

**Application Number:** 21/01891/FUL

**Proposal:** The erection of 1 detached dwelling with a garage, external parking and associated works (resubmission of 20/03392/FUL) at Land to the west of 6 and 8 Cross End, Cross End, Wavendon

**Applicant:** Aldermans Estates Ltd

**Application type:** Full planning application

**Ward:** Danesborough and Walton      **Parish:** Wavendon Parish Council

**Statutory Target:** 13 August 2021      **Extension of Time:** Yes - 25 November 2021

**Case Officer:** Charlotte Ashby  
Senior Planning Officer  
charlotte.ashby@milton-keynes.gov.uk

**Team Manager:** Chris Nash  
Development Management Manager  
chris.nash@milton-keynes.gov.uk

## **1.0 Recommendation**

1.1 Permission be **granted** subject to the conditions set out below (as may be supplemented/modified in any accompanying written or verbal update to the Development Control Panel).

## **2.0 Introduction**

2.1 The application has been referred to the Panel due to the proposal being materially in conflict with Policy DS5 of Plan:MK (March 2019).

## **3.0 Background**

### The site and its context

3.1 The site comprises an enclosed rectangular shaped plot of land located within the open countryside as per the Policy maps of Plan:MK, but bounded by development to the north and east of the site. It currently comprises a small gravelled area to the eastern edge, which is utilised as surplus parking adjacent to the formal paving and garage for No. 6 Cross End; the remainder put to grass along with mature tree coverage to the western and southern edges. Access is gained from the adopted highway leading from Cross End which abuts the site to the north. The north of the site is enclosed by hedgerow. The surrounding area is characterised

predominately by 19<sup>th</sup> and 20<sup>th</sup> Century cottage dwellings of varied design. The properties are located within large plots which reflect the rural setting of the site.

- 3.2 The site is bordered by the rear gardens of Nos 6-8 Cross End which lie to the west. Immediately adjacent to the site is the residential garage of No. 6 with vehicular access leading directly. To the east of the site is No. 48 Manor Place, one of two dwellings constructed following the grant of planning permission in 2018 (ref. 18/02696/FUL).
- 3.3 The site is on land designed under Plan:MK as open countryside and is located within Flood Zone 1. To the north-west of the site is the Grade II Listed Wavendon Cottage with the Grade II Listed Wavendon Manor positioned to the south. Boundary treatments between these properties and the site, alongside the distance involved, results in physical and visual separation from the site.

#### The proposal

- 3.4 It is proposed to erect a four-bedroom detached residential dwelling with associated parking, access and landscaping which would front directly onto, and be accessed from, the Cross End branch road to the north of the site. The proposed dwelling would be of T-shaped formation with attached garage and three parking spaces to the frontage of the site. An enclosed amenity area would be located to the rear of the property and the south of the site. The dwelling would be finished with slate, pitched roof with red facing brickwork. The current application presents a re-submission following an application which was withdrawn as a result of drainage and ecology issues.
- 3.5 The application has been amended and supplemented during its assessment to provide evidence that the applicant has entered into the District License Scheme for Great Crested Newts (GCNs), in addition to additional drainage details. The red line (site) boundary has also been amended as the original site boundary originally encroached onto land adopted by the Local Highway Authority – this is no longer the case on the revised site location plan.

### **4.0 Relevant planning history**

#### 4.1 Application site

Ref. No: 20/03392/FUL      Erection of one dwelling and associated works parking, access and landscaping.  
Withdrawn – 07/04/2021

#### 4.2 Site to the west – Wavendon Manor, 18 Cross End

Ref. No: 18/02696/FUL      Erection of two dwellings with associated parking and landscaping  
Approved – 20/03/2019. This was subject to a s106 agreement to secure a financial contribution to secure £20,000 to directly fund a project for highway improvements on Cross End/Lower End Road to mitigate against the impact of the development on the highway/make the development acceptable in planning terms.

## 5.0 Consultations and representations

All responses and representations received can be viewed in full, online at [www.milton-keynes.gov.uk/publicaccess](http://www.milton-keynes.gov.uk/publicaccess) using application ref. 21/01891/FUL. The following paragraphs summarise those responses and representations.

### 5.1 Wavendon Parish Council

The Parish Council are concerned as to the impact of the development on neighbouring properties and ask that the views of neighbours are seriously considered prior to deciding this application.

### 5.2 Councillor D Hopkins (Danesborough and Walton Ward)

No comments received.

### 5.3 Councillor Jenkins (Danesborough and Walton Ward)

No comments received.

### 5.4 Councillor V Hopkins (Danesborough and Walton Ward)

No comments received.

### 5.5 MKC Highways

#### **Initial comments**

The Highway Department recognises that this is a resubmission of application 20/03392/FUL where highway comments were provided in March 2021. It is considered that those comments provide a context for the lack of a highway objection to the current application. For clarity, those comments are summarised as:

*“The proposal would be the 7<sup>th</sup> additional dwelling in this tiny hamlet. Highway infrastructure in the area is poor, with serious overrunning of the verges and most accesses and junctions having inadequate visibility. Carriageway width are the minimum normally expected. The section of the highway the proposal will take access from is narrower than the main section of Cross End and below 3m in some places. The proposed access is at a point where the carriageway is below 3m. There are no local facilities other than a public house which is accessed from an unlit unsurfaced footpath, therefore most journeys are likely to be by car. However, consent has been granted for 6 new dwellings in the last 2-3 years and as a result a highways objection on the 7<sup>th</sup> dwelling does not seem appropriate. The site has adequate parking and the access will need to be covered by condition ensuring it is constructed to a satisfactory standard.”*

The information accompanying the application has been reviewed (the two Transport Notes) and although not all of the conclusions reached are accepted, the reports are noted. There are concerns relating to the proposed Sheffield-type open cycle parking and it is

recommended that a secure, covered cycle shelter is provided to be secured by condition. There is no objection to the application subject to conditions to secure the proposed access and cycle parking.

### **Additional comments**

Further clarification was received in respect of the adequate on plot parking for visitor vehicles that would meet the need for unallocated provision. In addition, the issues raised in respect of the Transport Notes were specifically in relation to the site's accessibility by non-car modes given the relatively isolated location with no footways, cycle provision, bus services or local facilities. However, this was not raised under previous applications in the area.

In respect to financial contributions, it was noted that a single dwelling would have relatively limited impact on highway infrastructure and with a footway or similar unfeasible. Therefore, it is considered difficult to see what a contribution would achieve.

### **Comments following receipt of revised site layout plan**

The revised submission (revised red line plan excluding the public highway) does not materially affect the layout of the scheme. As a result, the highway comments initially provided continue to apply.

## **5.6 MKC Flood and Water Management Officer (Lead Local Flood Authority ('the LLFA'))**

### **Initial comments**

Initial objection to the application based on the failure to provide infiltration testing and appropriate ground water clearance.

### **Revised comments:**

Following a review of the additional information provided, the LLFA have withdrawn their objection and recommend approval of the application subject to conditions relating to a surface water drainage strategy and details of surface water runoff.

## **5.7 MKC Landscape Architect**

The site falls within open countryside. However, it is considered that the proposal would be infill development given that land to the west was granted consent for 2 dwellings.

Concerns relate to the impact on (and proposed removal of) 5 mature trees, including Ash, which provide screening and boundary treatment between the site and the consented scheme. These trees could not be accommodated as a garden tree within the confines of the proposed plot and would therefore result in a loss in amenity and landscape character terms. However, it is recommended that a net gain in replacement tree stock is secured by a landscape scheme condition providing a mix of trees for biodiversity and as a biosecurity measure against future tree disease. It is also considered that additional replacement hedging is provided to the frontage of the site.

It is requested that a landscape scheme condition is attached if consent is granted with replacement planting details to include tree protection details and boundary treatment. The Landscape Architect also supports the recommendations of the ecology report and the implementation of these, secured by an appropriately worded condition.

#### 5.8 MKC Countryside Officer

It is recommended that the mitigation and enhancement features set out within the preliminary ecological appraisal (PEA) are included in the proposed development. It is recommended that all 'boxes' are of wood-crete or other long-lasting materials – not wood. The features should be built into the fabric of the building wherever possible. Detail should also be included of any proposed planting, which should also seek to enhance biodiversity

In relation to GCN, it is recommended that options are considered relating to further survey work, entry into the District Licensing Scheme or a non-licensed method statement.

#### 5.9 MKC Great Crested Newts (GCN) Licensing Officer

##### **Initial Comments:**

Recognises that there is a reasonable likelihood of GCNs being present and therefore affected by the proposed development. The site is within a Red Impact area for GCNs and is within 500m of ponds with connectivity to suitable sites.

The submitted ecological report highlights the site as providing suitable foraging, sheltering and hibernating habitat for GCN and details nearby ponds as having ratings of 'good' and 'excellent' habitat suitability and that the site has potential importance to GCN if they are present in the nearby ponds. The report details that the proposals are likely to result in GCN impact, and that licensing (including District Licensing) or further survey work is required.

It is therefore recommended that prior to determination the applicant demonstrate the presence or likely absence of GCN by way of a survey (and potential population assessments) undertaken by a suitably qualified ecologist.

##### **Revised comments:**

Further comments received upon consideration of documents demonstrating entry into the District Licence for GCN. The objection is withdrawn and it is recommended that any permission be conditional upon the 'conditions and informatives' as set out in the NatureSpace Certificate which should be applied.

#### 5.10 Representations from interested parties

2 comments have been received from 2 addresses. A third objector has formally requested their objection be withdrawn. The material planning considerations raised are summarised below:

- Lack of parking spaces in surrounding area;

- Insufficient land to the site;
- Proliferation of private dwellings in the lane with no need for more;
- Entrance to property would be blocked as no room available for visitor parking;
- Noise;
- Overlooking;
- Overshadowing;
- Disruption/damage to the open countryside, trees, hedgerow, and general aesthetics within the area;
- Existing sewage drainage outdated and inadequate for existing residents/properties, further development of new property would add to this. Sewage systems have backed and overflowed in homeowner gardens, creating a biohazard. Re-submitted planning does not address this;
- Cross End road infrastructure not suited to the existing level of traffic because of recent developments;
- Road widths in places under 3m, with HGVs causing damage to grass verges and front wall at 6-8 Cross End;
- Vans parked at the roadside, raise concern as to whether emergency vehicles could access all parts of Cross End in the event of an emergency;
- Already 7 new dwellings in hamlet, with a road infrastructure designed to accommodate far less. Increasing volumes of residential traffic, combined with consistently high levels of commercial traffic, on a single-track road, raises significant concern for the health and safety of residents and likelihood of road traffic accidents in the not-too-distant future; and
- Existing access unsuitable for heavy goods traffic required for the construction of property.

A number of other concerns have been raised which are not considered to be material planning considerations, and therefore cannot be taking into account in the determination of the application. These relate to:

- Large potholes have rendered road almost undrivable, and recent repairs have been damaged. The issue will be compounded with the introduction of further development; and
- Developer building another development in the immediate vicinity creating an eye sore, and the potential for this to happen at site.

## **6.0 Relevant policies, guidance and legislation**

### The Development Plan

#### 6.1 Wavendon Neighbourhood Plan ('the NP')

The application site is located within the designated area for the Wavendon NP. No draft document or policies have been publicly consulted on at this stage and the plan has not been submitted to the Council for examination. In light of this, no weight can be afforded to the emerging NP in the determination of this application.

6.2 Plan:MK (adopted March 2019):

- DS1 - Settlement Hierarchy
- DS2 - Housing Strategy
- DS5 - Open Countryside
- HE1 - Heritage and Development
- HN4 - Amenity, accessibility and adaptability of homes
- CT1 - Sustainable Transport Network
- CT2 - Movement and Access
- CT3 - Walking and Cycling
- CT6- Low Emission Vehicle
- CT9 - Digital Communications
- CT10 - Parking Provision
- FR1 - Sustainable Drainage Systems and Integrated Flood Risk Management
- NE1 - Protected Species
- NE2 - Protected Species and Priority Species and Habitats
- NE3 - Biodiversity and Geological Enhancement
- NE5 - Conserving and Enhancing Landscape Character
- D1 - Designing a high quality place
- D2 - Creating a positive character
- D3 - Design of Buildings
- D5 - Amenity and Street Scene
- SC1 - Sustainable Construction

Supplementary Planning Documents/Guidance (SPDs/SPG)

6.3 The following topic-based SPDs/SPGs are relevant:

- Biodiversity SPD (2021)
- Parking Standards SPD (2016)
- New Residential Design Guide SPD (2012)
- Sustainable Construction Guide SPD (2007)
- Milton Keynes Drainage Strategy - Development and Flood Risk SPG (2004)

National planning policy and guidance

6.4 National Planning Policy Framework (2021) (NPPF):

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 10 - Supporting high quality communications infrastructure
- 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 environmental

6.5 In addition, national Planning Practice Guidance ('the PPG') is also a material consideration.

#### Emerging Policy

6.6 The following emerging SPD is relevant:

- Sustainable Construction SPD (draft version) (2020)

The SPD can be afforded significant weight as it is in the latter stages of being adopted, and highly likely to be adopted before a decision is issued on this application.

### **7.0 Planning considerations**

7.1 Taking account of the application type, the documents submitted (and supplemented and/or amended where relevant), the site and its environs, and the representations received; the main considerations central to the determination of this application are:

- Principle of development;
- Design and impact on character and appearance of the area;
- Residential amenity and living conditions;
- Parking and highway safety implications;
- Landscape and visual impact;
- Impact on significance of heritage assets;
- Ecological impact and biodiversity gain;
- Drainage and flood risk; and
- Digital communications and sustainable construction;

### **8.0 Appraisal**

#### Principle of development

8.1 The site lies outside of the settlement boundary of Wavendon and on land designated under Plan:MK as open countryside. Plan:MK policies DS1 (Settlement Hierarchy) and DS2 (Housing Strategy) seek to ensure that the provision of new homes takes account of the settlement hierarchy. Within rural areas, this should be within the existing villages and defined settlement boundaries. Plan:MK Policy DS5 seeks to resist development within the open countryside unless it is essential for agriculture, forestry, countryside recreation, highway infrastructure, or other development wholly appropriate to a rural area, and which cannot be located within a settlement, or where other Plan policies indicate development would be appropriate. However, new dwellings which are of an exceptional quality or innovative nature of design may be accepted where they comply with the requirements of the NPPF, alongside dwellings deemed as an essential need for a rural worker (paras 78-80).

8.2 The proposal does not explicitly require a countryside location and could be located within the settlement boundary. Further, the proposal would not be a rural worker dwelling or of exceptional quality and innovative design. The development would therefore conflict with

Policy DS5 in this regard and would not satisfy any of the exceptions under which planning permission in the open countryside could normally be granted.

- 8.3 The purpose of the aforementioned policies is to protect the open countryside that surrounds Milton Keynes from inappropriate development where it would have a detrimental impact on the open character of the countryside. However, 38(6) of the Planning and Compulsory Purchase Act 2004, requires that a determination made under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. As such, each case should be assessed on its own merits, assessing the level of harm from the proposed development. Therefore, the assessment in line with material considerations can allow for sensible and justified deviations from the Development Plan where appropriate.
- 8.4 In this case, the site is located amongst a number of residential dwellings which all fall within the Open Countryside. These properties form part of a small hamlet located 0.5km to the north of Woburn Sands settlement boundary and 0.35km to the east of the Wavendon settlement boundary. To the west of this hamlet and sandwiched between it and Wavendon is open countryside, unobstructed by development and is considered to make a meaningful contribution to the rural character of the area.
- 8.5 The site itself, however, is separated from this intervening area by two new dwellings, lying directly to the west, approved under permission ref. 18/02696/FUL. This site forms a physical buffer between the site and wider countryside. In this regard, the site is not viewed in the context of being open countryside. The proposal would represent an infilling of a small gap between existing development and would not intrude into open land and result in demonstrable harm to the open character of the countryside.
- 8.6 From a site visit and aerial photography it is indicated that the site is partially used as a parking area. The enclosure of the site is also considered to create a perception of private ownership, reducing its contribution to the open countryside even further. The site is therefore considered to be further limited in terms of its contribution to the character of the area.
- 8.7 Furthermore, being located amongst a number of existing residential dwellings and within walking distance of local services and public transport, the development would not present an isolated dwelling, which the NPPF seeks to resist in rural areas. The development would also respect the existing building line of residential dwellings and would thereby respect the linear form and established layout of the hamlet. To this regard it is not considered that the development would cause material harm to the appearance of the area, including the open character of the countryside and the benefits it provides.
- 8.8 It is recognised that the development would present a departure from the usual presumption of the development plan. However, due to the site-specific circumstances and the infill nature of the development, it is considered in this instance that the development would not result in material harm to the open countryside, and in turn result in only limited harm to Plan:MK Policies DS1, DS2 and DS5 which would be outweighed by the social and economic gains of the proposed development.

### Design and impact on character and appearance of surrounding area

- 8.9 Plan:MK Policies D1, D2 and D3 collectively seek to ensure that new development will respond positively to site and context and the continuity of street frontage, incorporate soft and hard landscaping to reflect the character of the surrounding area, exhibit a positive character and sense of space that is locally inspired where appropriate but which allows for visual interest and distinctiveness and is of an appropriate scale in relation to other buildings in the immediate vicinity in terms of height and mass. Further, that the form, rhythm and façade elements of new development is carefully designed to create character employing high quality and durable materials and is not over-bearing. These sentiments are reflected in further detail in the adopted Residential Design Guide SPD which provides further detail in relation to these matters.
- 8.10 In addition, Plan:MK Policy NE5 seeks to ensure that new development within open countryside is undertaken in manner that respects the particular character of the surrounding landscape.
- 8.11 In terms of the physical design of the proposed dwelling, this would reflect the design principles of the adjacent approved dwelling, being of two-storey scale with a pitched roof and rear projection. This would also mimic the feature gabled front porch projecting from this elevation. The dwelling would be finished in red brick with black headers and stone cills and a slate roof covering, and would be of similar proportions to the approved dwelling, orientated towards the northern access but set slightly forward of the building line of No. 4b
- 8.12 The design of the dwelling would be in keeping with more recent development within the immediate vicinity of the site and would respond to the red brick of the earlier dwelling houses at Cross End. To this regard the development would respect the character of the built environment and present a sympathetic design approach that would not be at odds with the existing built form.
- 8.13 The site is enclosed by a significant hedgerow and the predominate view of the site from the roadside is of the gravelled surface in proximity to the site boundary. The boundary treatment to the site would largely be retained with new areas of tree and hedgerow planting to the frontage. This would assist in softening the appearance of the dwelling over time. The property would also be set back from the road frontage, helping to reduce its dominance.
- 8.14 The dwelling would maintain a good separation from the existing built form ensuring a sense of spaciousness is retained about the site, helping with views across the plot to the open countryside beyond, and with this in mind and the soft landscaping to be secured by condition, the impact in this regard is felt to be acceptable.
- 8.15 The proposed development is therefore considered to be in conformity with Policy D1, D2 and D3 of Plan:MK.

### Residential amenity and living conditions

- 8.16 Plan:MK Policy HN4 requires that new dwellings meet the Nationally Described Space Standard (NDSS) unless robustly demonstrated to not be feasible. Further, all new dwellings should

demonstrate good internal and external design that can accommodate different lifestyles and needs and be capable of adaption and extension to accommodate changing household needs.

- 8.17 Plan:MK Policy D5 sets specific requirements in terms of new dwellings to ensure levels of sunlight and daylight are acceptable, external private garden space meets the needs of its users, loss of privacy and overlooking are limited to new and existing living spaces and outlook and visual amenity within buildings and private gardens is acceptable.
- 8.18 In addition, the Residential Design Guide requires that provision should be made for private gardens with a minimum of 10 metres in depth for family housing. The guidance also sets out the required separation distances between dwellings in order to ensure development proposals will not adversely affect the amenity of nearby residents. This recommends a back to back privacy distance of 22 metres from first floor level or 13.7 metres rear to flank in order to avoid overlooking for existing homes.
- 8.19 With regards to the living environment created for future occupiers of the proposed development, the new dwelling would exceed the prescribed internal space standards for a four-bedroom, 8-person dwelling. Similarly, sufficient space would be provided within and around the property to ensure it could be easily adapted to meet the future needs of occupiers. Furthermore, the rear garden area would achieve the 10m depth at its deepest point as required by the SPD. It is also a relatively wide plot, meaning that a sizeable private rear garden would be provided for the dwelling. The layout and orientation of the dwelling would also ensure sufficient levels of privacy are achieved.
- 8.20 In terms of the impact of the development on nearby residential amenity, the proposed dwelling would have a flank to flank separation distance of approximately 17.5m from No. 4b Manor Place which lies to the west of the development. Whilst the Residential Design Guide SPD does not specify flank to flank distances, given that this property has one habitable facing window within the first floor flank elevation which serves a bedroom, the rear to flank separation distance of 13.7 metres is applicable, and it is achieved.
- 8.21 The proposed first floor flank bedroom window has been set back from the flank bedroom window of No. 4b and therefore avoids any direct overlooking implications, including any significant views into the rear garden of that neighbouring property. In addition, the proposed dwelling has been 'set-in' in proximity to this window, achieving a 17.5m separation distance. To this regard, due to the offset relationship and separation distance maintained, it is not considered there would be any material harm relating to loss of privacy or loss to outlook. As a result of the oblique relationship between the two bedroom windows, it is not felt reasonable or necessary to require the first floor bedroom window of the development to be obscure glazed. The private amenity space to No. 4b lies to the rear of the dwelling and would also be adequately screened by the existing boundary treatment and the detached garage to this property.
- 8.22 The development would also be sited to the rear of Nos 6 and 8 Cross End which lie to the east. The dwelling would be set back from the rear projecting element of No. 6 so as to not impede on the upper floor window or have a direct visual impact. A separation distance of 30m would be achieved from the rear elevation of this dwelling. The bulk of the built form of the dwelling would also be stepped in at its point closest to No 8, maintaining a distance of approximately

25m. As the proposed development would incorporate first floor windows within the flank elevation and facing towards rear habitable room windows of neighbouring dwellings, the back to back separation distance of 22m as set out in the SPD is considered to be appropriate. The development would achieve this distance in relation to both properties, and it is not considered necessary to require that the facing flank windows are obscurely glazed. Furthermore, these windows would not serve habitable living areas. The dwelling would also be partly screened by the existing detached garage located to the rear of No. 6 Cross End and the existing hedgerow along the eastern boundary which would screen views to the residential amenity areas of these properties.

- 8.23 Whist it is noted that ground levels of the site raise to the south, ground levels across 6-8 Cross Lane vary across the length of the site with the ground level at No.6 being split level and also rising in part. As a result, the development would not sit significantly above the ground levels of these properties, however a condition for the submission of levels is suggested. As such, officers consider that the proposal would not result in significant loss of privacy/overlooking or harm to outlook currently enjoyed by the occupants of those neighbouring properties.
- 8.24 In light of the above considerations, the proposal would not result in significant intrusion, overlooking or loss of privacy to the nearby occupiers. Acceptable standards of internal and external amenity would also be achieved for future occupiers. The proposed development is therefore considered to accord with the relevant policies of Plan:MK and the New Residential Design Guide.

Parking and highway safety implications

- 8.25 Plan:MK Policy CT10 requires that all development proposals meet the Council's parking standards unless mitigating circumstances dictate otherwise, and that on-site parking should not be reduced below the full expectations if the proposal would increase the pressure of off-site parking.
- 8.26 Part of the site currently serves an informal gravel parking area associated with No. 6 Cross End, adjoining the double garage and formal paved parking area for the dwelling. The area of paving for 2 allocated parking spaces (sufficient for the existing 3-bedroom dwelling) and double garage remain as part of the application, as these are located outside of the red line site boundary. The parking requirements for the proposed dwelling are shown below:

		Parking Standards – Zone 4			
		Required		Provided	
House Type	No of units	Allocated	Unallocated	Allocated	Unallocated
4-bed house	1	3 spaces	0.33 spaces	3 space	0 spaces
	<b>Site Total</b>	<b>3.33 spaces required</b>		<b>3 space provided</b>	

- 8.27 The site is located within Zone 4 where 3 parking spaces are required for 4-bedroom dwellings, plus 0.33 unallocated. The proposed plans show there would be a total of three allocated

parking spaces within the site boundary with an attached garage. Whilst no formal unallocated parking provision is shown on the plans, MKC Highways consider there to be adequate space on plot for the parking of visitors which would meet the unallocated requirements. Furthermore, MKC Highways consider that it is not usual or practical to request on-street unallocated parking provision for developments of single dwellings. The area of paved parking associated with No. 6 Cross End will remain as part of the application which provides 2 allocated parking spaces, sufficient for the existing 3 bedroom dwelling in line with the Parking Standards.

- 8.28 Policy CT6 requires all new residential dwellings to provide one Electric Vehicle (EV) Charging Point per unit. An EV charging point is not indicated on the proposal plans and as such can be secured via condition, therefore according with Policy CT6 of Plan:MK.
- 8.29 Policy CT2 of Plan:MK seeks to ensure that development proposals provide safe, suitable and convenient access for all potential users which does not compromise the safety of the surrounding highway network.
- 8.30 The proposed access to the site would be from the branch road to the north of the site and directly to the frontage of the dwelling. Provision would be made within the site frontage for turning of vehicles and for egress in forward gear.
- 8.31 MKC Highways have reviewed the proposals and it has been indicated that the conclusions drawn within the submitted Transport Notes relating to accessibility by non-car modes are not agreed, given the relatively isolated location with no footways, cycle provision or bus services and lack of local facilities. However, the development is for one additional dwelling that would not have a significant unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe under paragraph 111 of the NPPF. Therefore, there is no objection on the basis that there would be limited additional impact arising from the construction and occupation of a further single dwelling when considering the existing residential development within the vicinity of the site.
- 8.32 It is noted that the approved development to the west of the site was subject to a highway infrastructure contribution to facilitate road improvements. This development relates to a single dwelling which would have a relatively limited impact on highway infrastructure. Given that a footway could not be constructed to the site, MKC Highways do not consider a financial contribution to be necessary in this instance. Officers also draw Members' attention to the fact the contributions secured for those adjacent dwellings was for a directly funded project for highways improvements in Cross End. It would therefore be unreasonable to request such funds again here, although the proposed development would indirectly benefit from the improvements.
- 8.33 Conditions are recommended requiring that the vehicular access is laid out in accordance with the approved drawing and that further details are submitted relating to bicycle parking.
- 8.34 In this regard, subject to the conditions set out above, the proposed development is considered to comply with Policy CT2, CT6 and CT10 of Plan:MK.

### Landscape and visual impact

- 8.35 Plan:MK Policies D1 and D2 require that development proposals provide hard and soft landscaping and boundary treatments that continues the verdant and green character of their surroundings and integrate with and enhance the surrounding area, exhibiting a positive character or sense of place.
- 8.36 In terms of boundary treatment and landscaping, the site would be partially enclosed to the frontage by a post and rail fence with hedgerow directly behind, and dwarf Cherry Trees to either side of the vehicular entrance. Dwarf Cherry Trees would also be planted within the rear amenity space with hedgerow planting along the shared boundary with No 6 Cross End. The existing hedgerow to the site would be retained along the western, southern and part of the eastern site boundaries. A fairly large area of hardstanding would cover much of the frontage of the site surrounded by grass, with an enclosed grassed private garden amenity area to the rear.
- 8.37 The proposals have been reviewed by the Council's Landscape Architect who has raised concerns regarding the proposed removal of 5 mature trees, including an Ash Tree located between the site and the dwellings to the west. As these trees cannot be accommodated as garden trees within the confines of the proposed plot, it is considered that this will result in loss in amenity and landscape character terms. Informal comments were sought from the Council's Arboricultural Officer for which it was deemed that the loss of the trees would impact on the amenity of the area given the mature nature of the trees. However, the site is not within a Conservation Area and the trees are not subject to a Tree Preservation Order (TPO). As such, whilst the six small cherry trees proposed are not sufficient to atone for the loss of the semi-mature Ash trees, an amended planting plan for the inclusion of some native trees, such as Maple or Birch with sufficient space to attain their mature size, should be conditioned. It has therefore been advised that a net gain in replacement tree stock is secured by a landscaping scheme providing a mix of trees for biodiversity and as a biosecurity measure against future tree disease.
- 8.38 Concerns have also been raised in relation to the loss of the frontage hedgerow with the proposed replacement hedging felt to be insufficient. To this regard the landscaping condition would also address the need for further hedgerow planting to the site.
- 8.39 Whilst the proposal would result in a fairly significant area of hard landscaping to the frontage of the site, it is noted that the site is directly adjacent to a substantial paved access to an existing detached garage, with the site itself having a large area of hard-standing currently utilised for parking. To this regard, the hard landscaping proposed would not be out of keeping with the existing characteristics of the immediate area. Hard landscaping to the property frontage is also found in relation to other properties within the immediate vicinity of the site. The impact of this would also be further mitigated by the proposed boundary treatment and additional planting secured by way of the aforementioned condition.
- 8.40 In light of the above, the landscaping impacts are considered to be acceptable subject to a landscaping condition to secure mitigation against losses and would thereby be in conformity with Plan:MK Policies D1 and D2.

### Impact on significance of heritage assets

- 8.41 Plan:MK Policy HE1 seeks to ensure that proposals will sustain and where possible enhance the significance of heritage assets of recognised historic, archaeological, architectural significance incorporating listed buildings and conservation areas. Furthermore, the Council has a statutory duty to pay 'special attention' to the desirability of preserving and enhancing the character, appearance and setting of Listed Buildings under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.42 As previously set out, the site is located approximately from 40 metres from Grade II Listed Wavendon Cottage and 94 metres to the north of Wavendon Manor as such it has potential to cause harm to the setting of these designated heritage assets.
- 8.43 The development site is however considered to be visibility separated from these buildings as a result of its boundary treatment and the boundaries of these properties, and therefore has limited if any impact on the setting of these heritage assets. Given the location of the site on the south side of the road, with No. 4a and 4b in between the site and the listed dwellings, the harm to the setting of the listed building would be considered very minor. The site is not associated as part of the listed curtilage, and given the visible separation as detailed above the development does not therefore impact upon the significance of the heritage assets. The proposal would result in a single dwelling which would respect the established layout and detailing of the existing residential development already within the setting of the listed buildings. It is not therefore felt to result in a significant alteration to the established character of the area to such a degree that would cause material harm to the existing setting of the heritage assets. In addition, the public benefits of the additional dwelling would be considered to offset the very minor harm to the heritage asset.
- 8.44 It is noted that in consideration of the proposed development to the neighbouring site to the west, and in closer proximity to both these assets, the Council's Conservation Officer is in agreement that the proposal would not be considered to result in an adverse impact on the setting of Wavendon Cottage. This was as a result of the materials and scale of the development along with the boundary treatment. With the site seeking to replicate the detailed design of Plot 1 of this development in terms of its general scale, detail and materials, and maintain the existing hedgerow to much of the site boundary along with supplementary tree planting; it is not considered that harm would be caused in this regard.
- 8.45 In light of the above the impact of the development on the significance of the nearby heritage assets is felt to be acceptable and in accordance with Policy HE1 of Plan:MK.

### Ecological impact and biodiversity gain

- 8.46 Plan:MK Policies NE2 and NE3 collectively seek to ensure that where there is a reasonable likelihood of the presence of statutorily protected species or their habitats, development will not be permitted unless it has been demonstrated that the development would not result in a negative impact upon those species and habitats and require that development should promote their preservation, restoration, expansion or recreation. Furthermore, Plan:MK Policy NE3 seeks to ensure that development proposals maintain and protect biodiversity and geological resources and wherever possible, result in a measurable net gain in biodiversity.

- 8.47 In terms of the impact on identified protected species, the application is supported by a Preliminary Ecological Appraisal (PEA) which identifies that the rough grass land and hedgerow habitats within the site offer suitable foraging for GCNs. To this regard, the PEA recommends that in order to establish the presence of GCNs, further surveys are required or an application should be made for a district license.
- 8.48 The findings of the PEA have been reviewed by the Council's GCN Licensing Officer who raised an initial objection to the application requiring that, prior to determination, further surveys were undertaken to establish whether GCNs are present on the site or the District License Scheme should be applied to.
- 8.49 The applicant provided further documentation to demonstrate entry into the District Licensing Scheme. In light of the additional information, the GCN Licensing Officer has withdrawn their initial objection and recommended that the conditions and recommendations required by the License are applied to any approval.
- 8.50 Regarding biodiversity gain, the PEA outlines a range of mitigation and enhancement features that should be included in the proposed development. The document has been reviewed by the Council's Ecologist who has requested that a Landscape and Ecology Management Plan (LEMP) is secured by condition to provide further detail in relation to the establishment and long-term management of retained and newly created habitats, so to maximise benefits for wildlife. It is also recommended that an Ecological Enhancement Plan is provided setting out the number, type and position of enhancement measures.
- 8.51 In light of the above, the application is considered to sufficiently demonstrate that the development would not have a negative impact on a protected species, subject to conditions. The application would thereby be conformity with the aforementioned Plan:MK Policies.

#### Drainage and flood risk

- 8.52 Plan:MK Policies FR1 and FR2 require that all new developments incorporate a surface water drainage system with acceptable flood control and ensure demonstrable water supply, foul sewage and sewage treatment capacity. Further that new development should incorporate Sustainable Drainage Systems (SuDS) in line with national policy and guidance.
- 8.53 Whilst the applicant originally provided a surface water and SuDS drainage layout, infiltration calculations and soakaway calculations, the Lead Local Flood Authority (LLFA) raised an initial objection on the basis of the quality of the information provided and the failure to demonstrate that infiltration testing had been carried out.
- 8.54 The application is now supported by a drainage report, percolation testing and infiltration testing. This further detail has been reviewed by the LLFA who has withdrawn their objection on the basis that surface water can be managed using permeable paving and a cellular soakaway. Foul water drainage capacity is handled under other legislation and a right to connect exists under s106 of the Water Industry Act. A number of conditions have been recommended relating to a surface water strategy scheme, long term maintenance of surface water drainage and surface water runoff.

- 8.55 Subject to the aforementioned conditions, the application is considered to meet the requirements of the aforementioned Plan:MK Policies and to demonstrate that the development would have a surface water drainage system with acceptable flood control and that SuDS will be provided to the site that would comply with national requirements.

#### Sustainable construction and digital communication

- 8.56 Plan:MK Policy CT9 seeks to ensure that all new developments are served by digital communication services that provide at least superfast broadband speeds and give preference to future proofing services. Developers must therefore ensure that broadband services are available, wherever practical, to all residents of the development along with other forms of infrastructure to support mobile phones and wi-fi.
- 8.57 Concern was raised in relation to the previous application in relation to the inability to support the provision of superfast broadband. A check of the relevant records indicated that superfast broadband was currently unavailable in and around the site location and, to this regard, a condition would need to be attached requiring that the developer commits to installing a fibre network to facilitate superfast broadband at the site address.
- 8.58 In addition, Policy SC1 seeks to ensure that development proposals provide resilience to the impacts of climate change and support the delivery of renewable and low carbon energy. The emerging Sustainable Construction SPD can be afforded significant weight in the consideration of this application, as it is in the latter stages of being adopted. The SPD provides further details in support of Policy SC1. No information has been submitted regarding sustainable construction methods. It is considered that, securing these details by condition would be appropriate.

## **9.0 Conclusions**

- 9.1 The proposed development would present development within the open countryside and is therefore in conflict with Policy DS5. However, due to the in-fill nature of the development site and the very limited contribution it makes to the wider character of the area – it being largely surrounded by existing residential development, it is not considered that the proposal would be harmful to the character of the countryside. Furthermore, it would be difficult to argue that the site is 'isolated' given it would provide a dwelling amongst others and it is a relatively short distance from other settlements and services. With the harm is therefore very limited, with the policy conflict largely 'on paper', a departure from Plan:MK policy DS5 is considered to be justified in this case.
- 9.2 The proposed development would be acceptable in terms of its design, highway and parking and drainage and flood risk implications. It would also not result in harm to a protected species and would have an acceptable biodiversity impact subject to the recommended conditions. It is thereby recommended that permission is granted.
- 9.3 None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations are recommended where meeting the tests for their imposition.

- 9.4 Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change and human rights legislation (including 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).

## 10.0 Conditions

1. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990:

Plans received 07/10/2021:

3120-L1E - Location Plan  
3120-L4C - Existing Site Plan  
3120-L2J - Block Plan  
3120-L3F - Site Plan  
3120-L5C - Graining Plan

Received 18/06/2021

3120-P01F - Proposed Plans  
3120-P02F - Proposed Elevations  
3120-S1 - Topo Survey

Reason: For the avoidance of doubt and in the interests of securing sustainable development.

2. 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(s) 73 and 91 of the Town and Country Planning Act 1990 / section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. The development hereby approved shall be carried out in accordance with the materials specified on the approved plans.

Reason: To ensure that the new work complements the existing building and to ensure the development does not detract from the character and appearance of the area in accordance with Policies D1, D2, D3, D5 and SD1 of Plan:MK

4. All mitigation and compensation recommendations set out in Preliminary Ecological Appraisal; dated January 2021; shall be implemented at the appropriate stage of the development and no later than one year after the final occupation of the development.

Reason: To maintain and enhance local biodiversity and ecology in accordance with Policy NE3 of Plan:MK (2019).

5. Notwithstanding the approved drawings, no development shall take place above slab level until full details of both hard and soft landscape works, tree protection details and boundary treatments have been submitted to and approved in writing by the local planning authority. Soft landscape works shall include planting plans at a minimum scale of 1:200 with schedules of plants noting species, supply sizes and proposed densities; and a tree planting details drawing. The planting plans shall include existing trees and/or hedgerows to be retained and/or removed accurately shown with root protection areas; existing and proposed finished levels and contours; visibility splays; proposed and existing functional services above and below ground. All hard and soft landscape works shall be carried out in accordance with the approved details and prior to the first occupation of the building(s) or the completion of the development whichever is the sooner. 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. Thereafter the hard and soft landscape works shall be maintained and retained in situ.

Reason: To protect the appearance and character of the area and to minimise the effect of development on the area in accordance with Policies D1 and D2 of Plan:MK (2019).

6. Full details of replacement tree planting to be carried out in accordance with BS 8545: 2014 are to be submitted for approval and which should include full details of tree sizes, species, planting locations, planting spacings, pre-planting ground preparations, planting method and long term maintenance. Also where appropriate details of root deflection barriers and permanent protective measures against soil compaction, vehicle impact, de-icing salt etc. Particular attention should be paid to ensuring the trees are planted in a sufficient quantity of high quality growing medium, to ensure their quick establishment and the early provision of maximum benefit to the locality. Any trees failing to thrive within five years of planting to be replaced in accordance with the original planting specification.

7. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR25-2020-1) and with the proposals detailed on plan 'Land to the rear of Forge Cottage: Impact Plan for great crested newt district licensing (Version 2)' dated 19th August 2021.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR25-2020-1.

8. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR25-2020-1), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence.
9. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

10. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR25-2020-1 and in addition in compliance with the following:
  - a) Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
  - b) Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
  - c) Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately mitigate impacts on great crested newts.

11. Prior to the commencement of the development, the new means of vehicular 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: To minimise danger, obstruction and inconvenience to users of the highway and of the access.

12. Notwithstanding the information provided with the application, prior to occupation of the development full details of the proposed bicycle parking shall be submitted in writing to the Local Planning Authority for their approval. The approved development retained in perpetuity for the lifetime of the development hereby approved.

Reason: To ensure that adequate cycle parking facilities are provided to serve the development.

13. No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Drainage Report prepared by Abington Consulting Engineers dated 9th June 2021 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall

subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

14. Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.

15. No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

16. Prior to the commencement of development above slab level, a sustainable construction strategy demonstrating how the development will accord with the principle as set out in Policy SC1 shall be submitted to and approved in writing by the Local Planning Authority, the development shall be carried out in accordance with these details.

Reason: To accord with Policy SC1 of Plan:MK (2019).

17. Prior to occupation of the development hereby approved the applicant/developer shall ensure digital communications services providing at least superfast broadband speeds are installed in or around the development site to serve the occupiers of the development.

Reason: to accord with Policy CT9 of Plan:MK (2019)

18. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted in writing to the Local Planning Authority for their approval. The CEMP shall include site procedures to be adopted during the course of construction including:
  - routes for construction traffic

- Method of prevention of mud being carried onto the highway
- location of site compound
- loading and unloading of plant and materials
- the erection and maintenance of security fencing/hoardings and lighting
- proposed temporary traffic restrictions
- parking of vehicles of site operatives and visitors

The development shall be carried out in full accordance with the approved CEMP.

Reason: To ensure there are adequate mitigation measures in place, in the interests of highway and pedestrian safety and in order to protect the amenities of existing and future residents.

19. No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been constructed, surfaced and permanently marked out. The car parking area 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 in accordance with Policies SD1, D1 and CT10 of Plan:MK (2019).

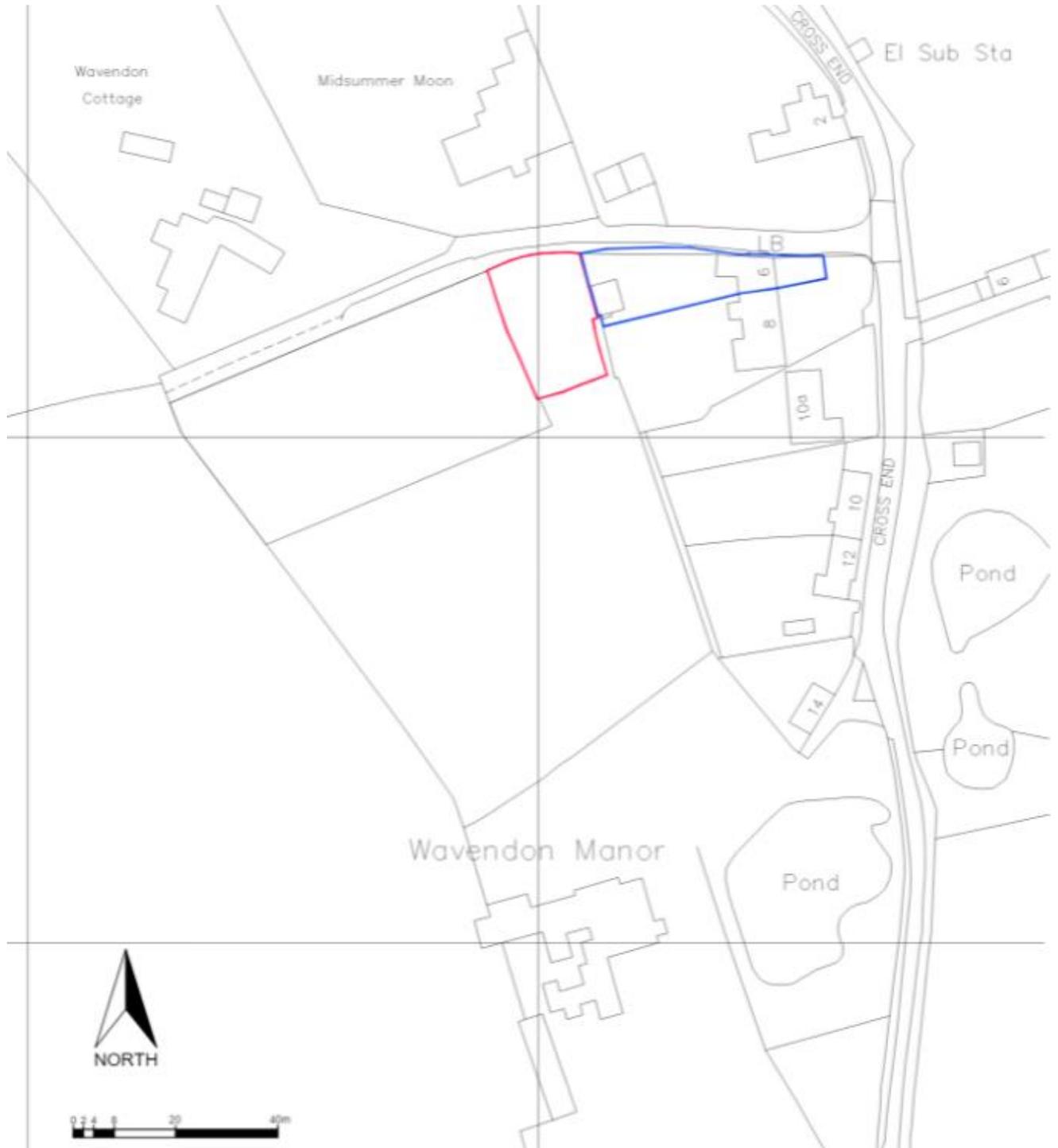
20. Prior to the first occupation of the development hereby permitted, details of the Electric Vehicle Charging Spaces (at a minimum of 1 space per dwelling) shall be submitted to and approved in writing by the Local Planning Authority, these details shall be implemented prior to first occupation and retained thereafter.

Reason: To provide suitable Electric Vehicle Charging Spaces in accordance with Policy CT6 of Plan:MK (2019).

21. No development shall take place above slab level until details of the proposed finished floor levels of all buildings and the finished ground levels of the site, in relation to existing site levels of surrounding property, has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved levels.

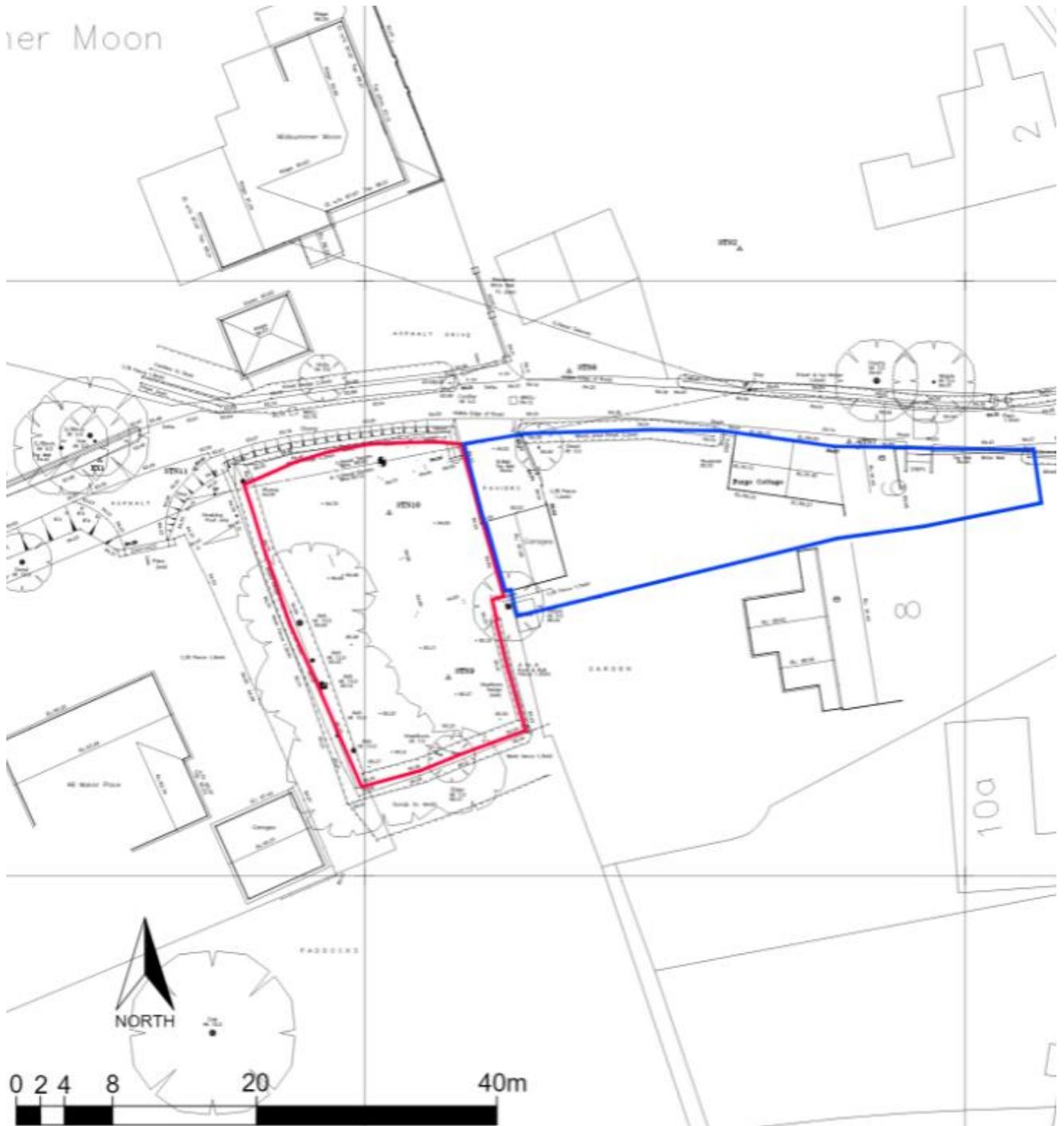
Reason: To ensure that construction is carried out at suitable levels having regard to drainage, access, the appearance of the development and the amenities of neighbouring properties in accordance with Policies D3 and D5 of Milton Keynes' adopted Plan:MK (2019).

# Site location plan

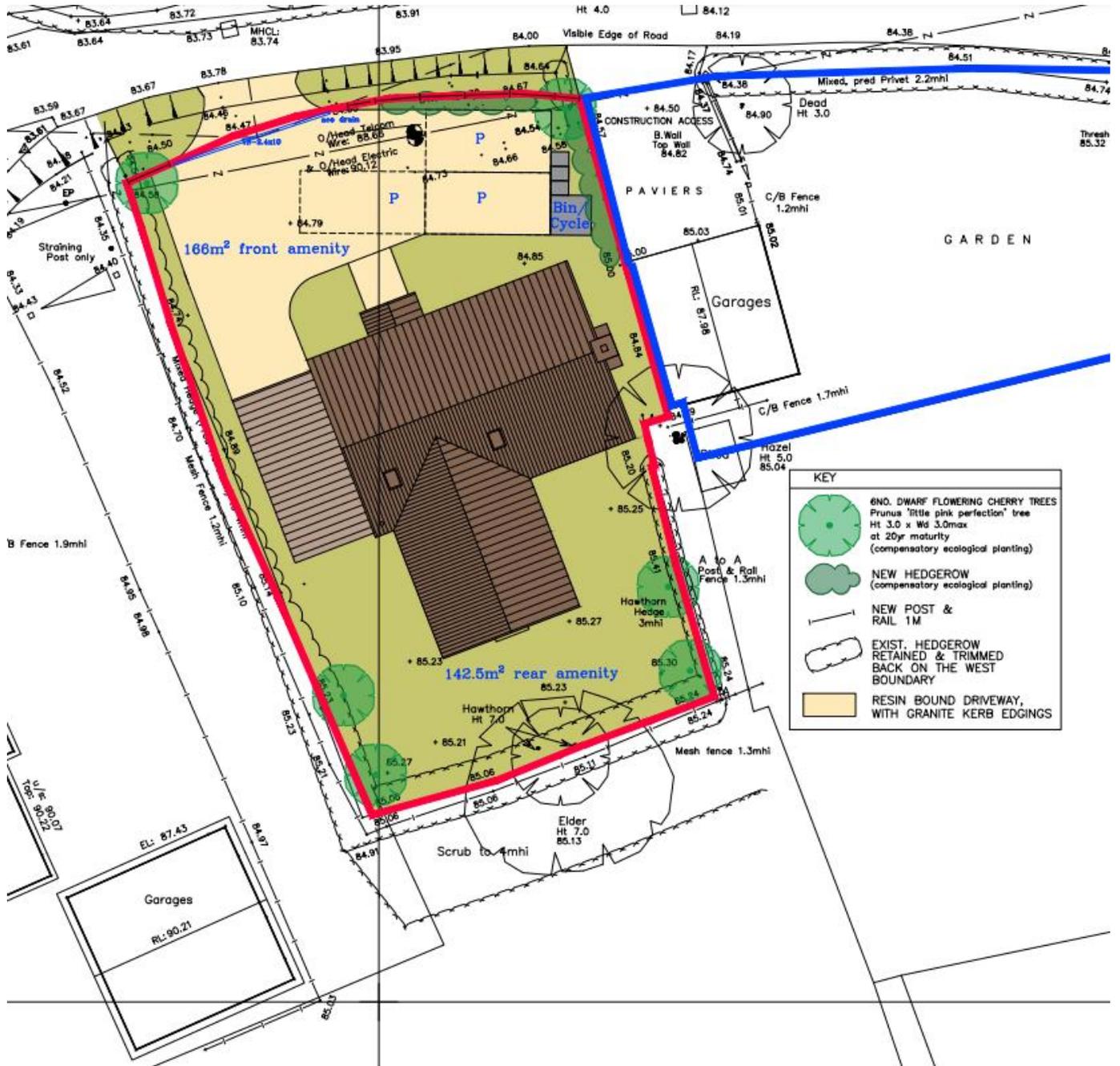


**Existing layout**

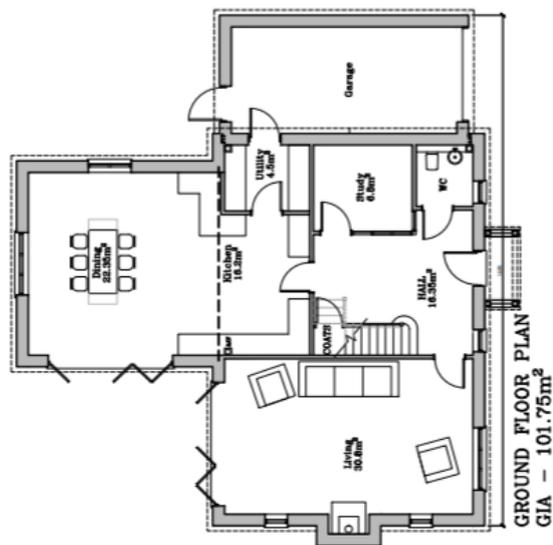
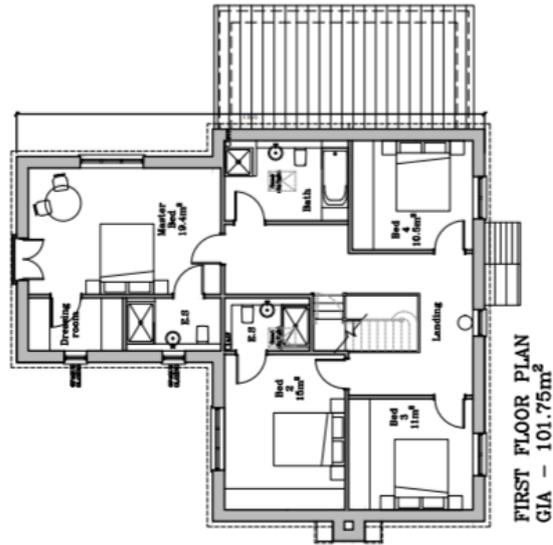
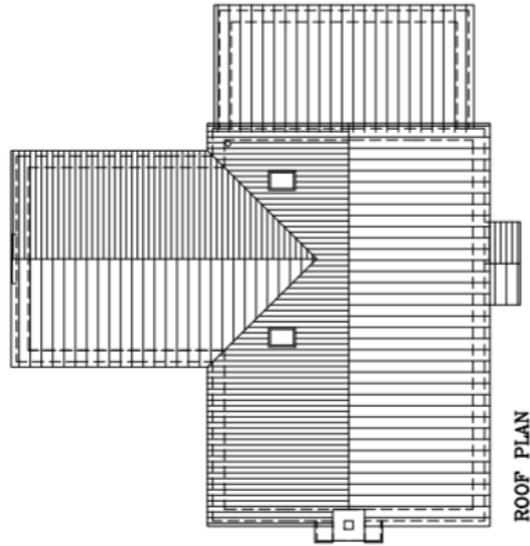
er Moon

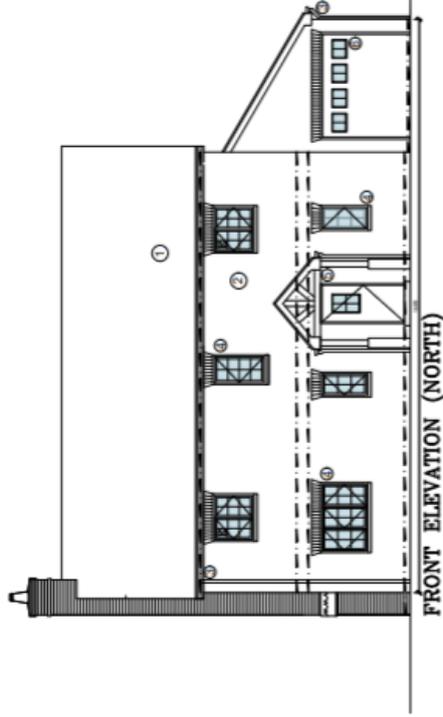


# Proposed layout

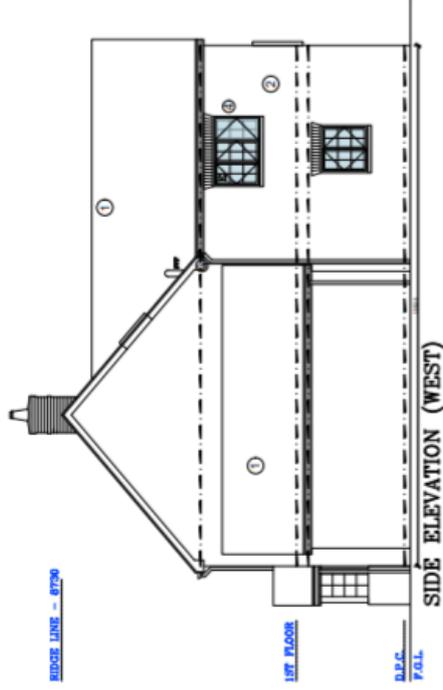


# Proposed plans and elevations



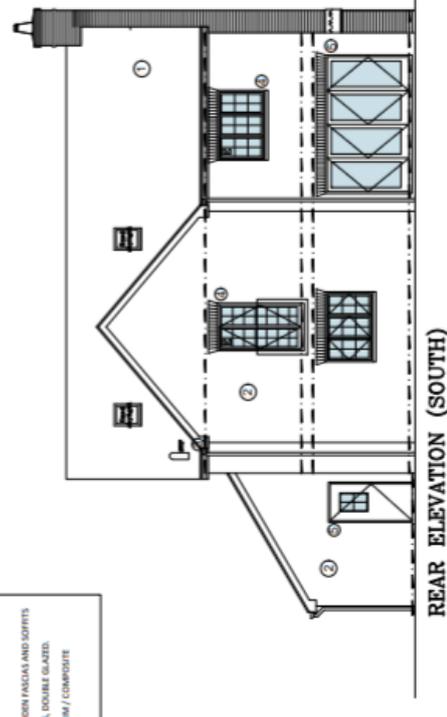


FRONT ELEVATION (NORTH)

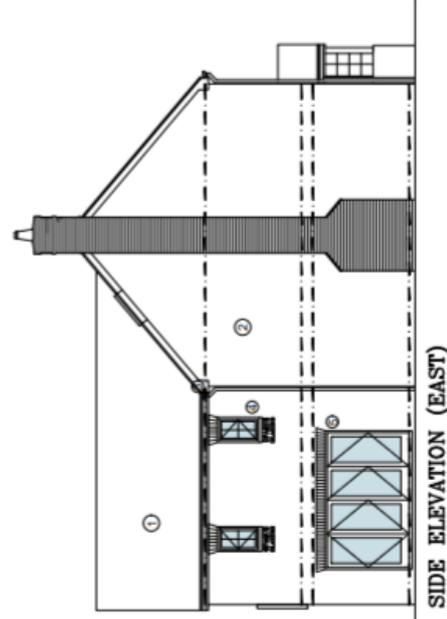


SIDE ELEVATION (WEST)

- ① ROOF - SLATE
- ② WALLS - RED BRICK WITH BLACK HEADERS & STONE CILLS
- ③ RAINWATER GOODS - BLACK PLASTIC - ROUND OR BLACK WOODEN FASCIA AND SOFFITS
- ④ WINDOWS - OFF WHITE, WOOD FILLED EFFECT UPVC WINDOWS, DOUBLE GLAZED.
- ⑤ BI-FOLD DOORS (EXTERNAL DOORS) - OFF WHITE, ALUMINIUM / COMPOSITE
- ⑥ GARAGE DOOR - OFF WHITE, U.S.



REAR ELEVATION (SOUTH)



SIDE ELEVATION (EAST)



## **Annex**

### **A1.0 Consultations and representations**

The following paragraphs present the original text of responses and representations made by consultees.

#### **A1.1 Wavendon Parish Council**

##### **Initial comments received**

“I have been asked to write to you on the above mentioned planning application.

The Parish Council are concerned as to the impact of this development on neighbouring properties and would ask that the views of neighbours are seriously considered prior to deciding on this application”

#### **A1.2 MKC Highways**

##### **Initial comments received**

“This application is a resubmission of application 20/03392/FUL for which highway comments were provided in March 2021. Those comments provide a context for the lack of a highway objection to this application and are reproduced below for reference.

The information accompanying this application has been reviewed (the two Transport Notes) and although not all of the conclusions reached are accepted, the reports are noted.

The proposals include unsecure, open cycle parking in the form a Sheffield-type stand. This is not acceptable for residential parking and a secure, covered cycle shelter is required. This can be covered by condition.

A condition regarding the provision of the access would also be appropriate.

Consequently, there is no objection to planning permission being granted subject to the following conditions:

1. Prior to the commencement of the development, the new means of vehicular 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: To minimise danger, obstruction and inconvenience to users of the highway and of the access.

2. Notwithstanding the information provided with the application, details of the proposed bicycle parking shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be provided prior to the first occupation of the dwelling hereby permitted.

Reason: To ensure that adequate cycle parking facilities are provided to serve the development.”

#### **Additional clarification on initial comments**

“There is adequate space on plot for the parking of visitor vehicles and this would meet the need for unallocated provision. It is not usual for highways to request an on-street (unallocated) space for developments of single dwellings as this is not practical.

My issue with the transport note is around the site’s accessibility by non-car modes. The site is clearly in a relatively isolated situation with no footways in the area, no cycle provision and no bus services. There are no local facilities. However, as I said, this argument should have been raised in the previous applications in the area.

Without knowing what the adjoining site contributed towards it would be difficult to say whether this site should add to that. A single dwelling would have relatively limited impact on highway infrastructure and I can’t see how a footway or similar could be constructed therefore it is hard to see what a contribution would achieve.”

#### **Additional comments following revised location plan**

“The revised submission (revised red line plan excluding the public highway) does not materially affect the layout of the scheme. As a result, the highway comments provided on 22<sup>nd</sup> July continue to apply.”

#### **Appendix**

Highway Comments on previous application: 20/03392/FUL dated 19/03/2021

“ This proposal is for the erection of what would be the 7th new dwelling in this tiny hamlet. It is clear from previous comments that the highway infrastructure in the area is quite poor. This can be easily seen from a visit to the site where serious overrunning of verges is taking place, most accesses and junctions have inadequate visibility and the widths of carriageway are far below the minimum that would normally be expected.

The section of highway from which this proposal takes access is even narrower than the main section of Cross End and in places it is below 3m wide. The proposed access to this plot is at a point where the carriageway is below 3m.

Aside from a pub, there are no local facilities and even the pub has to be access via an unlit, unsurfaced public footpath. This means that almost all journeys are likely to be undertaken by car, further undermining the already poor infrastructure.

However, as already stated, consent has been granted in the last 2-3 years for 6 new dwellings in this location. As a result, a highway objection to a 7th dwelling based on the same concerns as raised previously, and above, does not seem appropriate.

The site has adequate parking and the proposed access will need to be covered by condition requiring the submission of details to ensure it is constructed to a satisfactory standard.”

### A1.3 MKC Landscape Architect

“The site falls within open countryside. However, land to the west was granted consent for 2 dwellings so this proposal could be considered infill development.

There is significant impact on (and proposed removal of) 5 mature trees including Ash which provide screening and boundary treatment between this site and the consented scheme. Trees of this type could not be accommodated as a garden tree within the confines of the proposed plot which is a loss in amenity and landscape character terms. However, a net gain in replacement tree stock should be secured by a landscape scheme condition providing a mix of trees for biodiversity and as a biosecurity measure against future tree disease.

There is also loss of the frontage hedgerow and some replacement hedging is proposed on site, but more should be included.

A landscape scheme condition should be attached if consent is granted is agree replacement planting details to include tree protection details and boundary treatment - rewording of the standard condition is recommended to secure this.

Landscape support the recommendations of the ecology report and the implementation of these if secured by an appropriately worded condition.

If granting consent is deemed acceptable then appropriately worded conditions should be applied to secure remaining details. Suggested wording below.

1. (Landscape scheme) Notwithstanding the approved drawings, no development shall take place above slab level until full details of both hard and soft landscape works, tree protection details and boundary treatments have been submitted to and approved in writing by the local planning authority. Soft landscape works shall include planting plans at a minimum scale of 1:200 with schedules of plants noting species, supply sizes and proposed densities; and a tree planting details drawing. The planting plans shall include existing trees and/or hedgerows to be retained and/or removed accurately shown with root protection areas; existing and proposed finished levels and contours; visibility splays; proposed and existing functional services above and below ground. All hard and soft landscape works shall be carried out in accordance with the approved details and prior to the first occupation of the building(s) or the completion of the development whichever is the sooner. 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. Thereafter the hard and soft landscape works shall be maintained and retained in situ.

Reason: To protect the appearance and character of the area and to minimise the effect of development on the area in accordance with Policies D1 and D2 of Plan:MK (2019)."

#### A1.4 MKC Countryside Officer

"The preliminary ecological appraisal report (PEAR) outlines a range of mitigation and enhancement features that should be included in the proposed development. All "boxes" should be of wood Crete or other long-lasting materials – not wood. These features should be built into the fabric of the building wherever possible. Detail should also be included of any proposed planting, which should also see to enhance biodiversity

In relation to GCN the following options should be considered:

1. GCN can be established by way of a survey undertaken by a suitably qualified ecologist and in accordance with the Great Crested Newt Conservation Handbook
2. The District Licence scheme (administered by the Nature Space Partnership)
3. Precautionary working statements in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS)

All Risk Avoidance Measures (RAMs) detailed within the PEAR should be followed.

The following imposed as a suitably worded planning condition:

- prior to above ground works a Landscape and Ecology Management Plan (LEMP) is submitted: detailing the establishment and long-term management of retained and newly created habitats to maximise benefits for wildlife. It will include a graphical Ecological Enhancement Plan, setting out the number, type and position of enhancement features.

#### A1.5 MKC GCN Licensing Officer

##### **Initial Comments**

"There is a reasonable likelihood of great crested newts being present and therefore affected by the proposed development.

GCN and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, it is illegal to deliberately capture, injure, kill, disturb or take GCN or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any GCN occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Milton Keynes Council have a statutory duty in exercising of all their functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result, GCN and their habitats are a material consideration in the planning process.

MKC could refuse permission if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2019), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended). MKC has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

One of following options is required to be undertaken prior to determination of the application:

1. Either the presence or likely absence of GCN to be established by way of a survey (and potential population assessments) undertaken by a suitably qualified ecologist and in accordance with the Great Crested Newt Conservation Handbook (Froglife, 2001) and the Great Crested Newt Environmental eDNA Technical Advice Note (Natural England 2014). If GCN are identified on or around the development site an EPS site-based mitigation licence may be required. *N.B. All survey reports must be submitted prior to determination.*
2. The District Licence scheme (administered by the NatureSpace Partnership) should be applied for. Under MKC's district licence, development works that may cause impacts upon GCN can be authorised as part of the planning process. *N.B. The applicant is required to submit a NatureSpace Report or Certificate prior to determination if this option is pursued.*

Please issue a consultation request when such materials are supplied."

### **Comments following re-consultation**

These comments supersede those previously made on 25th June 2021 regarding GCN Licensing.

#### NatureSpace Documents

The application is now supported by the following documents demonstrating the projects entry into the District Licence for GCN:

- a. A NatureSpace Report (Land to the rear of Forge Cottage dated 19th August 2021); and
- b. An Impact Map ('Land to the rear of Forge Cottage: Impact Plan for great crested newt district licensing (Version 2)' dated 19th August 2021).

The NatureSpace Certificate contains updated Conditions and Informatives that must be applied to any planning consent verbatim (p. 2). These are inserted below for ease:

#### Conditions Required:

No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR25-2020-1) and with the proposals

detailed on plan 'Land to the rear of Forge Cottage: Impact Plan for great crested newt district licensing (Version 2)' dated 19th August 2021.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR25-2020-1.

No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR25-2020-1), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence.

The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR25-2020-1 and in addition in compliance with the following:

Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately mitigate impacts on great crested newts.

Informatives Required:

It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed

under the District Licence WML-OR25-2020-1) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 3 above would give rise to separate criminal liability under District Licence condition 9 (requiring authorised developers to comply with the District Licence) and condition 21 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).

If any further NatureSpace documents are submitted, such as a NatureSpace Certificate, or an amended NatureSpace Report or Impact Plan – please re-issue a further consultation.

#### A1.6 MKC Lead Local Flood Authority (LLFA)

##### **Initial comments**

“Thank you for your consultation which we received on the 24th June 2021. At present, we object to the grant of planning permission for the following reasons: 1. Infiltration test results required According to the submitted drainage report, BRE DG 365 infiltration testing has been performed, achieving a minimum rate of  $2.25 \times 10^{-6}$  m/s. The infiltration test results should be submitted to the LLFA for review. 2. Groundwater clearance A minimum clearance of 1 metre is required between the base of the proposed soakaway and the peak seasonal groundwater level. Groundwater should be recorded at the site to confirm that the required clearance can be achieved.”

##### **Comments following re-consultation**

“We have reviewed the following documents:

- Drainage Report, Abington Consulting Engineers, Dated: 9 June 2021
- Percolation Testing for Soakaway Design, Trendrevel Services Limited, Ref: JRH/21\_023.L1, Dated: 1 June 2021
- BRE365 Infiltration Testing within a Trial Pit, Trendrevel Services Limited, Dated: 25 May 2021

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed using permeable paving over the driveway with a cellular soakaway proposed below the parking area. Surface water from the roof of the dwelling will be captured and conveyed to the cellular soakaway. Surface water will then infiltrate into the ground. Maintenance of the system will be with the property owner for the lifetime of the development.

We request the following conditions are imposed:

#### Condition

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on agreed Drainage Report prepared by Abington Consulting Engineers dated 9th June 2021 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

#### Condition

Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.

#### Condition

No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

A1.7 All responses and representations received can be viewed in full, online at [www.milton-keynes.gov.uk/publicaccess](http://www.milton-keynes.gov.uk/publicaccess) using application ref. 21/01891.FUL;