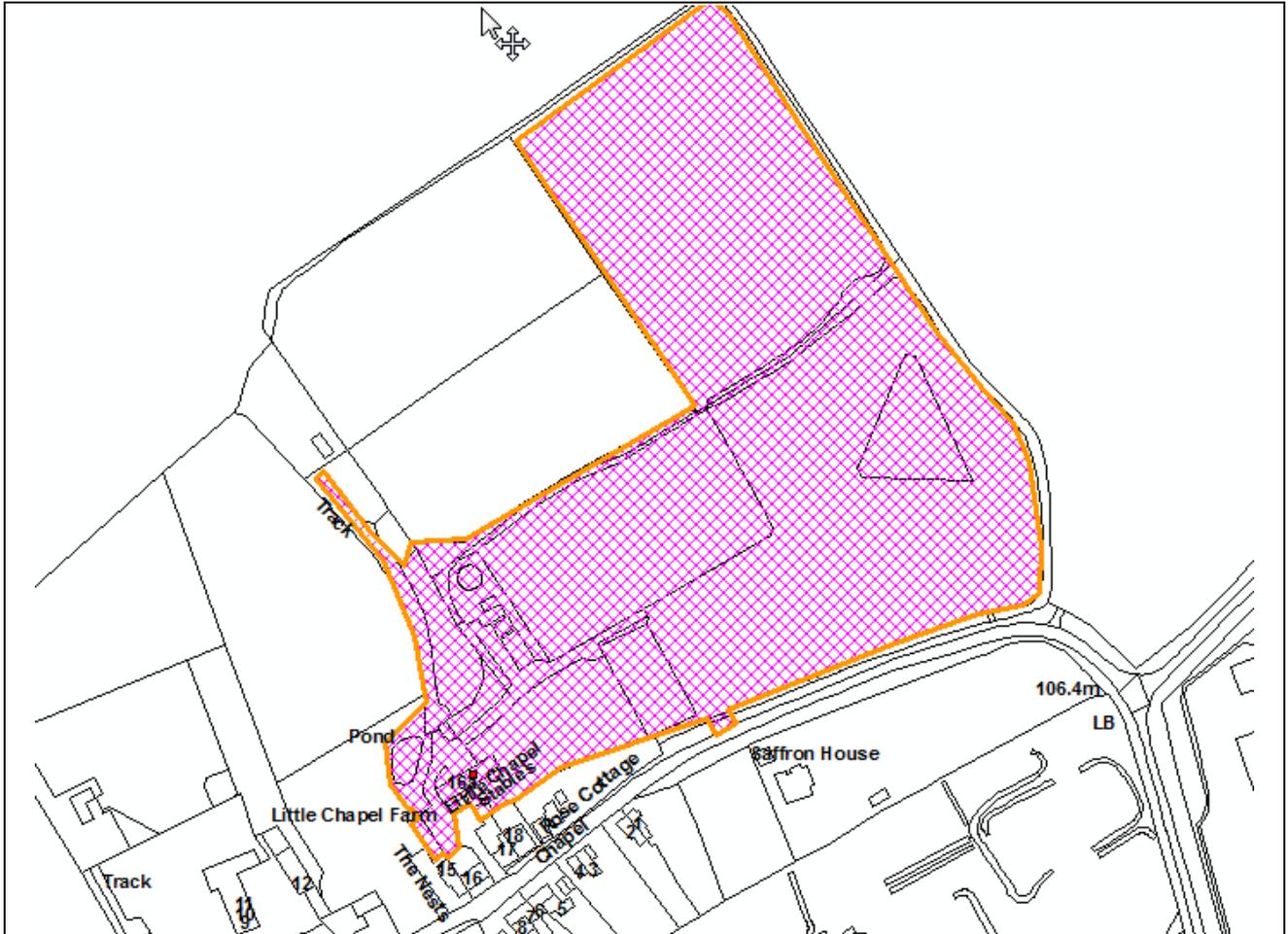


19/01769/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/01769/APP	MENTMORE CA	09/05/19
NEW VEHICULAR ACCESS ROAD	The Local Member for this area is: -  Councillor P Cooper	
16A CRAFTON LODGE ROAD CRAFTON LU7 0QL		
MRS JACKIE PURNELL		
STREET ATLAS PAGE NO.89		

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

- a) Impact on the character of the street scene and wider area, including the AAL
- b) Impact on the conservation area and nearby Scheduled Ancient Monument
- c) Impact on residential amenity
- d) Impact on highways

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

### CONCLUSION AND RECOMMENDATION

- 1.1 The application has been evaluated against the Development Plan, which comprises of the Aylesbury Vale District Local Plan (AVDLP), the emerging Vale of Aylesbury Local Plan (VALP) and the NPPF and the Authority has assessed the application against the planning principles of the NPPF and whether the proposal delivers 'sustainable development'. Paragraph 11 of the NPPF states planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.
- 1.2 It is considered that the proposal would result in a benefit to the area in that it would reduce the need for large vehicles to enter the main part of the hamlet and any impact in relation to the character and appearance of the site, immediate area and wider countryside are not so significant as to warrant refusal of the development on these grounds. The access is considered to have a minimal impact on the Crafton conservation area and the nearby Scheduled Ancient Monument which is to the south of Crafton Lodge Road and special regard has been had in this context, and would accord with policy GP53 of AVDLP and emerging VALP policy BE1. 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. It has been concluded that the development would preserve the character and appearance of the conservation area, and so the proposal accords with section 72 of the Act. In addition, no harm would be caused to the significance of the nearby heritage asset, and as such the proposal accords with guidance contained within the NPPF.

- 1.3 In terms of the impact on the appearance character of the area including the removal of the hedge, impact on views, materials, and the ground levels and residential amenities these are considered to comply with policy GP8, GP35 and RA8 of AVDLP and NE4, NE8 and BE3 of VALP subject to conditions. .
- 1.4 The proposed works has been considered against the policies contained within the Development Plan and it is considered that the proposal accords with the Development Plan and that there are no material considerations that would warrant a departure from the plan and as such it is recommended that the development be:

**APPROVED** subject to the following conditions:-

1. STC5  
Reason:US03
2. The development hereby permitted shall only be carried out in accordance with drawing No. 2119-001 Rev A received by the Local Planning Authority on 20<sup>th</sup> January 2020.  
Reason: RE39
3. Prior to occupation of the development, the new access road shall be laid out and constructed in accordance with the approved plans.  
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the NPPF and policy BE1 of the emerging Vale of Aylesbury Local Plan.
4. Prior to occupation of the development, the new access shall be sited and laid out in accordance with the approved plans. The access shall be constructed in accordance with Buckinghamshire County Council's Guidance note, "Agricultural Vehicular Access Within Highway Limits" 2013.  
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the NPPF and policy BE1 of the emerging Vale of Aylesbury Local Plan.
5. Prior to the installation of the gates hereby approved, details of the appearance of the gates shall be submitted to and approved in writing by the local planning authority. The gates shall thereafter be installed in accordance with the approved details and retained as approved in perpetuity. For the avoidance of doubt, no gates shall be erected within 13m of the carriageway.  
Reason: To ensure a satisfactory appearance to the development and to comply with policies GP35 and GP53 of Aylesbury Vale District Local Plan, the National Planning Policy Framework and policy BE1 of the emerging Vale of Aylesbury Local Plan.
6. No development shall take place until details of the track construction and road surface treatment have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter take place only in accordance with the approved details which shall thereafter be retained.  
Reason: To ensure a satisfactory appearance to the development and to comply with policies GP35 and GP53 of Aylesbury Vale District Local Plan, the National Planning Policy Framework and policy BE1 of the emerging Vale of Aylesbury Local Plan.

#### *Informatives*

1. **Badgers:** Badgers and their setts (burrows) are protected under the Protection of Badgers Act 1992. This makes it an offence to kill or take a badger, to cruelly ill-treat a badger, or to

interfere with a badger sett, including disturbing a badger which it is occupying a sett. Planning consent for a development does not provide a defence against prosecution under this act. Licences may be granted in order to close down setts, or part of setts, prior to development or to permit activities close to a badgers sett that might result in disturbance. A licence will be required if a sett is likely to be damaged or destroyed in the course of development or if the badger(s) occupying the sett will be disturbed.

2. **Nesting Birds:** The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and other vegetation are likely to contain nesting birds between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive.
3. The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement 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 minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-

Development Management  
6th Floor, County Hall  
Walton Street, Aylesbury,  
Buckinghamshire  
HP20 1UY  
Telephone: 01296 382416  
Email:

4. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
5. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
6. In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the applicant/agent was informed of the issues arising from the proposal and given the opportunity to submit amendments/additional information in order to address those issues prior to determination. The applicant/agent responded by submitting amended plans/additional information which were found to be acceptable so the application has been approved.

## **2.0 INTRODUCTION**

- 2.1 The application needs to be determined by committee as Mentmore Parish Council has raised material planning objections in respect of noise, residential amenity and the impact on the Conservation Area and confirms that it will speak at the Committee meeting.

### **3.0 SITE LOCATION AND DESCRIPTION**

- 3.1 The application relates to an area of land to the north east of the hamlet of Crafton within the ownership of 16A Crafton Lodge Road. The existing dwelling and its outbuildings are currently accessed via a shared access located between No's 16 and 17 Crafton Lodge Road. There is parking for the host dwelling within the shared courtyard and to the front of the host dwelling.
- 3.2 To the north east of the host dwelling there is a paddock and there is a ménage further to the east.
- 3.3 The site is within the Crafton Conservation Area, an Area of Attractive Landscape, an archaeological notification area and there is a Scheduled Ancient Monument on the south side of the road (site of medieval village).

### **4.0 PROPOSAL**

- 4.1 The application seeks consent for a new access off the highway and the provision of an access track that would run along the north eastern side of the ménage linking into an existing access track that runs along the north western end of the ménage leading to the applicant's outbuildings and dwelling.
- 4.2 The gated access track would measure 5m in width and would be 56m in length, finished in road plainings laid over crushed concrete. The proposed access and track would be located 80m to the east of the main dwelling.
- 4.2 At present heavy vehicles carrying animal feeds, private horse transport and oil deliveries have to access the applicant's property via the narrow village road into the shared courtyard with numbers 15, 16, 17 and 18 Crafton Lodge Road where there is limited ability to turn or manoeuvre. The new access road is required to accommodate these large vehicles to avoid them having to reverse through the village to access the courtyard.

### **5.0 RELEVANT PLANNING HISTORY**

- 19/00039/AGN - Proposed new vehicle access – Refused as it was not demonstrated that the proposal was required for the purposes of agriculture.
- 19/00967/AGN - Proposed new vehicle access – Refused for the same reason as 19/00039/AGN.
- 19/01900/APP - Retention of the existing barn and the operation of a dog home boarding and day care business from parts of the site (Retrospective) – Approved.

### **6.0 PARISH/TOWN COUNCIL COMMENTS**

- 6.1 Mentmore Parish Council have objected on the grounds that the proposal has not changed since the previously refused submissions and their objections still stand. These objections comprise that the road is inside the Conservation Area and immediately adjacent to the Medieval Settlement Remains which is a scheduled ancient monument and an intrinsic part of the conservation area setting. The hedgerow which will have to be removed to form the new entrance is specifically mentioned in the Conservation Area document and therefore special consideration must be given to its location, prominence, character and context as an important part of the CA.
- 6.2 The proposed use of road plainings is inappropriate for the CA as it would be visible from the public road and it would be considered usual to specify an appropriate road surface combined with appropriate kerb materials.
- 6.3 The design is inadequate and needs to take into account the location in the CA and items

such as the design of the gate and materials used should be approved by heritage.

- 6.4 The approach is a single track road and proper provision needs to be made to prevent vehicles mounting the verge and there is also a significant level change which needs proper consideration.
- 6.5 The Parish Council do not believe there is a need for the new access and local residents have commented that they are not inconvenienced by the current access arrangements.
- 6.6 The Parish Council also have concerns that following the approval of the application for the change of use of the barn, attempts may be made to convert this barn to a separate dwelling and the new access would facilitate this. They have asked that any permission issued be condition to be personalised to the applicant, the existing courtyard restricted to light motor vehicles and motor cycles and no separate dwelling is formed.
- 6.7 Attention has been brought to officers attention that there is a protected badger sett nearby but no evidence of badgers or any other protected species was identified during the inspection by the Ecology Officer.

## **7.0 CONSULTATION RESPONSES**

- 7.1 Archaeology – The nature of the works are unlikely to significantly harm the archaeological significance of the archaeological notification area or nearby schedule ancient monument. No objections.
- 7.2 Environmental Health – No objections
- 7.3 Ecology – Following and Ecology Screening Inspection, there is no likelihood of protected species being present and therefore no objections. Concerns regarding protected species being present on the site were raised by the Parish Council, however Ecology visited the site, considered the submission and retained their 'no objection' however advised suitable informatives should be included with any consent being granted.
- 7.4 Rights of Way Officer – Changing the main vehicular access of the route shared with the public footpath would have an advantage for walkers and therefore no objections.
- 7.5 Highways – No objections initially but requested further information to ensure that large vehicles are capable of using the access and therefore requested further details of the turning head, gates and the bellmouth. Details of the bell mouth and gates have since been received and are acceptable but further information was requested for tracking drawings demonstrating the largest vehicles likely to visit the site using the new site access and the tight turn further into the site.

Further comments: The tracking drawing submitted shows a 10m long rigid vehicle using the proposed access and manoeuvring further into the site made possible by enlarging the turning head and the access radii have been enlarged. Whilst these manoeuvres are still tight, the drawing shows the manoeuvres could physically take place and therefore taking into account that there is not expected to be any great conflict between opposing vehicles and the recently permitted dog care use using the existing access, there are no objections subject to conditions and informatives being added to any permission granted.

- 6.7 Heritage – Due to the rural nature of the Conservation Area which evidences multiple examples of similar tracks, the application is considered acceptable. The hedgerow through which the proposed new entry will be cut has been identified as an important hedgerow and the verges a characteristic. Whilst any loss is regretted, the proposal seeks to create a 5m wide opening and not to completely remove this important feature of the hedge, and likewise only to remove a small section of the verge, therefore this is considered to be minimal and in keeping with the nature and development of the settlement as a whole.

It is noted that no details of the road surface treatment has been provided or details specifying the gate design and it is recommended that if permission be granted, conditions be included to require submission of these details. Kerbs and bollards are not a feature of the conservation area and so will not be an acceptable element, however, none are proposed with the development.

## **8.0 REPRESENTATIONS**

- 8.1 Five letters of objection have been received from local residents who have all raised several concerns, the main points being:

- There is no need for a new access as traffic levels on the highway are low and vehicle access movements minimal
- existing access has been receiving deliveries from large vehicles for many years and the residents do not suffer any inconvenience
- The design provides an insufficient turning head
- There is inadequate distance from the carriageway to the gate
- There is no bell mouth and vehicles using the access would cause damage to the soft verges
- Removal of hedge would expose the applicants stables building in views from the highway
- Inappropriate development within the Conservation Area
- Loss of an important hedgerow
- Impact on the Schedule Ancient Monument
- Difference in levels from the road to the site of 900mm
- No mitigation of the changes to the hedgerow
- The two applications do not cross reference one another

- 8.2 Another letter of representation has been received from a local resident forwarded from the Conservation Areas Officer who had been reviewing the Mentmore Conservation Area document. This letter raised concerns that due to the new bell mouth shown on the revised plan, 18m of hedge would need to be removed resulting in the loss of trees and the land either side of the access would need to be sloped at the repose gradient of 30 degrees. It notes that the hedge is on the 1798 enclosures map and is therefore historically and visually important to the character and appearance of the conservation area. Concerns are also raised that the new access would damage the verges on either side of the road which are also mentioned in the conservation plan and therefore need to be protected.

## **9.0 EVALUATION**

### **Impact on appearance and character of the street scene and wider area, including the AAL**

- 9.1 Policy GP35 of AVDLP requires that new development should respect and complement the physical characteristics of the site and surroundings, existing development in the locality and the natural and historic features of the site.

- 9.2 Policy RA8 of the AVDLP relates to proposals within an Area of Attractive Landscape and advises that development that adversely affects the character of the area will not be permitted unless appropriate mitigation measures can be secured and the Council will impose conditions or seek planning obligations to ensure the mitigation of any harm caused to the landscape interest.
- 9.3 Emerging policy NE4 of the emerging VALP seeks to ensure that the districts landscape character is maintained and Policy NE8 states that development should seek to enhance the districts tree and woodlands resource. Both these policies have been afforded moderate weight.
- 9.4 The access would be to the east side of an existing ménage running north to south linking into an existing access track to the north of the ménage forming a turning head where they meet. The turning head is well within the application site and would not have an impact on the operation of the highway network.
- 9.5 The new access would be visible in the street scene and a 5m section of hedging would be removed to accommodate the opening. Details showing a bell mouth and gates 17.3m from the highway have been provided. It is considered that the works involved would not have an overly adverse impact on views in the wider area and although the new track would be visible from the highway, the hedge either side would be retained limiting views to the area immediately to the front only.
- 9.6 With regard to the concerns of the parish council regarding the appearance of the development, conditions have been included that require details of the road surface and the gates be provided before development is commenced on these elements to ensure that the impact on the character and appearance of the area is acceptable. This would also address the requests of the heritage officer to ensure the development does not have a detrimental impact on the character of the conservation area.
- 9.7 Overall it is considered that the new access and track are acceptable and would not appear visually intrusive within the AAL or wider landscape, or within the street scene, therefore is considered acceptable and to accord with policies GP35 and RA8 of the AVDLP and policies NE4 and NE8 of the emerging VALP.

### **Impact on the Conservation Area and the nearby Scheduled Ancient Monument**

- 9.7 Policy GP53 of the AVDLP seeks to ensure that development proposals respect the character and appearance of the Conservation Area and Section 16 of the NPPF relates to conserving and enhancing the historic environment, however this policy predates the NPPF and does not take in to consideration the balancing of harm against public benefit. As such, the policy receives reduced weight however it is still of relevance. In addition, emerging policy BE1 of the VALP is also of relevance which relates to heritage assets and this policy discusses the importance of the unique character, quality and diversity across the Vale of heritage assets. The policy is afforded moderate weight and helps to assist in ensuring the significance, including their setting of historic assets is appropriate considered and protected.
- 9.8 The new access would result in a 5m wide section of hedge being removed and an access road that would run alongside an existing ménage. The access would be located within an important hedgerow as defined in the Craffton Conservation Area document but would be opposite an existing access into garden land of 1 Craffton and would not look out of place in the rural area, especially in the context of the area where there are plenty of examples of

access points on to the road frontage in this area.

- 9.9 The Conservation Area document identifies an important view looking from the north towards the ménage but as the access track would run to the side of the ménage and the land would be lowered to accommodate the new road, it is not considered that this development would be overly prominent in views and therefore this important view would be preserved.
- 9.10 Mentmore Parish Council have commented that the access is within the conservation area and immediate adjacent to the Medieval Settlement Remains. The Scheduled Ancient Monument is to the south of Chapel Lane and the proposal would not impact on this heritage asset. BCC Archaeology have been consulted and do not consider the proposal would impact on the significance of the nearby archaeological assets.
- 9.11 The Heritage Officer considers the proposal acceptable in heritage terms commenting that the loss of the hedge is regretted but the hedge would not be completely removed and similarly only a small section of verge would be removed. The Heritage Officer considers the works to be minimal and in keeping with the nature and development of the settlement as a whole. Furthermore given the distance and the nature of the proposal there would not be any negative impact on the setting of the registered Historic Park and Garden. The Heritage Officer therefore has no objection subject to conditions regarding the design of the gate and the details of the track construction and surface materials.
- 9.12 It is considered that the proposed development would not have a harmful impact on the character, appearance and setting of any heritage assets, including the nearby SAM and the Crafton conservation area, thereby no conflict with policy GP53 of the AVDLP takes place nor with policy BE1 of the emerging VALP. In addition 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. It has been concluded that the development would preserve the character and appearance of the conservation area, and so the proposal accords with section 72 of the Act. In addition, no harm would be caused to the significance of the nearby heritage asset, and as such the proposal accords with guidance contained within the NPPF.

#### **Impact on residential amenity**

- 9.12 Policy GP8 of the AVDLP seeks to preserve the residential amenities of neighbouring properties by protecting their character of outlook, access to natural light and privacy and GP95 seeks to protect the amenities of existing occupiers from the adverse affects of existing uses and policy BE3 of the emerging VALP states that planning permission will not be granted where the proposal would unreasonably harm any aspect of the amenity of existing residents. This policy has been the subject of objections and the Inspector has not requested main modifications so can be regarded as resolved and this policy can be given considerable weight.
- 9.13 The access is not in close proximity to any neighbouring properties with Saffron House opposite being the closest at 30m away. The access is required to take larger vehicles away from the existing access between the properties that front the main road and therefore resulting in less traffic using the shared access and courtyard that would be to the advantage of the neighbours that share this access. Notwithstanding that a neighbour has commented that their amenities are not affected by the existing situation, the availability of the proposed alternative access for the use of larger vehicles would reduce the impact on the amenities of the occupiers of the existing dwellings adjacent to the existing access, in terms of noise and disturbance.

- 9.14 Given the substantial separation between the proposed access and the neighbouring properties and the benefit that removing traffic from the shared access would provide, the new access is considered to be an acceptable addition to the host property that would not give rise to a loss of amenity to the occupiers of neighbouring dwellings complying with Policy GP8 of the AVDLP, policy BE3 of the emerging VALP and the NPPF.

### **Impact on highways and parking**

- 9.15 GP24 of AVDLP seeks that new development is required to provide vehicular parking in accordance with the SPG on Parking Guidelines which is reflected in Policy T6 of the emerging VALP which can be given moderate weight.
- 9.16 The property is currently served by an access off Crafton Lodge Road, which is an unclassified road subject to a 30mph limit, through a shared courtyard with parking for three cars within the courtyard and a further three cars can be parked to the front of Little Chapel Stables, the host property.
- 9.17 BCC Highways originally had concerns regarding the location of any gates, that there was no bell mouth, and the layout may be difficult for large vehicles to manoeuvre and therefore requested additional information. Revised drawings have since been received showing a bellmouth and gates set back 17.3m from the edge of the carriageway which are considered acceptable to the Highway Authority.
- 9.18 In addition, revised tracking drawings have also been provided showing a 10m long rigid vehicle using the proposed access and manoeuvring further into the site. The internal manoeuvring has been made possible by enlarging the turning head, and the access radii have been enlarged. The BCC Highway Officer has commented that although manoeuvres are still tight, the drawings show that the manoeuvres could physically take place, and therefore are considered acceptable and it is not expected that there would be any great potential for conflict between opposing vehicles along this access track due to the agricultural and private equestrian use of the site and the characteristics of the vehicle movements associated with these uses as the recently permitted dog care use will be served by the existing access.
- 9.19 It is worth noting that between equestrian/agricultural uses on the site and that of the dwelling and dog day care unit, there is a gate that separates the existing parking courtyard and the other elements on the site. The intention of the owners is for the agricultural and equestrian vehicle movements to use the new access track rather than rely upon the existing entrance in to the site. The result of this would be to separate the different forms of traffic and reduce the potential conflict between vehicles.
- 9.20 Fundamentally it is considered that the separation of the different uses would lead to a betterment in terms of vehicle movements within the site, as the larger vehicles associated with the private equestrian use and agriculture would no longer have to pass in close proximity to the residential dwellings, thereby improving the experience of neighbouring residents in terms of volume and size of traffic. As such in respect of parking and highway matters the development would accord with policy GP24 of the AVDLP and policy T6 of the emerging VALP and with the NPPF.

### **10.0 Other matters**

- 10.1 The parish council also have concerns that the new access would facilitate the conversion of the outbuilding (as initially approved under planning permission 13/00373/APP as an agricultural barn and regularised under planning permission 19/01900/APP as building to be used in conjunction with the dog day-care business) into a separate unit for residential accommodation. This is not a matter which is a relevant planning consideration in this

application, as it does not form part of the proposal. Any such development would require a separate grant of planning permission. Members will recall that when planning consent 19/01900/APP was approved, a condition was imposed on the permission restricting the use of this building to a dog day care facility and hours of operation. t

- 10.2 Ecology: the ecologist did not find any evidence of badgers or protected species on the site and no harm would arise from the proposal. It is suggested that an informative be included to draw attention to the provisions of the relevant Acts. The proposal would accord with the NPPF and emerging policy NE1.

Case officer: Janet Mullen

[jmullen@aylesburyvaldc.gov.uk](mailto:jmullen@aylesburyvaldc.gov.uk)