

Item No. 08

APPLICATION NUMBER	CB/16/01036/FULL
LOCATION	80 Church Road, Aspley Heath, Milton Keynes, MK17 8TA
PROPOSAL	Demolition and replacement of existing log cabin with a proposed single residential dwelling, with associated driveway alterations and all ancillary works
PARISH	Aspley Heath
WARD	Aspley & Woburn
WARD COUNCILLORS	Cllr Wells
CASE OFFICER	Debbie Willcox
DATE REGISTERED	09 March 2016
EXPIRY DATE	04 May 2016
APPLICANT	Mr Peter Ballard
AGENT	Nett Assets Limited
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Wells because the proposal is within the Green Belt infill boundary where infill development is acceptable in principle. The character is defined by individual houses set back from the road and the proposal would be in character with the area. Precedents have been established in the area, including 67A, 69A and 80A Church Road. The dwelling would replace an existing building of similar size bulk and visual impact and will have no adverse impact on the setting of the site, the character of the area or the surrounding properties and uses.
RECOMMENDED DECISION	Full Application - Recommended for Refusal

Summary of Recommendation

The proposal would constitute inappropriate development in the Green Belt and no very special circumstances have been provided to outweigh the harm that would be caused to the Green Belt by reason of inappropriateness and loss of openness. The proposal would constitute backland development, contrary to the pattern of development in the area. It would be visible from the valley behind and the public footpath that runs through it and the design and positioning of the dwelling and the proposed loss of protected trees would have a damaging impact on views from the valley. The proposal would be likely to put pressure on other protected trees on the site and would have an insufficient turning area for service vehicles. The proposal would create a precedent in the area that could result in the significant erosion of the character of the area. As such, the proposal is considered to be contrary to Sections 7, 9 and 11 of the National Planning Policy Framework, Policies CS13, CS16, DM3, DM6 and DM14 of the Central Bedfordshire Core Strategy and Development Management Policies (North) and the Central Bedfordshire Design Guide.

Site Location:

The application site comprises of an irregular shaped area of land which lies in a backland position to the west of frontage development in Church Road and largely to the north and east of the existing house known as 80 Church Road, Aspley Heath, which is a large, red brick, Victorian Villa that is situated in an elevated, backland location in a garden that has many mature trees. The site is on an incline and slopes downwards to the rear, terminating at a plateau at the top of a ledge where the land drops away into a valley behind, through which runs a public footpath.

To the north east of the site is a large house known as Heather Bank which was built in the 1980's and this shares vehicular access with the long private drive which serves number 80 Church Road. This access road runs alongside number 82 Church Road.

Upon the site is an existing timber outbuilding that is used ancillary to 80 Church Road. The outbuilding measures 6.06m deep and 9.92m wide and has a ridge height of 4.7m from the existing ground level.

The site is washed over by the Green Belt, but is located within the designated Aspley Heath Green Belt Infill boundary. It is also located within the Aspley Heath Conservation Area and a designated Area of Great Landscape Value.

The Application:

The application seeks planning permission to divide the plot of 80 Church Road to create a new residential curtilage on the application site. The existing outbuilding would be demolished and a partially single storey, partially one and half storey and partially two storey 3 bedroom dwelling would be constructed in its place.

The proposed dwelling would measure 12.1m wide by 9.1m deep with a front, two storey projection measuring 2m deep by 6.5m wide. As a result of the changing levels, the rear 2m of the dwelling would be single storey. The dwelling would be dug into the existing ground level such that its ridge would be at the same level as the ridge of the existing outbuilding, but the dwelling itself would have a height of 6.87m. The dwelling would be finished with facing brick and timber boarding and would have a slate roof.

Twelve trees would be removed on the site to allow the creation of a parking and turning area at the top of the site, a vehicular access down to the plateau and two further parking spaces and associated turning area at the foot of the new access.

RELEVANT POLICIES:**National Planning Policy Framework (2012)**

Section 4: Promoting Sustainable Transport

Section 6: Delivering a Wide Choice of High Quality Homes

Section 7: Requiring Good Design

Section 9: Protecting Green Belt Land

Section 11: Conserving and Enhancing the Natural Environment

Section 12: Conserving and Enhancing the Historic Environment

Core Strategy and Development Management Policies (November 2009)

CS14 High Quality Development
CS15 Heritage in Development
CS16 Landscape and Woodland
DM3 High Quality Development
DM6 Development Within Green Belt Infill Boundaries
DM13 Heritage in Development
DM14 Landscape and Woodland

Development Strategy for Central Bedfordshire (June 2014)

At the meeting of Full Council on 19th November it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our web site as material considerations which may inform further development management decisions.

Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development:
Design Supplement 3: The Historic Environment
Design Supplement 5: Residential Development, 2014

Relevant Planning History:

Application Number	CB/15/04763/FULL
Description	Demolishment of existing log cabin and erection of proposed single residential dwelling, with associated footpath and driveway alterations
Decision	Application withdrawn
Decision Date	01/02/2016
Application Number	CB/15/04831/FULL
Description	Demolishment of existing log cabin and erection of proposed single residential dwelling with associated driveway alterations
Decision	Application withdrawn
Decision Date	01/02/2016
Application Number	CB/14/02255/PAPC
Description	Pre-Application Charging Advice: Single residential unit to replace existing timber garden building.
Decision	Pre-application advice given that the proposal would not constitute infill development as defined in the Local Plan and would therefore be inappropriate development within the Green Belt and unacceptable in principle. Advice also that the Tree & Landscape Officer considers that the proposed track would have an unacceptable harmful impact on trees. Advice from the Conservation Officer in regards to scale and siting.
Decision Date	03/07/2014

Application Number MB/09/00223/LDCP
Description Lawful Development Certificate Proposed: Outbuilding to rear garden.
Decision Lawful Development Certificate Granted
Decision Date 07/04/2009

Application Number MB/88/01828/RM
Description Reserved matters: One house with garage access road and ancillary works.
Decision Reserved Matters Granted
Decision Date 20/05/1988

Consultees:

Aspley Heath Parish Council This application is an amended version of two applications made in 2015 which were withdrawn before determination.

Aspley Heath Parish Council have been aware of the proposals to erect a dwelling in the grounds of Aspley Heath House for a number of months and have had discussions with the owner of the property about the proposal. Whilst discussions have centred around the two aspects of the proposal highlighted below it should be noted that the proposed dwelling in respect of design and materials together with the siting pushed back into the hillside are positive improvements over the existing log cabin that it would replace.

- A. In principle the AHPC consider the proposal as back development rather than infill and are concerned that any construction in the grounds of Aspley Heath House could set a precedent for further dwellings in the back gardens of other properties on the west side of the Parish, which is undesirable. However, it is understood that if planning permission cannot be obtained the owner will probably sell-up and buy a smaller property elsewhere. As Aspley Heath House stands in 2.5 acres of land it is likely that it could be purchased for redevelopment (the PC is aware that the owner has already made an approach to a known local developer) which could then change the whole nature of the Conservation Area of Aspley Heath as well as putting even greater pressure on Church Road (the only road into and out of Aspley Heath).
- B. Consequently, the AHPC considers that the construction of a single dwelling would be preferable, providing there is a binding planning restriction that no further development is allowed within the grounds of Aspley Heath House.

However, the conversion of the existing Aspley Heath House into two apartments could be an acceptable possibility.

- C. The applicant has indicated to the AHPC that he has the possibility of bringing materials and plant onto the site from the west, which will entail using a public footpath just across the county border with Milton Keynes (the attached map indicates the applicant's proposed route). Whereas the applicant does have right of way along the footpath for the purposes of maintaining the field that adjoins his property the AHPC as well as Woburn Sands Town Council are greatly concerned that the use by the heavy vehicles required to move building materials along the footpath will render it completely unusable as a footpath. This application details a proposed driveway down from the existing entrance to Aspley Heath House to serve the new dwelling presumably to allow vehicle access to the site during and after construction. Also included within the documents is a Construction Plan for the dwelling indicating that access for materials can be achieved from Church Road.

In summary if there is a binding planning restriction prohibiting further development within the grounds of Aspley Heath House and there is a signed undertaking that all construction deliveries to and from the site will be from Church Road, Aspley Heath Parish Council do not object to the application.

Conservation Officer

Conservation area. Aspley Heath House - no. 80 - is an impressive, relatively large & tall red brick, 2 & a half storey, detached house in a comparatively large garden - a non-designated heritage asset - but certainly of some local interest & contributes positively to the character & appearance of this backland part of the conservation area at the west side of Church Road, at the transition to a rural landscape beyond to the north & west.

The proposed 1 & a half storey, 3-bedroom dwelling - access road constraints, topography/ ground levels/ large mature trees & natural vegetation & proximity to the gardens of the adjoining dwellings - Aspley Heath House / no. 80 & Heather Bank (no. 80A) - make any potential development of this backland infill site highly complicated. I know the site well from previous enquiries & site meetings & consideration of various approaches to design for any possible proposed new replacement building / new dwelling.

The Heritage Statement (Fiona Webb, August 2015) is thorough, informative & well detailed, providing a sound basis for consideration of the application.

No objection to demolition or taking down & re-use of the existing timber cabin.

The wider planning policy constraints, together with the tree concerns, seem, realistically, to preclude the acceptance of the proposed dwelling. The Heritage Statement & the Design & Access Statement refer to earlier Conservation & Design advice, relating to design approaches to reduce any possible harm (in terms of NPPF para. 134) to the significance of the designated heritage asset - the Aspley Heath Conservation Area; & (in terms of para. 135) to the significance of the setting of the non-designated heritage asset - no. 80 Aspley Heath House. With regard to the Victorian house, a balanced judgement is needed for consideration of the scale of harm likely to be caused by the proposed development. The roof span of the proposed dwelling is relatively large (in excess of 9m), which would emphasise the scale / massing of the building. A slimmer, narrower span building, with careful handling & close attention to the selection of appropriate materials, would be less assertive & be easier to be absorbed into the sloping site.

As submitted, the proposed 1 & a half storey dwelling is considered, by reason of the scale of the roof & span of the building, to be overly bulky for this constrained & sensitive site.

Tree & Landscape
Officer

I have examined the plans and documents associated with this application, namely the "Arboricultural Report" prepared by Salcey dated November 2015, which includes the report sections "Arboricultural Impact Assessment" and "Arboricultural Method Statement". This application proposes to build a timber framed residence and parking area on the top lawn, and a vehicle access road supported by a cellular confinement system that follows the route of the existing track down to a lower parking area, which is adjacent to the new property.

It is being proposed that the application requires the removal of 4 Category "C" and 5 (somewhat questionable) Category "U" trees to accommodate the development requirements, and to facilitate construction, which the report claims are trees that are not easily seen from public areas. There are inconsistencies in the tree condition report; namely Section 10.4.3 "Tree Condition

Analysis" refers to the condition of two Lime trees 00350 and 00351, with 00351 reported to have a large cavity at 2m from ground level and displaying internal decay. However, the tree survey data in Appendix 3 fails to mention this defect in the visual observation column for this particular tree. It is also noted that Section 10.4.3 fails to justify the removal of the two further Lime trees being recommended for removal, namely 00352 and 00353, or why Beech tree 00343, which has no reported defects being stipulated in Appendix 3, and is in good physiological and structural condition, should be given a "C" category rating, and only given 20 years of reported safe useful life expectancy.

It should be noted that the proposed dwelling is located on high ground exposed to views from the valley below, which has a well used public footpath network. The photographs shown in Appendix 4 of the tree report do not accurately convey the panorama of views that the site will be exposed to when using public footpaths from this valley. Regardless of the condition of the trees being removed, their removal to facilitate construction will create an obvious gap in the wooded treescape, which could not be replaced in the same vicinity, and which can only serve to increase the visual impact that this construction will have on the surrounding area, especially when viewed from the north/northeast. The proposed new tree planting, as shown in Appendix 7 of the Arboricultural Report, is being undertaken to the west of the new building, offering little compensatory screening in this position, as it will be obscured by the new building when viewed from the north/northeast.

Whilst the "Arboricultural Impact Assessment" seeks to justify that the lowering of the existing pathway/track, which could be achieved without damaging significant tree roots within what is historically made-up ground, it should be recognised that the severe restriction of width presented by existing tree constraints along the existing pathway/track, will unavoidably prevent any reasonably practicable vehicle access using the upgraded driveway construction down to the new property, without a high risk of direct, physical vehicular damage to the lower trunk and buttress roots of the adjacent trees.

In summary, I consider that the application will be visually intrusive caused by the felling of trees, combined with the subsequent removal of their previous planting space following their loss, with new tree planting being ineffectively positioned relative to the open valley and public footpaths in view of the site. Also, the application

fails to address a key concern expressed strongly at Pre-Application stage, in that the successful provision of a practicable access to the new building is highly questionable, without removing the risk of unavoidable and severe damage being incurred to trees located alongside the existing access path/track, caused by direct physical conflict with any vehicle of just average size or above.

Highways Officer

The proposal is to demolish an existing log cabin ancillary to the dwelling, and replace this with a three bedroom dwelling with associated access, parking and turning. Access is taken from a private drive but where it meets the junction with the public highway (Church Road).

Visibility at the junction with the public highway is below standards. The visibility splay should measure 2.4m into the site measured along the centre of the access from the nearside kerb (the 'x' distance). From the point a splay of 43.0m in either direction to the nearside channel of the road should be achievable in land in the applicants control and/or public highway (the 'y' distance). It is not.

I am willing to accept a reduced 'x' distance of 2.0m as the road is not heavily trafficked however vegetative growth is present within the highway on either side of the access fronting the boundary treatments of the adjacent properties. This will need to be removed or pruned to allow for adequate driver/driver intervisibility, especially to the oncoming traffic.

Other than this the access is taken from a private drive which will not affect the public highway, however I have noted issues with the access within the site. These are:

- The dwelling exceeds the 40.0m hose length for an appliance working from the public highway and an appliance would have to enter the site. The applicant should submit the proposed plan to the local Fire Authority to ascertain if the site is accessible and if the proposal needs to be redesigned to accommodate the fire service inclusive of a turning area
- The workable area for a fire appliance needs to be 3.7m between kerbs
- The turning area indicated for the delivery and post drop off is substandard because of the vehicle parking within it and will need to be widened to accommodate the turning area. Are the four vehicles within this area the parking provision for the existing dwelling?

- Secure and covered cycle parking should be included calculated at one space per bedroom. Two short stay spaces should also be included
- The refuse collection point will probably not be seen by the refuse operatives in the proposed location, and would be better placed at the site frontage, outside of the public highway and any visibility splays.

If permission is issued please include the supplied condition and notes to the applicant.

Other Representations:

None

Determining Issues:

The main considerations of the application are;

1. Principle of Development
2. Impact on the Character and Appearance of the Area including on Protected Trees
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

Considerations

1. Principle of Development

- 1.1 The application site is located within the Green Belt, and is within the Green Belt infill boundary of Aspley Heath. Therefore Section 9 of the National Planning Policy Framework (NPPF) and Policy DM6 of the Central Bedfordshire Core Strategy and Development Management Policies (North) (CSDMP) are key considerations in the determination of this application.
- 1.2 Section 9 of the NPPF explains that the government places great importance on the protection of Green Belts. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 1.3 Paragraph 88 of the NPPF states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It states that 'very special circumstances' will not exist unless the harm that would be caused to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 1.4 Paragraph 89 explains that the construction of new buildings should be regarded as inappropriate development, unless it falls within the provided list of exceptions. The applicant is relying on exception 5: limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.

- 1.5 However, the preamble to policy DM6 defines infill development as small scale development utilising a vacant plot which should continue to complement the surrounding pattern of development. The application site does not constitute a vacant plot. It is within the rear garden of an existing dwelling and would require the creation of a new access.
- 1.6 The glossary provided in the NPPF makes it clear that residential gardens do not fall within the definition of brownfield or previously developed land. Paragraph 53 advises Local Planning Authorities to consider setting out policies to resist inappropriate development of gardens, for example where development would cause harm to the local area. Policy CM13 requires new development to respect the local context.
- 1.7 Church Road is predominantly linear, although there are a few examples of dwellings set back from this linear pattern of development. 80 Church Road and Heather Bank are already positioned to the rear of the traditional, linear pattern of development and the proposed dwelling would be located to the rear of 80 Church Road, creating a triple 'tandem' form of development which is not replicated elsewhere within Church Road and its immediate surroundings. The proposal would push residential development further out towards the countryside in a way that would run contrary to the established grain of development within the area. As the proposal would not utilise a vacant plot and would be out of keeping with the surrounding pattern of development, the proposal cannot be considered as infill development.
- 1.8 The applicant has argued that other developments that have taken place within the area since the 1970's have established the character of the area as one where backland development is acceptable. This is not considered to be the case as the predominant nature of Church Road is still linear and none of the provided examples resulted in the triple layer of development that would result from this proposal. Furthermore, with the exception of the new dwelling approved to the side of 10 Silverbirches Lane in 2013 (which did comprise a street fronting, vacant plot and a proposal that was entirely consistent with the surrounding grain of development) all the developments quoted were approved prior to the introduction of the NPPF and the Central Bedfordshire Core Strategy and Development Management Policies document, and therefore it is not considered that these developments form a precedent that should be given any weight.
- 1.9 There are two other exceptions within paragraph 89 of the NPPF that may be considered to have a bearing on the proposal. The first is the replacement of a building, provided that it would be in the same use and would not be materially larger. The proposal would not comply with this as the replacement building would be used as an independent dwelling instead of an ancillary building. Also, the proposed building would be materially larger than the existing outbuilding both in terms of footprint and total height, albeit the additional height would be created by digging down rather than increasing the level of the ridge.
- 1.10 The other exception is the partial or complete redevelopment of previously

developed land (brownfield land). However, as earlier stated, the site is currently within the residential curtilage of another dwelling and therefore is specifically excluded from the definition of previously developed land.

1.11 As the proposal would not meet any of the exceptions provided within paragraph 89 of the NPPF, it would constitute inappropriate development within the Green Belt. It is also considered that the proposal would have a limited detrimental impact on the openness of the Green Belt as the replacement building would be materially larger than the building that it would replace. The proposal would also require the removal of trees and the hardsurfacing of existing landscaped areas to provide car parking and access areas. The proposal would encroach residential development into the countryside, the prevention of which is one of the purposes of Green Belts. Finally, there is a concern that allowing this form of development within the infill boundary would set a precedent for future backland development within the Aspley Heath infill boundary, which cumulatively would have a significant and detrimental impact on the character of the area and the openness of the Green Belt.

1.12 No very special circumstances have been offered by the applicant to outweigh the harm that would be caused to the Green Belt by the development. As such, the proposal is considered to conflict with Section 9 of the National Planning Policy Framework and Policy DM6 of the Central Bedfordshire Core Strategy and Development Management Policies (North) and is unacceptable in principle.

2. Impact on the Character and Appearance of the Area including on Protected Trees

2.1 The application site is located within a Conservation Area and the trees on the site are therefore all subject to protection.

2.2 The section above has already explained how the proposal would not be in character with the established pattern of development in the area, thus failing to respect the context in which it is situated.

2.3 The design of the proposed dwelling, in itself, would not be out of keeping with architecture in the area, which is extremely varied. However, the positioning of the dwelling, its increased width and its detailed design in comparison with the existing, simple, timber outbuilding would be visible from the valley below the plateau and the public footpath that runs across it. The dwelling, including the two storey front projection and a proposed balcony would face into the valley and would alter the character of the site from rear garden land with a simple outbuilding to a more prominent building with clear architectural characteristics of a separate dwelling. The rear boundary of the site comprises the settlement edge of Aspley Heath and is considered a sensitive location. As such, it is considered that the proposal would have a harmful impact on the character and appearance of the area and would be contrary to Section 7 of the National Planning Policy Framework and Policies CS14 and DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (North).

2.4 Also of great concern is the impact of the proposal on the protected trees on

the site. The tree cover on the site provides a significant contribution to the Conservation Area, both as viewed from Church Road and the valley at the rear of the site. The proposal is supported by an Arboricultural Report and an Arboricultural Method Statement. It proposed the removal of 12 trees, which are classified as categories C or U and suggests that the proposal can be implemented without further damage to the trees on the site.

- 2.5 However, the comments of the Tree & Landscape Officer raise several concerns. Firstly, it appears that the report has inconsistencies and secondly, the report fails to justify some of the classifications that have been given to affected trees. It also fails to justify the removal of several of the trees. All this was raised with the applicant during the previously withdrawn applications, however, the report has not been updated to take these concerns into account.
- 2.6 The Tree & Landscape Officer has also pointed out that the proposed loss of the trees where the proposed lower parking area is to be located would leave a noticeable gap, clearly visible from the valley and the public footpath. The proposal would not permit this gap to be filled with replacement parking.
- 2.7 Furthermore, the Tree & Landscape Officer has longstanding concerns, which have been repeatedly presented to the applicant, that a vehicular access cannot be practically created without a high risk of collisions of vehicles using the track with protected trees that are indicated to be retained. It seems likely that the proposed access track would, if permitted, be likely to result in damage to the retained trees and pressure being put on the Local Planning Authority to permit their removal.
- 2.8 Policy CS16 of the Central Bedfordshire Core Strategy and Development Management Policies (North) states that the Council will resist development where it will have an adverse impact on important landscape features or highly sensitive landscapes. Policy DM14 states that trees, woodlands and hedgerows will be protected by requiring developers to retain and protect such features in close proximity to building works. It is considered that the proposal would have a harmful impact on the trees on the site, to the detriment of sensitive views from the valley and the character and appearance of the Conservation Area and as such, the proposal conflicts with Sections 7 and 11 of the National Planning Policy Framework and Policies CS13, CS16, DM3 and DM14 of the Central Bedfordshire Core Strategy and Development Management Policies (North).

3. Neighbouring Amenity

- 3.1 As a result of the siting of the proposal, some distance away from neighbouring properties, it would have no impact upon the amenity of neighbouring occupiers.

4. Highways Considerations

- 4.1 The Highway Officer has not raised any objections to the scheme, subject to the imposition of conditions, as she considers that these conditions would be sufficient to prevent a detrimental impact upon the highway network. However, one of the conditions that has been requested requires a larger turning area to be created for service and delivery vehicles on the site and this may have a greater impact on the protected trees on the site than the current proposal.

Consequently, officers cannot recommend this condition as it is not clear that it is capable of being implemented. This is likely to mean that service vehicles will have to reverse out of Church Road, to the detriment of the safety of highway users. The proposal is therefore contrary to Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (North).

- 4.2 The Highways Officer has also raised concerns in regards to the accessibility of the development in regards to fire safety. The Tree & Landscape Officer has made it clear that the proposed track is not wide enough to accommodate a fire engine and the track cannot be widened without further encroachment on protected trees that are currently indicated as being retained. There is also no turning space sufficient to turn a fire engine. This was brought up with the applicant and the block plan shows an acceptable hose distance from the passing point partway down the track to the dwelling. However, this would still require the fire engine to proceed partway down the track and would then be unable to turn.
- 4.3 However, matters of fire safety are a matter for building control and it is understood that this may be able to be overcome by the introduction of a sprinkler system within the new dwelling, thus not requiring a fire engine to access the track. If planning permission were to be granted, an informative would be imposed advising the applicant to consult with the fire authority and making it clear that no further tree felling would be permitted if this were to be required by the fire authority.

5. Other Considerations

5.1 Comments of Aspley Heath Parish Council

Aspley Heath Parish Council have concluded that they do not object to the scheme on two provisos: 1) that a binding planning restriction be placed on the site prohibiting further development of the grounds of 80 Church Road and 2) that a signed undertaking confirm that construction deliveries to and from the site will be via Church Road rather than the public footpath at the rear of the site.

- 5.2 It is considered that, should planning permission be granted, the second request can be adequately controlled by the imposition of an appropriately worded planning condition. The design statement already includes a commitment that deliveries could be made this way without harming any of the trees. However, there is no form in which the Local Planning Authority can put a binding restriction preventing future development of the grounds of 80 Church Road. Any future development would require a planning application and would have to be considered on its merits. Neither a planning condition or a Section 106 Agreement could prevent the submission of a planning application and, as such, the suggested restriction cannot be imposed.

5.3 Human Rights issues:

The proposal raises no Human Rights issues.

5.2 Equality Act 2010:

The proposal raises no issues under the Equality Act 2010.

Recommendation:

That Planning Permission be REFUSED for the following:

RECOMMENDED REASONS

- 1 The site is located in the South Bedfordshire Green Belt, within the infill boundary for Aspley Heath. However, the proposal does not constitute infill development as it would comprise backland development on an existing residential garden that would be contrary to the prevailing pattern of development in the area. As such the proposal is considered to represent inappropriate development and would therefore be harmful to the Green Belt by definition. The proposed development would also have a detrimental impact on the openness of the Green Belt. No very special circumstances case has been submitted which would outweigh the identified harm to the Green Belt. The proposal is thus contrary to Section 9 of the National Planning Policy Framework and policy DM6 of the Central Bedfordshire Core Strategy and Development Management Policies (North).
- 2 The proposal, by reason of its excessive scale and siting, constitutes an undesirable, backland form of development that would push residential development closer to the boundary of the settlement with the open countryside and would be inappropriate to and at variance with the prevailing form of development in the vicinity; as such the proposal is contrary to the principles of good design as set out in Section 7 of the National Planning Policy Framework and Policies CS14 and DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (North).
- 3 The proposed development would result in the unacceptable loss of trees within a Conservation Area to the detriment of the character and appearance of the area, especially views from the public footpath at the rear of the site. The proposed access track would also pose a high risk of future harm to trees within the Conservation Area that are shown to be retained, which would result in further harm to the character and appearance of the area. As such the proposal is contrary to Sections 7 and 11 of the National Planning Policy Framework and Policies CS13, CS16, DM3 and DM14 of the Central Bedfordshire Core Strategy and Development Management Policies (North).
- 4 The site cannot accommodate adequate facilities to enable service vehicles to turn within it and so enter and leave the highway in forward gear which is considered essential in the interests of highway safety; as such the proposal is contrary to Policy Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (North).
- 5 To permit the proposed backland development on land within the Green Belt infill boundary against the background of existing planning policies would establish a precedent whereby it would be difficult for the Local Planning Authority to resist other similar proposals elsewhere within the Aspley Heath Conservation Area and Green Belt infill boundary.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

In the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to

this. The Council has therefore complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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