



REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/02821/APP	MAIDS MORETON The Local Member(s) for this area is/are: -  Councillor Warren Whyte	13/08/18
<p>CONSTRUCT 2NO NEW SEMI- DETACHED DWELLINGS ON EXISTING GARDEN. NEW ACCESS USING EXISTING DRIVE TO NO3 THE PIGHTLE LAND TO THE REAR OF 3 THE PIGHTLEMAIDS MORETONBUCKINGHAMSHIREM K18 1QP MR KEN HOLFORD</p> <p>STREET ATLAS PAGE NO. 41</p>		

### 1.0 The Key Issues in determining this application are:-

- a) **The planning policy position and the approach to be taken in the determination of the application.**
- b) **Whether the proposal would constitute a sustainable form of development:**
- Building a strong competitive economy
  - Promoting sustainable transport
  - Delivering a sufficient supply of homes
  - Achieving well designed places
  - Making efficient use of land
  - Promoting healthy and safe communities
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
  - Meeting the challenge of climate change and flooding
  - Supporting high quality communications
- c) **Impact on existing residential amenity**

**The recommendation is that permission be GRANTED subject to conditions**

### 2.0 CONCLUSION AND RECOMMENDATION

- 2.1 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the NPPF

and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF states:

The presumption in favour of sustainable development in decision-taking is explained at paragraph 11 of the NPPF. Plans and decisions should apply a presumption in favour of sustainable development.

For **decision-taking** this means:;

11 c) approving development proposals that accord with an up-to-date development plan without delay; or

11 d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 2.2 It is acknowledged that there would be economic benefits in terms of the construction of the development, its operation and those associated with the resultant increase in local population to which limited positive weight is afforded in the planning balance.
- 2.3 The development would make a contribution to the housing land supply which is a significant benefit, although this benefit is tempered given the current substantial 11.7 years supply and the relatively small scale of the development and therefore is afforded limited positive weight in the planning balance. Work is ongoing towards revising this calculation in accordance with the new NPPF and early indications are that the council still maintains over 5 years supply.
- 2.4 Compliance with some of the other objectives of the NPPF have been demonstrated or could be achieved in terms of the impacts on sustainable transport, design, flood risk, the natural and historic environment and residential amenity. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight is attributed neutrally.
- 2.5 In respect of the adverse impacts of the development, no significant or demonstrable harm has been identified in this regard.

2.6 Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, it is considered that the limited adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal.

2.7 Given the above assessment, it is recommended that the application be **GRANTED** subject to the following conditions:

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

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with amended Drawing No 931 02E received on 21.9.2018.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

3. No development shall take place on the buildings hereby permitted until details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

4. No development shall take place until details of the proposed slab levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority, with reference to fixed datum point. The buildings shall be constructed with the approved slab levels.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with policy GP8 and GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

5. Neither of the dwellings hereby approved shall be occupied until the access onto The Pightle has been upgraded in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note 'Private Vehicular Access Within Highway Limits' 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to accord with the National Planning Policy Framework.

6. Neither of the dwellings hereby approved shall be occupied until minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway to the east and 43m from 2m back to the west of The Pightle/Main Street junction shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access. and to accord with the National Planning Policy Framework.

7. Neither of the dwellings hereby approved shall be occupied until space has been laid out within the site in accordance with Drawing No 931 02E for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear and that space shall thereafter be kept available at all times of that purpose.

Reason: In the interests of highway safety and to accord with the National Planning Policy Framework.

8. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

9. No development shall take place above the ground level hereby permitted until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; where relevant. For soft landscape works, these details shall include new trees and trees to be retained showing their species, spread and maturity, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP9 and GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

10. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP9 and GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

11. No development shall take place above ground level hereby permitted until details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and preserve the living conditions of nearby residents, to

comply with policies GP8 and GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

12. No windows other than those shown on the approved drawing No. 931 02E shall be inserted above ground floor level in the rear (south east) elevation of the dwellings hereby approved without the prior express permission in writing of the Local Planning Authority.

Reason: To preserve the amenities of the occupants of the adjacent dwellings and to comply with GP8 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification), no enlargement of any dwelling and no windows, roof alterations or dormer windows shall be erected/installed on the site which is the subject of this permission other than those expressly authorised by this permission.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of the dwelling or erection of a garage, windows having regard for the particular layout and design of the development, in accordance with policy GP8 and GP35 of Aylesbury Vale District Local Plan.

14. Works on site shall not commence until details of the proposed means of disposal of foul and surface water drainage, incorporating SUDS principles, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved scheme of drainage

Reason: Reason: In order to ensure that the development is adequately drained and to comply with the National Planning Policy Framework

Informatives:

1. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the following address for information:

Transport for Buckinghamshire  
Corrib Industrial Park  
Griffin Lane  
Aylesbury  
Bucks  
HP19 8BP

- 2 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 3 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

### **WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Agent and has focused on seeking solutions to the issues arising from the development proposal.

AVDC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case In this case, the agent was informed of the issues arising from the proposal and given the opportunity to submit amendments in order to address those issues prior to determination. The agent responded by submitting amended plans/additional information which were found to be acceptable so the application has been approved.

### **3.0 INTRODUCTION**

- 3.1 The application needs to be determined by committee as the parish council has raised material planning objections and has requested to speak at the committee meeting.

## **4.0 SITE LOCATION AND DESCRIPTION**

- 4.1 The application site relates to an area of land (0.74ha) that comprises the existing rear garden and access driveway of No.3 The Pightle. The Pightle is a cul-de-sac in the village of Maids Moreton. No 3, The Pightle is situated to the west of the access driveway and benefits from a large irregular shaped rear garden which backs directly onto Walnut Drive further to the north and west. There is a gentle slope up from Walnut Drive and there are mature trees on the periphery of the site.
- 4.2 To the east are similar semi-detached houses in the Pightle, with the rear gardens of residential properties and the Wheatsheaf public house, a grade II listed building to the south. The Maids Moreton Conservation Area (CA) extends up to the south western boundary of the site.
- 4.3 Planning permission was granted in 2017 for a similar development but with access from Walnut Drive instead of from The Pightle.

## **5.0 PROPOSAL**

- 5.1 This application seeks full planning permission for the erection of a pair of three bedroom semi-detached houses within the existing rear garden of No 3 The Pightle with a new access from The Pightle using the existing access serving No. 3..
- 5.2 The new dwellings would each have a pitched roof, with a lowered eaves line. They would each have a footprint of about 67 square metres.
- 5.3 The elevation facing Walnut Drive is described on the drawings as the front elevation and the elevation facing The Pightle is described as the rear elevation. However, with the vehicular access now being from The Pightle and the front entrance and porch also facing The Pightle, it is considered more accurate to describe these the other way around. Henceforth, the elevation facing south east will be referred to in this report as the front elevation and that facing North West will be referred to as the rear elevation.
- 5.4 The rear elevations of the dwellings would each have a prominent two storey gable projection and a dormer window with a pitched roof. The front elevations would each have a front porch with a pitched roof and four rooflights. The dwellings would be constructed of red stock brick walls with a plain tiled roof and solid timber fenestration. They would each have a chimney.
- 5.5 The dwellings would each have a small front garden, with hedges and a 1.8m high fence along the boundary with No.2 The Pightle, and a small rear garden, with hedges along the

rear facing onto Walnut Drive. There would also be a 1.8m high fence along the boundary with the remaining rear garden of No.3 The Pightle.

- 5.6 Vehicular access would be from The Pightle, shared with No.3 The Pightle, with parking bays being location to the east of the dwellings providing two parking spaces for each of the three dwellings. Notwithstanding this, the proposed units would be viewed as part of the Walnut Drive streetscape rather than relating to the existing development in The Pightle.

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 89/00568/AOP - Erection of 2 bungalows – approved
- 6.2 17/04780/APP - Erection of 2 semi-detached dwellings - approved

## **7.0 PARISH/TOWN COUNCIL COMMENTS**

- 7.1 Maids Moreton Parish Council has objected on the grounds that the density is much higher than the surrounding properties and hence not in scale.
- 7.2 The Parish Council also is concerned that with much of the site taken up by parking and manoeuvring space, it would be impossible to create sufficient garden space.
- 7.3 Finally, the Parish Council considers that the extra traffic in The Pightle generated by vehicles would cause an unacceptable burden and nuisance to existing residents, especially as the junction with Main Street has restricted visibility.

## **8.0 CONSULTATION RESPONSES**

- 8.1 Buckingham & River Ouzel Internal Drainage Board has no comments.
- 8.2 AVDC Ecologist has no objection to this application.
- 8.3 Buckinghamshire County Council Highways responded on 3.9.2018 – no objection in terms of access but requested further information on parking arrangements. Amended plans were submitted and the Highway Officer has no objection to the proposed development.

## **9.0 REPRESENTATIONS**

- 9.1 Two objections received, raising following issues:
- The Pightle is a narrow road and development would increase traffic and cause congestion for existing residents and place children at risk.

- No further housing needed in the area. Development would ruin a beautiful place in the village.
- The two parking spaces for 3 The Pightle would have to be moved south by at least 2m to accommodate the porch. Also, there would be limited turning space and drivers would be likely to drive in forwards and exit in reverse.
- The junction of The Pightle with Main Street has very restricted visibility both ways and the requirements of Condition 1 in the Highway Authority comment cannot be met.

## 10.0 EVALUATION

### a) The planning policy position and the approach to be taken in the determination of the application.

- 10.1 Members are referred to the Overview Report before them in respect of providing the background information to the Policy Framework when coming to a decision on this application.
- 10.2 The starting point for decision making is the Development Plan. For the purposes of this report, the Development Plan consists of the adopted Aylesbury Vale District Local Plan.
- 10.3 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (July 2018) and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposals constitute sustainable development having regard to Development Plan policy and the NPPF as a whole.
- Aylesbury Vale District Local Plan (AVDLP), Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP) and Housing Supply.
- 10.4 The policy position and current housing land supply figures are addressed with the overview report that is to be read in conjunction with this Committee Report. It is understood that Maids Moreton Parish Council has commenced the preparation of a Neighbourhood Plan, but it remains in the very early stages and presently have just

identified their Neighbourhood Plan area. At this time the Plan can be given no weight in planning decisions as it is at very early stage.

- 10.5 A number of saved policies within the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are Policies GP8, GP24, GP35, GP38 - GP40 and GP45. They all seek to ensure that development meets the three objectives of sustainable development and are otherwise consistent with the NPPF.
- 10.6 Policy GP.53 of AVDLP requires new developments in and adjacent to conservation areas to preserve and enhance the character and appearance of the Conservation Areas. By seeking to ensure that the significance of the heritage asset (the conservation area) is preserved or enhanced, this policy is in that respect consistent with the NPPF. The policy does not however go on to include the balancing elements of NPPF paras. 195 and 196 in circumstances where either substantial or less than substantial harm is found, and in that respect it is inconsistent with the NPPF. Given this, the weight to be applied to this policy must be reduced but limited weight can still be afforded to it.
- 10.7 It is considered that policy GP35 is consistent with the policies of NPPF, and this approach has been supported at appeal, for example the Secretary of State's recent appeal decision at Glebe Farm, Winslow (ref 13/01672/AOP) and also by the Secretary of State and Inspector in considering the schemes subject to the conjoined Inquiry (Hampden Fields/Fleet Marston and Weedon Hill North).

**b) Whether the proposal would constitute a sustainable form of development.**

- Sustainable location

- 10.8 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 7 to 211 of the NPPF, taken as a whole (paragraph 3). The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development for both plan-making and decision-making.
- 10.9 It is only if a development is sustainable when assessed against the NPPF as a whole that it would benefit from the presumption in paragraph 11 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.

10.10 AVDLP identifies Maids Moreton as an “ Appendix 4” settlement to which policies RA.13 and RA.14 would apply, indicating that limited infilling or rounding off would be appropriate, these policies however are now are out of date as set out above in the Overview Report and can only be given very limited weight.

10.11 Maids Moreton is identified in the Settlement Hierarchy Assessment for the submission Plan (September 2017) as a ‘medium Village’, a category of settlement which has an average population of 1,152 and have at least 6 of the key criteria (within 4 miles of a service centre, employment of 20 units or more, food store, pub, post office, GP, village hall, recreation facilities, primary school, hourly or more bus service and train station). Maids Moreton has a population of 847 and 387 dwellings. It has 6 of the 11 key criteria including a primary school, public house and regular bus services to the adjoining town of Buckingham. The proposed development of 2 dwellings would increase the population of the village by approximately 0.5%. Therefore, it is considered to be a sustainable location in principle for small scale infill housing development as is proposed here and accord with the principles of development in RA13 policy. Furthermore, there is previous extant permission for 2 dwellings on the site. Nevertheless, it remains necessary to consider that application against the sustainability tests of the Framework as a whole and not just locational characteristics.

- Building a strong competitive economy

10.12 The Government is committed to securing and supporting sustainable economic growth and productivity, but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

10.13 It is considered that there would be economic benefits in terms of the construction of the development itself, its operation and the resultant increase in population contributing to the local economy. It is therefore considered the economic benefits of the scheme whilst significant, due to the scale of the proposed development only attract limited weight in the overall planning balance.

- Delivering a sufficient supply of homes

10.14 Local planning authorities are charged with delivering a wide choice of sufficient amount of and variety of land and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development. In

supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. Key to the consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land.

- 10.15 Based on the findings of the HEDNA, the housing land supply document shows we have a 11.7 year supply this year (compared with 9 years previously). Work is ongoing towards revising this calculation in accordance with the new NPPF and early indications are that the council still maintains over 5 years supply. The overview report on the detailed clarification and background information on the HEDNA position, the new Housing Delivery Test to apply in November 2018 and the approach to not include any element of unmet need.
- 10.16 In respect of affordable housing the scheme does not meet the thresholds for securing such provision on site as outlined in AVDLP policy GP.2 which refers to the provision of 25 dwellings or more or a site area of 1 ha or more.
- 10.17 Whilst there is no reason that the site could not be delivered within the next five year period making a contribution to housing land supply which is a public benefit to which positive weight should be given, owing to the small scale of development proposed such a contribution is limited; also the Council can demonstrate a 11.7 years housing land supply such the level of positive weight to be attributed to housing in this case is considered limited in the overall planning balance.
- Promoting sustainable transport
- 10.18 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be

an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 10.19 In respect of transport sustainability, the site lies within the built up limits of Maids Moreton, a medium sized village with a basic range of services and facilities. It is also within a reasonable walking distance of a bus stop on Main Street to the east of the site, providing frequent bus services to the centre of Buckingham. Therefore, the site is reasonably located in terms of its accessibility. This is a neutral matter which neither weighs for or against the scheme.
- 10.20 Turning to the development itself, the proposed units would be accessed off The Pightle, an unclassified road without any footways. The access currently serves 3 The Pightle and the existing garage is proposed to be demolished to provide access to the site. The scheme that was granted permission in 2017 proposed to take its access from Walnut Drive but it understood that the owner of the strip of land between the site and Walnut Drive has not agreed to grant an easement to allow this and so this alternative access is now proposed.
- 10.21 The Bucks County Council Highways Officer has stated that Main Street is a wide, residential road which is an environment recognised to foster low vehicle speeds. During multiple site visits, the Highway Authority has observed vehicles travelling significantly below the stipulated speed limit. The access and proposed driveway are in excess of 3.2m and are therefore suitable to serve the proposed development. The Highways Officer has also stated that the access carriageway from The Pightle to Main Street measures is of sufficient width to serve two additional dwellings and most of The Pightle access road is of sufficient width to accommodate two private vehicles simultaneously passing one another. The Highways Officer added that whilst this proposal will generate an increase in vehicle movements the likelihood of a high level of conflicting vehicle movements along the private access track is still low. The Highways Officer concluded given the high levels of intervisibility present and the low frequency of vehicles travelling along this section of the highway, a recommendation for refusal over the width of the highway could not be sustained.
- 10.22 With regards to the visibility, the Highway Authority has confirmed that the sight stopping distance for 30mph roads used in Manual for Streets (2.4m x 43m) is achievable to the east of The Pightle/Main Street junction. The visibility splay to the west falls slightly below this recommended distance, although every development must be assessed on a case by case basis and in the case of this development, due to the nature of Main Street, with its wide carriageway and low vehicle flow, the Highway Authority is satisfied that vehicles can

safely access and egress from the site. The Highway Officer does not believe that this application could sustain an objection for this development off a junction which can achieve visibility in line with standards.

10.23 One representor has stated that given the restricted visibility on The Pightle/Main Street junction, that the requirements of the suggested Highway Authority condition regarding visibility splays cannot be met. However, the Highway Authority has no objection to the proposed development and considers that a refusal could not be defended at appeal.

10.24 In terms of trip generation, the Highways Officer considers that the creation of two additional dwellings would not lead to a material increase in vehicle movements through The Pightle/Main Street access and again an objection could not be sustained.

10.25 Therefore, subject to the provision of appropriate visibility splays, the additional vehicular movements generated by the proposed development would not have a detrimental impact on highway safety or the surrounding highway network. Thus, it would accord with paragraph 108 of the Framework, which seeks to secure that safe and suitable access to the site can be achieved for all users. Again, this is a neutral matter to be weighed into the balance.

10.26 Turning to on-site parking provision, policy GP24 of the AVDLP requires that new development accords with published parking guidelines. SPG1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking standards for various types of development. It advises that 3 bedroom dwellings, as is proposed here, should provide a maximum of 2 on-site parking spaces. The proposed layout plan on the revised plan ref drawing no. 931-02E indicates that 4 parking spaces would be provided, 2 for units, with No.3 the Pightle retaining 2 parking spaces. All the proposed parking spaces are in excess of 2.4m x 4.8m and benefit from manoeuvring space in excess of 6m, enabling all vehicles to safely enter/exit the site in a forward gear, thereby complying with the above policy and guidance. One representor has questioned whether it would be possible for vehicles to exit forwards due to the limited turning space. However, the Highway Authority is satisfied that there is sufficient space within the site to enter, park and exit without causing a highway safety concern. Thus, neutral weight should be attributed to this matter in the overall balance.

- Conserving and enhancing the natural environment

#### *Landscape*

10.27 In terms of consideration of impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Regard must

be had as to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. The following sections of the report consider the proposal in terms of impact on landscape, agricultural land, trees and hedgerows and biodiversity.

- 10.28 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 10.29 Policy GP.35 of the AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This policy is considered to be consistent with the NPPF.
- 10.30 Policy GP.38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible. New development particularly where there is little or no existing vegetation can appear starkly at variance with its setting for a substantial period of time. New planting helps to soften the immediate impact of the development and helps to enhance the immediate impact of the development in terms of its appearance and nature conservation value. It is essential that planting schemes are prepared as an integral part of the development. In terms of the impact on the landscape, proposals should use land efficiently and create a well-defined boundary. Permission will not be granted for development that impairs the character or identity of the settlement. In this case the site is situated within the built up area of Maids Moreton on an infill plot between existing residential development. Whilst the development would have some localised visual impacts which are considered later (against the NPPF and policy GP35), it would not impact adversely on the wider landscape and comply with GP35 and GP38 of the ADVLP and this matter should be afforded neutral weight in the planning balance.

*Trees and hedgerows*

10.31 Policies GP.39 and GP.40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value. The proposal would involve the removal of several conifer trees which are clearly not native trees to this area. Consequently, whilst the development would result in the development of part of an existing garden, through the introduction of a sensitive landscaping scheme, something which can be secured by condition, the proposal would preserve the landscape character of the area. It would therefore accord with Policies GP39 and GP40 of the AVDLP and the Framework. This is a neutral matter to be weighed into the balance.

*Biodiversity/Ecology*

10.32 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and where possible to provide net gains in biodiversity.

10.33 The proposal involve the development of part of the existing rear garden of No 3. The AVDC Ecologist has stated that there is not a reasonable likelihood of protected species being affected by this development and has raised no objection to the application. Thus overall, the proposal would not have an adverse impact on biodiversity and it would therefore accord with Circular 06/2005 and the Framework in this respect. Neutral weight should be attached to this matter in the overall balance.

- Promoting healthy and safe communities

10.34 The NPPF seeks to achieve healthy, inclusive and safe places, promote social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.

10.35 Policies GP.86-88 and GP.94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development. The scale of the development proposed does not meet the trigger for such contributions.

10.36 Maids Moreton has several meeting places including a public house, church and village hall. Consequently, there would be potential opportunities for the future occupiers of the new dwellings to interact with the local community. As such, this proposal would not conflict with the overall aims of paragraph 91 of the Framework, and such existing provisions would not require further enhancement as a result of the development, acknowledging its

small scale and low level of impact. It is considered that the proposals would comply with AVDLP policies GP.86-88 and GP.94. This matter should also be afforded neutral weight.

- Making effective use of land

10.37 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.

10.38 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should taking into account of the importance the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

10.39 Although residential gardens are excluded from the definition of previously developed land in Annex 2 of the Framework, it does not specifically exclude the redevelopment of domestic gardens. Such proposals however will need to accord with the planning principles of the Framework to secure good design and take account of the different character of different areas.

10.40 The NPPF requires developments to make efficient use of land, whilst retaining an area's character and setting. It is considered that the development addresses the NPPF guidance in this respect, given the proposed development has been designed to complement the surrounding settings and be sympathetic to the siting of nearby dwellings. Maids Moreton Parish Council has objected to the proposal on the grounds that the density would be over 40 dwellings per hectare and hence out of character with surrounding properties. However, the size of the site has increased from about 484 sq.m. in the approved scheme to 745 sq.m. now and so the density would be about 27 dwellings per hectare and not over 40 dph. The dwellings would each have a footprint of 67 sq.m. and so the area covered by the two buildings would be 134 sq.m. This means that only about 18% of the land would be built on. It is, however, accepted that due to the need to secure access from The Pightle, more of the site is taken up with access and parking space. The previous extant permission is a material consideration and the size and footprint of the buildings are similar. It is considered that a density of 27 dwellings per hectare strikes the right balance between making good use of land and protecting local character. The following sections of the report will address whether the proposals achieve well designed places, in accordance with the NPPF, but it is considered that the proposals are not overly dense and, subject to the design quality, would make an effective use of land.

- Achieving well designed places

- 10.41 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.42 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- 10.43 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.
- 10.44 Policy GP.35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP.45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site.
- 10.45 Although the site comprises of part of the existing rear garden of No 3 The Pightle and the associated vehicular access would front onto The Pightle, the proposed dwellings would form part of the Walnut Drive streetscape.
- 10.46 The application site lies towards the southern end of Walnut Drive, on the eastern side of the street. There is an existing wide grass verge between the carriageway and the enclosed rear gardens of houses in The Pightle which back onto Walnut Drive, giving this eastern side of the road an open, landscaped appearance. The presence of existing boundary fencing and tall conifer hedgerows to the rear gardens of houses in The Pightle does not diminish the sense of openness in this area. The only building on this side of the street is a two storey property known as 'Old Walls' which extends around the corner

between Main Street and Walnut Drive. However, this structure is set back from Walnut Drive behind the existing grass verge, further enhancing the landscaped character of this side of the street.

10.47 It is acknowledged that the proposed dwellings would involve the development of part of an existing open garden and there are no other buildings on this side of Walnut Drive. However, it would be set back from the road frontage roughly in line with 'Old Walls', thereby retaining the open grass verge along the eastern side of Walnut Drive. The reduced eaves height and narrow elongated form of the proposed building would further reduce its visual impact and prominence within the surrounding streetscape. Given the varied design and form of houses in this area, including modern two storey development immediately opposite the site, the design, scale and appearance of the proposed units would broadly complement their setting. Thus, subject to conditions regarding the finished floor levels of the property and submission of a detailed landscaping scheme, the proposed development would preserve the character and appearance of the area. As such, it would accord with Policy GP35 of the AVDLP and the core planning principles of the Framework, to always seek to secure good design and take account of the different characters of different areas.

- Conserving and enhancing the historic environment

10.48 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification. Paragraph 189 extends this provision to non-designated heritage assets with an archaeological interest. Policy GP.53 of AVDLP requires new developments in and adjacent to conservation areas to preserve and enhance the character and appearance of the Conservation Areas.

10.49 The application site lies outside but directly adjacent to the Maids Moreton Conservation Area, with the south-western border of the site denoting the boundary line of the conservation area and the Wheatsheaf Public House, a grade II listed building directly to the south of the site which are designated heritage assets. At its closest point it would appear that the southern corner of the proposed development would be at least 10 metres north west of the public house. Given that there is an open car park area to the west of the Wheatsheaf and the property (Old Walls) on the corner of Walnut Drive, the upper proportions of the new properties will inevitably mean the upper portions of the end of the

development will be visible in views of the Wheatsheaf when viewed from Main Street from around the entrance to the public house's car park. Nevertheless, this is already the case with No. 1 The Pightle and whilst the proposal would represent additional visible development to the rear of this listed building it is concluded that the proposals will not harm the setting or views of this listed public house. For similar reasons, the intervening twentieth century housing developments in Walnut Drive and The Pightle would also restrict the potential impact on the Conservation Area. As such it is considered that overall, the proposal would not have a detrimental impact on views in and out of the Conservation Area and will amount in no harm, in NPPF terms.

10.50 For the reasons set out above, the proposal is considered to preserve the special architectural and historic interest of the listed Wheatsheaf public house and the setting of the Conservation Area. Consequently, the proposal is considered to be in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the guidance within the National Planning Policy Framework in terms of the need to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations, the proposals also being in accordance with paragraph 190 and 192 of that same document and AVDLP policy GP53. Again, neutral weight should be attached to this matter in the overall balance.

- Meeting the challenge of climate change and flooding

The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 163 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems. The site is located within Flood Zone 1 which is defined as an area with minimal risk of flooding. It is not considered that the proposed development would materially increase or exacerbate flood risk on the site nor in the wider locality. Therefore, the proposed development would be resilient to climate change and flooding in accordance with the Framework. This matter should therefore be afforded neutral weight in the planning balance.

**c) Impact on residential amenities.**

- 10.51 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.
- 10.52 The design of the proposed units as approved in the recent planning application 17/04780/APP was very similar to the current scheme, although there are some differences. For example, the approved scheme had a total of four high level rooflights within the rear (now front) roof slopes, whilst the current scheme has a total of eight rooflights, four on each dwelling. As these will be a minimum of 1.7m above the first floor ground level, opportunities for direct overlooking are reduced whilst enabling sufficient light from entering the proposed rooms. It is considered that the proposed development would not have a materially adverse impact on the privacy of the occupiers of No.2 The Pightle to the south of the dwelling, which is about 10m from the proposed dwellings. Any impacts on this neighbour would be reduced by screening from the hedge and a 1.8m high close boarded fence along this boundary. A condition requiring the submission of boundary treatments would also prevent any overlooking of No 2 from the front facing ground floor windows, as would a condition removing permitted development rights for extensions and roof alterations.
- 10.53 The proposed dwellings would be sited approximately 15m from No 3, but would be about 3m from the boundary. However, due to the orientation of the new properties which would be positioned at an oblique angle to No.3, their reduced height and comparable ground levels, they would not appear overbearing to or adversely impact on the outlook or daylight received to No 3. There would be 1.8m high close boarded fencing along the boundary with No.3's remaining rear garden, and the only first floor window on the flank elevation of the new dwelling facing towards this neighbour would have obscured glazing. For similar reasons to those given in relation to No.2 above, the proposed units which would be positioned to the west of No 3 would not materially affect the level of sunlight received into the rear rooms and garden of No.3 late in the day.
- 10.54 An obscure glazed window would be inserted in the flank elevation of the proposed unit facing the rear garden of 'Old Walls'. The approved plan's condition would ensure that this and the opening on the other flank elevation are glazed in obscure glass. It is not therefore

necessary to attach a specific condition requiring these openings to be obscure glazed in this case.

- 10.55 Turning to the existing properties on the western side of Walnut Drive, there would be two dormer windows facing towards these dwellings. However, given the separation distances between the existing and proposed dwellings, it is not considered that the development would have a detrimental impact on the residential amenities of these properties.
- 10.56 In relation to the living conditions of potential future occupiers of the new units, the room sizes would appear to accord with the nationally prescribed space standards and the level of private amenity space for both units, whilst slightly small, would be adequate for family sized three bedroom properties.
- 10.57 Overall it is considered that the proposal would have the capacity to provide an acceptable level of residential amenity for existing and future occupiers in accordance with Policy GP8 of the AVDLP and the Framework, and this is attributed neutral weight in the planning balance.

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