

## ITEM 6(c)

**Application Number:** 20/00938/FUL

**Description** Erection of a two-storey detached dwelling with undercroft voids and car port with the extension to the existing access track and associated works.

**At** The Paddocks, Lakes Lane, Newport Pagnell, Milton Keynes MK16 8EE

**For** Mr Taj Raja, The Paddocks, Lakes Lane, Newport Pagnell, Milton Keynes MK16 8EE

**Statutory Target:** 11<sup>th</sup> June 2020

**Extension of Time:** Yes

**Ward:** Newport Pagnell North and Hanslope

**Parish:** Newport Pagnell

**Report Author/Case Officer:** Christopher Walton, Senior Planning Officer

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### 1.0 RECOMMENDATION

1.1 It is recommended that permission is refused for the reasons set out at the end of this report.

### 2.0 INTRODUCTION

#### The Site

2.1. The application site is a broadly rectangular, undeveloped, 0.19 hectare parcel of grassland located off the northern side of Lakes Lane, Newport Pagnell. A post and rail wooden fence encloses a large portion of the site and a large oak tree is situated in its north-eastern corner. The site is served by an existing access off Lakes Lane.

2.2. Immediately adjacent to the north-western boundary of the site lies a drainage channel alongside a maintenance track. It is noted that there is a 9 metre easement zone associated with the drainage channel which extends into the north-western portion of the site. The site is directly neighboured to the north-east and south-east by open space, while to the north-west, beyond the drainage channel, the Linford Lakes Riding Stables, and its associated dwelling, is situated. Further to the north-east, beyond an area of Common Land known as Bury Fields, lies the residential

property known as Kickles Lodge. On the southern side of Lakes Lane lies a parcel of allotments, beyond which there is more extensive residential development known locally as the 'Poets Estate'. It is also noted that the local topography is such that the land slopes very gently upwards to the north-east of the site towards Kickles Lodge.

- 2.3. The site lies outside of the development boundary of Newport Pagnell within an area designated by Plan:MK as Open Countryside (Policy DS5), while the north-eastern half of the site lies within the Ouse Valley Biodiversity Opportunity Area. The site is located entirely within Flood Zone 3a as per the 'Environment Agency's Flood Map for Planning (Rivers and Sea)' and the Milton Keynes Strategic Flood Risk Assessment [SFRA], however it is noted that this map also indicates that the site is notionally protected by flood defences installed in 1998 adjacent to Kickles Lodge. The site is also situated within a Critical Drainage Catchment [CDC] as set out in the Milton Keynes Surface Water Management Plan.

### The Proposal

- 2.4. The application seeks full planning permission for a single, 5-bedroom dwelling and associated works including a car port and an extension to the existing access track. The development would utilise the existing access to the site off Lakes Lane but proposes minor amends to the arrangement in the interest of highway safety.
- 2.5. The house has been designed over two habitable floors. However, it is noted that the under-croft voids on ground floor level give it the appearance of a three-storey property. The scheme would provide three car parking spaces located underneath the abovementioned car port. The scheme also includes hard and soft landscaping.

### Amendments during application process

- 2.6. During the application process, Officers have worked with the applicant to reduce the scale and bulk of the building. The gross internal area [GIA] has been reduced by 30% and the height of the ridge has been reduced by 1.7m. Further, amendments have also been made to the dimensions of the carport to bring it in accordance with Milton Keynes Council's adopted Parking Standards.

### Background

- 2.7. On 23<sup>rd</sup> June 2017, outline planning permission, with all matters reserved except access, was issued for a single dwelling under planning reference 17/00220/OUT. The red line boundary associated with this previous application differs from that which has been submitted with this application; the current application's red line boundary is set further back into the paddock whereas the red line associated with the extant outline permission is situated closer to Lakes Lane.
- 2.8. The determination of outline planning application 17/00220/OUT occurred at Development Control Panel on 22<sup>nd</sup> June 2017. The application was presented by Officers with a recommendation for refusal. However, the Committee determined the application contrary to this recommendation.

- 2.9. The minutes from this meeting detail that it was deemed that the proposal would have a limited impact on open countryside by virtue of other surrounding development. Since this application was determined, Plan:MK was adopted as part of the Development Plan and the NPPF and NPPG have been updated.
- 2.10. It is also noteworthy that, at the time of writing this report, no reserved matters applications pursuant to the outline permission have been submitted and, unless such an application is submitted, the permission itself is due to expire on 23<sup>rd</sup> June 2020.

#### Reason for referral to committee

- 2.11. The application has been referred to Development Control Committee [DCC] at the request of Cllr Andrew Geary on the grounds of the sensitivity of the site by virtue of its history and specifically the outline planning permission. Cllr Geary made reference to this previous permission “being surrendered” if this application were to be granted.
- 2.12. It is also considered that this application, by virtue of its relationship to a scheme that was refused at DCC against officer recommendation previously, would be captured by A.2 of the Scheme of the Officer Scheme of Delegation of Development Management Matters which states,

“No delegated decision shall be made where the development in the opinion of the delegated officer is likely to be of a controversial nature, taking into account such factors as the scale and nature of the proposed development, the history and sensitivity of the site and the likely level of public interest.”

#### Scope of debate/decision

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

### **3.0 RELEVANT POLICIES**

#### **National Policy**

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

Section 2: Achieving sustainable development

Section 4: Decision making

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

In addition, the Planning Practice Guidance (PPG) is a material consideration.

## **The Development Plan**

### 3.2 Neighbourhood Plan

#### Newport Pagnell Neighbourhood Plan (adopted 2016)

Policy NP1: Preferred sites for housing development  
Policy NP4: Windfall Sites

### 3.3 Plan: MK (adopted March 2019)

Policy DS1 – Settlement Hierarchy  
Policy DS2 - Housing Strategy  
Policy DS5 – Open Countryside  
Policy HN4 - Amenity, Accessibility and Adaptability of Homes  
Policy EH7 - Promoting Healthy Communities  
Policy CT2 - Movement and Access  
Policy CT9 – Digital Communications  
Policy CT6 - Low Emissions Vehicles  
Policy CT10 - Parking Provision  
Policy FR1 - Managing Flood Risk  
Policy FR2 - Sustainable Drainage Systems (SUDS) and Integrated Flood Risk  
Policy FR3 – Protecting and Enhancing Watercourses  
Policy NE3 - Biodiversity and Geological Enhancement  
Policy NE6 - Environmental Pollution  
Policy D1 - Designing a High Quality Place  
Policy D2 - Creating a Positive Character  
Policy D3 - Design of Buildings  
Policy D5 - Amenity and Street Scene  
Policy SC1 - Sustainable Construction

### 3.4 Supplementary Planning Documents/Guidance

New Residential Design Guide SPD (adopted 2012)  
Parking Standards SPD (adopted 2016)

### 3.5 Other Documents

Milton Keynes Surface Water Management Plan 2016  
Milton Keynes Level 1 Strategic Flood Risk Assessment 2015

### 3.6 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.

### 3.7 Equality Act 2010

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

## 4.0 **RELEVANT PLANNING HISTORY**

17/00220/OUT - Construction of a single detached dwelling  
Approved 23.06.2017. Expires 23.06.2020

### 4.1 Relevant pre-application advice

18/02726/PRESMA – Proposed two storey detached dwelling and garage with the extension to the existing access track and associated works – advice given 12.12.2018 (note: no 'to scale' elevational drawings were provided with this pre-application).

Summary: The red line boundary presented in this pre-application submission is not the same as the red line boundary associated with the extant planning permission. The proposal would not be supported by Officers due to the unsustainability of the development and its location in Flood Zone 3.

20/01040/PRESMA – Pre-Application Enquiry regarding details to be submitted for Approval of Reserved Matters relating to Outline planning 17/00220/OUT for a single detached dwelling and associated works – advice given 27.05.2020

Summary: The red line boundary presented in this pre-application submission is not the same as the red line boundary associated with the extant planning permission. It is considered that the change in material circumstances since outline planning permission was granted (adoption of Plan:MK, ability to evidence a 5-year housing land supply) outweigh the Outline approval and planning permission would be refused. Concerns also raised regarding the bulk and massing of the proposed dwelling.

### 4.2 Relevant Appeal Decisions

Appeal Number: APP/Y0435/W/19/3233875  
Land off Caldecote Street, Newport Pagnell, Milton Keynes MK16 0BX  
Decision Date: 23.10.2019

This scheme related to an application within the settlement boundary of Newport Pagnell for 2 dwellings. The site was situated largely in Flood Zone 3a. The appeal was dismissed as the Inspector determined that the applicant had failed to evidence that the proposed development could not be accommodated elsewhere in either Newport Pagnell or another settlement in the Borough which was at a lower risk of flooding. The decision also highlighted that flood defences protecting a site in an area at risk of flooding, which are outside of the control of the applicant, do not remove the need to implement the sequential test.

## **5.0 CONSULTATIONS AND REPRESENTATIONS**

### **5.1 Newport Pagnell Town Council**

- The proposed design and massing of the dwelling is out of keeping with the immediately adjacent bungalow.
- Due to its large footprint the surface/ground water storage capacity will be large and there is no calculated evidence to suggest that this test has been met or the detailed mitigation measures save for the residential area being 1.8m above datum level with a flood plan for an actual episode.
- The garaging void is the apparent water storage capacity rather than wet/dry balancing pond as part of the existing ground water swale.

### **5.2 Cllr Andrew Geary – Newport Pagnell North and Hanslope**

“Given the historical issues and the fact that there is an outline application almost adjacent to this site, which would be surrendered if this one were to be granted, then I would request that this application is sent to a member panel for determination please.”

### **5.3 Cllr George Bowyer – Newport Pagnell North and Hanslope**

No comments received at the time of writing this report.

### **5.4 Cllr Bill Green – Newport Pagnell North and Hanslope**

No comments received at the time of writing this report.

### **5.5 MKC Tree Officer**

The proposed dwelling is close to an existing mature Oak tree; such trees are very important for their complex ecology, the hundreds of species that they support and their uptake and storage of atmospheric CO<sub>2</sub>, this tree should therefore be retained and protected.

There appears to be a reasonable stand-off between the dwelling and the tree, and the dwelling is to southwest so shade is not likely to be a significant issue. However it is still a large tree in reasonably close proximity to the dwelling and residents may become apprehensive of it possibly leading to pressure for unnecessary pruning or removal. As there is space to do so, it would therefore make sense to move the building a bit further away from the tree although as the proposals stand, with the correct protection measures in place it would be possible to construct and retain the tree viably.

A tree inspection and report including an arboricultural impact assessment and method statement and tree protection proposals in accordance with BS5837:2012 should be submitted for approval.

## 5.6 MKC Ecologist

The recommendations included in sections 1.1 and 6 of the Preliminary Ecological Appraisal [PEA] should be secured by a suitably worded planning condition.

In addition to the recommendations included in the PEA, the following measures should also be secured by a suitably worded planning condition to minimise the risks to small mammals during construction:

- Covering of all excavations overnight;
- The provision of a means of escape from excavations;
- Capping of all exposed pipework overnight; and
- The suitable storage of materials.

The enhancements set out in section 6 of the PEA should also be secured by a suitably worded planning condition.

## 5.7 MKC Great Crested Newt Officer

This correspondence is not an objection to your planning application or a pre-determination stipulation for ecological information/action. There is a potential of Great Crested Newts (GCN) 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).

You may wish to consider the following:

- 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; or
- The District Licence scheme (administered by the NatureSpace Partnership) could be applied for. Under Milton Keynes Council's district licence, development works that may cause impacts upon GCN can be authorised as part of the planning process.
- Provision of a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist.

I also request that when the application is suitably ready to be determined, the following informative be added if the applicant has chosen not to pursue GCN licensing prior to permission being granted:

“This development has the potential to impact Great Crested Newts as there are ponds/waterbodies and suitable habitat within 500m of the development. If Great Crested Newts are discovered during development, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed. For further information on Great Crested Newt Licensing please contact [Andrew.iring@milton-keynes.gov.uk](mailto:Andrew.iring@milton-keynes.gov.uk)”

## 5.8 MKC Environmental Health

No comments in respect of ground contamination.

## 5.9 MKC Emergency Planning

While the property incorporates physical measures to prevent or mitigate the effects of flooding, and the development of a flood management plan is offered, proposals have not been presented as to how these measures will be maintained in the future e.g. if the occupier changes.

The proposed measures do not remove the risk of flooding occurring, but simply aim to mitigate the effects in the event flooding does occur. As the risk of flooding is still present, there is still the chance that occupiers of the property will need to be rescued in the event of flooding, putting emergency service personnel at unnecessary risk.

Buckinghamshire Fire and Rescue Service have been contacted and provided the attached response. While they have stated that measures can be put in place to assist the Fire and Rescue Service with undertaking a safe rescue in the event it is required, the fact still remains of how these measures will be maintained now, and for future occupiers. Buckinghamshire Fire and Rescue do also state the risks posed due to flooding, stating "When a property floods residents and firefighters who respond are placed at significant risk. These risks are varied in nature including drowning, entrapment, hazardous materials, and biological hazards". Due to the high risk of flooding, potential risk to emergency service personnel, and proposed measures that may not be maintained or reviewed moving forwards, it is recommended that this planning application is rejected.

While the property is in an area that benefits from flood defences, if the embankment fails the effects of the flooding will lead to dangerous high-water velocities and water depths, and potentially pose a severe risk to life.

## 5.10 MKC Highways

I have some concerns regarding the access which is showing verge damage to the adjacent verge due to the lack of radii. This needs to be adjusted and a condition is recommended to address this. Conditions are also recommended regarding car parking, cycle parking and installation of electric vehicle charging points.

## 5.11 MKC Lead Local Flood Authority [LLFA]

At present, we object to the grant of planning permission for the following reason:

### 1. No surface water strategy

Paragraph 163 of the National Planning Policy Framework requires planning applications to be supported by a site-specific flood risk assessment. Such an assessment should include a surface water strategy and must demonstrate that the

proposed development incorporates sustainable drainage systems (SuDS), unless there is clear evidence that this would be inappropriate. The SuDS should:

- a) Take account of advice from the Lead Local Flood Authority;
- b) Have appropriate minimum operational standards;
- c) Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) Where possible, provide multifunctional benefits

As a surface water strategy containing the above information has not been submitted there is insufficient information in order for us to determine the impacts of the proposal.

#### 5.12 Environment Agency

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

We have no objection to the proposed development but recommend that the mitigation measures proposed in the submitted Flood Risk Assessment [FRA] are adhered to. In particular, the FRA recommends that:

Finished floor levels will be set no lower than 57.18mAOD.

Flood resilient measures will be incorporated into the design of the development.

A flood warning and evacuation plan will be prepared.

#### 5.13 Buckinghamshire and River Ouzel Internal Drainage Board

It is noted that the proposed means of surface water discharge is direct to a watercourse under the Board's control although no information can be found on the FRA regarding discharge rates and the Greenfield run off rate is missing from the appendices.

Please note that storm water discharge will not be allowed into a watercourse under the Board's control without the prior consent of the Board. I would suggest that the means of storm water disposal is resolved prior to the issue of planning consent or that any planning consent given is conditional to the method of storm water disposal being resolved prior to commencement of development.

Please also note that the watercourse on the boundary of, or passing through this site is under the statutory control of the Board. In accordance with the Board's byelaws, no development should take place within 9 metres of bank top, without the Board's prior consent, this includes any planting, fencing or other landscaping.

The 9 metre byelaw strip is required by the Board for access for maintenance plant and equipment and for the spread and levelling of arisings, from the watercourse. It is therefore inappropriate to develop within this strip such that maintenance is obstructed, and hence the proposals within the strip are unlikely to receive the consent of the Board.

Please include a suitably worded condition in any planning permission that may be granted.

#### 5.14 Anglian Water

No comment. The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digidat.

#### 5.15 Neighbour/Third Party Representations

Representations have been received from 5 neighbouring properties:

Issues raised include:

The building is excessively large  
Negative impact on the character and appearance of the area  
Negative impact on wildlife  
Increased risk of pluvial surface water flooding  
Negative impact on the oak tree on the site  
Misleading/inaccurate information submitted with the application  
Increased risk of flooding  
Negative impact on privacy  
Departure from the outline planning permission (17/00220/OUT) in terms of scale and design  
Impact on surfacing/accessibility of Lakes Lane  
Inadequate publicity of application

### **6.0 MAIN ISSUES**

- Principle of Development
- Parking and Other Highway Matters
- Design / Layout
- Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Ecological Matters
- Flood Risk / Drainage
- Sustainable Construction
- Broadband Connectivity
- Other Matters

### **7.0 CONSIDERATIONS**

#### Principle of Development

- 7.1 The Council considers that it has an up-to-date development plan and a 5-year housing land supply of deliverable housing sites. Therefore, in accordance with the

Planning and Compulsory Purchase Act (2004) and NPPF, the Development Plan is the starting point for the assessment and determination of this application.

- 7.2 Paragraph 9 of the NPPF sets out that the objectives of sustainable development (being social, economic and environmental in nature) should be delivered through the preparation and implementation of plans and the application of policies in the Framework itself.
- 7.3 Paragraphs 12 and 47 state that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance, the extant outline planning permission for a single dwelling on the site (albeit possessing a different red line boundary) is a material consideration. This matter will be considered at the conclusion of this report.

*Provision of Housing;*

- 7.4 Policy DS1 of Plan:MK states that the majority of development will be focussed on and adjacent to, the existing urban area of Milton Keynes at the locations specified and from selective infill, brownfield, regeneration and redevelopment opportunities.
- 7.5 Policy DS2 of Plan:MK outlines the Council's strategy for delivering housing. The Policy states that new housing will be delivered through permitting development proposals within defined settlement boundaries and the delivery of small to medium sized, non-strategic sites within the urban area of the Borough.
- 7.6 Policy DS5 of Plan:MK relates to development within the Open Countryside and describes the circumstances whereby development in the Open Countryside is permissible. It states that planning permission within the Open Countryside will only be granted for development which is essential for agriculture, forestry, countryside recreation, highway infrastructure or other development, which is wholly appropriate to a rural area and cannot be located within a settlement, or where other policies within this plan indicate development would be appropriate.
- 7.7 The site is located within the Newport Pagnell Neighbourhood Plan Area. Therefore, the principle of the development must be assessed against the pertinent policies contained within the Plan. In this case, these policies are NP1 and NP4.
- 7.8 Policy NP1 identifies the preferred sites for housing within the neighbourhood plan area of Newport Pagnell.
- 7.9 Policy NP4 sets out the criteria regarding windfall housing sites within the neighbourhood plan area of Newport Pagnell. It states that, subject to the impact on heritage assets, character of the locality and residential amenity,

*"Small, well designed residential developments on brownfield sites within the settlement boundary which do not have a detrimental effect on the surrounding area will be permitted."*

- 7.10 The application site is located outside of the settlement boundary of Newport Pagnell. It does not meet any of the criteria set out in Policy DS5 which might otherwise make this development permissible; it is a development consisting of a single, residential dwelling. Further, the site has not been identified in the Newport Pagnell Neighbourhood Plan as a preferred site for housing, nor is it characterised as 'brownfield'.
- 7.11 For these reasons it is considered that the proposal fails to comply with the strategic policies set out within both Plan:MK and the Newport Pagnell Neighbourhood Plan regarding the delivery of new housing development. Accordingly, the development conflicts with Policies DS1, DS2 and DS5 of Plan:MK and Policies NP1 and NP4 of the Newport Pagnell Neighbourhood Plan.

*Flooding and the Sequential Test;*

- 7.12 Section 14 of the NPPF and Policy FR1 of Plan:MK call for development to be located where there is the lowest risk of flooding. Section C of Policy FR1 states that development proposals within areas of flood risk from any source of flooding will only be acceptable if it is clearly demonstrated that it is appropriate at that location, and that there are no suitable available alternative sites at a lower flood risk. In such circumstances, Section D of Policy FR1 states that the sequential approach to development, as set out national planning policy, will be applied across the Borough.
- 7.13 The NPPF and PPG advises that when applying the sequential test to individual applications, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. This is echoed by the Milton Keynes SFRA. In this instance, the application is for a single residential dwelling, so it is deemed reasonable that the sequential test be applied across every settlement in the Borough of Milton Keynes, given that Policy DS2 advises that new housing will be delivered through permitting development proposals within defined settlement boundaries and the delivery of small to medium sized, non-strategic sites within the urban area of the Borough. It should be noted that this reasoning was agreed with by the Planning Inspectorate via a recent appeal decision relating to a site at 6-10 Caldecote Street, Newport Pagnell (planning ref: 19/00672/FUL).
- 7.14 If the sequential test is passed, and it is adequately demonstrated that the development cannot be located in an area at lower risk of flooding, then, for development located within Flood Zone 3, it is necessary for a further test, the 'exemption test', to be passed. The NPPF and PPG state that within the exemption test the applicant is required to show that the sustainability benefits of the development to the community outweigh the flood risk. The test also needs to show that the development will be safe for its lifetime taking into account the vulnerability of its users and that it won't increase flood risk elsewhere.
- 7.15 The application site is in Flood Zone 3a, with the main risk of fluvial flooding from the Great River Ouse. However, according to the 'Environment Agency's Flood Map for Planning (Rivers and Sea)', the site is also notionally protected by flood

defences located at Kickles Lodge which were constructed following the Easter 1998 extreme flood event.

- 7.16 Whilst it is recognised that the presence of flood defences, theoretically, reduces the flood risk to that which is equivalent to Flood Zone 1, the NPPG, NPPF and Plan:MK are clear insofar as a sequential approach should be applied to all development not located in Flood Zone 1 – irrespective of whether or not these sites benefit from flood defences. The identification of flood zones and, therefore, application of the sequential approach ignores the presence of flood defences. This position is set out in the PPG and has also been clarified by the abovementioned appeal relating to a site at 6-10 Caldecote Street, Newport Pagnell (planning ref: 19/00672/FUL). This appeal decision, which post-dates the granting of the extant outline planning permission near this site, reiterates the need for residential development to be located in areas at lowest risk of flooding regardless of flood defences, given that their permanence and maintenance cannot be controlled. In this instance, the flood defences at Kickles Lodge are owned and managed by the Environment Agency and not the applicant.
- 7.17 Therefore, for the application to be deemed acceptable, the applicant must firstly evidence that
- a. This development is appropriate at that location; and
  - b. That there are no suitable available alternative sites within the urban area of the Borough that at a lower flood risk (via a sequential test).
- 7.18 In terms of whether this development is appropriate in this location, as has been evidenced above the application fails to accord with the strategic policies for delivering housing as set out in both Plan:MK and the Newport Pagnell Neighbourhood Plan. Further, no evidence has been submitted with this application which may otherwise suggest that the circumstances of this development are such that this dwelling is appropriate in this location.
- 7.19 Turning to whether there are suitable alternative sites at a lower flood risk, it would have been expected that, in accordance with NPPF, PPG and Policy FR1 of Plan:MK, the applicant would provide information associated with a sequential test to evidence this. The applicant has failed to provide any such information. Further, it should be noted that, even if they had, it is exceptionally unlikely that such information would've been deemed sufficient given that it would have been necessary, as set above, for the applicant to evidence that nowhere – in any settlement in the entire Borough of Milton Keynes – is there a suitably available alternative site not in Flood Zone 3 that could accommodate a single, family home. It is considered that the scope of the application of this test would be too broad to conclude that the application site is the only suitable location for this development.
- 7.20 Therefore, in light of the above, the application fails to both adequately justify that the development is appropriate in this location and to evidence that there are no other suitable available alternative sites at a lower risk of flooding which could accommodate it. Accordingly, it is deemed that the proposal conflicts, in principle, with Policy FR1 of Plan:MK.

## Parking and Other Highway Matters

- 7.21 Policy CT2 of Plan:MK seeks to ensure that all new development is appropriately accessible by pedestrians and provides sufficient movement within the site to accommodate vehicles and other means of transport.
- 7.22 Policy CT10 states that development should accord with the Council's adopted Parking Standards unless mitigating circumstances indicate otherwise. Policy CT6 seeks to ensure that an electric vehicle (EV) charging point is installed at a rate of one per dwelling.

### *Access;*

- 7.23 The application proposes to make minor amendments to the existing access to the site from Lakes Lane so that it may safely serve the development. The access track would also be extended further into the site.
- 7.24 The Highway Officer has raised no objections to the access proposals but did recommend that a condition be added to require the applicant to submit further details of the amended access for highway approval prior to the commencement of the development.
- 7.25 It was noted from visiting the site that Lakes Lane is a fairly narrow single-track road with an unmetalled surface and grass verges. It was also evident that the lane is well utilised by pedestrians and cyclists, who must mount the grass verges to avoid passing vehicles. As such, it is considered that the lane could not adequately nor safely accommodate a heavy increase in traffic. However, this application only seeks the development of a single dwelling and, as such, is unlikely to significantly increase the quantity of traffic on the local road network to such a degree so as to make it, in the long term, more unsafe than it currently is or make necessary the provision of financial contributions via a S106 Agreement to secure highway improvements works. It is not considered that such contributions would be compliant with section 122 of the CIL regulations which requires contributions to be necessary to make development acceptable in planning terms.
- 7.26 In regard to movement and access within the site, it is considered that there is sufficient space and visibility for vehicles to manoeuvre within the proposed driveway/parking area without causing an undue safety risk.

### *Parking;*

- 7.27 With reference to parking provision, it is noted that it is the applicant's intention to provide three allocated car parking spaces within a carport. The proposal does not indicate space for unallocated parking. It is also observed that the layout of the scheme could allow for an EV charging point to be installed on the property, which could be secured by condition.
- 7.28 The application has been amended to ensure that the proposed spaces accord with the dimensions and other criteria required for carports as set out in the Parking Standards SPD.

7.29 In regard to the quantity of provision, while it is noted that no space has been made for unallocated visitor parking, the three allocated spaces within the carport exceed the required amount of allocated parking by 1 and thus could serve to adequately mitigate this absence.

House Type	No of units	Parking Standards Requirement - Zone 3		Provided	
		Allocated	Unallocated	Allocated	Unallocated
5 bed dwelling	1	2 spaces	0.5 spaces	3 spaces	0 spaces
	<b>Site Total</b>	<b>2 allocated spaces 0.5 unallocated space</b>		<b>3 allocated spaces 0 unallocated spaces</b>	

7.30 The Highway Officer has raised no objection on the grounds of parking provision subject to conditions regarding the setting out and construction of the on-plot parking and details of bicycle storage. In addition, conditions could be attached removing permitted development rights for the erection of fences and walls, so that the carports cannot be converted into garages, to ensure the spaces remain available.

*Conclusion;*

7.31 Provided that the abovementioned conditions are applied to any subsequent permission, it is deemed that the proposal could provide acceptable movement, access and parking arrangements and would not have a detrimental impact on the safety or accessibility of the local road network. Accordingly, it is deemed that the application would accord with Policies CT2, CT6 and CT10 of Plan:MK.

Design / Layout

7.32 Policy D1 of Plan:MK requires that new development is designed to a high standard and responds appropriately to the site. Policy D3 governs the design of new buildings and states, amongst other criteria, that the form, massing, rhythm and façade elements of new buildings should be carefully designed to create character and visual interest. Policy D5 requires new development to provide a good level of amenity through the provision of amenity space and appropriate massing and configuration of buildings and landscaping within a site.

7.33 Policy EH7 sets out that new housing should be well designed and of good quality. These aims are reiterated by Section 12 of the NPPF.

7.34 Policy HN4 requires that new dwellings are designed in accordance with the Nationally Described Space Standards and can be adapted in order to accommodate the changing needs of residents. The Policy also sets out the requirements for accessible and adaptable dwellings.

*Layout;*

- 7.35 The development is focused towards the northern/eastern portion of the site with the extended access track moving north-eastwards before reaching the dwelling. Soft landscaping would flank the access track on either side.
- 7.36 The dwelling is orientated facing towards Lakes Lane with the principle elevation set back approximately 50m from the highway. The carport adjoins the western portion of the principle elevation and extends southwards, facing on to the driveway area. The private amenity space is in the far north-east corner of the site and wraps around the north-west facing elevation of the dwelling.
- 7.37 The dwelling is accessed via a set of steps, as undercroft voids are proposed on the ground floor level. These voids are necessary to ensure that the habitable space of the dwelling is a suitable distance above ground level and thus is protected from flooding.
- 7.38 The overall layout of the site is broadly acceptable; sufficient rear garden space is provided and the internal dimensions of the dwelling meet the Nationally Described Space Standards. The inclusion of a stepped access into the house at both the front and rear would prejudice the ability of older, physically impaired persons to access the dwelling. However, it is appreciated that this arrangement could be adapted, over time, should the needs of the household change.

*Design;*

- 7.39 The dwelling has been designed over two habitable floors, however the abovementioned undercroft voids, which are approximately 2m in height, give it the appearance of a three-storey house. The dwelling has been designed with two extended rectangular 'wings' stemming from the central portion of the house. The wings run parallel to the north-west and south-east boundaries of the site respectively, with the southern wing separated from the boundary by approximately 3 metres.
- 7.40 The overall size and massing of the dwelling, albeit with a 30% reduction in GIA and 1.7m reduction in the ridge height, remain substantial. However, it is noted that the undercroft voids, which contribute towards the overall size of the dwelling, are a necessary component of the development's flood defences – the submitted Flood Risk Assessment [FRA] advises that the finished floor level is at least 57.18m above ordnance datum (between 1.3m and 2.18m above topographic levels on site). Therefore, if the dwelling were to be considered acceptable in this location, then this aspect of its design would be necessary to ensure it could be safely inhabited.
- 7.41 Further, it is appreciated that, through using varying materials, including glazing, stone and render, the facades of the building would have a degree of nuance and visual interest. It is also noted that the building itself sits within a reasonably sizeable plot and, on balance, is considered to correspond appropriately to the site bearing in mind the adjacent zone of easement associated with the drainage channel.

*Conclusion;*

- 7.42 For the reasons outline above it is concluded that the proposed development would, on balance, possess an acceptable design and layout and would provide sufficient internal and external space to adequately accommodate the needs of its potential occupants. Accordingly, it is deemed that the development would accord with Policies D1, D3, D5, EH7 and HN4 of Plan:MK and section 12 of the NPPF in this regard.

Impact on the Character and Appearance of the Area

- 7.43 Policies D1 and D2 of Plan:MK note that development will be required to respond appropriately to the site and its surrounding context, respect the continuity of the street frontage and utilise landscape and boundary treatments to integrate with and / or enhance those of the surrounding area.
- 7.44 Policy D3 of Plan:MK states that buildings should be of an appropriate scale in relation to other buildings in the immediate vicinity in terms of their height and massing.
- 7.45 The northern side of Lakes Lane is defined by sporadic residential / equestrian development which is laid out in a relatively informal manner. It is evident that development within the area has been piecemeal and, as such, the locality has retained its open, rural character.
- 7.46 The proposed development, although less visible from Lakes Lane – owing to its set back location and the existing tree line and shrubbery – would be, by virtue of its siting and scale, a prominent feature within the rural landscape. The impact on the appearance of the area would be felt most readily from the adjacent area of Common Land known as Bury Fields which, although approximately 100m from the site, is only separated from it by a field and moderately sized hedgerow. Its exposure is also increased by the local topography, which rises steadily towards the north-east, allowing for views towards the site from further to the north of the Common.
- 7.47 In considering the scale of other development within the locality, it is noted that, on the whole, the proposed dwelling would be larger than most other development in the area. Further, the location of the dwelling, further into the paddock, would have more of a presence in the Open Countryside than a dwelling constructed under the outline planning consent would. However, it is observed that that the recently constructed dwelling at Kickles Lodge is of a comparable scale and massing to that of the proposed dwelling.
- 7.48 The applicant has submitted a sectional drawing across the locality which evidences that the height of the proposed dwelling matches that of Kickles Lodge, while also being located at a lower situation by 300-350mm. Upon visiting the site, it was also noted that Kickles Lodge is more visible from Lakes Lane than the proposed dwelling would be, owing to it being situated further back into the Open Countryside. As such, although not necessarily within the immediate vicinity of the

site, Kickles Lodge contributes significantly to the character and appearance of the area within which the proposed development would be situated.

- 7.49 In this context, while it is nevertheless appreciated that the proposed dwelling would be considerably larger than most other dwellings and indeed other development within the locality, it is considered, given the presence of Kickles Lodge, that its impact on the character and appearance of the area would be somewhat limited. Further, it is reasoned that the appearance of the development from Bury Fields could be softened via additional landscaping. Although not generally accepted as a permanent means of mitigating the impact of development, particularly where there is a clear conflict with the strategic policies for delivering new housing, this could be secured via an appropriately worded condition.
- 7.50 With reference to the overall design of the dwelling, it is acknowledged that the applicant has sought to create a 'modern farmhouse' style via the materials and finishes that have been used. Irrespective of whether this style has been achieved, it is considered that the proposed materials are broadly sympathetic to the character of the area and ensure that the dwelling would not appear overtly modern within its context. This is important given that, aside from Kickles Lodge, the design of buildings within the locality are understated.
- 7.51 For these reasons it is deemed that, on balance, the proposed development would not have a detrimental impact on the character or appearance of the area. Notwithstanding the loss of an area of open space, the scheme would contribute towards the sporadic, piecemeal pattern of development which defines the locality. Accordingly, subject to an appropriately worded condition to secure details of additional planting and landscaping, it is considered that the proposal would comply with Policies D1, D2 and D3 of Plan:MK in this regard.

#### Impact on Residential Amenity

- 7.52 Policy D5 of Plan:MK requires that all proposals should create a good standard of amenity and protect amenity enjoyed by existing properties surrounding new development.
- 7.53 The rear of the dwelling would be located over 100 metres from the properties towards the north of the site and would be considered to have a negligible effect on their amenity. The significant distance between the proposed dwelling and these properties is considered to mitigate the harm of the proposed rear terrace/balcony areas on their privacy.
- 7.54 In regard to the impact of the proposed dwelling on Lakes Lane Farmhouse, which is situated beyond Lakes Lane to the south of the site, it is similarly deemed that the distance between the sites (some 150m), combined with the reduced height of the proposed dwelling, mitigates the impact on their amenity.
- 7.55 The dwelling would be located most closely to, and would likely have the greatest impact on, The Bungalow, which neighbours the site to the north-west. The proposed development is stepped back from its neighbour, further away from Lakes Lane. However, owing to the orientation of its north-west elevation, it avoids

providing direct views into the neighbouring rear garden and instead provides more immediate views to the adjacent countryside to the rear of The Bungalow.

- 7.56 Further, it is observed that the north-west elevation of the dwelling would be sited approximately 50m from the rear elevation of The Bungalow. This exceeds the required distance of 13.7m stipulated within the New Residential Development Design Guide. This distance would also likely mitigate the impact of the proposal on any loss of daylight or sunlight to either the habitable rooms or rear garden of The Bungalow. The applicant has also provided a sectional drawing across the locality which evidences that The Bungalow is approximately 750-800mm higher than the land of The Paddocks.
- 7.57 Further, it is reasoned that boundary treatment and landscaping conditions could be applied to any subsequent permission to further mitigate the impact of the proposal on the privacy of the neighbouring dwelling by providing further screening from the north-west portion of the site.
- 7.58 For these reasons it is considered that the proposal would, on balance, be acceptable in regard to its impact on residential amenity of neighbouring properties, subject to conditions regarding boundary treatments and hard and soft landscaping. Accordingly, it is concluded that the proposal complies with Policy D5 of Plan:MK in this regard.

#### Ecological Matters

- 7.59 Policy NE1 states that development proposals which would be likely to harm the biodiversity or geological conservation value of a site of countywide or local importance, including Biodiversity Opportunity Areas, as shown on the Policies Maps will only be permitted subject to criteria associated with the need for the development and the provision of suitable compensation and mitigation.
- 7.60 Policy NE2 of Plan:MK states 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 proposed development will not result in a negative impact upon those species and habitats.
- 7.61 Policy NE3 seeks to ensure that development delivers a net increase in biodiversity where possible.
- 7.62 The application site is a part of the Ouse Valley Biodiversity Opportunity Area and is in a Red Risk Zone for Great Crested Newts [GCNs]. Further, the site is an area of undeveloped paddock land situated within the open countryside and therefore is likely to be significant for local, terrestrial ecology. The oak tree located in the north-eastern corner of the site may also be a suitable habitat for bats.
- 7.63 The application is accompanied by a preliminary ecological assessment [PEA] which identifies a series of mitigation measures that could be adopted to ensure that protected species and their habitats are not adversely impacted as a consequence of the development. The PEA also sets out a series of ecological

enhancements which could contribute towards ensuring there is a net gain of biodiversity on the site.

- 7.64 The Council's Ecologist has raised no objection to the proposal subject to the mitigation measures and enhancements set out within the PEA being secured via condition. A further condition has also been recommended to secure measures to protect small mammals.
- 7.65 The Council's Great Crested Newt Officer has also not objected to the proposal, but it is noted that they recommended that, if permission were granted, an informative be attached to the decision notice advising the applicant to contact them if GCNs are found on site during construction.
- 7.66 It is considered that the enhancements set out in the PEA, which include additional planting, bat tubes, sparrow terrace nest boxes and insect hotel, combined with associated mitigation measures and the further condition requested by the Council's Ecologist, are sufficient to limit the impact of the development on local ecology and provide an opportunity for the development to deliver a net gain in biodiversity. It should also be noted that the PEA states that the oak tree could be retained on site, however it would still be necessary for appropriately worded conditions to be attached to any permission to ensure that it was adequately protected both pre and post construction. The Council's Tree Officer has stated that they believe there is sufficient distance between the tree and the dwelling to enable it to be retained and, subject to conditions pertaining to tree protection, raised no objection to the application.
- 7.67 Accordingly, it is reasoned that, subject to the abovementioned conditions, the proposed development would comply with Policies NE1, NE2 and NE3 of Plan:MK.

#### Flood Risk / Drainage

- 7.68 Policy FR1 of Plan:MK states that development within areas of flood risk from any source of flooding will only be acceptable if it is clearly demonstrated that it is appropriate at that location, and that there are no suitable available alternative sites at a lower flood risk. The Policy also states that FRAs are required for development in Flood Zone 3. For proposals that are also located in Critical Drainage Catchments [CDCs], Section E of the Policy requires FRAs to demonstrate that the development will not increase the flood risk to the CDC and where possible will provide an improvement to the existing situation.
- 7.69 In respect of matters regarding drainage, Policy FR1 of Plan:MK states that all new development must incorporate a surface water drainage system with acceptable flood control and demonstrate that water supply, foul sewerage and sewage treatment capacity is available or can be made available to serve the development. Policy FR1 also requires that development proposals in areas at risk of flooding are accompanied by a safe access and escape routes.
- 7.70 Policy FR2 requires new development to incorporate sustainable urban drainage systems SUDS as a means of managing surface water drainage.

- 7.71 Policy FR3 asserts that all new development must be set back at a distance of at least 9 metres from all other ordinary watercourses.

*Flood Risk;*

- 7.72 The application site is located in Flood Zone 3a and is identified as being at risk from fluvial flooding associated with the Great River Ouse and also ground water flooding. Risk from pluvial flooding, according to the FRA submitted with the application, is low.
- 7.73 The FRA submitted with the application proposes a series of mitigation measures to ensure that future occupiers of the proposed dwelling are protected should the site become flooded. The Environment Agency raised no objection to the proposal but have commented that, should permission be granted, these measures be put in place via an appropriately worded planning condition. However, it should be noted that the Environment Agency's response is predicated on the assumption that the Local Planning Authority has applied the Sequential Test and deemed the application to have passed it. As is set out above, it is considered that this proposal has not satisfied the Sequential Test.
- 7.74 The Council's Emergency Planning Team have objected to the proposal on several grounds, including the ineffectiveness of emergency plans as a means of protecting residents in the event of a flood. They also provided a response on behalf of the Buckinghamshire Fire and Rescue Service which raised concerns regarding the safety of Service operators from hazards associated with flooding should they have to access the site in the future.
- 7.75 As is set out in the 'Principle of Development' section of this report, the location of the site within Flood Zone 3 presents significant, in principle, objections to the proposal. This objection would need to be considered and addressed prior to other matters associated with drainage and provision of appropriate mitigation measures to prevent risk to human life. However, were planning permission granted in spite of this, it is considered reasonable that conditions be attached to any subsequent permission to secure the mitigation measures recommended within the FRA. Further, the concerns of the Council's Emergency Planning Team are noted, and it would therefore also be deemed necessary for a condition to be applied requiring an emergency plan to be agreed, in the event of a flood, to ensure occupiers could exit the site safely.

*Drainage;*

- 7.76 The application is not accompanied by a drainage strategy to detail how both surface water and foul water would be drained from the site or how SUDS measures could be incorporated into the development. Further, the submitted FRA does not establish whether the proposal would increase the risk of flooding with the local CDC or provide an improvement to the existing situation.
- 7.77 In the absence of further information regarding the impact of the proposed development on flooding within the CDC, it is deemed that the proposal would conflict with Section E of Policy FR1 which expressly requires proposals within

CDCs to evidence that they would not result in an increase to flooding within the locality.

*Impact on Watercourses;*

- 7.78 The proposed development lies in close proximity to a drainage channel that is owned by the Buckinghamshire and River Ouzel Internal Drainage Board (IDB). Drainage channels are categorised as ordinary watercourses. The proposed dwelling is shown to observe a 9 metre buffer between the dwelling and the watercourse. The IDB have not objected to the proposal but did state that if the applicant intended to discharge surface water into the drainage channel they would need their prior consent, separate to the planning process. They also requested that a condition be attached to any permission to safeguard the 9 metre buffer from any form of development or structure. Such a condition would be deemed reasonable in these circumstances. Accordingly, it is deemed that, subject to this condition, the proposal would accord with Policy FR3 of Plan:MK.

Sustainable Construction

- 7.79 Policy SC1 of Plan:MK seeks to ensure that all new development constructed sustainably.
- 7.80 Little information has been provided regarding the mechanisms which would be incorporated to meet the requirements set out in Policy SC1. Accordingly, it is deemed reasonable for a condition to be attached to any permission to ensure that prior to the commencement of works a statement is submitted setting out how the development would meet the requirements set out in the policy.
- 7.81 Subject to the abovementioned condition it is considered that the proposal would accord with Policy SC1 of Plan:MK.

Broadband Connectivity

- 7.82 Policy CT9 of Plan:MK “wishes to see all premises on all new developments served by digital communication services that provide at least superfast broadband speeds, but will give preference to future proofed services providing Ultrafast speeds for all residents and businesses, for example using full fibre “fibre to the premises (FTTP) technology.”
- 7.83 The application has not been submitted with information to confirm how the dwelling will be serviced with broadband connectivity or what the quality of that broadband may be. Accordingly, should permission be granted, it would be deemed appropriate to apply a condition requiring the applicant to submit evidence that the proposed development could be served by at least superfast broadband.
- 7.84 Subject to the implementation of the above condition, it is reasoned that the proposed development would comply with Policy CT9 of Plan:MK.

## Other Matters

### *Impact of this application on the extant planning permission;*

- 7.85 Cllr Geary raised concerns that if this application were to succeed the outline planning permission would be “surrendered”. It is the case that, given the location of this proposal in relation to the red line boundary associated with the outline planning permission, it would not be possible for both this development, and that proposed under the outline planning permission, to be implemented. However, the granting of this permission would not, within and of itself, result in the outline permission being void, and the applicants could still choose to implement the outline permission (were it not about to expire).

### *Publicity;*

- 7.86 It is noted that concerns have been raised by residents regarding the publicising of the application. These concerns relate to the number of site notices erected near the site, their proximity to the site, the mapping image used on the site notice and the length of time the site notices were erected for.
- 7.87 The Town and Country Planning (General Development Management) (England)(Order) 2015 (the Order) requires applications which depart from the development plan to be publicised by display of site notice for 21 days and publication of notice in a newspaper circulating in the area. However, it was not possible to display the notice in the local newspaper in accordance with the Order, as the local newspaper stopped publishing hard copies of the publication during the lockdown period due to the Covid-19 pandemic.
- 7.88 On 14 May 2020 the Order was amended by the Government allowing Local Planning Authorities (LPA) to comply with the above requirements only to the extent that it is reasonably practicable to do so. It also requires the LPAs to take reasonable steps to inform any persons who are likely to have an interest in the application and to publish the requisite notice on its website. The LPA have taken additional steps to publicise applications during this time, including additional site notices, wider neighbour letters and a separate list on the Council’s website of applications that would normally be advertised in the newspaper.
- 7.89 Neighbour letters were issued to all immediately adjoining properties on 24.04.2020. A site notice was erected on a lamppost junction of Lakes Lane with the access for Lakes Lane Farmhouse on 27.04.2020 and two further site notices, publicising the application as a ‘Departure from the Development Plan’, were erected near the site on Lakes Lane on 29.05.2020.. The application was added to the list on the Council’s website of application that would normally require notice within the newspaper, listed as a ‘Departure from the Development Plan’
- 7.90 The site notices were affixed to a tree immediately outside the site and telegraph pole at the entrance to the allotments. It is noted that one of the neighbour representations states that the site notice by the entrance to the site has been removed on at least two occasions. However, even if this notice had been

removed, there is no suggestion that the notice on the telegraph pole has been removed. In all cases, the notices were laminated and securely tied.

- 7.91 In regard to the mapping image used on the site notice, while it is acknowledged that the image did not wholly reflect the red line boundary of the application site, it did broadly indicate the location of the site in relation to its surroundings. Moreover, the notice itself provided the necessary information (application reference, date by which to submit comments etc) to enable any interested member of the public to make representations on the application.
- 7.92 In light of the above, it is considered that the application has been subject to an appropriate level of publicity as required by both national legislation and Milton Keynes Council's standards for publicising planning applications.

*Inaccurate information;*

- 7.93 It is noted that concerns have been raised by residents regarding the information included within the application and the associated supporting information and the LPA has fulfilled its statutory duty.
- 7.94 It is considered to be a matter of opinion as to whether some of the statements highlighted by residents, which reference matters of design and impact on amenity, are incorrect. Further, notwithstanding any potential inaccuracies which may or may not have been presented with the application, it is deemed that sufficient information has been presented to enable the Case Officer to make an informed assessment on it. It should also be noted that further information and amended drawings were requested by the Case Officer, and provided by the applicant, to clarify the design of the proposed car ports.

## **8.0 CONCLUSIONS**

- 8.1 The NPPF is clear that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. Further, the Council considers that it has up-to-date development plan and a five year housing land supply of deliverable housing sites. Therefore, in accordance with the NPPF, the Development Plan is the starting point for the assessment and determination of this application.
- 8.2 The proposed development is located outside of a defined settlement boundary, in an area designated by Plan:MK as Open Countryside. The proposal fails to accord with Policies DS1, DS2 and DS5 of Plan:MK. The application also fails to accord with the policies within the Newport Pagnell Neighbourhood Plan regarding the provision of new housing within the Neighbourhood Plan area.
- 8.3 The harm arising from the failure to comply with these policies is two-fold; the introduction of inappropriate development into the open countryside and the provision of a new dwelling in a location that that is not conducive to the overall strategy within the Development Plan for delivering residential development. Significant weight is attributed to the harm that would arise from this conflict.

- 8.4 Further, the site is located within Flood Zone 3a owing to the potential for fluvial flooding from the Great River Ouse. The Development Plan (via Policy FR1), the NPPF and PPG advise that development of this nature, location outside of Flood Zone 1, must be subject to a sequential test. No information has been submitted by the applicant to address this requirement. Therefore, the application fails to accord with Policy FR1 of Plan:MK.
- 8.5 The harm associated with the site's location within Flood Zone 3a, in the absence of passing the sequential test, arises from failure to accord with a key objective of both the Development Plan (via Policy FR1) and the NPPF (section 14): to steer development towards locations at the lowest risk of flooding. This objective is not only important in terms of ensuring sustainable development but also, more specifically, safeguarding infrastructure and human life. Significant weight is attributed to this harm.
- 8.6 Moreover, the proposal, through an absence of information regarding the impact of the development on local flood risk, also fails to satisfy Section E of Policy FR1 of Plan:MK which requires development located within CDCs to evidence that they would not increase flood risk within the locality. Harm is derived from this conflict as the proposal fails to establish whether there would be an increased risk to existing development within the locality as a result of this application. Weight, albeit less significant due to the potential for this harm to be addressed, is afforded to this issue when weighed against all other considerations.
- 8.7 It is noted that the Local Planning Authority granted outline planning permission, with all matters reserved except access, for a single residential dwelling in 2017. This current application is not a reserved matters application pursuant to the outline permission; it is a fresh, full planning application with a different red line boundary. Therefore, while the extant planning permission is a material consideration, it is incumbent on the Local Planning Authority to consider all material considerations associated with the proposal – including the principle of development.
- 8.8 By the time the Development Control Committee at which this application is due to be determined has occurred, the extant outline permission will have expired unless, in the intervening period, the applicant has submitted a reserved matters application pursuant to this permission. The applicant has had planning permission for a single dwelling on the site for close to three years. In that time, no reserved matters applications pursuant to the outline planning permission have been submitted.
- 8.9 Given these circumstances, and in particular the limited life of the extant planning permission, it is deemed that limited weight is afforded to it when weighed against the other, abovementioned considerations.
- 8.10 Social and economic benefits arising from the scheme, associated with both the provision of an additional dwelling to the Borough's housing stock and the labour necessary to construct it, are also considered to be limited by virtue of the scale of the development.

- 8.11 In summary, this assessment has identified significant harm arising from the proposed development. This harm stems from the failure of the proposal to accord with the strategic policies within the Development Plan associated with the provision of residential development and the location of the site within Flood Zone 3a. Harm is also derived from the failure of the proposal to evidence that it will not increase flood risk within the CDC. On the other hand, the weight afforded to the 'fall back' position provided by the outline planning permission is considered to be limited, as is the weight attributed to the minor social and economic benefits.
- 8.12 Accordingly, it is deemed that the proposal conflicts with Policies DS1, DS2, DS5 and FR1 of Plan:MK, Policies NP1 and NP4 of the Newport Pagnell Neighbourhood Plan. The proposal fails to present material considerations to warrant a departure from the Development Plan and the abovementioned Policies. It is therefore concluded that planning permission should be refused.

## **9.0 REASONS FOR REFUSAL**

1. The proposed development is located outside of a defined settlement boundary in an area designated as Open Countryside. The proposal represents an unacceptable form of development within the Open Countryside and fails to accord with the strategic policies for the delivery of new residential development within the Borough. The application fails to accord with Policies DS1, DS2 and DS5 of Plan:MK and Policies NP1 and NP4 of the Newport Pagnell Neighbourhood Plan.
2. The application site is located within Flood Zone 3a (with Flood Defences), as indicated by the Environment Agency's Flood Map for Planning (Rivers and Sea) and Milton Keynes Strategic Flood Risk Assessment. The application fails to adequately demonstrate that this proposal cannot be located in an area at lower risk of flooding and therefore does not pass the criteria of the Sequential Test. Accordingly, the proposed development is contrary to Policy FR1 of the Plan:MK.
3. The applicant has failed to demonstrate that the proposed development would not increase the flood risk to the Critical Drainage Catchment within which the application site is situated. Accordingly, it is deemed that the proposal fails to accord with Section E of Policy FR1 of Plan:MK.



# Proposed Front Elevation



# Proposed Rear Elevation



# Proposed North-West Facing Elevation



# Proposed South-East Facing Elevation



## **A1.0 FULL CONSULTATIONS AND REPRESENTATIONS**

### **A1.1 Newport Pagnell Parish Council**

(1) This application bears no resemblance to the previous application that was granted outline planning application for this site (2) The proposed very large modernistic live/ work 'farmhouse' built on mass concrete stilts in a rural outlook setting has an overall massing that it totally out of keeping with the immediately adjacent bungalow at the riding/livery stables . It will also be highly visible from Lakes/Kickles Lane and Bury Field Common (3) Due to its large 'footprint' the surface/ ground water storage capacity will be large and there is no calculated evidence to suggest that this test has been met or the detailed mitigation measures save for the residential area being 1.8m above datum level with a flood plan for an actual episode. The garaging void is the apparent water storage capacity rather than wet/dry balancing pond as part of the existing ground water swale (ditch) The Environment Agency have not commented to date. The Town Council requests that this application is referred to the DCC/P for determination.

### **A1.2 Cllr Andrew Geary – Newport Pagnell North and Hanslope**

Given the historical issues and the fact that there is an outline application almost adjacent to this site, which would be surrendered if this one were to be granted, then I would request that this application is sent to a member panel for determination please.

### **A1.3 Cllr George Bowyer – Newport Pagnell North and Hanslope**

No comments received at the time of writing this report.

### **A1.4 Cllr Bill Green – Newport Pagnell North and Hanslope**

No comments received at the time of writing this report.

### **A1.5 MKC Tree Officer**

The proposed dwelling is close to an existing mature Oak tree; such trees are very important for their complex ecology, the hundreds of species that they support and their uptake and storage of atmospheric CO<sub>2</sub>, this tree should therefore be retained and protected. Because we find ourselves in an exceptional situation in respect of rapid adverse change and degradation in the natural world and we must make more effort both corporately and individually to value and protect the natural world and its individual elements; this is a case in point.

There appears to be a reasonable stand-off between the dwelling and the tree, and the dwelling is to southwest so shade is not likely to be a significant issue. However it is still a large tree in reasonably close proximity to the dwelling and residents may become apprehensive of it possibly leading to pressure for unnecessary pruning or removal.

As there is space to do so, it would therefore make sense to move building a bit further away from the tree although as the proposals stand, with the correct protection measures in place it would be possible to construct and retain the tree viably. I have no information on the exact statistics of the Oak but it is clearly a mature tree and there is space to have a 12m radius tree protection area (which would be enough for a tree up to 1 metre trunk diameter) and still leave plenty of space for scaffolding and construction movements/operations. A tree inspection and report including an arboricultural impact assessment and method statement and tree protection proposals in accordance with BS5837:2012 should be submitted for approval.

I request the following conditions;

1. All existing trees, woodlands and hedges to be retained are to be protected according to the provisions of BS 5837: 2012 'Trees in relation to design, demolition and construction - Recommendations' All protective measures especially the fencing and ground protection must be put in place first, prior to any other work commencing on site (this includes vegetation clearance, ground-works, vehicle movements, machinery / materials delivery etc.) and shall thereafter be maintained in place in good functional condition until the project is entirely complete and until, with the exception of soft landscaping works, all contactors, equipment and materials have left site. The fencing shall be on the RPA margin and of the same specification as that depicted in figure 2, page 20 and ground protection as specified in 6.2.3.1 - 6.2.3.5 pages 21/22 in BS 5837:2012.

Signs informing of the purpose of the fencing and warning of the penalties against destruction or damage to the trees and their root zones shall be installed at minimum intervals of 10 metres and a minimum of two signs per separate stretch of fencing. Once erected the local authority tree officer shall be notified so the fencing can be inspected and approved. The Root Protection Area (RPA) within the protective fencing must be kept free of all construction, construction plant, machinery, personnel, digging and scraping, service runs, water-logging, changes in level, building materials and all other operations, personnel, structures, tools, storage and materials, for the duration of the construction phase.

The developer shall submit details of the proposed layout and general arrangements of the site in relation to the trees to be retained. In particular details of storage areas including what substances will be stored and where, locations of car parking, welfare facilities, cement plant, fuel storage and where discharge, filling and mixing of substances will take place. The details should include site levels to enable risks posed to trees to be quantified. The RPA will be amended as the arboriculture officer feels appropriate after taking account of the details submitted.

No fire shall be lit such that it is closer than 20 metres to any tree or that flames would come within 5 metres of any part of any tree. Earthworks, level changes, service runs, foundations and all other works involving excavation should not be located within the root protection areas.

2. 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 for approval, following which pertinent amendments should be made to the proposed layout and levels in light of the arboricultural findings, in order that the existing mature Oak tree is viably retained within the development for the long term..

the submission should include a scale plan accurately marking the position of all the retained trees and hedges, the extent of the root protection areas, the BS 5837: 2012 tree protection fencing along the root protection area margin, any areas to be covered in BS 5837: 2012 ground protection, construction details for the BS 5837: 2012 fencing and ground protection and sufficient detail of hard & soft landscaping works,

service and drainage runs and proposed & existing spot levels in sufficient numbers and at appropriate spacing's to enable the impact of the development on the tree root zones to be assessed

3. A method statement for the execution of soft and hard landscaping works including fencing installation within the root protection areas shall be submitted for approval. Before any landscaping operations within root protection areas are carried out, the local authority tree officer shall be notified so a site meeting can be arranged with the landscape contractor to confirm the agreed landscape working methods that will avoid root damage; this will typically involve the use of hand tools only – machines and motorised tools will not be permitted.

4. If construction-facilitation pruning of the trees is required, this should be carried out by a competent, qualified and experienced tree surgeon according to the provisions of BS 3998: 2010 and current arboriculture industry best practice. The Local Authority arboriculture officer shall be given a week's notice before the works are carried out so they have the opportunity to attend on site and agree the exact extent of the works with the tree surgery contractor.

#### A1.6 MKC Ecologist

The recommendations included in sections 1.1 and 6 of the Preliminary Ecological Appraisal should be secured by a suitably worded planning condition.

In addition to the recommendations included in the PEA, the following measures should also be secured by a suitably worded planning condition to minimise the risks to small mammals during construction:

- Covering of all excavations overnight;
- The provision of a means of escape from excavations;
- Capping of all exposed pipework overnight; and
- The suitable storage of materials.

The enhancements set out in section 6 of the Preliminary Ecological Appraisal should also be secured by a suitably worded planning condition.

#### A1.7 MKC Great Crested Newt Officer

There is a potential of GCN 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). Please see the present information below regarding GCN in relation to the development proposals:

- The proposed development site is classified as a red impact area for GCN under district licence mapping tools. This indicates that the development has highly suitable habitat for newts on site;
- Natural England Interim Guidance on District Level Licensing (January 2020) stipulates that development projects falling in the Red or Amber risk zones must demonstrate proposals do not pose a risk to GCN, or, provide detail on the methods that will be used to safeguard against such risks, which may include licensing.
- There are 2 ponds within 500m of the site boundary, 1 of which is within 250m;
- There is a wet ditch/swale within the site boundary as indicated by the location plan and mapping software;
- The submitted ecological report (Ecology by Design, June 2019) details the wet ditch returned a negative eDNA result for GCN, but lists habitats on site with the potential to support GCN in their terrestrial phase; and
- Connectivity of suitable habitat in the local area may provide dispersal of GCN from the surrounding area to the development site.

You may wish to consider the following:

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; or
2. The District Licence scheme (administered by the NatureSpace Partnership) could be applied for. Under Milton Keynes Council's district licence, development works that may cause impacts upon GCN can be authorised as part of the planning process.
3. Provision of a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist.

For more information regarding GCN licensing and mitigation in relation to planning and development please contact:

Andrew Irving – Countryside Officer (GCN District Licensing).  
 Email: [andrew.irving@milton-keynes.gov.uk](mailto:andrew.irving@milton-keynes.gov.uk)  
 Tel: 01908 252 410/ 07788 380 023

If you wish to learn more about the district licence scheme please contact the NatureSpace Partnership or submit an enquiry form using the following links:  
 Contact - <https://naturespaceuk.com/contact/>  
 Enquiry - <https://naturespaceuk.com/enquiry-form/>

#### A1.8 MKC Environmental Health

No comments in respect of ground contamination.

## A1.9 MKC Emergency Planning

The Emergency Planning Unit have reviewed the above application and recommend that the application be refused.

The development is within the highest risk area Flood Zone 3. This is even though it is protected by the Kickles Bank flood defence embankment. In the event of overtopping or breach of the defence, high velocity flows and deep water would be particularly dangerous.

The Flood Risk Assessment undertaken by Unda Consulting Limited on behalf of the client identifies concerns which should also be taken in to account when reviewing this application.

Section 5.1 shows that the development site is within the highest risk area, Flood Zone 3, according to the Environment Agency Maps.

The area is protected by flood defences, however as section 5.2.3 of the Flood Risk Assessment states this can still carry risks:

“Breaching of flood defences can cause rapid inundation of areas behind flood defences as flow in the river channel discharges through the breach. A breach can occur with little or no warning, although they are much more likely to concur with extreme river levels or tides when the stresses on flood defences are highest. Flood water flowing through a breach will normally discharge at a high velocity, rapidly filling up the areas behind the defences, resulting in significant damage to buildings and a high risk of loss of life.”

Section 6.1 of the Flood Risk Assessment takes in to account the increased vulnerability the site will become to flooding once it has been developed, stating:

“Post development, the site will become “more vulnerable”, as the application is for the construction of a new residential property. Accordingly, is considered that the vulnerability of the site as a whole will increase post development”

The above highlights clear concerns of this property being at risk of flooding, and the potential consequences that could occur if it does flood.

### Reasons for Recommending Refusal

1. Developments should not occur in the flood plain if they displace floodwater, which will increase the likelihood of flooding elsewhere.
2. Developments should not occur in the flood plain if they increase the number of people living within the flood plain.
3. Developments which propose voids beneath buildings to compensate for loss of floodplain are not acceptable as homeowners are unlikely to maintain this storage capacity leading to blockages and reduction in flood plain capacity, some years after the development is completed.

4. Lack of dry access – Residents would be expected to evacuate through floodwater. Most residents would not have an understanding of the hazards associated with flood water which may contain sewage, and submerged hazards such as open inspection chambers and ditches.
5. Residents may require rescue. Development within floodplains places residents at risk, and places extra burdens upon the emergency services that are expected to rescue them.
6. Flood Management Plans – The Emergency Planning Unit does not approve of the use of “Flood management Plans” for new developments as a means of reducing risk and gaining planning consent for the following reasons:
  - o Once a Flood Management Plan is generated by the developer it is handed over to the occupants. The occupancy may change.
  - o If the homeowner is responsible for updating plans, they may not be competent to do so. It is unlikely that the homeowner would have attended a flood water rescue/competency course that would allow them to adequately recognise flooding hazards. Homeowners cannot be expected to update these plans.
  - o Local authorities cannot dictate who is eligible to live in certain properties such as those being built in a flood plain. The residents could be those with physical or mental disabilities, and it is these groups of vulnerable residents which would, more than likely, be less able to evacuate through floodwater than an able bodied person. Having a “Flood Management Plan” for properties in the flood zone simply doesn’t cater for this, and places an additional burden on the emergency services that would be expected to rescue them should the worst occur. It’s also these groups of people who are likely to receive care packages from the local authority, so it places our staff in a difficult position as their customers are in the flooded area.
  - o It is accepted best practice that plans are updated regularly when a change has occurred or after a period of time has elapsed. As per the above the homeowner may not be competent to do so, or even have time to do so (from experience, it is only a very small % of people in the flood plain who take even basic precautions, never mind writing a plan)
  - o Having a plan in place does not stop flooding, nor does it mean that residents will take the plan seriously.
  - o Local Authorities do not have capacity to review and/or maintain the Flood Management Plans on behalf of development companies and/or residents, and do not have capacity to ensure these plans are being reviewed and maintained, therefore there will be not be an organisation holding plan reviewers and maintainers to account

## In Conclusion

While the property incorporates physical measures to prevent or mitigate the effects of flooding, and the development of a flood management plan is offered, proposals have not been presented as to how these measures will be maintained in the future e.g. if the occupier changes. The proposed measures do not remove the risk of flooding occurring, but simply aim to mitigate the effects in the event flooding does occur. As the risk of flooding is still present, there is still the chance that occupiers of the property will need to be rescued in the event of flooding, putting emergency service personnel at unnecessary risk.

Buckinghamshire Fire and Rescue Service have been contacted and provided the attached response. While they have stated that measures can be put in place to assist the Fire and Rescue Service with undertaking a safe rescue in the event it is required, the fact still remains of how these measures will be maintained now, and for future occupiers. Buckinghamshire Fire and Rescue do also state the risks posed due to flooding, stating "When a property floods residents and firefighters who respond are placed at significant risk. These risk are varied in nature including drowning, entrapment, hazardous materials, and biological hazards".

Due to the high risk of flooding, potential risk to emergency service personnel, and proposed measures that may not be maintained or reviewed moving forwards, it is recommended that this planning application is rejected. While the property is in an area that benefits from flood defences, if the embankment fails the effects of the flooding will lead to dangerous high water velocities and water depths, and potentially pose a severe risk to life.

### A1.10 MKC Highways

The application will generate a small number of additional vehicle movements, but no objections are raised on this point.

I have some concerns regarding the access which is showing verge damage to the adjacent verge due to the lack of radii. This needs to be adjusted and a condition is recommended below.

I have no objections to the planning application subject to the following conditions:

Recommended conditions:

1. Notwithstanding details on the submitted plans development shall not be occupied until details of alteration of the access has been submitted and approved in writing by the local planning authority, Development shall not be occupied until the access has been altered in accordance with the approved details and the access shall be retained as altered thereafter.

Reason: for the safety and convenience of users of the highway.

2. 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.

3. Prior to the first occupation of the development hereby permitted details of bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and the scheme approved shall be provided and be retained thereafter.

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

4. Provide electric vehicle charge point in accordance with policy CT6 of Plan:MK.

#### A1.11 MKC Lead Local Flood Authority [LLFA]

At present, we object to the grant of planning permission for the following reason:

1. No surface water strategy

Paragraph 163 of the National Planning Policy Framework requires planning applications to be supported by a site-specific flood risk assessment. Such an assessment should include a surface water strategy and must demonstrate that the proposed development incorporates sustainable drainage systems (SuDS), unless there is clear evidence that this would be inappropriate. The SuDS should:

- a) Take account of advice from the Lead Local Flood Authority;
- b) Have appropriate minimum operational standards;
- c) Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) Where possible, provide multifunctional benefits

As a surface water strategy containing the above information has not been submitted there is insufficient information in order for us to determine the impacts of the proposal.

Policies FR1 – FR3 of Plan:MK includes locally specific strategic flood risk management policies to maintain and continue the exemplar sustainable drainage model of Milton Keynes, which prohibits development within the floodplain and seeks flood management and drainage infrastructure to be provided as strategically as possible and as part of a maintained, multi-functional blue-green infrastructure.

Informatives

Critical Drainage Catchments – Newport Pagnell

Plan:MK, Policy FR2 states that proposals for development within Critical Drainage Catchments, as identified in the Milton Keynes Surface Water Management Plan, should investigate the potential for the scheme to reduce or mitigate existing risk in the surrounding area.

## Management/Maintenance Plan

Plan:MK, Policy FR2 states all surface water drainage proposals for new development must include full details of the means of achieving future management, maintenance and adoption of the systems, prior to approval of any planning permission, to ensure that it will function effectively over the lifespan of the development. This will include details of funding and should be formulated through discussion with the relevant responsible bodies, including Milton Keynes Council, The Parks Trust, Anglian Water and the Internal Drainage Board.

## Land Drainage Consent

Ordinary watercourses include every river, drain, stream, ditch, dyke, cut, sluice, culvert, sewer (other than public sewer) and passages through which water flows that do not form part of main rivers. If enabling or permanent works to any ordinary watercourse are proposed, Land Drainage Consent will be required. Any form of development within 9 metres of an ordinary watercourse will also require prior approval. This includes landscaping works (fencing and tree planting) as well as any structures (e.g. development, utilities infrastructure, drainage features, outfalls etc.). The adjacent watercourse is under the Bedford Group of Internal Drainage Board's control. An application must demonstrate evidence of agreement from third party if discharging into their system.

## Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

Soakaways and/or other infiltration systems shall only be used in areas of the site where they will not present a risk to groundwater. The depth of any soakaway should be kept to a minimum to ensure the maximum possible depth of unsaturated material between the base of the soakaway and the water table to prevent direct discharge of surface water into groundwater. The minimum allowable depth from the base of the infiltration feature to the peak seasonal groundwater level is 1 m.

### A1.12 Environment Agency

#### National Planning Policy Framework Flood Risk Sequential Test

In accordance with the National Planning Policy Framework (NPPF) paragraph 158, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on

flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

#### Review of Flood Risk Assessment

We have no objection to the proposed development, but recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to. In particular, the FRA recommends that:

Finished floor levels will be set no lower than 57.18mAOD.

Flood resilient measures will be incorporated into the design of the development.

A flood warning and evacuation plan will be prepared.

#### Advice for the LPA

The site is located within an area benefitting from flood defences but there is a residual risk of flooding in the event of a breach of these flood defences.

In all circumstances where flood warning and emergency response is fundamental to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners to determine whether the proposals are safe.

The site is located on the edge of the Buckingham & River Ivel Internal Drainage Board (IDB)'s operational area. As such, the IDB should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals.

#### Advice for the Applicant

Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilience techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction, 2007", which is available on the following website: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

The Environment Agency operates a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Floodline Warnings Direct (F.W.D.) is a national system run by the Environment Agency for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit [www.gov.uk/flood](http://www.gov.uk/flood)

Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue procedures for developments. Advice should be sought from the emergency services and the Local Authority's emergency planners when producing a flood evacuation plan.

#### A1.13 Buckinghamshire and River Ouzel Internal Drainage Board

It is noted that the proposed means of surface water discharge is direct to a watercourse under the Board's control although no information can be found on the

FRA regarding discharge rates and the Greenfield run off rate is missing from the appendices.

Please note that storm water discharge will not be allowed into a watercourse under the Board's control without the prior consent of the Board. I would suggest that the means of storm water disposal is resolved prior to the issue of planning consent or that any planning consent given is conditional to the method of storm water disposal being resolved prior to commencement of development.

Please also note that the watercourse on the boundary of, or passing through this site is under the statutory control of the Board. In accordance with the Board's byelaws, no development should take place within 9 metres of bank top, without the Board's prior consent, this includes any planting, fencing or other landscaping.

The 9 metre byelaw strip is required by the Board for access for maintenance plant and equipment and for the spread and levelling of arisings, from the watercourse. It is therefore inappropriate to develop within this strip such that maintenance is obstructed, and hence the proposals within the strip are unlikely to receive the consent of the Board.

Please include a suitably worded condition in any planning permission that may be granted.

The Board recommends to the planning authority that the Environment Agency comment on recommended floor levels for the property as it is in Floodzone 2 & 3 defended.

#### A1.14 Anglian Water

Thank you for your email regarding planning application 20/00938/FUL

Please note that the Pre-Development Team provide comments on planning applications and pre-application advice for major proposals of 10 dwellings or more, or if an industrial or commercial development, more than 0.5 ha. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

#### A1.15 Neighbour/ Third Party Representations

A total of 5 neighbour representations were received. All of the representations received were made in objection to the proposal. Issues raised within the representations included:

The building is excessively large  
Negative impact on the character and appearance of the area  
Negative impact on wildlife  
Increased risk of pluvial surface water flooding  
Negative impact on the oak tree on the site  
Misleading/inaccurate information submitted with the application  
Increased risk of flooding  
Negative impact on privacy  
Departure from the outline planning permission (17/00220/OUT) in terms of scale and design  
Impact on surfacing/accessibility of Lakes Lane  
Inadequate publicity of application