

18/02510/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/02510/APP	WENDOVER The Local Member(s) for this area is: -	17/07/2018
LAND REAR OF , 11 MANOR CRESCENT, WENDOVER, BUCKINGHAMSHIRE, HP22 6HH	Cllr Steve Bowles Cllr Richard Newcombe Cllr Peter Strachan	
Mr & Mrs S Francis		
STREET ATLAS REF: 131		

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 having regard to:

- **Building a strong competitive economy**
- **Promoting sustainable transport**
- **Delivering a sufficient supply of homes**
- **Making effective use of land**
- **Achieving well designed places**
- **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 the amenities of neighbouring occupiers

d) Developer Contributions

The recommendation is that permission be GRANTED subject to conditions

2.0 CONCLUSION and RECOMMENDATION

2.1 The proposals have been evaluated against the Development Plan and the NPPF so the report has assessed the application against the principles of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or 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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless

the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or 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 accepted that the development would make a contribution to the housing land supply which is a significant benefit to be attributed limited weight in the planning balance, as it is tempered due to the scale of development that is proposed. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which limited positive weight should be attached. These benefits however need to be weighed against any harmful aspects in the planning balance.

2.3 Compliance with the other objectives of the NPPF have been demonstrated in terms of making effective use of land, the achievement of well designed places, the impacts on the amenities of neighbouring and future occupiers of the site; the natural environment; sustainable transport; and managing the risk of climate change and flood risk. These matters do not represent benefits to the wider area, but rather demonstrate an absence of harm to which weight should be attributed neutrally. This report however has identified no adverse impacts associated with the development. With the benefits identified, the development is thus considered to represent a sustainable form of development and it is recommended that planning permission is 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 No development above damp proof course level shall take place on the building(s) hereby permitted until samples/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 the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

3 No development shall take place above damp proof course level on the building(s) 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 and these works shall be carried out as approved. These details shall include trees to be retained showing their species, spread and maturity; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; and hard surfacing materials. The approved landscaping scheme shall be carried out not later than the first planting season following the first occupation of the last of the building(s) to be occupied or the completion of the development, whichever is the sooner.

Reason: In the interests of the visual amenities of the locality and to comply with policy GP38 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

4 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: In the interests of the visual amenities of the locality and to comply with policy GP38 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

5 Notwithstanding the provisions of Schedule 2, Part 1 Classes A, B, C, D, E and F and Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no enlargement of any dwelling nor the erection of any garage shall be carried out within the curtilage of any dwelling the subject of this permission, no hard surfaces, no windows, roof lights, dormer windows, no buildings, structures, gates, fences or means of enclosure other than those shown on drawing number: DR-101 P2 (15th March 2019, Flo Consulting) shall be erected over the lifetime of the development. shall be erected 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 and neighbouring occupiers 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, buildings, structures or means of enclosure having regard for the particular layout and design of the development and to ensure that the overland surface water flow route is maintained in perpetuity and not obstructed so as to prevent offsite flooding in accordance with policy GP8 and GP35 of Aylesbury Vale District Local Plan and paragraphs 155 and 163 of the NPPF 2018,.

6 The scheme for parking, garaging 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 in accordance with AVDLP policy GP24 and the NPPF

7 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Ground investigations including:
 - Infiltration in accordance with BRE365 or the principles of Building Regulation 2010 Part H2

- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the hierarchy listed in the informative below.

- Construction details of all flood risk management, SuDS and drainage components
- Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), together with storage volumes of all SuDS component(s)
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance

Reason: The reason for this pre-start/construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

8 Prior to the commencement of any development details of biodiversity enhancement of 1 integrated bat tube and 1 swift box to be incorporated into the proposed dwelling shall have been submitted to, and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved integrated bat and swift enhancement scheme, which shall have been installed prior to the first occupation of the development and retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of improving the biodiversity of Aylesbury Vale in accordance with the NPPF.

9 For the lifetime of the development, the boundary wall as shown on drawing number: DR-101 P2 (15th March 2019, Flo Consulting) shall be retained and maintained to a good standard of repair.

Reason: To maintain the surface water flow route and prevent flooding offsite in accordance with paragraph 155 and 163 of the NPPF

10 No development above damp proof course level on the building hereby approved shall take place until full details of the domestic grade sprinkler to BS 9251:2005, enhanced fire alarm system to BS5839: 2013 Part 6: Grade A LD2 and the 68mm horizontal fire main and hydrant to BS:9990: 2015 shall be submitted to and first approved in writing by the Local Planning Authority. The development shall be carried out using the approved details and shall thereafter be retained as such.

Reason: To ensure the safety of future occupants of the development in accordance with AVDLP policy GP45 and the NPPF.

11 The finished floor level of the dwelling hereby approved should be no less than finished 600mm (AOD).

Reason: To provide a suitable freeboard above the anticipated surface water flood depths for events between a 3.3% to 1% Annual Exceedance Probability (AEP) to ensure the development is safe and flood resilient in accordance with the NPPF.

3.0 WORKING WITH THE APPLICANT

3.1 In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and 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 the applicant submitted amended information which was considered to be acceptable and all outstanding issues have been resolved.

4.0 INTRODUCTION

4.1 This application needs to be determined by the committee because the application has been called in by Cllr Peter Strachan for the following reasons:

- Concern proposed dwelling is located in a private garden
- Access concerns

5.0 SITE LOCATION AND DESCRIPTION

5.1 The application site forms part of the residential curtilage to the rear of 11 Manor Crescent and has both off street car parking at the front of the property and a rear access via an existing single lane shared access, that currently serves a number of dwellings fronting Manor Crescent.

5.2 The existing dwelling is a semi detached dwelling on a large wedge shaped plot of land 36m deep x 23m wide maximum towards the rear of the application site, reducing to a width of 10m closer to the main dwelling-house.

5.3 To the east the closest dwelling No. 42 The Beeches is a two storey end terrace dwelling set back 3.5m from the shared boundary and benefits from two clear glazed windows within the flank elevation facing the application site. 11 Manor Crescent and its attached neighbour No. 13 are sited approximately 18m from the proposed rear building line for the new dwelling.

5.4 The rear garden to No. 11 is enclosed by a mix of mature shrubs and 1.8m high close panel fencing together with the frontage of No. 11 being marked by mature shrubs with a dwarf brick wall adjacent to the highway. The front curtilage is laid to gravel with an approx. 1.3m high timber fence marking the boundary with the attached semi at 13 Manor Crescent.

6.0 PROPOSAL

6.1 The application seeks full planning permission for the erection of one detached dwelling to the rear of 11 Manor Crescent. The proposal would result in the demolition of the existing detached garage serving No. 11 Manor Crescent. The accommodation would comprise 4 bedrooms on first floor level with a combined kitchen/living/dining room at ground floor level. The dwelling would be orientated so that the rear elevation of the proposed dwelling would face the rear elevation of 11 Manor Crescent and the front elevation of the proposed dwelling would face onto the fields to the rear of the site.

6.2 The proposed dwelling would be two storeys in height and would have gable projections off the front and rear elevations. The front elevation, facing the field, would have a chalet style roof form with a dormer window and roof light at first floor level. From the rear the dwelling would appear as a two storey dwelling.

6.3 It is indicated on the application form that materials would comprise of red multi brickwork and red plain tiles. It is advised that all boundary treatments and trees would be retained and that a new boundary fence comprising of a 1.8m high close boarded fence would be erected to separate the proposed new dwelling from 11 and 13 Manor Crescent.

6.4 The proposed site plan shows a paved parking and turning area with a car port. The existing parking arrangements to the front of 11 Manor Crescent would remain as existing for this property.

6.5 Planning permission was previously granted for a 3 bedroom detached dwelling on this site. The proposed scheme is approximately 29 m² larger than the approved scheme. The increase in floor space has been accommodated to the NE and SE of the dwelling/plot when compared to the previous scheme. The main section of the previously approved dwelling measured 9.6m wide x 5.5m deep x 3.6m to the eaves, 7.1m to the ridge with a tiled roof over. There was a 2 storey projecting gable end which would have a depth of 4.9m x 5.5m x 3.9m to the eaves, 7.1m to the ridge with a tiled pitched roof over. The current proposals shows a dwellings of a maximum of 11.9 m wide and between 6.6 and 10.6 m deep. The eaves height of the main dwelling would be 4.9 m high with a ridge height of 7.5 m.

7.0 RELEVANT PLANNING HISTORY

97/01406/APP - TWO STOREY SIDE EXTENSION AND PITCHED ROOF OVER EXISTING REAR EXTENSION - Approved

03/01018/APP - Conservatory - Approved

12/02168/APP - Erection of one detached dwelling to rear and alterations to existing rear access - Approved

13/03531/APP - Removal of Condition 7 (details of private access) and Condition 9 (Surface water drainage requirement) of planning permission 12/02168/APP - Refused

14/00932/APP - Erection of a detached dwelling with associated car parking and landscaping with access from existing rear private drive. - Refused

16/00069/APP - Erection of one detached dwelling with access from existing private drive. - Approved

16/A0069/DIS - Submission of details pursuant to Conditions 2 - Details of materials and Condition 8 - Details of domestic grade sprinkler – Conditions Discharged

8.0 PARISH/TOWN COUNCIL COMMENTS

Wendover Parish Council – No objection “ *No objection to the proposed new dwelling. Access is via a private road which is owned and maintained by neighbours of Manor Crescent which is, in the opinion of WPC Planning Committee, a legal matter between residents*”

9.0 CONSULTATION RESPONSES

Bucks County Highways – No objection subject to condition

LLFA – no objection subject to conditions

AVDC Ecologist – no objection subject to condition to secure enhancement

Strategic Access Officer – no objection

Buckinghamshire & Milton Keynes Fire and Rescue – Recommends additional fire safety measures

10.0 REPRESENTATIONS

Letters of objection from 10 individuals have been received as a result of the publicity surrounding this planning application. A petition objection to this application has also been received which has been signed by 71 neighbours. The publicity surrounding this application included the display of site notices from the 8th August 2018. and an advertisement was placed in the Bucks Herald which was published on the 1st August 2018. The comments can be summarised as follows:

- Concern regarding sprinkler system, neighbour won't allow mains route to be located on their property
- Concern that not all the land within the red line plan is not within the applicant's ownership
- Neighbours do not give permission for applicant to use shared access
- Concern regarding contaminated water run off in the event of a fire
- Concern regarding flooding
- Concern regarding parking and congestion
- Concern regarding boundary separation
- Pedestrian access not fit for purpose
- Concern regarding neighbour's amenities – privacy, overshadowing
- Neighbour not notified
- Loss of trees/habitat
- Proposed dwelling larger than previous approval – objects to scale
- Fire crew access in emergency

11.0 EVALUATION

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

11.2 Members are referred to the Overview Report before them in respect of providing the background information to the Policy. The starting point for decision making is the development plan, i.e. the adopted Aylesbury Vale District Local Plan (and any 'made' Neighbourhood Plans as applicable). 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 (NPPF) and the Planning Practice Guidance (PPG) 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.

Aylesbury Vale District Local Plan (AVDLP)

11.5 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 and GP35. They all seek to ensure that development meets the three objectives of sustainable development and are otherwise consistent with the NPPF.

11.6 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).

11.7 Development proposals on sites are to be considered in the context of policies within the NPPF which sets out the presumption in favour of sustainable development at paragraph 11, unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

Neighbourhood Plan

11.8 There is no Neighbourhood Plan, neither made nor in preparation, that is a material consideration in the determination of this planning application.

Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP)

11.9 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. The draft Vale of Aylesbury Local Plan was published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered

by Council on 18 October 2017. The proposed submission was the subject of consultation from, 2 November to 14 December 2017. Following this, the responses have been submitted along with the Plan and supporting documents for examination by an independent planning inspector at the end of February 2018. The examination hearing ran from Tuesday 10 July 2018 to Friday 20 July 2018. The Interim Findings have been set out by the Inspector, and consultation on modifications will be required before adoption can take place. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2019.

11.10 Whilst the VALP hearing has taken place there are a number of unresolved objections to the housing strategy and other policies. Paragraph 48 of the NPPF advises on the weight to emerging plans depending on the stage of preparation, unresolved objections and consistency with the NPPF. In view of this the policies in this document can only be given limited weight in planning decisions, however the evidence that sits behind it can be given weight. Of particular relevance are the Settlement Hierarchy Assessment (September 2017). The Housing and Economic Land Availability Assessment (HELAA) (January 2017) is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. These form part of the evidence base to the draft VALP presenting a strategic picture.

Housing Land Supply

11.11 How the local planning authority is complying with the Government's objective of significantly boosting the supply of homes has been set out in the accompanying overview report which should be read in conjunction with this report. The latest position statement, published April 2019, indicates that AVDC currently can demonstrate a 5.64 years worth of deliverable housing supply against its local housing need. The April 2019 position statement replaces the June 2018 position statement and takes into account the 2019 revised NPPF, the new Planning Practice Guidance and the latest situation on the emerging Vale of Aylesbury Local Plan which is currently being examined. The updated overview report attached sets out the detailed clarification and background information on the HEDNA position, the new Housing Delivery Test and the approach to not include any element of unmet need. It should be noted that the next full position statement will be produced in summer 2019 which will include the data of the monitoring year 2018/19.

Whether the Proposals would Constitute Sustainable Development

11.14 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.

11.15 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. The relevant objectives

are considered below in this report and an assessment is made of the benefits associated with each development together with any harm that would arise from a failure in meeting these objectives.

11.16 Extant consent exists under planning application reference 16/00069/APP for the erection of a three bedroom dwelling on the application site. As the principle of development has already been established it will be necessary to consider if there are any impacts over and above the arrangement that has already been approved that would warrant the refusal of this application when assessed against the objectives contained in the NPPF concerned with the pursuance of sustainable development

Building a Strong Competitive Economy

11.17 The Government is committed to securing and supporting sustainable economic growth and productivity in order to create jobs and prosperity 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.

11.18 There would be economic benefits associated with the development arising from the construction phase, albeit time limited. There could also be benefits associated in the increase in population that would follow the development of new homes. This would be held in limited weight due to the scale of the limited increase in population proposed and the time limited nature of the benefit associated with the construction phase of the development. Again this benefit is also limited by the fact that extant consent exists for the erection of a dwelling on the application site.

Promoting Sustainable Transport

11.19 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 guidance 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.

11.20 Wendover is identified in the Settlement Hierarchy Assessment (September 2017) as being a “strategic settlement”. ‘Strategic settlements are the main towns and villages in the district and the focus for the majority of the development. These settlements act as a service centre for other smaller and larger villages surrounding them. Wendover specifically is identified as having a very large population and meets all of key sustainability criteria when considering the availability of services and facilities within the settlement. Wendover is therefore considered to be a sustainable location for new housing. The settlement has the capacity to support, through its services and infrastructure, an additional dwelling as

proposed. The proposed scheme can be regarded as supporting the NPPFs objective to reduce the need to travel and to encourage the use of sustainable transport modes. This is held in neutral weight in the assessment of the overall planning balance.

11.21 To assess the transport considerations that arise from the proposals, there is no reason to conclude that one dwelling would amount to a severe cumulative impact on the highway network particularly given that Wendover is a strategic settlement location that is well served by employment opportunities, services and facilities and has good access to public transport.

11.22 It is necessary to consider the proposals from a highway safety point of view. It is noted that the Inspector considering the appeal in connection with the refusal of 14/00932/APP noted that:

'In terms of the effect of the proposal on the safe and free passage of vehicles and pedestrians, the appellant has demonstrated that the increase in traffic movements would only result in a minimal increase in vehicular and pedestrian traffic, over and above the existing garage serving number 11. The level of traffic generated by the proposed dwelling is unlikely to result in a material increase in danger and conflict with other highway users either on the private access road or on Manor Crescent. I note the concerns raised by the Council with regard to ability for vehicles to pass each other. However, this would not be significantly different to the existing access arrangements for the 6 properties that currently use the road. As such the proposed new dwelling would not result in a material increase in danger and conflict with other highway users.'

With regard to the safe and free passage of emergency vehicles, there is no evidence before me to demonstrate that the site could be accessed in the event of an emergency or that alternative arrangements have been established to address such a situation.

The access arrangements for emergency vehicles are generally dictated by the needs of fire service. There is a recommended minimum kerb to kerb width of 3.7m for the safe and effective access of emergency vehicles, as set out within Manual for Streets (MfS). A reduction in width of the road can be agreed, however, this is provided that the pump appliance can get to within 45m of the dwelling access and consultation has taken place with the local fire safety officer. There is no evidence of this taking place before me. In its current condition, the width (approximately 3.2m), length (approximately 104m) and geometry (90 degree bend) of the private access road means that it is not suitable for the access and operation of a pump appliance. This leads to the conclusion that the access arrangements as proposed would not allow for the safe and free passage of emergency vehicles to and from the proposed dwelling.

Having come to the conclusions above, the proposal would not result in a material increase in danger to users of the highway. However, it would not enable emergency vehicles to reach and respond to an incident at the proposed dwelling in accordance with the guidance set out in MfS due to the width, length and geometry of the private access road. As such the proposal would be in conflict with the aims and objectives of the National Planning Policy Framework.'

11.23 As with the earlier approval under reference 16/00069/APP, it would be unreasonable

to arrive at a different conclusion and this position is accepted by the highways officer. The Highways Officer has noted that the only highways issue associated with the site is the ability of emergency vehicles to access the site. The requirements for emergency vehicles fall beyond the remit of the Highway Authority.

11.24 As with the previous application a condition will ensure the installation of a domestic fire grade sprinkler, an enhanced fire alarm system and a horizontal fire main and hydrant as recommended by the fire service. As with the previous approval it is considered that there is evidence to demonstrate that the site could be accessed in the event of an emergency or that alternative arrangements have been established to address such a situation and the application can be supported. The Highways Officer raises no objection to the development proposals subject to the use of a condition to ensure that the scheme for parking, garaging and manoeuvring is laid out in accordance with the approved plans.

11.25 It is noted that neighbours have raised objection to the shared access being used by construction traffic. As with the previous approval, all services are to be directed through the existing dwelling at 11 Manor Crescent with other materials to be transported to the proposed new dwelling by dumper trucks which would avoid damage to the rear access track and negate the need for widening the rear access track. Neighbours have also objected to the rear access being used in connection with the occupiers of the proposed dwelling. The applicant is understood to have a right of access over the shared access and in any event this is a legal matter rather than a material planning consideration.

11.26 AVDLP policy GP.24 requires that new development accords with published parking guidelines. SPG1 'Parking Guidelines' sets out the appropriate parking requirements for various types of development. AVDC are the Parking Authority within the district and their regulations must be followed when laying out the parking scheme. The parking standards specify that each parking space should be a minimum of 2.4m x 4.8m wide. A four bedroom house is expected to be served by 3 spaces per dwelling provided within the curtilage of the dwelling. There is space to park at least three cars within the curtilage of the dwelling as proposed.

11.27 In summary, with the use of the recommended condition, the development proposals are considered to provide safe and suitable access and pose no threat to highway safety. The proposals accord with AVDLP policy GP.24 and the advice contained within the NPPF. This is held in neutral weight in the overall planning balance.

Delivering a Wide Choice of Good Quality Homes

11.28 Local planning authorities are charged with delivering a wide choice of high quality homes 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.

11.29 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 in the overall planning balance. The level of weight afforded to this

benefit is also limited by the fact that consent already exists to erect a single dwelling on this application site.

Making Effective Use of Land

11.30 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. Planning decisions should take into account the identified need for different types of housing and other development, local market conditions and viability, infrastructure requirements, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.

11.31 As a garden, the application site is not regarded as brownfield land. As there is extant permission for the erection of one dwelling on the application site there are no additional benefits associated with the scheme in this regard. This is subsequently held in neutral weight in the overall planning balance. The need to consider the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places is dealt with in the following section(s) of the report.

Achieving well designed places

11.32 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.

11.33 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) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

11.34 Permission should be refused for development of 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 in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-

maker as a valid reason to object to development. Great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

11.35 Policy GP.35 of the AVDLP 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.

11.36 The proposed dwelling would be visible only from very limited public views. Whilst the proposed dwelling is larger than that previously approved it is considered that the design of the new dwelling retains the traditional and would be constructed from appropriate materials in keeping with the surrounding properties. The proposed new dwelling would not appear overly cramped within the plot and there would be sufficient amenity space provided around the dwelling to allow for the siting of normal domestic paraphernalia without it appearing incongruous. The landscaping scheme will also soften the appearance of the proposed dwelling from adjacent private views.

11.37 The proposed dwelling is considered to appear appropriate in its surroundings. The development proposals are subsequently considered to accord with AVDLP policy GP35 and the advice contained in the NPPF and this is held in neutral weight in the overall planning balance.

Promoting healthy and safe communities

11.38 The NPPF seeks to achieve healthy, inclusive and safe places, promoting 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.

11.39 AVDLP policy GP.45 is also relevant in that any new development would also be required to provide a safe and secure environment for future occupiers of the site. Whilst such issues would be assessed in more detail in the context of a reserved matters submission, at this stage, there is no reason to consider that the development proposals are not capable of providing a safe, secure and inclusive environment for future users.

11.40 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 need for financial contributions are considered in section d of this report. There is no reason to believe that the development proposals, which will be expected to comply with the relevant building regulations, would not be capable of providing a safe and accessible environment and this is held in neutral weight in the overall planning balance.

Conserving and Enhancing the Natural Environment

11.41 In terms of consideration of impact on the natural environment, regard must be had as to how the development would contribute to the natural 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 the landscape, trees and hedgerows and biodiversity.

11.42 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.

11.43 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value and requires sites where there is potential for impacts to be surveyed. Policy GP38 requires landscaping proposals to help buildings complement their surrounding and to conserve existing natural features of value.

11.44 The proposal involves the erection of one dwelling on land greenfield land and permission for a single dwelling has been granted and this permission is extant. The erection of a new dwellings would inevitably result in some harm to the natural environment by virtue of built form but it would appear only appropriate to consider the additional harm as the harm from a single dwelling in this location (albeit smaller) has already been deemed acceptable. Notwithstanding this, it does appear that soft and hard landscaping could be provided at the site to mitigate any harm and provide a biodiversity gain. A detailed scheme of hard and soft landscaping will be secured by condition.

11.45 There are no trees located within the application site although there are trees and hedgerows on the boundaries that contribute to the character of the area and would serve to screen and soften the development from public views. Issues surrounding the retention of the boundary hedges could be dealt with by a condition to secure a scheme of landscaping.

11.46 Whilst there would be an increase in built form at this site (compared with that already permitted), the additional impact to the natural environment is likely to be nominal as it is only appropriate to consider the additional harm that would result from a proposed scheme with an increased footprint. With the use of appropriately worded conditions issues surrounding trees and landscape are held in neutral weight in the overall planning balance.

11.47 Paragraph 170 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the “best and most versatile” agricultural land and, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The application site is garden land and subsequently does not amount to agricultural land.

11.48 Paragraph 170 of the NPPF requires new development to minimise impacts on

biodiversity and provide net gains in biodiversity. As previously stated, a landscaping scheme provides an opportunity to provide net gains in biodiversity. The Council's Ecologist has confirmed that there is no reasonable likelihood that the application site is used by protected species. In order to secure the enhancements advocated by the NPPF, the Ecologist has requested that features be built into the fabric of the building to provide habitat for bats. This will be secured by condition.

11.49 In summary, with a condition to secure a scheme of landscaping and the ecological enhancements, the development proposals are thus considered to comply with AVDLP policies GP35, GP38, GP39 and GP40 and the guidance contained in NPPF. Neutral weight is apportioned to issues surrounding the natural environment when considering the overall planning balance

Conserving and Enhancing the Historic Environment

11.50 A positive strategy under paragraph 185 of the NPPF is required for the conservation and enjoyment of the historic environment and an assessment will need to be made of how the development proposals sustain and enhance the significance of heritage assets and the positive contribution that conservation of assets can make to sustainable communities as well as the need to make a positive contribution to local character and distinctiveness.

11.51 There are no heritage assets, neither on nor within the vicinity of the application site. Issues surrounding the historic environment are subsequently held in neutral weight in the overall planning balance.

Meeting the Challenge of Flood Risk & Climate Change

Flood Risk

11.52 Paragraph 163 of the NPPF requires new development to ensure that flood risk is not increased elsewhere. Where appropriate applications should be accompanied by a site specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

11.53 The site is located in Flood Zone 1 and it is however identified to be at risk of surface water flooding during higher order flood event. In order to mitigate the existing surface water flood risk a series of flood risk resistance and resilience measures have been proposed. Firstly, for the property it is proposed to raise finished floor levels up to 600mm to provide a suitable freeboard above the anticipated surface water flood depths for events between a 3.3% to 1% Annual Exceedance Probability (AEP)

11.54 The proposed dwelling will cause an obstruction to the existing surface water flood risk, and therefore to ensure no increased risk of flooding elsewhere the applicant has proposed a retaining wall to channel the flow route through the site, maintaining the existing flow route. The retaining wall will be secured by a condition which will also ensure that it is retained for the lifetime of the development. Details of the flood mitigation measures have been overlain onto the topographical survey to demonstrate how flows will be conveyed through the site. The LLFA have requested some extra information following this exercise but they are satisfied that this can be dealt with by condition.

11.55 The LLFA have also requested the removal of permitted rights Part 2 (minor operations) class A, relating to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. The LLFA consider this a reasonable approach as any construction of gate, fence, wall or other means of enclosure to the east and west boundary would obstruct the existing surface water flood flow route and potentially increase flooding offsite to the east.

11.56 In regards to the surface water runoff that will be generated as a result of development, infiltration components have been proposed to manage storm water. A soakaway will manage storm water from the roof areas whereas permeable paving will be used to manage the surface water arising from the hardstanding, permeable paving will offer benefits of water quality and quantity treatment. Whilst the infiltration testing carried out is indicative of the viability of infiltration, additional information is required by the LLFA but again they are satisfied that this can be secured by condition.

11.57 Due to the risk of flooding it is necessary for the applicant to demonstrate that safe access and egress can be provided during a flood event in order to prevent the future occupants of the development putting undue pressures on emergency services. The applicant has indicated that safe access can be provided and refuge be taken in the neighbouring field. The flood water would be low level, at a maximum of 600 mm, and it is presumed that the velocity of the water would be low, and so this is considered to be an acceptable arrangement.

11.58 Subject to a condition to secure a scheme of surface and foul water drainage and other recommended measures, the development proposals would not increase the risk of flooding on site or elsewhere in its surroundings and would be safe and flood resilient. On this basis the proposals are considered to accord with the advice contained in the NPPF and this is held in neutral weight in the overall planning balance.

Climate Change

11.59 The proposed dwellings would be required to be constructed to modern standards of design and sustainability to accord with current building regulations. There is no objection to the proposals on this basis and this is held in neutral weight when considering the overall planning balance.

Supporting high quality communications

11.60 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services. There is no reason to believe that the proposed

development would interfere with broadcast or electronic communication services. This is held in neutral weight in the overall planning balance.

Impact on residential amenity

11.61 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. Policy GP95 of the AVDLP explains that in dealing with planning proposals, the Council will have regard to the protection of the amenities of existing occupiers. Development that exacerbates any adverse effects of existing uses will not be permitted.

11.62 Whilst there are more windows proposed to be inserted in the elevations of the dwelling as proposed, compared to the approved arrangement, this is not considered to amount to a material loss of privacy because no new first floor level windows are proposed in elevations where there were none. Also the separation distances remain broadly similar. The one exception is the proposed first floor level window serving an ensuite which faces 42 The Beeches. This window, serving a shower room, would however be obscure glazed, and a condition will ensure that this remains to be the case.

11.63 The north east side elevation of the proposed dwelling is located between a minimum of 0.9 metres and maximum of 5 metres away from the common boundary with 42 The Beeches. Between 5 and 8.3 metres separation will be retained between the two opposing elevations. Subsequently no material impacts are considered to arise when considering the potential for any overbearing impacts or increased sense of enclosure.

11.64 Between 8 and 12.9 metres separation will also be retained between the rear elevation of the proposed dwelling and the common boundary with 13 Manor Crescent.

11.65 A scheme of hard and soft landscaping will ensure that appropriate screening is maintained between the proposed dwelling and its neighbours. Both the proposed dwelling and the existing dwelling at 11 Manor Crescent would be served by private amenity space of an appropriate scale.

In summary it is considered that the proposed development has the capacity to ensure a satisfactory level of residential amenity for neighbouring properties in accordance with policy GP.8 of the AVDLP and the NPPF advice. No material impacts would arise over and above those already associated with the approved dwelling on this application site. It is therefore considered that if an absence of harm can be demonstrated, it would be attributed neutral weight in the planning balance.

d) Developer Contributions

11.66 Policies GP86-88 and GP94 seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and, where necessary, require financial contributions to meet the needs of the

development. In accordance with the NPPG tariff-style s106 contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor-space of no more than 1000sqm. On this basis the development proposals fall below the relevant thresholds at which developer contributions are sought.

Other Matters:

11.67 It is noted that a neighbour has suggested that not all of the land within the red line site plan falls within the ownership of the applicant. The applicant however has correctly served notice to relevant landowners. It is also noted that a neighbour has observed that they were not directly notified of this planning application. The Local Planning Authority does not write to neighbouring land owners, the applications are publicised through the display of site notices as detailed at the start of this report.

Case Officer: Laura Ashton