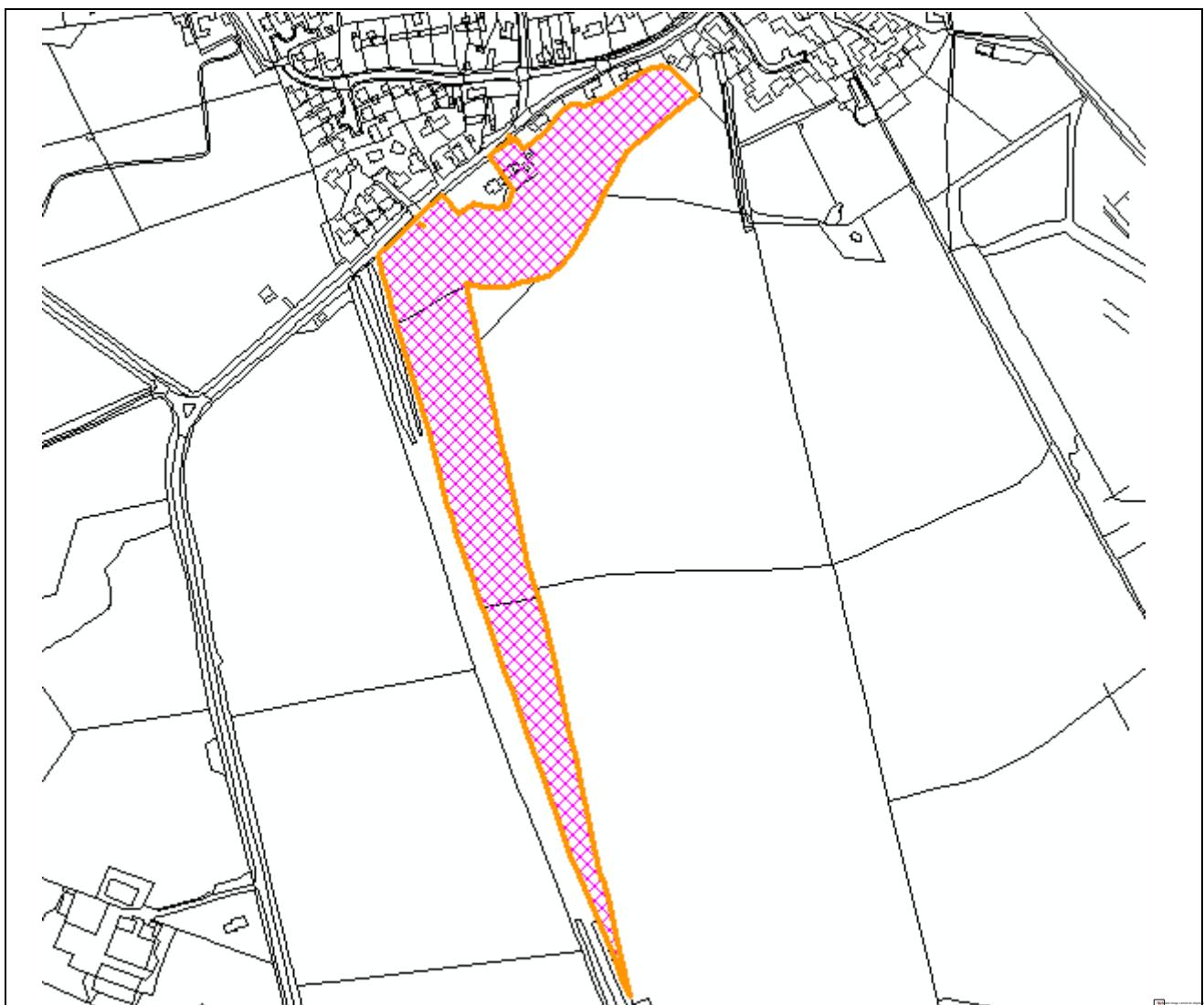


19/01233/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/01233/APP	PADBURY The Local Member(s) for this area is/are: -	01/04/19
ERECTION OF AGRICULTURAL BUILDING LAND REAR/ADJ TO FAIRHAVEN MAIN STREET PADBURY MK18 2BJ	Councillor Llew Monger Councillor Susan Renshell	
MR CHRISTOPHER MCNALLY		
STREET ATLAS PAGE NO. 53		

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

- A) Planning policy position and the approach to be taken in the determination of the application**
- B) Principle of the development proposed**
- C) Impact on the Conservation Area and the surrounding area**
- D) Impact on residential amenity**
- E) Impact on highways**
- F) Flood risk**
- G) Biodiversity**
- H) Other Matters**

The recommendation is that the application be deferred and delegated to Officers for approval following the completion of a legal agreement to secure the implementation of only one permission: the development the subject of this application, planning permission reference 17/00939/APP or planning permission reference 18/01703/APP. Any permission to be subject to such conditions as are considered appropriate; or if the S106 legal agreement is not satisfactorily agreed, for the application to be refused by officers for reasons considered appropriate.

#### **2 CONCLUSION AND RECOMMENDATION**

- 2.1 The application has been evaluated against the Development Plan, comprising of the Aylesbury Vale District Local Plan (AVDLP) and the NPPF and the report has assessed the application against the planning objectives 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 this 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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing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 of the NPPF taken as a whole.

- 2.2 The proposal seeks to construct an agricultural building on agricultural land adjacent to the existing dwelling Fairhaven.
- 2.3 A previous application on this site was refused and this is discussed below. It is considered that amendments to the development including the relocation of the proposed building and the amendments to the design have addressed the previous concerns in relation to the visual harm in relation to the proposal and the new scheme is not considered to harm the character and appearance of the area or of the conservation area.
- 2.4 As with the previous application issues regarding the access to the site remain however it is considered that these can be dealt with via a legal agreement restricting the implementation of other consents. Similarly, whilst issues with regards to flooding have been raised as a concern, it is judged that these can be dealt with via pre-commencement conditions ensuring a satisfactory drainage scheme is in place prior to any implementation of any permission granted. The access to the building, whilst noted as being narrow, is existing and is the only available access to serve the agricultural land following the implementation of reserved matters application 18/00064/ADP, which the applicant states is their intention. There have been no objections raised by the Buckingham County Council Highways Engineers also with regards to the proposals. There are no significant residential amenity concerns with regards to the proposal.
- 2.5 Special regard has been given to the statutory test of preserving the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. In respect of the impact on the Conservation Area, to which this site is adjacent, it is considered that the proposed development would result in less than substantial harm and at the very lowest end of the scale in terms of the NPPF. Paragraph 196 of the NPPF states that where development will lead to less than substantial harm to the significance of the asset this should be weighed against the public benefits of the proposal. In this instance the proposals will help support the rural economy, which is supported under paragraph 83 of the NPPF and would result in the tidier appearance of the land. This was noted in the appeal as not outweighing the harm in the buildings previous location, however with the revised scale of the proposals and the revised location it is considered that the level of harm would be reduced compared with the previous scheme and it would not be sufficient to justify a refusal. As such it is considered that the public benefits would outweigh the harm caused and there would not be a conflict with the NPPF.
- 2.6 It is therefore recommended that the application be **DEFERRED AND DELEGATED** to officers for approval following the satisfactory completion of a legal agreement in respect of access arrangements to the building with regards to other planning consents with any permission to be subject to such conditions as are considered appropriate; or if the S106 legal agreement is not satisfactorily agreed, for the application to be refused by officers for reasons considered appropriate.

### **3.0 INTRODUCTION**

- 3.1 The application needs to be determined by committee as the parish council has raised material planning objections with regards to flooding and highway impacts of the development and wish to speak at committee.

### **4.0 SITE LOCATION AND DESCRIPTION**

- 4.1 The site comprises a small agricultural holding to the south west of the village of Padbury. The land holding is laid to pasture and is irregular in shape, extending in tapering form to a

point 600m to the south along the line of the former railway embankment of the Verney junction to Buckingham and Brackley branch railway. A separate arm of land extends about 230m to the north east. The land rises quite steeply to the south and more gently to the north east. The holding is approximately 3.7ha in size.

- 4.2 There are two accesses to the holding, one to the western side of the site just slightly south of Amblers Way, which is the opposite side of Main Street, and one utilising the same access as the residential property Fairhaven, which is also in the applicant's ownership. The area of land supporting the access near Amblers Way has been shown edged in blue in the application documents and access currently remains to the land through this gateway.
- 4.3 The farming taking place on the land is livestock, specifically cattle, which were present on the case officers site visit. The land was purchased by the applicant from the previous landlord in June 2014. The applicant has farmed the land for over 10 years, and expects to have in excess of 12 cattle on the land in the future. The applicant has stated that they have grazed over 200 cattle on the land previously.
- 4.4 The site for the new barn building is located to the east of Fairhaven and to the rear of Ivy Cottage and Rose Cottage, which are all residential dwellings located on Main Road. As noted above, there is an access to the land using the same access as the driveway to Fairhaven. There is a notable gap between Fairhaven and Ivy Cottage which provides views onto the farmland and the valley that Padbury sits in.
- 4.5 The site adjoins the Padbury Conservation Area, with the curtilage to the properties immediately to the north and west forming the Conservation Area boundary. The site is not within a landscape designation, not within a flood plain nor within an ecology notification area.

## **5.0 PROPOSAL**

- 5.1 The proposal is for a new agricultural building/ barn, the proposal is a re-submission of the previously refused application 19/00042/APP, which was subsequently dismissed at appeal, with the buildings size and location within the site being altered.
- 5.2 The proposed building is formed of 2 interconnecting sections; a 3 bay general purpose store and a smaller secure store. The 3 bay section would be open, with the secure store having dual timber doors. The materials for the building consist of natural rubble walling with brick quoins to the main section of the building with red brick to the smaller secure store. The roof would be tiled with pantiles.
- 5.3 The larger section of the building would measure 2.5m to the eaves and 3.9m to the ridge and would be 12.6m in length and 5.6m in width. The smaller brick store section would be 2.1m to the eaves 3.4m to the ridge, 5m in depth and 3m in width. The overall width of both parts combined would be 15.6m.
- 5.4 Out of the 3 open bays, 2 are to be used for the storage of straw and hay and 1 for storage of a tractor and implements. The secure store is to be used for small hand tools, power tools, medicines and chemical sprays that are ancillary to the agricultural use of the land.
- 5.5 Access to the building from Main Road is via the driveway for the residential property Fairhaven, with a separate entrance into the field located to the north of Fairhaven's detached garage; this access is already existing. The entrance would lead to an area of rolled hoggin of approximately 250m<sup>2</sup> with the hoggin extending 7.8m to the north east of the proposed building.
- 5.6 The land to accommodate the building and adjacent access would be excavated to provide a level surface resulting in the levels being lowered by a maximum of 0.9m.

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 86/01776/AOP - Erection of three new detached dwellings - Refused (Appeal Dismissed)
- 6.2 14/03393/APP - Erection of agricultural building. – Withdrawn
- 6.3 15/01428/AOP - Application for outline planning permission with all matters reserved for the erection of 15 houses and bungalows (five of the dwellings to be affordable housing). – Refused (Appeal Dismissed)
- 6.4 15/00242/APP - Erection of agricultural building – Approved
- 6.5 16/00482/AOP - Outline application with all matters reserved for the erection of three dwellings and new access - Outline Permission Granted
- 6.6 17/00939/APP - Demolition of bungalow and erection of new dwelling – Approved
- 6.7 18/00064/ADP - Application for reserved matters pursuant to outline permission 16/00482/AOP for layout, scale, external appearance, the access, and the landscaping of the site – Approved
- 6.8 18/01703/APP - Demolition of bungalow and erection of a new dwelling - Refused (Allowed on Appeal)
- 6.9 19/00042/APP - Erection of agricultural building – Refused (Appeal dismissed)
- 6.10 18/A1703/NON - Non Material Amendment sought on planning permission 18/01703/APP (allowed on appeal) relating to change of rear boundary; brick wall to 600mm height with 500mm high timber post and rail on top, insertion of 3.0m wide gate and change to side boundary; insertion of 4.0m wide gates to facilitate access to agricultural land. – Refused (Considered a material alteration)

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

Padbury Parish Council - **object** to the proposals and wish to speak at committee.

There does not appear to be an appropriate drainage scheme included in the plans which could cause drainage and flooding issues.

The main access to the building is down a very narrow road which would be too small and not appropriate for agricultural vehicles.

## **8.0 CONSULTATION RESPONSES**

- 8.1 River Ouzel Drainage Board – No comments to make
- 8.2 Buckingham County Council Highways – No objection subject to a condition.
- 8.3 AVDC Environmental Health – No comments to make
- 8.4 AVDC Ecology – No objection subjection to a condition

- 8.5 Buckingham County Council Sustainable Urban Drainage – Initial objections overcome following amended site area plan and recommend that conditions are used to manage flood risk.

## **9.0 REPRESENTATIONS**

5 letters of objection from 2 parties:

- The development will increase flood risk to the neighbouring properties. Siting of building on top of a culvert junction that takes excess water away from houses and large area of hardstanding will increase risk
- Revised plans do not show overall height of the barn
- Concerns with overshadowing to neighbouring properties
- Negative impact on the conservation area
- Barn not large enough to house machinery on field
- Concerns over use of building
- Suburbanisation of greenfield site
- Unattractive design
- Will cause loss of amenity to neighbours
- Appeal refused on previous application
- Applicant has dug a drainage pipe across the field, covered with soil channelling storm water

Please note: Matters which are not material considerations that cannot be taken into account may include property values, loss of view, personal or private property issues, disturbance during construction works or matters covered by other legislation etc. and therefore any such matters are not repeated here.

## **10.0 EVALUATION**

### **A) Planning policy position and the approach to be taken in the determination of the application**

- 10.1 The overview report attached (November 2019) sets out the background information to the policy framework when making a decision on this application. This includes a section on the emerging Vale of Aylesbury Local Plan (VALP). A number of policies within the VALP following the main modification consultation which started on the 5<sup>th</sup> November 2019, are now afforded some weight in the decision making process. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of particular relevance are BE1 (Heritage Assets), BE2 (Design of new development), NE1 (biodiversity and geodiversity), NE4 (Landscape character and locally important landscapes), NE7 (Best and most versatile agricultural land), NE8 (Trees, Hedgerows and Woodlands), T5 (Delivering transport in new development), T6 (Vehicle Parking) and BE3 (Protection of the amenity of residents)..
- 10.2 The majority of the above policies (not mentioned in the below two paragraphs) can be given moderate weight meaning that where there are objections and the Inspector has requested main modifications and the objections can be regarded as being “resolved”. The

context being that the Inspector has considered the proposed modifications and in agreeing them for consultation, has confirmed that he is reasonably satisfied that they remedy the points of unsoundness identified in the examination process so far.

- 10.3 Policy BE3 has been the subject of objections and the Inspector has not requested main modifications so these can be regarded as resolved and this policy can be given considerable weight.
- 10.4 With regard to VALP policies it is not considered that the majority of the above mentioned policies are materially different from those contained within AVDLP which are of relevance, namely, Policies GP8, GP24, GP35, GP38, GP53 and GP59 which may be given full weight, with the exception of Policy GP53 which cannot be given full weight given that it does not contain the balancing elements in the NPPF (paragraphs 195 to 197). Where new policies are indicated or where there may be an element of conflict this is picked up in the report below.

#### Neighbourhood Plan

- 10.5 There is currently no neighbourhood plan in existence for Padbury.

#### **B) Principle of the development proposed**

- 10.6 Paragraphs 83 and 84 of the NPPF support a prosperous rural economy and state that the sustainable growth and expansion of all types of business in rural areas should be supported, both through the conversion of existing buildings and well-designed new buildings. The Government is committed to securing and supporting sustainable economic growth and productivity, but also that this would be achieved in a sustainable way.
- 10.7 Under application 19/00042/APP an agricultural building on the site was refused and dismissed at appeal. The reasons for refusal in relation to the application were the impact on the conservation area and ability to access the site following implementation of other planning consents on the site. The appeal upheld the council's reasons for refusal, however did not oppose the principle of the development. The previous officer report in the 'principle of development section' noted that:

*'A farm building has previously been granted consent, under reference 15/00242/APP (which has now expired without implementation), on the holding, albeit on a different part of the land, towards to the north west corner near to Amblers way and the second site entrance. Given that consent has previously been granted on the site for an agricultural building of a similar size and that the applicant has submitted justification for the use , it is considered that the principle of an agricultural building of this scale, for the purposes stated in the application, within the landholding are justified and are acceptable, subject to the development being acceptable and in accordance with any other relevant policy or material planning consideration'*

- 10.8 It is therefore considered as with the previous application that the principle of an agricultural building, for the purposes stated in the application, within the landholding are justified and are acceptable, subject to the development being acceptable and in accordance with any other relevant policy or material planning consideration.

#### **C) Impact on the Conservation Area and the surrounding area**

- 10.10 Policy GP35 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; the effect on important public views and skylines. This policy closely aligns with the aim of the Framework, which states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It adds that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development and provide for an appropriate mix of uses, respond to local character and history, create safe and accessible environments which are visually attractive.

- 10.11 Policy GP53 of the AVDLP requires new development in Conservation Areas seeks to preserve or enhance the special characteristics of the conservation area; not cause harm to the character or appearance of the Conservation Areas, their settings or any associated views of or from the Conservation Area; must respect the historic layout, scale and form of buildings, street patterns, open spaces and natural features in the Conservation Area that contribute to its character and appearance; and that proposals for alterations, extensions and changes of use must respect and complement the character, materials and design details of the structure and site concerned and its neighbours. Members will be aware that Policy GP.53 of the AVDLP is to be given limited weight as it is inconsistent with the NPPF by failing to incorporate the balancing test contained in paragraph 196 of the NPPF.
- 10.12 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.13 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment through protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside.
- 10.14 The previous application 19/00042/APP was refused on 2 grounds, one of these grounds being:

*The proposed development, by reason of its siting and scale, would result in a visually prominent and intrusive building in views from the road and surrounding area, which would harm the visual amenity, character and appearance of the rural area and the Padbury Conservation Area, contrary to policy GP35 and GP53 of the Aylesbury Vale District Local Plan, and the advice set out in the NPPF. The harm to the conservation area would amount to less than substantial harm, in NPPF terms; however, the public benefit of the scheme would not be sufficient to outweigh that harm.*

- 10.15 The case officer report expanded on this reason for refusal and states that:

*The building will be located in a gap between Ivy Cottage and Fairhaven which provides views onto the valley behind and on to the countryside. The Padbury Conservation Area Appraisal (PCAA) refers to views onto the valley and open countryside from main street specifically stating:*

*'The topography of the valley restricts development along Main Street to the north-west and southeast and creates a strong visual axis. This sense of containment is reinforced by glimpsed views between buildings on the south-eastern side of Main Street revealing the rising valley sides*

*'Views between buildings along Main Street visually reinforce the valley setting and provide a connection with the countryside.'*

*It is considered that the building will create a visually intrusive form of development in an otherwise open area, disrupting the views onto the valley and the setting of the conservation area and views from the conservation area over the countryside. Whilst it was noted on the site visit that agricultural paraphernalia was located around this area of the site and housing the various trailers bails etc. in a uniform building has the potential to improve the situation visually, this does not however constitute a reason to allow carte blanche any development in this location; at present the relaxed and dispersed nature of the paraphernalia does not lead to an enclosure of the land and the ability to relate and understand the countryside characteristics remains. A previous siting for an agricultural building was considered acceptable under planning reference 15/00242/APP which was located behind hedgerows and vegetation to the west of the site. It is also noted that efforts have been made to ensure that the building is rural in character, but given its siting it, for reasons mentioned above, is considered to result in demonstrable harm to the character and appearance of the area.*

*Specifically, the proposed development would lead to a visually excessive level of built development in the immediate location. At present, views in to the countryside are enjoyed from the Conservation Area and this is intrinsic of the location. Further development has already been permitted to intensify the level of built form through a replacement dwelling on the site and it is considered that both with the existing arrangement and potential arrangement (should the extant permission be implemented) the level of built form would degrade the open nature of this element of Main Street to the degree that it would not preserve the character and appearance of the conservation area and lead to unacceptable street scene that would, despite the agricultural nature of the proposal, be overly burdened with built form.*

- 10.16 When assessing the appeal the inspector agreed with the Council's assessment stating that:

*'Views of the proposed development would be possible at a number of points in the PCA which would interrupt and restrict existing views and legibility of the valley landscape. Therefore, by reason of its siting and scale, the development would impact upon an element of the setting of that makes a positive contribution to the PCA, such that it would harm its significance In my judgement this would amount to less than substantial harm which under paragraph 196 of the Framework should be weighed against the public benefits of the proposal.'*

*The appellant has cited paragraph 83 of the Framework explaining that the proposed barn would result in a tidier appearance of the land because it could house paraphernalia, vehicles, feed, etc. stored on the land. It appears the size of the holding is such that it is unlikely the materials necessary for operating the holding, would cause such harm as the building in its proposed location. Therefore, on the basis of the evidence before me, this and any other public benefits of the scheme would not outweigh the harm to the PCA.'*

- 10.17 The previous building was located 6m to the east to the boundary with the full 12.6m frontage of the building facing toward to the street and closing the visual gap between the properties. The proposed building would be orientated with the openings facing north east, with the end of the building facing back towards the street and conservation area. The building would also abut the boundary with Fairhaven and therefore the built form would be kept closer to the existing built development. The overall height of the building has also been reduced from 5.2m to 3.9m at the ridge height an overall 1.1m reduction in height. It

is considered that the alterations from the previously approved scheme reduce the impact on the glimpsed views and of the open field, and would provide a storage area reducing the need to store agricultural items in the open field. The outbuilding to rear of the neighbouring property West Bourn projects to a similar distance into the field as the proposed barn and the rear and side (south-east) of the building would be constructed out of similar materials as this building, using stone and brick quoins.

- 10.18 It is noted that the development would require alterations in the land height surrounding the building to an extent however these alterations, given their scale and low level in the valley are not considered to harm the wider valley setting and would mostly be hidden by the surrounding buildings and vegetation along the street.
- 10.19 The materials proposed on the main building are considered to be rural in appearance and would match the other buildings in the surrounds (such as the neighbouring stone building mentioned above). The proposed rolled hoggin is also considered an appropriate rural material for the hardstanding and would not look out of place in the surrounds. A materials schedule has submitted demonstrating the materials to be used in the construction of the build including details of the red brick, rubble wall, tiles (to be reclaimed off the main dwelling), guttering and door finish (timber stained) and are considered to have an acceptable appearance.
- 10.20 It is noted that a new dwelling has been approved under reference 17/00939/APP and subsequently 18/01703/APP (allowed at appeal). This will increase the level of built development in the surroundings. However, it is noted in the 'Impact on Highways' section below that the proposed building cannot be implemented if either of the above approvals are implemented due to restrictions on the access. It is considered that even if the approved dwelling and the proposed barn be constructed that the collective additional built form of both, in light of the revised scale and location of the proposed building, would not have an unacceptable impact on the open nature this part of Main Street, the conservation area or surrounding area.
- 10.21 It is considered that the proposed development would amount to less than substantial harm to the conservation area in NPPF terms, with there being an element of harm arising from the development's location within the valley setting. It is considered that whilst harm has been identified it would be at the lower end of the scale of harm, with the building as discussed above, located side on to the visual gap next to the existing built form of Fairhaven. It is noted however that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, paragraph 196 requires this harm should be weighed against the public benefits of the proposal and this has been undertaken in the conclusions above.

## **11.0 D) Impact on residential amenity**

- 11.1 Paragraph 127 of the NPPF seeks to ensure that developments create places with a high standard of amenity for all existing and future occupants.
- 11.2 Policy GP8 of AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. Where planning permission is granted, the Council will use conditions or planning obligations to ensure that any potential adverse impacts are eliminated or appropriately controlled.
- 11.3 The proposed building would be located 25m from the rear of the dwelling Ivy cottage and 12m from the main dwelling at Fairhaven. It is noted that permission has been granted for

demolition of Fairhaven and construction of a new dwelling under 17/00939/APP and 18/01703/APP, and this dwelling would be approximately 8m away from the proposed dwelling. Given the separation distances from the building it is not considered that there would be any loss of light or perceptions of overdominance.

- 11.4 The Council's Environmental Health team have reviewed the proposals and have not objected. On the previous application they also did not object subject to a condition that the building is not used for the housing of livestock. This condition could be reasonably imposed on the current proposal.
- 11.5 It is considered that whilst the building would only be 7m away from the dwelling granted consent, which is a material planning consideration, this dwelling is associated with the use of the land. Should the house be sold thus leading to separate ownership, it is considered that the use of the building for storage purposes is also considered to be acceptable and given the separation distances from the surrounding dwellings, it is not considered the building would have a further significant negative impact on the amenity of neighbouring properties than is not already experienced from the storage and parking on the land. It is therefore considered acceptable in this regard and subject to a condition regarding the prevention of use by livestock. On this basis it is considered that the development would accord with Policy GP8 of the AVDLP and with the NPPF.

## **12.0 E) Impact on highways**

- 12.1 Paragraph 102 of the NPPF (2019) states that the potential impacts of development on transport networks should be addressed in development proposals. Paragraph 108 states 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 has been made, the site is has a safe and suitable access for all users and any impacts from the development on the transport system can be cost effectively mitigated. Paragraph 109 states that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe.
- 12.2 Policy RA36 of the AVDLP states that in considering proposals for development in the Rural Areas the Council will have regard to the desirability of protecting the characteristics of the countryside from excessive traffic generation, including the need to avoid traffic increases and routing unsuited to rural roads.
- 12.3 The building is to use the existing access from Fairhaven. It was noted in the previous refusal 19/00042/APP and the dismissed appeal, whilst there is a separate access to the land further west, this access to the land would be extinguished once reserved matters application 18/00064/ADP is implemented, which the applicant has stated is their intention. It was noted in the outline approval 16/00482/AOP, which granted outline consent for the 3 dwellings at this location, that the access to the field would remain; however, this has proven not to be the case as the reserved matters approval 18/00064/ADP has extinguished this access, as mentioned above. In any case, it is considered that the alternative access would not be appropriate as hardstanding would be required from the entrance of the field all the way to the proposed building and as such, this access should be discounted as the level of hardstanding likely to be required would not be acceptable or appropriate in such a rural location within the open countryside.
- 12.4 The access from Fairhaven is particularly narrow and is not considered suitable for many agricultural vehicles being 2.8m in width; it has the appearance of a residential driveway

which has a further access into agricultural land to the rear by an access from Fairhaven. However, as this access is established and the Buckinghamshire County Council Highways Engineer has not objected to the scheme, it is considered that this access to the building can be considered acceptable for the use proposed.

- 12.5 There is however an issue with the access onto the agricultural land once any vehicle has entered the drive of Fairhaven. Should planning approval for the new dwelling granted consent under 18/01703/APP or 17/00939/APP be implemented, as per the approved plans and conditions, the access into the agricultural site from Fairhaven would be extinguished. Indeed, in the area where the access is proposed, vehicles would pass into the field would form part dedicated parking spaces and means of enclosure as required and assured through conditions on both planning consents 17/00939/APP and 18/01703/APP. The proposed development would therefore conflict with restrictive conditions of other extant permissions.
- 12.6 Given that the alternative access is not appropriate and that by granting planning consent for this permission it would leave either this proposal or the proposal for the replacement dwelling unable to adhere to conditions of the relevant consent, the only way to ensure there would be no conflict would be to enter in to a legal agreement to ensure that only one consent is implemented. This is a fundamental issue with access to the site and for the above reason, the application could not be supported in its current form.
- 12.7 Whilst the above conflict applies, should a legal agreement be entered requiring the applicant to only implement one permission; the development the subject of this application, planning permission reference 17/00939/APP or planning permission reference 18/01703/APP, it is considered that this would overcome the issues highlighted.
- 12.8 Objections have been raised in relation to the suitability of the access for agricultural traffic, but for the reasons highlighted above it is considered that, subject to the legal agreement, it is acceptable and would not be contrary to policy RA36 of the AVDLP or paragraph 108 and the wider objectives of the NPPF.

## **13.0 F) Flood risk**

- 13.1 Paragraph 163 of the NPPF requires new development to consider the risk of flooding to the site and the surrounding area. The site is within Flood Zone 1 and therefore has a low probability of flooding. The site is however close to an area of lower level land susceptible to surface water flooding.
- 13.2 Several objections have been raised in relation to increased flood risk particularly in relation to the properties to the north, Ivy Cottage and Rose Cottage. An initial response from Buckingham County Council's Sustainable Urban Drainage (SuDs) Team in relation to the application raised objections to the scheme on the grounds the site is greater than 1 hectare and therefore a Flood risk assessment was required. It was also stated that from the level of information submitted that a SuDs appraisal could not be formed.
- 13.3 Amended plans were submitted where the site area for the development was subsequently reduced below 1 hectare. Following discussions with a SuDs Officer it was advised that the site is at high risk of surface water and groundwater flooding and that appropriate measures should be taken to ensure that flood risk is not increased elsewhere. Given the presence of the on site ordinary watercourse the LLFA would encourage this to be used to manage surface water runoff, components should be incorporated to ensure greenfield runoff rates and volumes are maintained post-development and would recommend that our standard conditions are used in order to help ensure a satisfactory drainage strategy. Therefore whilst

it is noted that development has potential to alter the flow of water through the field and the site is at risk of ground water and surface water flooding, it is considered that a surface water drainage scheme and 'whole life' maintenance plan for the scheme could be required to be submitted and approved by the LPA and mitigation measures required to be implemented prior to commencement of works on site and these could all be secured by condition. This would enable the appropriate management of surface water through the site and ensure that flood risk is not increased elsewhere in accordance with paragraph 163 of the NPPF. It is therefore considered subject to the conditions proposed by the LFFA that the development is acceptable to in relation to flood risk.

#### **14.0 G) Biodiversity**

- 14.1 Circular 06/2005 states that it is essential that the presence or otherwise of protected species and the extent to which they may be affected by development is established before planning permission is granted. Paragraph 170 of the Framework requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 14.2 The Council's ecologist has been consulted and considers that there is not a reasonable likelihood of protected and priority habitats or species being impacted by the proposals. Therefore no supporting ecological information is required.
- 14.3 However, in line with recognised good practice and governmental policy on biodiversity and sustainability (National Planning Policy Framework 2018 and NERC 2006), all practical opportunities should be taken to harmonise the built development with the needs of wildlife.
- 14.4 A revised drawing has been submitted showing the inclusion of a bat box into the scheme, this is in line with the ecology officer's recommendations. This is therefore considered acceptable subject to a condition to ensure it is implemented into the scheme.

#### **15.0 H) Other Matters**

- 15.1 Objections have been raised in relation to the potential future use of the building for non-agricultural purposes. This does not form part of the application submission and should a change of use be proposed in the future this will require a separate planning assessment.
- 15.2 Comments have been made that the drawings do not show the height of the proposed buildings, however the plans are appropriately scaled to enable measurements to be taken.

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