



REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/03036/APP	LILLINGSTONE LOVELL	29/08/18
REMOVAL OF EXISTING OUTBUILDINGS AND ERECTION OF ONE AND HALF STOREY DWELLING HORSEWALK COTTAGE AKELEY ROAD MK18 5BD MR & MRS LEVER	The Local Member for this area is:- Councillor Warren Whyte	
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1.0 The Key Issues in determining this application are:-

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

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

- Building a strong competitive economy
- Promoting sustainable transport
- Delivering a sufficient supply of homes
- Making efficient use of land
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment
- Achieving well designed places
- Meeting the challenge of climate change and flooding

c) Residential amenities

The recommendation is that permission be **REFUSED**

2.0 CONCLUSION

2.1 The application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the planning principles of the NPPF and whether the proposals deliver sustainable development. Paragraph 11 of the NPPF requires that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing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 of the NPPF taken as a whole.

- 2.2 It is accepted that the development would make a contribution to the housing land supply which is to be attributed limited weight in the planning balance, as it is tempered due to the scale of development that is proposed and in the context that the Authority can demonstrate a 5 years housing supply. 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.
- 2.3 The new dwelling has been considered in the context of Lillingstone Lovell Conservation Area, a designated heritage asset. The proposal due to its location behind the existing cottage and the proximity of existing mature landscaping would cause less than substantial harm to the significance of the designated heritage asset. This harm is limited to partial views and can be mitigated by a detailed landscape scheme.
- 2.4 Special regard has been given to the statutory test under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places a duty on local authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas. The impact is considered to amount to less than substantial harm to the Conservation Area. In accordance with Paragraph 196 of the NPPF where a proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use. The development would provide public benefits, including providing an additional home, economic benefits through the construction of the development itself and the result in population contributing to the local economy. It is considered that the public benefits would outweigh the less than substantial harm to the Conservation Area.
- 2.5 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of sustainable drainage, biodiversity, impact upon trees, and residential amenity. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally
- 2.6 In terms of the harm, it is considered that a new dwelling on the plot would unacceptably extend new development beyond the existing line of built development on the eastern edge of Lillingstone Lovell into the countryside, detrimental to the rural character and appearance of the area. The site is not previously developed land, and introducing a new dwelling on this site would inherently reduce the rural character of this open site, and would intensify and consolidate built development, resulting in harm in harm to the landscape character of the site itself and its immediate locality and to the Area of Attractive Landscape. It would constitute further development within a settlement that has limited public transport provision and other key services to support further residential growth such that there would be a reliance on the private car. It would also set a precedent for the further development of the undeveloped paddock land between the existing dwellings on the eastern side of the settlement and the Akeley Road which makes a significant contribution to the form rural setting of the settlement of Lillingstone Lovell.
- 2.7 Furthermore the proposed development would result in an intensification of use of an existing access at a point where visibility is substandard and would lead to danger and inconvenience to people using it and to highway users in general. In this respect the development is contrary to the National Planning Policy Framework, the aims of Buckinghamshire's Local Transport Plan and the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).
- 2.8 Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, It is considered that the adverse impacts would significantly and demonstrably outweigh the limited benefits of the proposal It is

therefore recommended that the application be **REFUSED** for the following reasons:

- 1) The proposal would result in the erection of a new dwelling in an unsustainable location beyond the eastern edge of Lillingstone Lovell within the Stowe Area of Attractive Landscape. The site is not previously developed land and the proposed dwelling would fail to respect and complement the established character and pattern of residential built development on the eastern edge of the settlement. Introducing a new dwelling on this site would extend development into the countryside, inherently reducing the rural character of this open site. It would intensify and consolidate built development, resulting in harm to the landscape character of the site itself and its immediate locality and to the rural setting in general, causing harm to the open and rural character of the area. Moreover, it would constitute further development within a settlement that has limited public transport provision and other key services to support further residential growth such that there would be a reliance on the private car. The failure to comply with the National Planning Policy Framework (the Framework) and the harm caused significantly outweighs any benefits of the proposed development. The proposal would be contrary to policies GP35 and RA8 of the Aylesbury Vale District Local Plan and the Framework
- 2) The proposed development would result in an intensification of use of an existing access at a point where visibility is substandard and would lead to danger and inconvenience to people using it and to highway users in general. The development is contrary to the National Planning Policy Framework, the aims of Buckinghamshire's Local Transport Plan and the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).

3.0 WORKING WITH THE APPLICANT/AGENT

- 3.1 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.
- 3.2 AVDC works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service,
 - updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.
- 3.3 In this instance, the applicant was informed that the details as submitted are considered unacceptable in principle.

4.0 INTRODUCTION

- 4.1 The application needs to be determined by committee as Cllr Warren Whyte has raised material planning considerations as follows:
 - The site is the site of some existing structures.
 - How is a village to grow organically if these sorts of schemes are rejected out of hand and not carefully considered in their immediate and specific context?
 - AVDC have not been so protective about Maids Moreton's village boundary with the 170 houses east of Manor Park, or the 4 houses in Akeley on the site of some garages?

5.0 SITE LOCATION AND DESCRIPTION

- 5.1 The site relates to an area of paddock land on the south-eastern side of Lillingstone Lovell which is accessed from a farm track known as Akeley Road. The paddock land is located to the east of the residential curtilage of a detached bungalow 'Horsewalk Cottage' and beyond the line of existing built development on the eastern side of the village. The access from Akeley Road to Horsewalk Cottage crosses the paddock land and there are timber and blockwork outbuildings at the western end.
- 5.2 Horsewalk Cottage is not visible From Akeley Road as it is set behind a row and trees and hedgerows. Akeley Road also serves two further dwellings, Bridge Farm and Green Pastures. The dwellings that are currently accessed from Akeley Road are located to the rear of a group of semi-detached cottages in Brookside which are located within Lillingstone Lovell Conservation Area. The site lies within the Lillingstone Wet Farmland Landscape Character Area, which is part of the Wooded Ridge Landscape Character Type (Aylesbury Vale Landscape Character Assessment) and lies within the Stowe Area of Attractive Landscape.

6.0 PROPOSAL

- 6.1 The application seeks Full Planning Permission for the erection of a new detached dwelling on paddock land the east of Horsewalk Cottage.
- 6.2 The proposed new three bedroom dwelling would have a contemporary design, arranged into three distinct sections, with mono pitched and flat roofed elements. It would be mainly single storey with first floor accommodation within the roofspace over the garage. It would adopt a broadly similar form, scale and orientation to that of Horsewalk Cottage.
- 6.3 The external walls would be finished in vertical clad timber designed to weather over time with off white render where the timber is not used, metal standing seam roofs and triple glazed aluminium windows.
- 6.4 The proposed new dwelling would use the existing access track from Akeley Road that serves Horsewalk Cottage and would curve around the dwelling leading to the garage and parking area on the western side.

7.0 RELEVANT PLANNING HISTORY

- 7.1 91/01490/AOP - Erection of one dwelling – Refused
- 7.2 95/01167/AOP - Erection of one single storey dwelling and garage – Refused-allowed at appeal
- 7.3 97/01511/ADP - The siting, design, landscaping, external appearance of, and the means of access to: erection of bungalow with integral garage & garden room – Approved
- 7.4 18/00899/APP - Erection of dwelling – Withdrawn
- 7.5 Prior to the submission of 18/00899/APP the proposal was the subject of a pre-application enquiry for a single storey 3 bedroom dwelling with an attached garage on the land to the rear of Horsewalk Cottage, off Akeley Road which was not supported
- 7.6 *Neighbouring site at Bridge Farm (recently granted permission)*
18/01225/APP Bridge Farm, Akeley Road, Lillingstone Lovell
Erection of a bungalow-Approved

8.0 PARISH/TOWN COUNCIL COMMENTS

- 8.1 No comments received

9.0 CONSULTATION RESPONSES

9.1 Landscape Officer

- 9.2 The proposal is not acceptable in principle as it would conflict with Local Plan policies for landscape protection. The site is sensitive, being within the Stowe Area of Attractive Landscape which locally also provides a setting for the Lillingstone Lovell Conservation Area. The settlement and its surroundings have a strong sense of place, with an unusually high level of integrity and tranquillity.
- 9.3 There could be no long term control over the appearance of the landscape within the site, and the likely outcome is a change from rural to domestic character which would contribute to cumulative erosion of the special qualities of the local landscape.
- 9.4 There is a strong existing settlement pattern and relationship between the existing settlement and Akeley Road. If the proposed development were to be allowed the relationship with of the development with Akeley Road and landscape character of the area would change. It would also set an undesirable precedent for the development of the neighbouring land between the existing dwellings and Akeley Road. The proposal is contrary to policies GP35 and RA8 of the AVDLP and the NPPF
- ### **9.5 Heritage Officer:**
- 9.6 Horsewalk Cottage is situated adjacent to the eastern boundary of the conservation area and has a dense boundary of hedge rows and trees to the heritage asset.
- 9.7 This part of the conservation area has a strong linear pattern of development.
- 9.8 Horsewalk Cottage forms part of a straddle of modern development along the eastern edge of the settlement. Due to the proposed location of the new dwelling and existing vegetation, the building would largely be screened from view from within the conservation area.
- 9.9 This development proposal would therefore not have a major impact on the character and appearance of the conservation area and mitigation could be assisted to lessen this limited harm by a sensitive landscape scheme to soften the boundaries and help the building nestle in the landscape.
- ### **9.10 Bucks CC Highways**
- 9.11 Objects to the application.
- 9.12 Visibility to both sides of the access is restricted due to the curvature of the road. If a speed survey were to be undertaken, which demonstrated that vehicle speeds are significantly below 60mph, it may be possible to reduce the visibility requirements. However without this evidence the Highway Officer considers that he must insist on the full level of visibility.
- 9.13 It is recommended that the proposed development should be refused as it would result in an intensification of use of an existing access at a point where visibility is substandard and would lead to danger and inconvenience to people using it and to highway users in general.
- ### **9.14 SUDS**
- 9.15 Following the submission of further information, the applicant has now demonstrated a viable method of surface water disposal.
- 9.16 No objection subject to the submission of a pre-commencement condition requiring the

submission of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

9.17 Biodiversity

9.18 The Biodiversity Officer is satisfied with the survey and mitigation measures contained in the Preliminary Ecological Appraisal from the ecological consultant Bernwood ECS Ltd dated 19th July 2018.

9.19 No objection subject to conditions:

9.20 Buckingham and River Ouzel Internal Drainage Board

9.21 No objections

10.0 REPRESENTATIONS

10.1 No representations received

11.0 EVALUATION

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

11.1 Members are referred to the Overview Report before them in respect of providing the background information to the Policy Framework when coming to a decision on the application

11.2 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).

11.3 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (Framework) 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 Framework PPG and other material considerations. Determination of the application needs to consider whether the proposal constitute sustainable development having regard to Development Plan Policy and the NPPF as a whole.

Aylesbury Vale District Local Plan (AVDLP), Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP) and Housing Supply

11.4 The policy position and current housing land supply figures are addressed with the overview report that is to be read in conjunction with the Committee Report.

Neighbourhood Planning

11.5 There is currently no made Neighbourhood Plan for Lillingstone Lovell.

11.6 Where a Neighbourhood Plan is not in place, decisions for housing developments should be taken in accordance with paragraph 11 of the NPPF, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

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

- 11.7 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.
- 11.8 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.
- 11.9 Lillingstone Lovell is identified as an 'other settlement' in the Aylesbury Vale Settlement Hierarchy September 2017. Lillingstone Lovell has a very small population and is poorly connected to a large service centre (Buckingham nearly 6 miles away). It has a very limited employment with a village hall but no other key services. In this case we cannot say this is a sustainable location given the shortfalls identified based on the size of population, their accessibility by public transport and their proximity to large service centres and the range of facilities and services available. Therefore, it is considered that these settlements are not sufficiently sustainable to accommodate further significant development because of the limited or no services or facilities readily available within close proximity. There are no public footpaths along Akeley Road and the occupant of the proposed new dwelling is likely to be dependant upon the private motor car for access.
- 11.10 Having regard to the above Lillingstone Lovell is not therefore considered to be a sustainable settlement for significant new residential development.
- 11.11 Furthermore the visual impact of any proposals on the character and appearance of the settlement and on the countryside edge and other material considerations remain important issues to assess regarding the sustainability of the scheme. Consideration needs to be given not only to the appropriateness of development and its localised impact on the site and surroundings, but also in terms of the capacity of the settlement to accept population growth having regard to the impact on infrastructure and local services and the community itself.
- 11.12 These issues are considered in more detail under the headings below.

Building a strong competitive economy

- 11.13 The Government is committed to securing and supporting sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- 11.14 It is considered that there would be economic benefits in terms of the construction of the dwelling itself and the resultant increase in population contributing to the local economy which should be afforded limited weight in the scheme's favour given the small scale of the development proposed, in that it comprises a single dwelling.

Promoting Sustainable Transport

- 11.15 It is necessary to consider whether the proposed development is located where the need to travel will be minimised, 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.
- 11.16 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.
- 11.17 The application site is on the south-east of the village of Lillingstone Lovell. This is categorised under 'other settlement' according to Aylesbury Vale Settlement Hierarchy Assessment 2017. It is located 5.6 miles to Buckingham. The range of facilities and amenities serving the village is very limited. The future occupiers would have to rely on private car to access basic amenities. It is therefore acknowledged that the locational sustainability is a shortfall of the site and is not a matter in favour of the development.
- 11.18 The applicant has proposed the use of the existing access for the new dwelling. The County Council Highway Engineer considers that visibility to both sides of the access is restricted due to the curvature of the road and considers that this is an issue which is almost impossible to overcome. It should be further noted that Akeley Road has a narrow carriageway, with bends in close proximity to the site, and therefore drivers may not be driving at the speed limit of 60mph. If a speed survey were to be undertaken which demonstrated that vehicle speeds are significantly below 60mph, the Highway Engineer considers that it may be possible to reduce the visibility requirements. However, without this evidence the Highway Engineer considers that the full level of visibility must be required. This weighs against the proposal and should be afforded significant negative weight in the planning balance.
- 11.19 The Council's adopted SPG1: parking Guidelines sets out the maximum parking standards that can be required for developments, which requires that dwellings with up to three bedrooms provide two spaces within their curtilage. The development would provide adequate parking for the development comprising a double garage suitable for two cars and a further two spaces on hardstanding which would exceed the requirements set out in AVDLP policy GP24 and the guidance in SPG1: Parking Guidelines. This is a matter which could be controlled by condition and is a matter that should be afforded neutral weight in the planning balance.

Delivering a sufficient supply of homes

- 11.20 The proposal is for an erection of a new detached bungalow, and as such would add to the housing stock for the District.
- 11.21 There is no known reason that the site could not be delivered within the next five year period, making a contribution to housing land supply which would be a significant benefit to which limited positive weight should be given, owing to the scale of the development and its limited contribution.
- 11.22 In respect of affordable housing the scheme does not meet the thresholds for securing such provision on site as outlined in AVDLP policy GP2 which refers to the provision of 25 dwellings or more or a site area of 1ha or more.

Making efficient use of the land

- 11.23 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.
- 11.24 The new dwelling would be constructed on the site of outbuildings on paddock land to the east of the residential curtilage of Horsewalk Cottage. The original permission for Horsewalk Cottage (97/01511/ADP) confirms that the land is outside of the residential curtilage of Horsewalk Cottage. The site does not fall within the definition of previously developed land as defined by Annex 2 of the NPPF.

Conserving and enhancing the natural environment

Conserving the natural landscape and AAL

- 11.25 Paragraph 170 of the NPPF states that regard must be had as to how the proposed development contributes to the natural and historic environment recognising the intrinsic character and beauty of the countryside, 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.
- 11.26 The site is sensitive being within the Stowe Area of Attractive Landscape and provides a setting for Lillingstone Lovell Conservation Area. In accordance to policy RA.8 of AVDLP; development proposals in the Areas of Attractive Landscape should respect the landscape character and development should not adversely affect this character. The Landscape Officer has carried out an assessment of the impact of the proposal.
- 11.27 The site lies within the Lillingstone Wet Farmland Landscape Character Area, which is part of the Wooded Ridge Landscape Character Type (Aylesbury Vale Landscape Character Assessment). This is described as '*a low intensity agricultural landscape which retains strong historic associations*'. The condition of this landscape character area is considered to be very good, with few visual detractors and much integrity. The area is characterised by small dispersed settlements, of which Lillingstone Lovell is a good example, with its small cluster of vernacular buildings built in local limestone and prominent church. An area of historic parkland at Lillingstone House with associated woodland, lakes and parkland trees enhances local historic landscape character. Surrounding land use is agricultural, mixed but predominantly pastoral with a strong hedgerow pattern. This is an unusually tranquil landscape, a quality which is becoming increasingly rare in the District. Guidelines for the Lillingstone Wet Farmland landscape are all aimed at landscape conservation and reinforcement.
- 11.28 There is a strong settlement boundary line on the eastern side of Lillingstone Lovell. Planning Permission has recently been granted under planning permission 18/01225/APP for a new dwelling to the north of Bridge Farm and to the south of Horsewalk Cottage. This dwelling was permitted because it was considered that the dwelling would be positioned within the existing line of development, and would respect the existing settlement pattern on the eastern edge of the village of Lillingstone Lovell. However the Landscape Officer considers that the proposed new dwelling, to which this application relates, would be perceived as projecting eastwards beyond the current settlement into the countryside. Akeley Road is very narrow and rural in character, and increased access onto it, and changes to meet highway requirements, could change perceptions. The implications of visibility requirements at the junction with Akeley Road are unclear, but if existing

vegetation needs to be cleared the development could become more open to public view. Some woodland would be lost to clear the site for construction of the proposed house, access and parking. The introduction of a residential property into the landscape would extend the area with night time lighting, which would have a small but adverse impact on the night time landscape. This is an aspect of tranquillity which can be overlooked. Impacts would be local but would add to the small cumulative changes which could over time erode the integrity of this unusual and very sensitive area.

- 11.29 The settlement and its surroundings have a strong sense of place, with an unusually high level of integrity and tranquillity. The proposed development would have a small but adverse impact on a number of the key special qualities of this designated landscape referred to in the Aylesbury Vale Landscape Character Assessment as referred to by the Landscape Officer:
- 'Sense of tranquillity and remoteness created by the intactness of the rural landscape with a lack of intrusion from major roads and infrastructure...'*
- 'The sense of timelessness as a result of intact historic field patterns, irregular woodland edges and meandering lanes with rough grass verges;'*
- 'Small attractive villages scattered across the landscape in a dispersed settlement pattern, allowing the rural countryside to dominate. Medieval churches and buildings of local materials such as limestone provide local landmarks'*
- 'Sense of a landscape that hasn't changed for centuries'*
- 11.30 Whilst permitted development rights could be removed, the changes that would be likely to occur from the domestic use would not be mitigated by the use of such a condition and the likely outcome is a change from rural to domestic character which would contribute to cumulative erosion of the special qualities of the local landscape.
- 11.31 It is acknowledged that the proposed new dwelling would be closer to the existing line of development at the eastern edge of the settlement than the positioning of the dwelling which was the subject of a pre-application enquiry in 2016. However it is considered that a new dwelling in this position would still breach the existing settlement pattern and would unacceptably extend new development beyond the built up limits of the settlement into the countryside, detrimental to the rural character and appearance of the area. The site is not previously developed land and introducing a new dwelling on this site would inherently reduce the rural character of this open site, and would intensify and consolidate built development resulting in harm to the special landscape character of the site itself and its immediate locality and to the rural setting in general. Furthermore it would set a precedent for further development of the large area of undeveloped paddock land between the existing dwellings on the eastern side of the settlement and the Akeley Road, contributing to the cumulative erosion over time of the special qualities of the local landscape character of the Lillingstone Wet Farmland Landscape Character Area within the Stowe Area of Attractive Landscape.
- 11.32 As such the proposal would not complement the physical characteristics of the site and the surroundings and would conflict with policies GP35 and RA8 of AVDLP and with the aims of the NPPF resulting in harm that should be given significant negative weight in the planning balance.
- Trees and hedgerows*
- 11.33 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 11.34 A small number of trees, overgrown hedges and low lying vegetation have developed around some of the existing domestic structures that remain on the site. Whilst no trees would be removed, the proposal is to cut back the areas of hedging to retain an

approximate 4 metre strip to the western boundary and a 2.5 metre to the northern boundary. Some further hedging may also need to be cleared to allow for the construction of the access and the Landscape Officer has raised concerns that the site could become more open to the public view. It is noted that the areas of hedging will be extended into the south-western corner and along the southern boundary of the residential curtilage and that further tree planting is proposed within the site. However the removal of hedging has the potential to alter the rural character of the site and should be afforded negative weight in the planning balance.

Biodiversity

- 11.35 Paragraph 109 of the Framework requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 11.36 The application is accompanied by an Ecological Appraisal from the ecological consultant Bernwood ECS Ltd dated 19th July 2018. The Biodiversity Officer considers that the survey and mitigation measures included in the report are appropriate and subject to conditions being put in place considers that the proposal is acceptable. Neutral weight should be attached to such matters in the planning balance.

Conserving and enhancing the historic environment.

- 11.37 The NPPF requires new development to preserve and enhance heritage assets and their setting. GP53 of AVDLP requires development to respect and complement the characteristics of Conservation Areas. Proposals for development will not be permitted if they cause harm to the character or appearance of Conservation Areas, their settings or any associated views of or from the Conservation Area. By seeking to ensure that the significance of the heritage asset is preserved or enhanced, this policy is consistent with the NPPF. This policy does not however go on to include the balancing element of paragraph 196 of the NPPF which identifies that where a development proposal would 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, in this respect Policy GP53 is inconsistent with the NPPF. In addition to this Section 72 (1) of the Planning (listed Buildings and Conservation Areas) Act 1990 requires that in conservation areas 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.'
- 11.38 The site is situated outside Lillingstone Lovell Conservation Area and forms part of the residential curtilage of Horsewalk Cottage. Horsewalk Cottage is situated adjacent to the eastern boundary of the conservation area and has a dense boundary of hedgerows and trees to the heritage asset.
- 11.39 This part of the conservation area has a strong linear pattern of development, and Horsewalk Cottage forms part of a straggle of modern peripheral development along the eastern edge of the settlement. The cottage is accessed via a long track off Akeley Road to the east of the house. The access track gently falls away from Akeley Road to Horsewalk Cottage with the house set behind a dense row of trees and hedgerows. The remaining fields around the track remain broadly at the same level as the road. The house is not visible from the road.
- 11.40 The proposed dwelling is mainly arranged of single storey development with some additional first floor accommodation provided in the roofspace. The dwelling adopts a broadly similar form, scale and orientation to that of Horsewalk Cottage and is arranged of 3 distinct sections with a mono pitch roof.
- 11.41 Due to the proposed location of the new dwelling and existing vegetation, the building would largely be screened from view from within the conservation area. The view looking

towards the conservation area comprising the heritage assets setting would however have an additional layer of development at this point, and at the current time this edge feels rounded off and in proportion leaving a green landscape buffer around the settlement which forms a rural setting to the conservation area.

- 11.42 This development proposal would therefore not have a major impact on the character and appearance of the conservation area and mitigation could be assisted to lessen this limited harm by a sensitive landscape scheme to soften the boundaries and help the building nestle in the landscape.
- 11.43 The proposal due to its location behind the existing cottage and the proximity of existing mature landscaping would cause less than substantial harm to the significance of the designated heritage asset. This harm is limited to partial views and can be mitigated by a detailed landscape scheme and is therefore at the lower end of the scale.
- 11.44 Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. The harm which would be caused to the significance of the heritage asset would be limited and at the lower end of the scale, for the reasons set out above must be weighed against the public benefits of the proposal in accordance with the guidance in the NPPF.

Achieving well designed places

- 11.45 In requiring good design, the NPPF states that development should add to the overall quality of the area, respond to local character and history and to reflect the identity of local surroundings. This aim is reflected in Policy GP35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines.
- 11.46 In paragraph 60 the Framework says that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 11.47 The local character and identity of the village incorporates a wide range of materials from stone with some areas render and timber.
- 11.48 The design of the house would be mainly of single storey with first floor accommodation over the garage. It would have a courtyard layout similar to that of Horsewalk Cottage and would comprise timber cladding and off-white render. The roofs would largely be mono-pitched finished with metal standing seam.
- 11.49 It is acknowledged that the dwelling has been designed to be mostly single storey so that it would not appear significantly more dominant than the bungalow known as Horsewalk Cottage which would lie adjacent to the west. As such it is considered that the development would accord with policy GP35 of the AVDLP, and with the aims of the NPPF in this regard. Whilst it is considered that this matter must be afforded neutral weight in the planning balance, this lack of objection does not overcome the fundamental objections to the principle of a new dwelling in this location in terms of the impact upon the character and appearance of the rural area as discussed above.

Meeting the challenge of climate change and flooding

- 11.50 Paragraph 103 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere. The site is not within a Flood Zone. However following a request by the SUDS officer further detail regarding surface water management and an updated drainage layout plan have been received.
- 11.51 The applicant is proposing to use permeable paving and rainwater harvesting to manage the surface water runoff produced as a result of the proposed development, further detail is required in support of this proposal. It is noted in the planning statement that the rainwater harvesting will only be used for external gardening purposes. The SUDS officer notes that this method of passive rainwater harvesting cannot be used for managing storm events.
- 11.52 The Site Drainage Proposals show that the applicant is proposing to use Type C permeable paving. The overflow of the rainwater harvesting and the permeable paving will discharge to the ditch on the eastern boundary of the site. The applicant must conduct capacity and condition assessments of the ordinary watercourse, surveying to the point of outfall. If the ordinary watercourse is not a viable method of surface water disposal then the applicant must utilise an alternative method of surface water disposal in line with the drainage hierarchy outlined in paragraph 080 of the planning practice guidance.
- 11.53 The SUDS officer requires 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 40% climate change storm event should be safely contained on site.
- 11.54 Should approval be granted the SUDS officer has requested a pre-commencement condition requiring the submission of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. With such a condition in place it is considered that the proposal would not increase the risk of flooding to the site and elsewhere and would accord with Paragraph 103 of the NPPF. This absence of harm should be afforded neutral weight in the planning balance.

c) Impact on residential amenities.

- 11.55 Policy GP8 of AVDLP seeks to protect the amenities of nearby residents when assessing development proposals.
- 11.56 The new dwelling would be located some 16 metres to the east of the garage element of the neighbouring Horsewalk Cottage, and would be separated by an existing landscaping screen. Given the single storey nature of each dwelling, the positioning of each of the dwellings and the intervening landscaping, it is considered that the proposed new dwelling would not have any adverse impacts upon the amenities of the neighbouring Horsewalk Cottage in terms of impact upon light, outlook or overlooking. Sufficient amenity space would be retained for the existing Horsewalk Cottage and the proposed new dwelling. The proposal therefore accords with policy GP8 of the AVDLP and the NPPF and this matter should be afforded neutral weight in planning balance.

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