



Buckinghamshire Council

North Buckinghamshire Area Planning Committee

Agenda

Date: Wednesday 10 February 2021

Time: 2.30 pm

Venue: Via MS Teams

Membership: P Fealey (Chairman), T Mills (Vice-Chairman), A Bond, Mr C Clare, N Glover, L Monger, H Mordue, S Morgan, M Rand, S Renshell, R Stuchbury and A Wight

Agenda Item	Time	Page No
1 APOLOGIES		
2 TEMPORARY CHANGES TO MEMBERSHIP Any changes will be reported at the meeting.		
3 MINUTES To approve as a correct record the Minutes of the meeting held on 13 January 2021, copy attached.		3 - 4
4 DECLARATIONS OF INTEREST Members to declare any interests.		
APPLICATIONS		
5 20/03942/APP - LAND REAR OF 3 THE PIGHTLE, MAIDS MORETON Erection of 2 dwellings (amendment to approval 18/02821/APP) Contact Officer: Tom Gabriel tom.gabriel@buckinghamshire.gov.uk		5 - 22
6 SITE VISIT ARRANGEMENTS		
7 HUMAN RIGHTS ACT		23 - 24

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For further information please contact: Harry Thomas on 01296 585234, email democracy@buckinghamshire.gov.uk.



Agenda Item 3

Buckinghamshire Council

North Buckinghamshire Area

Planning Committee

Minutes

MINUTES OF THE MEETING OF THE NORTH BUCKINGHAMSHIRE AREA PLANNING COMMITTEE HELD ON WEDNESDAY 13 JANUARY 2021 VIA VIDEO CONFERENCE: ACCESSIBLE TO MEMBERS OF THE PUBLIC AT [HTTPS://BUCKINGHAMSHIRE.PUBLIC-1.TV/CORE/PORTAL/HOME](https://BUCKINGHAMSHIRE.PUBLIC-1.TV/CORE/PORTAL/HOME), COMMENCING AT 2:30PM AND CONCLUDING AT 4:36PM

MEMBERS PRESENT

P Fealey, T Mills, A Bond, Mr C Clare, P Cooper, N Glover, L Monger, H Mordue, M Rand, S Renshell, R Stuchbury and A Wight

Agenda Item

1 APOLOGIES

Members heard apologies from Councillor S Morgan

2 TEMPORARY CHANGES TO MEMBERSHIP

Councillor P Cooper sat in place of Councillor S Morgan as a Nominated Substitute.

3 MINUTES

RESOLVED:–

That the Minutes of the meeting held on 18th November, 2020 be approved as a correct record.

4 DECLARATIONS OF INTEREST

There were none.

5 20/00823/ADP - LAND OFF SOULBURY ROAD AND DOVE STREET, STEWKLEY

Reserved matters application pursuant to outline planning permission 16/02551/AOP (landscaping, Layout and Scale) to provide 67 residential dwellings (Use Class C3), and associated works to include details required by Conditions; 4 (Tree Protection) and 5 (Existing and proposed levels).

Prior to consideration of the planning application, Councillor Monger stated that he believed the Committee report did not properly take account of the emerging Stewkley Neighbourhood Plan. As such, and due to other errors that had been highlighted in the report, it should be referred back to the Officers for further and proper consideration before any decision was taken. Following discussion by the Committee it was agreed to proceed and to consider the application. Councillor Monger asked for his objection to this to be minuted.

The Planning Officer then presented the Committee report, after which the Committee heard from the following speakers.

Speakers

Parish Council: Councillor Keith Higgins (Chairman, Stewkley Parish Council)

Objector: Mrs Diana Fawcett

Applicant: Mr Chris Higgins

The Legal Officer present at the meeting then informed the Committee that, upon further consideration, it was recommended to defer the application back to Officers to update and bring back to the Committee at a subsequent meeting. The Chairman agreed that it would be helpful first for Members to be allowed to ask technical questions of Officers to inform the work in updating the application. Members of the Committee then asked technical questions of the Officers and were informed that:

1. Officers would consider the viability of a proposed additional condition to conduct a building survey of adjoining buildings to the proposed development boundary.
2. Member's concerns regarding the tree that was off site within the neighbouring property at 15 Orkney Close could be addressed through details yet to be submitted with condition 4 of the outline permission. The details submitted to Officers concerning the mitigation of risk to the tree were not satisfactory and additional information had been requested from the developers.
3. Officers would consider the concerns raised by Members regarding the proximity of plot 17 in relation to no. 15 Orkney Close along the western boundary of the site. This included suggestions to move properties along the northern boundary of the site eastwards towards the access point to allow a greater distance between the western boundary and increase the gap between no. 15 Orkney Close and plot 17, or moving the properties along the western boundary down to better accommodate properties 16 and 17 at the top of that row.
4. The density of properties within the site was 18 dwellings per hectare as detailed in paragraph 11.22 of the Case Officer's report. It was considered to be in keeping with the density of the existing properties around the proposed development site.
5. The twenty-five visitor car parking bays had been requested by the applicant and exceeded the required number of spaces for the development. It was the opinion of the Officers that the layout of the visitor parking was not an unusual arrangement in development. However, the amount of car parking could be considered further with the developers.
6. Officers would take on board Members' comments concerning the accuracy of information contained within the report and ensure that this was up-to-date to avoid confusion during the discussion stage of applications.

RESOLVED:—

That the application be **deferred** back to Officers to update as appropriate following negotiations with the applicant, and as discussed at the meeting.



Report to North Area Planning Committee

Application Number:	20/03942/APP
Proposal:	Erection of two dwellings (amendment to approval 18/02821/APP)
Site Location:	Land rear of 3 The Pightle, Maids Moreton, Buckinghamshire MK18 1QP
Applicant:	Mr Alan Hickford
Case Officer:	Tom Gabriel
Ward(s) affected:	Buckingham East
Parish-Town Council:	Maids Moreton
Date valid application received:	16 th November 2020
Statutory determination date:	13 th January 2021
Recommendation	Approval

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application seeks full planning permission for the erection of two dwellings within the rear garden of No 3 The Pightle, this is an amendment to the approved scheme on the site (ref: 18/02821/APP). The red edge site for this application is larger than the site of the previous application because it incorporates a larger part of the garden of No 3 The Pightle. The amendment would involve the provision of a pair of detached dwellings, rather than a pair of semi-detached dwellings and the re-siting of the parking spaces serving these properties. The proposal would also involve amendments to the size and design of the dwellings. The retained parking for No. 3 The Pightle remains to the front of this property as previously approved
- 1.2 The key issues surrounding the application are whether the amended size, design and siting of the dwellings are acceptable in terms of street scene and character impact, the amenity of the future occupiers of the dwelling and of the neighbouring and surrounding dwellings, and highway safety and parking.
- 1.3 The proposed amended scheme on the site is considered acceptable in all regards and is therefore recommended for approval.
- 1.4 The application was called to committee by Councillor Whyte on the grounds of amenity, impact on the street scene, overdevelopment and highways.

2.0 Description of Proposed Development

- 2.1 The application seeks full planning permission for the erection of two detached dwellings within the rear garden of No 3 The Pightle with a new access from The Pightle using the existing access serving the property. The property is one of a number of properties served off the end of The Pightle, a small cul- de- sac in this residential area of Maids Moreton. The south- western boundary of the site abuts the Maids Moreton Conservation Area, though the site is not within the Conservation Area. There are no rights of way across the site.
- 2.2 The dwellings would each have a front porch (in the elevations facing The Pightle) and a two storey gable projection in the rear elevation along with two rear dormer windows. The dwellings would have pitched roofs and would differ from those in the approved scheme in the following ways;
- The provision of detached dwellings in larger plots;
 - The dwellings would each measure 14.7m by 6.6m and would be 7.1m high at the ridge, as opposed to 10.35m by 6m and 7.1m high;
 - Amendments to the number and siting of the parking spaces;
 - Amendments to the proposed landscaping;
 - Amendments to the fenestration in the front and rear elevations;
 - The addition of an additional rear dormer window to either dwelling and amendments to the number and siting of Veluxes in the front roof slopes of either dwelling; and
 - Changes to the internal layout of the dwellings including the provision of an additional bedroom to each dwelling (four instead of three).
- 2.3 The application is accompanied by:
- a) Plans and Elevations as Proposed, drawing no. 610/001
 - b) Ecology and Trees Checklist
- 2.4 Though the application has been described as an amendment to the approved scheme on the site, it is being considered as a new application. Although it is a material consideration that planning permission has previously been granted for a pair of semi-detached dwellings on a smaller site area which could be built out.

3.0 Relevant Planning History

- 3.1 89/00568/AOP – Erection of two bungalows. Approved
- 3.2 17/04780/APP Erection of two semi- detached dwellings (with access from Walnut Drive). Approved 14.03.2018

18/02821/APP Construction of two new semi-detached dwellings (with access from the Pightle); Approved 05.10.2018. The scheme that was granted in 2017 proposed to take its access from Walnut Drive but it was understood that the owner of the strip of land between the site and Walnut Drive did not agree to grant an easement to allow this and so an alternative was proposed which resulted in the 2018 application.

4.0 Policy Considerations and Evaluation

The issues to be considered in the determination of this application are more limited because the principle of location of the development has been established. The issues for consideration are design and siting of the dwellings in terms of street scene and character impact, the amenity of the future occupiers of the dwelling and of the neighbouring and surrounding dwellings, and highway safety and parking.

Maids Moreton does not have a made Neighbourhood Plan.

Aylesbury Vale District Local Plan (AVDLP 2004): The report will identify where policies are not consistent with the NPPF and the weight to be afforded if not full weight.

Emerging Vale of Aylesbury Local Plan (VALP 2016): This is now at an advanced stage and weight can be given to relevant policies in the plan in accordance with the NPPF. The overall approach is:

- **Limited weight:** if there is a new and untested policy introduced by a main modification and subject to consultation.
- **Moderate weight:** where there are objections and the Inspector has requested main modifications and therefore 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 reasonably satisfied that they remedy the points of unsoundness identified in the examination process so far (as set out in Inspector’s note ED185).
- **Considerable weight:** where there are objections but the Inspector has not requested main modifications (and as such, the policy will not be changed in a material way) and the objections can therefore be regarded as being “resolved”.
- **Significant weight:** where there are no objections and no modifications. These policies are not going to be changed and the next step will be adoption and very significant weight.

The report will identify the weight to be given to the relevant emerging policies.

Adopted Design Guide: New Houses in Towns and Villages

National Planning Policy Framework

National Planning Practice Guidance

Principle and Location of Development

Aylesbury Vale District Local Plan (AVDLP 2004) Policy RA13 (Development within settlements listed in Appendix 4 Settlements) attracts limited weight as it is a time expired policy.

Emerging Vale of Aylesbury Local Plan (VALP 2016) Policies S1 (Sustainable development for Aylesbury Vale carries significant weight), S2 (Spatial strategy for growth), S3 (Settlement hierarchy and cohesive growth) and D5 (Housing at other settlements) all carry moderate weight

- 4.1 The principle of the development on the site has been approved through the grant of permission of the previous schemes on the site (refs. 17/04780/APP and 18/02821/APP). The site is considered to be a sustainable location for the proposed development. The issues to consider in this application are whether the amendments to the scheme approved under ref. 18/02821/APP are acceptable or not.

Affordable Housing and Housing Mix

Aylesbury Vale District Local Plan (AVDLP 2004) Policy GP2 (Affordable housing) carries moderate weight.

Emerging Vale of Aylesbury Local Plan (VALP 2016) Policy H1 (Affordable housing) and H6a (Housing mix) both carry moderate weight

SPD – Affordable Housing

- 4.2 Policy GP2 of the AVDLP states the affordable housing threshold is 25 or more dwellings or sites of one hectare or more in size. The threshold in Policy H1 of the VALP is 11 dwellings or 0.3 hectare. As the proposed development does not exceed either of these thresholds, affordable housing would not be sought from the scheme.
- 4.3 Due to the size of the development, a mix of housing would not be sought from the scheme.

Transport Matters and Parking

Aylesbury Vale District Local Plan (AVDLP 2004) Policies GP21 (Transport considerations for all new development) and GP24 (Car parking guidelines) attract considerable weight

Emerging Vale of Aylesbury Local Plan (VALP 2016) Policies T5 (Delivering transport in new development) and T6 (Vehicle parking), Appendix B (Electric vehicle parking) attract moderate weight

SPG 1 – Parking Guidelines

- 4.4 Policy GP21 of the AVDLP states in considering the highway aspects of planning applications, the Council will have regard to the need for safe and convenient access

for road users, the adequacy of the highway network involved and the level of car parking. Policy GP24 of the AVDLP, Policy T6 of the VALP and the Council's Parking Guidelines require four bedroom dwellings to have three parking spaces. The plans submitted with the application indicate that each dwelling would be provided with three parking spaces, in compliance with the standards. While it is noted that the rooms labelled as 'Office' in each of the dwellings could be used as a fifth bedroom, this would not alter the parking requirements arising from the development.

- 4.5 The existing dwelling at 3 The Pightle would be provided with two parking spaces sited to the front of the dwelling, following the development. This is the same arrangement approved with the previous 2018 permission.
- 4.6 In terms of trip generation, the Highways Officer considers that the creation of the two additional dwellings, of the size currently proposed, would not lead to a material increase in vehicular movements through The Pightle/ Main Street access and considers that an objection on this ground could not be sustained.
- 4.7 Therefore, subject to the provision of appropriate visibility splays, the additional vehicular movements generated by the proposed development would not have a detrimental impact upon highway safety or the surrounding highway network. This is a neutral matter to be weighed in the balance.

Raising the quality of place making and design

Aylesbury Vale District Local Plan (AVDLP 2004) Policies GP35 (Design of new development proposals) and GP38 (Landscaping of new development proposals) both attract considerable weight

Emerging Vale of Aylesbury Local Plan (VALP 2016) Policies BE2 (Design of new development) and NE4 (Landscape character and locally important landscape) both carry moderate weight

Design Guide: New Houses in Towns and Villages

- 4.8 Policy GP35 of the AVDLP states in determining planning applications, the Council will seek to protect and improve the traditional building characteristics of towns, villages and the countryside. Development proposals should respect local distinctiveness and complement the area and its surroundings. The New Houses in Towns and Villages Design Guide requires new dwellings to be in context and scale with their surroundings.
- 4.9 The proposed detached dwellings would be similar in terms of design to the dwellings approved under application ref. 18/02821/APP on the site. Though 4.35m wider and 600mm deeper (and of the same height), they would sit within a wider site than the approved scheme, they would share the same architectural features as those approved on the site, and while they would be detached rather than semi-detached, they would relate to the immediate surroundings in a suitable manner given the overall form and layout of the nearby dwellings – while those in The Pightle are semi-detached, the dwellings along Walnut Drive (the road immediately to the rear of the

site) are detached. Subject to the use of appropriate high quality materials in the construction of the development (which will be conditioned as full details of them were not submitted with the application), within the context of the area and the size of the site, the proposed dwellings would sit comfortably and would not appear as intrusive or harmful additions to the area. Though they would be a similar distance to the flank boundaries of the site as the approved dwellings, given that they would have a distance of around five metres between them, they would not appear as cramped in the plot in comparison to the approved scheme. The levels of the dwellings in relation to the surrounding properties may be controlled by condition such that the dwellings do not appear overbearing within the street scene. It is considered appropriate that this be a pre- commencement condition such that the levels may be determined in advance of the development commencing.

- 4.10 The spacing between the proposed dwellings is considered to be a significant enhancement of the scheme and while it would result in less opportunity for landscaping on the site (to the front of the dwellings), the benefit of the increased spaciousness of the proposal is considered to outweigh the harm that would arise from the reduction in landscaping on the site. Given the location of the site, the previously approved landscaped area to the front of the dwellings would only be visible from a very limited number of public viewpoints, whereas the spacing between the dwellings would be experienced over a wider area and by a greater element of the surrounding population. This is an element of the current application to which positive weight should be attributed in the planning balance.
- 4.11 It is considered appropriate to impose a condition upon the permission that removes the permitted development rights for the dwellings (in accordance with the 2018 permission on the site), in order that control is maintained over the character of the dwellings and the area and the amenities of the neighbouring and surrounding properties.

Amenity of existing and future residents

Aylesbury Vale District Local Plan (AVDLP 2004) Policies GP8 (Protection of amenity of residents) and GP95 (Unneighbourly uses) both carry considerable weight

Vale of Aylesbury Local Plan (VALP 2016) Policy BE3 (Protection of the amenity of residents) carries considerable weight

- 4.12 Policy GP8 of the AVDLP and Policy BE3 of the VALP state 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. The south- western most of the proposed dwellings would be sited in a similar location as in the approved scheme on the site and though the number of Velux windows in its front elevation would increase from four to six, this would not result in a material increase in the overlooking of the rear garden of No 2

The Pightle. The proposed development would have a beneficial impact upon the outlook from the rear aspect and upon the amenity of Nos 1 and 2 than the approved scheme given that the bulk and massing of the proposal visible from their rear aspect would be reduced through the separation of the dwellings. It is considered that this would not be offset by the increase in the size of the south- western dwelling.

- 4.13 Turning to the location of the other proposed dwelling, north-east of the site. The revised location would result in less potential for overlooking of the rear gardens of Nos 1 and 2 The Pightle than the approved scheme, by virtue of the increased angle and distance between the proposed dwelling and those properties.
- 4.14 It is not considered that the proposed dwelling (situated north-east of the site) would result in a harmful degree of overlooking of or loss of privacy for the existing dwelling at No 3 considering the angle involved and the fact that the over looking would be from a Velux window. As with the south- western most dwelling, the dwelling would not harm the outlook of Nos 1 or 2 The Pightle, given its siting in relation to those dwellings. Neither of the dwellings would appear overbearing when viewed from the existing dwellings along The Pightle.
- 4.15 Neither the dwellings to the rear of the site on the opposite side of Walnut Drive, nor that adjacent to the site (Old Walls; at the junction of Main Street and Walnut Drive) or the Wheatsheaf Public House would be adversely affected by the proposed development in terms of overbearing impact or overlooking, due to the distances involved.
- 4.16 It is not considered that any of the neighbouring dwellings would suffer from a harmful loss of light as a result of the development due to the distances between the proposed dwellings and the neighbouring dwellings. Similarly, a harmful level of overshadowing of the neighbouring properties would not arise as a result of the distances between the properties. This should be afforded neutral weight in the planning balance.

Flooding and drainage

Aylesbury Vale District Local Plan (AVDLP 2004) Policy GP67 (Development and the risk of flooding) carries moderate weight

Vale of Aylesbury Local Plan (VALP) Policy I4 (Flooding) carries moderate weight

- 4.17 The application site is located in Flood Zone 1 – an area defined as being with minimal risk of flooding. It is not considered that the proposed development would materially increase the flood risk on the site or in the wider locality. The development would therefore be resilient to climate change and flooding in accordance with the NPPF. Notwithstanding this, it is considered appropriate to require the submission of details of drainage for the site via condition. This matter should be afforded neutral weight in the planning balance.

Landscape Issues

Aylesbury Vale District Local Plan (AVDLP 2004) Policies GP35 (Design of new development proposals) and GP38 (Landscaping of new development proposals) both carry considerable weight

Vale of Aylesbury Local Plan (VALP 2016) Policy NE4 (Landscape character and locally important landscape) carries moderate weight

4.18 Policies GP38- 40 of the AVDLP and Policy NE4 of the VALP state applications for new development schemes should include landscaping proposals designed to help buildings fit in with their surroundings, with hard landscaping incorporating materials appropriate to the character of the locality. Developments should retain trees or amenity, landscape or wildlife value. Paragraph 127 of the NPPF states planning policies and decisions should ensure that developments are attractive through effective landscaping.

4.19 Though the proposed scheme would result in the development having less landscaping on the site than the approved scheme, the proposed dwellings would nevertheless have landscaped rear gardens and a little opportunity for landscaping in their front gardens. This would assist in the integration of the development within the street scene of The Pightle. The proposal would not have an adverse impact upon the wider landscape of the area and would comply with Policy GP38 of the AVDLP, a matter to be afforded neutral weight in the planning balance.

Ecology

Aylesbury Vale District Local Plan (AVDLP 2004) Policy GP64 (Safeguarding of protected wildlife and its habitat) carries moderate weight

Vale of Aylesbury Local Plan (VALP 2016) Policy NE1 (biodiversity and geodiversity) carries moderate weight

National Planning Policy Framework (NPPF) Section 15

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

4.21 The proposal would involve the development of part of the rear garden of No. 3 The Pightle. The Council's Ecologist has raised no objection to the proposed development subject to the incorporation of two swift boxes in the scheme in order to secure biodiversity gains from it. This should be afforded neutral weight in the balance.

Historic environment

Aylesbury Vale District Local Plan (AVDLP 2004) Policy GP53 (New development in and adjacent to Conservation Areas) carries moderate weight

Vale of Aylesbury Local Plan (VALP 2016) Policy BE1 (Heritage assets) carries moderate weight

4.19 Policy GP53 of the AVDLP states permission will not be given for development if they cause harm to the setting of Conservation Areas. This is supported by Policy BE1 of the VALP.

4.20 The south- western boundary of the site forms the boundary of the Maids Moreton Conservation Area. Given that the dwelling in the proposed development nearest this boundary would not be located materially differently than the approved scheme on the site, and that the proposed development would be more spaciouly sited within the plot, it is considered that the amended scheme would have a positive impact upon the setting of the Conservation Area. This is a matter that should be afforded neutral weight in the planning balance.

5.0 Weighing and balancing of issues / Overall assessment

5.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

5.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

5.3 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 the 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 the Framework taken as a whole.

5.4 The relevant policies from the adopted plan used to assess the application are largely in accordance with the NPPF and can be afforded significant weight and while Maids Moreton does not have a Neighbourhood Plan the Council does have a five year housing land supply and so paragraph 11d of the NPPF is not engaged.

- 5.5 The proposal is considered to be a sustainable location for two dwellings.
- 5.6 It is accepted that there would be economic benefits arising from the proposal in terms of the construction of the development itself and the additional use of local services by future occupants. There would also be public benefits from the contribution to the housing land supply but this benefit would be limited as only two dwellings are proposed.
- 5.7 The scheme has also been considered acceptable in terms of impact on housing numbers, residential amenity, place making and design, parking and access, promoting sustainable development, flooding and drainage, ecology and the historic environment. However, these do not represent benefits to the scheme but rather demonstrate an absence of harm to which weight should be attributed neutrally.
- 5.8 It has been concluded that the development would preserve the setting of the Maids Moreton Conservation Area in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.9 In terms of applying paragraph 11(c) of the Framework, it is concluded that the proposal accords with an up- to- date plan and it should therefore be approved without delay.

6.0 Working with the applicant / agent

- 6.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 6.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 6.3 In this instance, the application was acceptable as submitted and subject to the consideration of the case by Chairman and Vice Chairman of the Planning Committee, no further assistance was required.

7.0 Recommendation

- 7.1 Given the above assessment, it is recommended that the application be **GRANTED** subject to the following conditions, reasons and informatives.

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 Purchases Act 2004.

2. The development hereby permitted shall be carried out in accordance with drawing no 610/001 received on 19.11.2020.

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, above damp proof course, shall take place on the buildings hereby permitted until details of the materials 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.

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

Reason: This is a pre-commencement condition which is necessary to ensure a satisfactory relationship between the proposed and surrounding dwellings, for the avoidance of doubt and to ensure a satisfactory form of development and to comply with Policies GP8 and GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

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

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

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

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

7. Neither of the dwellings hereby approved shall be occupied until space has been laid out within the site in accordance with drawing no 610/001 for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear and that space shall thereafter be kept available at all times for that purpose.

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

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

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

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

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

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

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

11. No development shall take place above ground level hereby permitted until details of all screen and boundary walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the

buildings hereby approved shall not be occupied until the details have been fully implemented,

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and preserve the living conditions of the nearby residents, to comply with Policies GP8 and GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

12. No windows other than those shown on the approved drawing no 610/001 shall be inserted above ground floor level in the rear (south east) elevation of the dwellings hereby approved without the prior express permission in writing of the Local Planning Authority.

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

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

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

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

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

15. Prior to the commencement of development, details of biodiversity features of two integrated swift boxes to be incorporated into the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved biodiversity features, which shall be installed prior to the first occupation of the development and retained thereafter.

Reason: This is a pre-commencement condition required in the interests of enhancing the biodiversity of the site and to comply with Policy GP64 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

Informatives

1. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming

part of the highway. A period of 28 days must be allowed for the issuing of the licence. Please contact the Area Manager at the following address for information:

Transport for Buckinghamshire (Streetworks)

10th Floor, New County Offices

Walton Street

Aylesbury

Buckinghamshire

HP20 1UY

01296 382416

2. It is an offence under Section 151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under Section 137 of the Highways Act 1980.

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Councillor Comments

I still wish to call this application in due to the unanimous objections from the local community and the parish council. I have numerous concerns about this application on amenity, impact on the street scene/overdevelopment and highways.

Given the significant changes to the original application, I cannot fathom how this is an "amendment" and not a new application. New red line, larger, no longer semi-detached etc.

Parish/Town Council Comments

We OBJECT to this amendment to planning application 18/02821/APP.

Although initially MMPC welcomed the proposal for two semi-detached, 3-bedroom houses as infilling, as this would contribute to the need for such properties to allow young families to live in the village, it objected to when access had to be via The Pightle on grounds of excess traffic levels using a very restricted access and because of the problematic visibility at the Main St junction.

Consequently, we should object to this proposal. It would severely over develop the site and compromise the garden of No 3 The Pightle in order to do so. The original houses in The Pightle had extensive gardens and this development runs completely contrary to this, meaning it is not in keeping with the neighbouring properties. The massive scale and proximity to existing houses would cause severe detriment to the quality of life of existing residents, as well as to their being overlooked from end windows and skylights. The parking and manoeuvring spaces are too restricted and visitor parking is non-existent in the plans. The dangers of the junction with Main St are under-rated and overall, this proposal has no merit. It does not bring houses of the type needed, would severely exacerbate traffic problems and is out-of-scale with its location.

Regardless of decision reached on the application, the applicant needs to pay immediate attention to dealing with the public nuisance created by the rampant growth of brambles in the neglected garden space.

Consultation Responses

Buckingham and River Ouzel Drainage Board – No comment.

Buckinghamshire County Highways – No objections subject to conditions regarding the provision of the approved access, the scheme for parking and manoeuvring and the visibility slays prior to initial occupation of the development.

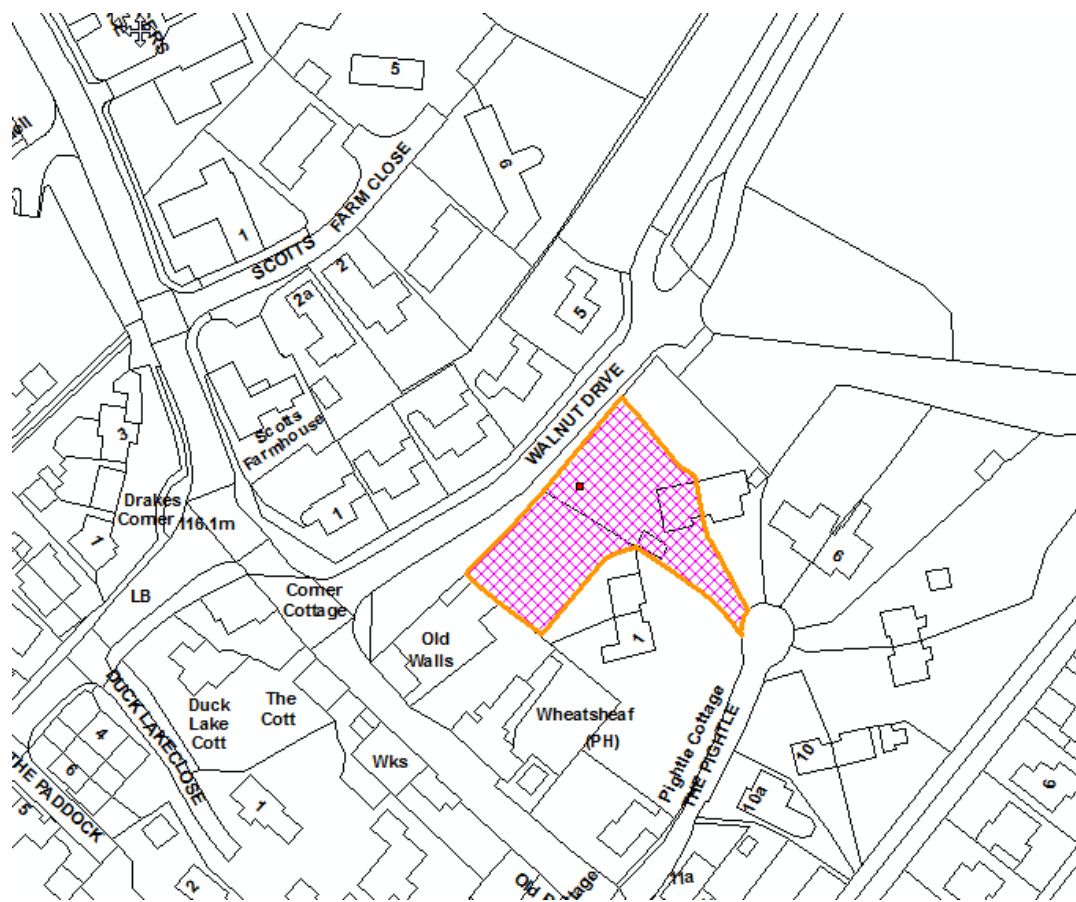
Buckinghamshire Council Ecology – No objection subject to a condition securing biodiversity features within the proposed development.

Representations

Five comments have been received objecting to the proposal:

- It is not an amendment to the approved scheme but a new application and must be treated as such;
- The footprint of the properties has been amended by taking land from the of No. 3 The Pightle;
- The dwellings would be visually intrusive, would overlook neighbours along The Pightle and Walnut Drive and would result in a loss of light for Nos 1 and 4 The Pightle;
- The proposal is out of scale with its setting of this spacious cul- de- sac;
- The development would result in eight cars using the access to No 3, with inadequate access and manoeuvring space;
- The comments from Highways concerning the number of vehicle and the speed of vehicles using Main Street are questioned;
- There are errors in the Ecology and Trees Checklist: given the length of time the site has been neglected, there are undoubtedly nesting birds and small mammals on the site, as well as several trees. Muntjac deer and pheasants have made the site their home;
- There is no mention of how construction traffic is to remove materials from the site during construction;
- There is no mention of water supply or sewerage. The existing sewerage in The Pightle is around 90 years and blocks regularly. It would not be able to accommodate the additional burden from the development;
- The proposed offices in the dwelling may be used as additional bedrooms;
- These large houses would be out of character with the area;

APPENDIX B: Site Location Plan



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Derived from the 1:2500 OS mastermap

NB Further details has been added to this Ordnance Survey Map from sources held by Buckinghamshire Council

No guarantee can be given as the the accuracy of the additional information

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**THE FOLLOWING ADDITIONAL ISSUES HAVE BEEN TAKEN INTO ACCOUNT IN
PREPARING THE REPORTS ON THIS AGENDA**

DETERMINATION OF PLANNING APPLICATIONS

The Council is required in all cases where the Development Plan is relevant, to determine planning applications in accordance with policies in the Development Plan unless material considerations indicate otherwise.

HUMAN RIGHTS ACT 1998

The determination of the applications which are the subject of these reports is considered to involve the following human rights:-

1. Article 8: Right to respect for private and family life; and
2. Article 1 of the First Protocol: Protection of Property

The evaluation section of each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the Convention rights referred to above, it is considered that the recommendations in the reports are in accordance with the law, proportionate and balances the needs of the Applicant with the protection of the rights and freedoms of others in the public interest.

SECTION 17 CRIME AND DISORDER ACT 1998

In reaching the recommendations set out in each report, due regard has been given to the duty imposed upon the Council under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area.

EQUALITY ACT 2010

In dealing with planning applications on this agenda and in reaching the recommendations set out in each report, proper consideration has been given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief.

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