance with the Council's open countryside policy.
- 5.2 However, the site is not physically detached from the village and broadly conforms with the pattern of development on Phoebe Lane, particularly when considered with regard to recent planning permissions which include infill residential development.
- 5.3 The principle of development was found to be acceptable in the previously granted outline application reference 17/02592/OUT and this is still the case currently, which is a material planning consideration.

The Open Countryside:

- 5.4 Saved policy S10 of the Milton Keynes Local Plan 2001-2011 refers to development in the open countryside. It states:

'The open countryside is defined as all land outside of the development boundaries defined on the Proposals Map. In the open countryside, planning permission will only be given for development that 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.'

- 5.5 As a residential development of a market property the site does not fall within the categories of acceptable development in the open countryside or constitute 'exception 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 Paragraph 11 of the National Planning Policy Framework considers policies for the supply of housing to be out of date where the Council cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, the Council must rely on the provisions of Paragraph 14 of the NPPF which outlines a presumption in favour of sustainable development.
- 5.7 At the time of the original outline planning permission at this site, the Council was able to demonstrate a 5 year housing land supply but in that scheme it was found that it is still possible for a development to be acceptable provided it can be demonstrated that the benefits outweigh the harm caused to the open character of the area. At present the Council is *not* able to demonstrate a 5 year housing land supply. Also the outline permission for a very similar scheme is in place, both of which are material planning considerations which weigh in favour of the proposal.

Sustainable Development:

- 5.8 In order for the residential development of the site to be considered acceptable an assessment has been made as to whether the proposal could be considered to be sustainable development in terms of the economic, social and environmental roles as set out in the NPPF.
- 5.9 In the previously granted outline permission, it was noted that the site is located directly adjacent to other residential built development in the locality and that the site is not isolated in this regard and is within walking distance to bus networks within the settlement. The site also already features a gated vehicular access.
- 5.10 In terms of social issues, it is noted that the development would provide an additional dwelling and is of a scale of which would be appropriate to be occupied as a family home.
- 5.11 The relevant policy and site circumstances have not changed significantly since then and the existing outline permission at the site is a material planning consideration.

- 5.12 Subject to a detailed assessment of other material planning considerations below, it is considered that the development could meet the definition of sustainable development in terms of the provisions of paragraph 11 of the NPPF. It Paragraph 11.d of the NPPF states that where the policies that are most important for determining the application are out of date, permission should be granted, unless:
- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Design and Layout

- 5.13 Saved Policy D2 states that:
'Development proposals for buildings will be refused unless they:
- i) Are in a scale with other buildings in the immediate vicinity in terms of their height and massing, except where a greater scale is necessary to reflect the developments function and importance.*
 - ii) Relate well and enhance the surrounding environment*
 - iii) Provide access for those with impaired mobility*
 - iv) Allows for visual interest through the careful use detailing, where this is appropriate to the character of the area*
 - v) Include landscaping and boundary treatments that integrate with those of the surrounding area*
 - vi) Have regard to the need to design layout and screening in the interests of the prevention of crime and surveillance of the public realm*
- 5.14 The appearance/ proposed design was assessed and found acceptable in the previously granted outline application at the site. The design and scale of the proposed dwelling were amended during the process of the previous application to alter the roof from a gable end adjacent No. 8 Phoebe Lane altered to a half hip form, with the ridge height reduced from approximately 8.4m to 7.6m, in order to reduce the bulk of the roof form, which was found acceptable. The overall design of the dwelling is a chalet style with second floor accommodation provided within the roofspace which is representative of other dwellings in the immediate vicinity of the site, as well as the design of dwellings approved under reference 17/00055/FUL. The dwelling features subservient projections to the rear and side of the main dwelling, which serves to reduce the width and bulk of the frontage presented to Phoebe Lane. The overall scale of the proposed dwelling is considered to be proportionate to that of surrounding development.
- 5.14 As opposed to render, the external finish of the dwelling would be predominantly timber clad which not only takes account of local character but also ensures that the design of the dwelling would harmonise with the sites woodland setting. The proposed detached garage, which in a different location to that approved under the previous outline application is still considered to be of a reasonable scale given the scale of the host dwelling

and its design would be harmonious with the proposed dwelling and surrounding development.

- 5.15 This site can be clearly differentiated from the rest of the woodland area adjacent to Phoebe Lane given that it comprises an informal clearing, is occupied by an existing structure and is served by an existing vehicular access. The site is situated on the very edge of the village envelope with dwellings located to the north and on the opposite side of the road to the east. Recent planning permission reference 17/00055/FUL gave consent for the construction of 3 dwellings between No.5 and 7 Phoebe Lane on the opposite side of the road.
- 5.16 The only significant difference to the previously granted outline application would be the relocation of the garage and this would not have a harmful impact in terms of character and appearance. Given the consideration above with regard to the sustainable location of the site, the appropriate scale and sympathetic design of the proposed dwelling, it is considered that the proposals are in accordance with Saved Policy D2 of the Milton Keynes Local Plan 2001-2011.

Impact on Neighbouring Amenity

- 5.17 Policy D1 (iii) of the Milton Keynes Local Plan 2001 - 2011 states:
"Planning permission will be refused for development that would be harmful and result in unacceptable visual intrusion, loss of privacy, sunlight and daylight".
- 5.18 The proposed dwellinghouse was found acceptable in terms of neighbouring amenity in the previously granted outline planning application ref 17/02592/OUT.
The proposed dwelling would be situated close to the northern boundary of the site, with its flank elevation located adjacent to the garage serving No. 8 Phoebe Lane and opposite No. 3b Phoebe on the eastern side of side of the road. The proposed dwelling would have adequate separation from neighbouring properties such that it would not result in any significant loss of light to the habitable rooms of those properties. Some overshadowing of the garden space of No. 8 would occur, but this impact is not considered to adversely impact to amenity of this property in a significant manner. The scheme was found acceptable in this regard in the previous outline application and the relocation of the garage would not have a further impact in this regard. There have been no relevant changes to policy or site circumstances.
- 5.19 In terms of loss of privacy, there is a sufficient distance from neighbouring houses to avoid overlooking from front and rear windows. The windows on the northern side elevation would be obscure-glazed to avoid unactable overlooking to the adjacent neighbours at No. 8 Phoebe Lane. The only change would be the location of the garage. As this is located in the southern part of the site, not in close proximity to nearby neighbours, it would not result in any additional harm to neighbouring amenity either in terms of light and outlook or in terms of overlooking and loss of privacy.

- 5.20 The amended proposals are therefore considered to be in accordance with Saved Policy D1 (iii) and would not have a significant adverse impact on the amenity of neighbouring properties.

Access and Parking

- 5.21 Saved Policy T15 of the Milton Keynes Local Plan 2001-2011 relates to ensuring development proposals meet vehicle parking requirements as laid out in the Parking Standards Supplementary Planning Document 2016 (SPD). The policy states:

“Development proposals should meet the following vehicle parking requirements: ii)

On-site parking should not be reduced below the maximum standard if it would be likely to result in off-site parking causing problems that cannot be resolved by on-street parking controls.”

- 5.22 The scheme provides an acceptable level of parking and acceptable access arrangements. This was found acceptable in terms of access and layout in the previously granted outline planning permission. The scheme has not changed in this regards since that time and site circumstances and policy are also unchanged. Therefore in this regard, the scheme is still considered acceptable in accordance with the provisions of the parking standards SPD and Saved Policy T15 of the Milton Keynes Local Plan 2001-2011.

Trees and Ecology/ Landscaping

- 5.23 Saved Policy NE2 of the Milton Keynes Local Plan 2001-2011 states that:

‘Planning permission will be refused for development if it would be likely to adversely affect animal or plant species, or their habitat, specifically protected by law.

Where necessary, planning conditions will be attached to permissions to require the developer to take steps to secure the protection of the species or habitat affected by development.’

- 5.24 Additionally, Saved Policy NE4 of the Milton Keynes Local Plan 2001-2011 states that: *‘Where development in the open countryside is acceptable in principle under other policies in this plan, it should respect the particular character of the surrounding landscape.’*

- 5.25 In the previously granted outline scheme, an arboriculture report was submitted which proposed the removal of a number of trees within the application site in order to accommodate the proposed development. The submitted arboriculture survey provided sufficient detail to confirm the trees required to be removed as well as detailing protection measures for trees to be retained along the periphery of the site to the satisfaction of the Councils landscape technical officer.

- 5.26 A range of conditions were suggested by the tree officer to ensure that adequate tree protection measures would form part of any potential approval. As landscape was a reserved matter at that time, it was considered more appropriate to consider landscaping at reserved matters stage, primarily addressing a need for new tree planting to the highway fronting Phoebe Lane.
- 5.27 In the current application, a landscape plan has been submitted. However, it is not clear that this provides an acceptable degree of new tree planting to the highway fronting Phoebe Lane. On this basis, a condition has been attached, requiring further details in relation to the Landscape Plan (which it should be noted is marked as a draft).
- 5.28 Also in the previous outline planning permission, an Ecological Appraisal was carried out, and submitted in support of the application following consultation with the council's Ecology Officer.
- 5.29 A number of recommendations were made in the Ecological Appraisal, for measures to mitigate the effects of development and ecological enhancements to compensate for habitats lost to the development and to provide net gains for biodiversity. These included tree protection, precautionary measures to be taken during construction and to avoid lighting overspill and surveys for nesting birds. Ecological enhancements comprised habitat creation for bats birds and invertebrates.
- 5.30 The same Ecological Appraisal was also submitted with the current application and as a result the same condition in relation to ecology will be applied in the current application.
- 5.31 On this basis, the proposal is therefore considered to be in accordance with Saved Policies NE2 and NE4 of the Milton Keynes Local Plan 2001-2011.

6.0 CONCLUSIONS

- 6.1 The application site is situated within the open countryside wherein residential development would not normally be considered acceptable in accordance with Saved Policy S10 of the Milton Keynes Local Plan 2001-2011. However, the proposed development is considered to constitute 'sustainable development' as defined by the NPPF and is therefore considered to be in accordance with paragraph 11 of the NPPF.
- 6.2 Given the unique characteristics of the site in the context of the woodland, it is considered that the imposition of a range of conditions can appropriately mitigate the impact of the proposed development on the open countryside in this case. It is however considered that these proposals set no precedent for further residential development of this area of woodland adjacent Phoebe Lane due to the unique characteristics of the site discussed in this report.

7.0 CONDITIONS

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.

2. No development shall take place above slab level until samples 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. 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.

3. Prior to the occupation of the development hereby permitted the new means of access shall be sited and laid out in accordance with the approved drawing and constructed in accordance with Milton Keynes Council's guide note "Residential Vehicle Crossing Details". The access so laid out shall be retained thereafter.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

4. Prior the occupation of the development hereby permitted, details of the proposed boundary treatments to the new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the type and height of fences, hedges, walls, gates and other means of enclosure and shall be provided prior to the occupation of the dwelling in accordance with the approved details.

Reason: To protect the appearance of the locality, safeguard residential amenity and in the interest of crime prevention in accordance with Policies Policy D1 and D2 of the Milton Keynes Local Plan and Policy CS19 of the Core Strategy

4. Prior to the 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.

6. Within one calendar month of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up in accordance with the details shown in the approved drawings.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

7. All mitigation measures listed in paragraphs 6.1.1 to 6.1.7 of the report entitled "Land at Phoebe Lane, Ecological Appraisal, January 2018" shall be incorporated into a detailed mitigation strategy and submitted to the LPA for approval prior to commencement of the development. The development shall be carried out in accordance with the approved detailed mitigation strategy.

Reason: To ensure adequate mitigation measures are employed during the construction of the proposed development.

8. All ecological enhancements listed in paragraphs 6.2.1 to 6.2.6 of the report entitled "Land at Phoebe Lane, Ecological Appraisal, January 2018" shall be incorporated into a detailed ecological enhancement scheme and submitted to the LPA for approval prior to commencement of the development. The development shall be carried out in accordance with the approved details.

Reason: To ensure adequate ecological enhancements are adopted to mitigate the impact of the proposed development.

9. 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 should be submitted to and approved in writing by the Local Planning Authority prior to commencement of works on site. The development shall be carried out in accordance with the approved details.

Reason: In order to conserve the landscape character in accordance with Saved Policy NE4 of the Milton Keynes Local Plan 2001-2011.

10. Notwithstanding the submitted details, no building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and soft landscape works. 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; civic space / public park furniture, play equipment, bins etc.; proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes,

supports etc.); retained historic landscape features and proposals for restoration, where relevant. 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.

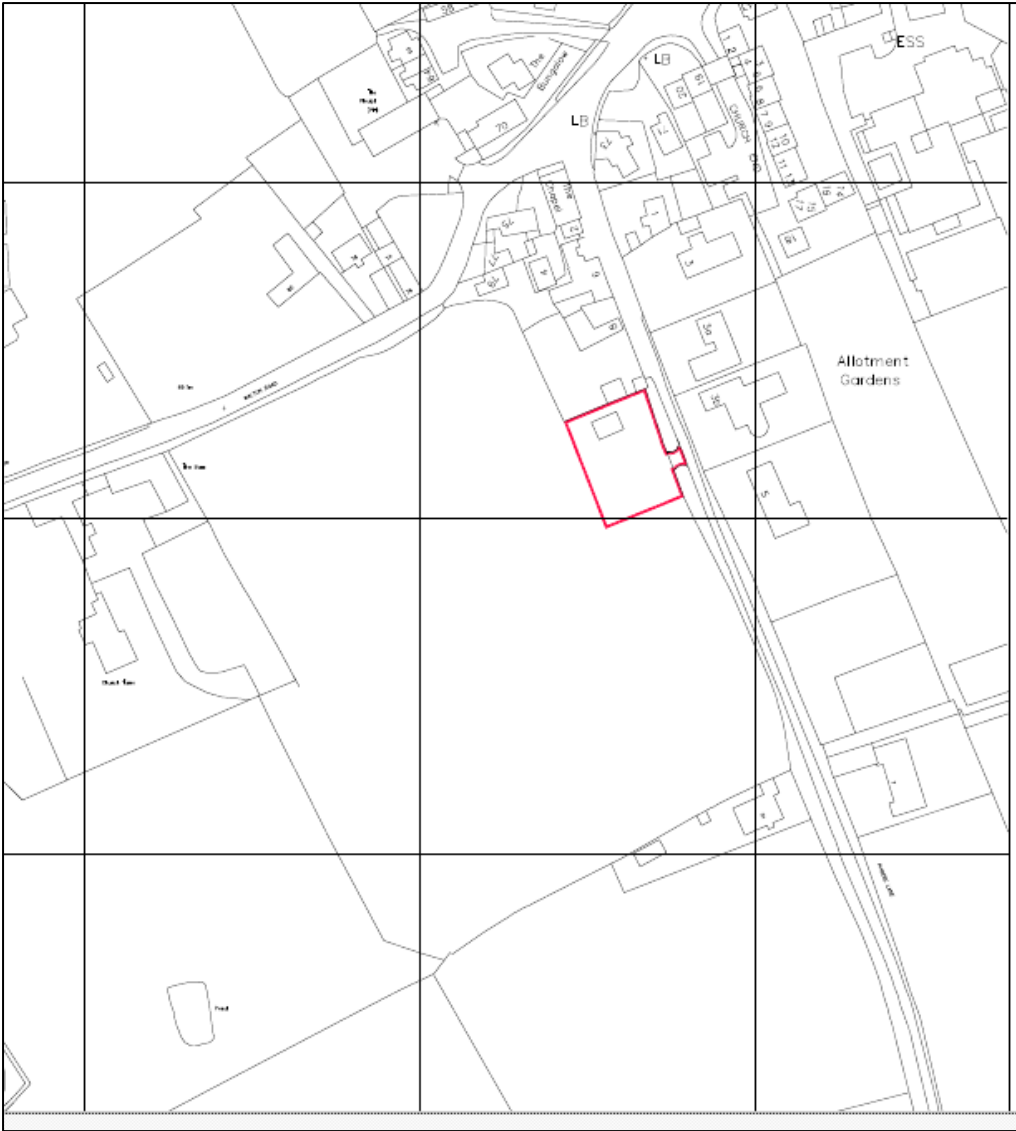
Development shall be carried out in accordance with the approved details. If within a period of two years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased,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

11. The proposed first floor windows to the northern flank elevation shall be obscure-glazed and shall remain in that form thereafter.

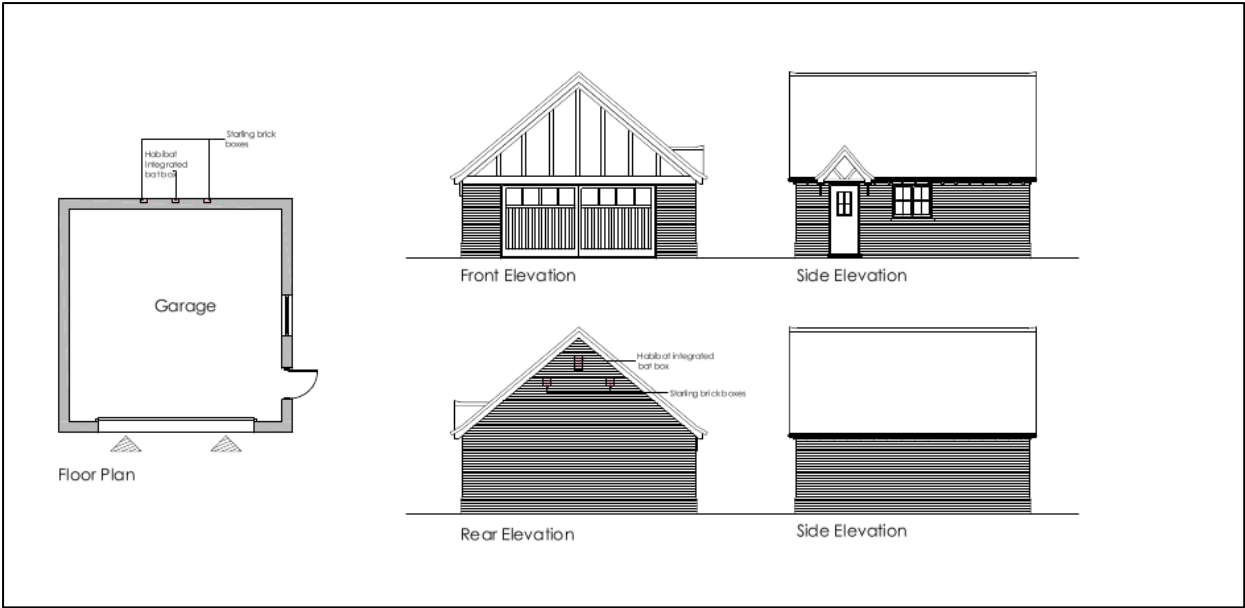
Reason: To protect the privacy of neighbouring occupiers in accordance with Saved Policy D1 of the Milton Keynes Local Plan 2001-2011.





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A1.0 RELEVANT PLANNING HISTORY

17/02592/OUT - Outline application for the proposed construction of 1 No. detached dwelling and garage, in terms of access, appearance, layout and scale (with landscaping as a reserved matter).

Granted: 16/02/2018

A2.0 Other Matters

None.

A3.0 CONSULTATIONS AND REPRESENTATIONS

A3.1 Parish – Wavendon

No Comments Received

A3.2 Ward - Danesborough And Walton - Cllr D Hopkins

No Comments Received

A3.3 Ward - Danesborough And Walton - Cllr Bramall

No Comments Received

A3.4 Ward - Danesborough And Walton - Cllr V Hopkins

No Comments Received

A3.5 Councils Archaeologist

No Comment

A3.6 Neighbour Representations

One comment 'that given the previous application was approved it is reasonable to assume this application will gain support. My only comment is as before. In view of the importance of the wood to wildlife and the community this application should not create a precedent to allow future development'.