

Item No. 17

APPLICATION NUMBER	CB/16/05250/FULL
LOCATION	The Paddocks, Springfield Road, Eaton Bray, Dunstable, LU6 2JT
PROPOSAL	Demolition of existing barn and workshops and construction of residential dwelling.
PARISH	Eaton Bray
WARD	Eaton Bray
WARD COUNCILLORS	Cllr Janes
CASE OFFICER	Nicola Darcy
DATE REGISTERED	09 November 2016
EXPIRY DATE	04 January 2017
APPLICANT	Mr Janes
AGENT	Mr C A Emmer
REASON FOR COMMITTEE TO DETERMINE	Applicant is a Member of the Council
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

The proposal for a residential dwelling within the Green Belt on 'previously developed land' would be in accordance with Section 9 of the National Planning Policy Framework, (NPPF). The proposal would have no impact on the character and appearance of the area or adjacent AONB and AGLV and is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with the NPPF, Policies NE3 and BE8 of the South Bedfordshire Local Plan Review (2004) and the Council's adopted Design Guidance (2014).

Site Location:

The Paddocks is situated at Well Head in the open countryside south west of Dunstable and outside of the villages of Eaton Bray and Totternhoe and comprises a two-storey detached dwelling, land and buildings used as offices, a builders yard and storage, there is also a menage and stables on the site.

The original property was built as an agricultural dwelling in 1987 with an agricultural tie. In November 1997 planning permission was granted for the change of use of the property to a residential care home. In 2015 the building was converted back to a dwelling.

The application site comprises an office/commercial building of some 404sqm with a maximum ridge height of 4.4m.

The site lies with the South Bedfordshire Green Belt, adjacent to the Chilterns Area of Outstanding Natural Beauty and Area of Great Landscape Value to the east.

The Application:

Planning permission is sought for the demolition of existing buildings and the erection of a four bedroom dwelling with associated garage, store, garden and parking area.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents, PPGs and PPSs. The following sections are considered directly relevant:

Section 1 : Building a strong, competitive economy
Section 4 : Promoting sustainable transport
Section 6 : Delivering a wide choice of quality homes
Section 7 : Requiring good design
Section 8 : Promoting healthy communities
Section 9 : Protecting Green Belt Land
Section 11: Conserving and Enhancing the Natural Environment

South Bedfordshire Local Plan Review

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the Framework and significant weight should be attached to them, with the exception of Policy T10 which is afforded less weight.

SD1 Keynote Policy
BE8 Design Considerations
NE3 New development in the AGLV
T10 Parking - New Developments

Development Strategy

At the meeting of Full Council on 19 November 2015 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 website as material considerations which may inform further development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Case Reference	CB/11/01430/FULL
Location	The Paddocks, Springfield Road, Eaton Bray, Dunstable, LU6 2JT
Proposal	Change of use from builders yard to all weather riding arena and construction of stables
Decision	Full Application - Granted
Decision Date	24/06/2011

Case Reference	SB/09/00008/FULL
Location	The Paddocks, Springfield Road, Eaton Bray, Dunstable, LU6 2JT
Proposal	Erection of single storey side extension to care home
Decision	Full Application - Refused
Decision Date	30/04/2009

Case Reference	SB/05/01149
Location	THE PADDOCKS, SPRINGFIELD ROAD, EATON BRAY, LU6 2JT
Proposal	ERECTION OF SINGLE STOREY SIDE EXTENSION TO RESIDENTIAL HOME PROVIDING 4 NO. BED SPACES WITH WC FACILITIES
Decision	Full Application - Refused
Decision Date	16/12/2005

Case Reference	SB/05/00103
Location	THE PADDOCKS, SPRINGFIELD ROAD, EATON BRAY, DUNSTABLE, LU6 2JT
Proposal	CONTINUED USE OF PART OF OUTBUILDING AS OFFICE, LAUNDRY AND STORES AND RETENTION OF COVERED LINK
Decision	Full Application - Granted
Decision Date	17/03/2005

Consultees:

Parish Council

None received.

Highways

I refer to the above full application for which you have requested my comments and advise as follows:

The proposal is to reduce in area and convert an existing outbuilding to a 4 bedroom dwelling. The existing site is served from a private road which in turn connects to Tring Road (B489) by way of a priority at Junction. The proposal is in such a location I do not believe that it will have an adverse affect on the Public Highway. I am confident that there is adequate space to provide elements that are not shown, however to eliminate doubt these issues should be conditioned.

In a highway context I recommend that the following conditions be included if planning approval is to be issued:

Before the premises are occupied parking arrangement for 4 cars within the confines of the site shall be provided.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway.

Before the premises are occupied a turning area suitable for a light goods vehicle within the confines shall be provided.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.

Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

Before the premises are occupied a refuse storage area and collection point shall be provided.

Reason: To ensure the refuse collection bins do not cause a hazard or obstruction to the highway or parking area.

Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.

Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off street parking during construction in the interests of road safety.

The comments and advice in this letter are based on the information supplied in the planning application and accompanying documents/plans and no liability is accepted for any inaccuracy contained therein.

Ecology

Although no ecological information has been submitted with this application on talking to the case officer I am satisfied that the construction and use of the barn would mean it was unlikely to be of interest for protected species. As the NPPF looks for development to deliver a net gain for biodiversity I would ask that an integrated bird box be incorporated into the built fabric of the new dwelling.

Tree and Landscape Officer

02/12/16 I have examined the plans and documents associated with this application and have two concerns:-

- It is noted that Section 15 "Trees and Hedges" of the application form has not been filled in. It is my view that the application should not have been made valid if this information was not given.
- The access into the site has not been shown on the plans, and the configuration of the red line boundary suggests that it is to break through a field hedgerow boundary to then join a private road. If this assumption is correct then the hedge, apparently being located on agricultural or grazing land, needs to be assessed under the Hedgerow Regulations 1997 to determine its historical and/or ecological "importance" under the terms of the Regulations.

Therefore, if the intention is to remove a section of hedge to facilitate access, then further information on the potential "importance" of the hedge should be fully evaluated, and supplied by the applicant as part of a hedgerow survey. If the hedgerow is subsequently deemed to be "important" under the Hedgerow Regulations 1997, then access should not be allowed where hedge removal would be required.

As it presently stands, with the insufficient information being supplied in respect of access into the site, the application should not be granted consent.

12/12/16 Further to my previous comments I have received the amended site plan showing the reconfiguration of the red line boundary, and now acknowledge that the proposed access will not affect adjacent hedging, and on this basis I withdraw my earlier objection.

Pollution Officer

Thank you for consulting Public Protection on this application.

No detail is presented in terms of any previous uses of the buildings to be demolished (workshop and barn) which may have contained contaminative uses. For this reason I recommend the following condition be placed on any permission to ensure that the site is safe for the end use.

No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment.

Internal Drainage Board The Buckingham & River Ouzel Internal Drainage Board advise that it is essential that ground conditions be investigated and if found satisfactory, the soakaways constructed in accordance with the latest Building Research Establishment Digest.

In the event that ground conditions are found not to be suitable for soakaway drainage, any direct discharge to the nearby watercourse will require the Board's prior consent. Please contact the Internal Drainage Board at Vale House, Broadmead Road, Stewartby, Bedford. MK43 9ND - Telephone (01234 767995) - E-mail contact@idbs.org.uk

Environment Agency

Contamination

The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination, which can be found here:

<https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>

Infiltration Sustainable Drainage Systems (SuDS)

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13 which can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297347/LIT_7660_9a3742.pdf.

In addition, they must not be constructed in ground affected by contamination.

Other Representations:

Neighbours None received.

Determining Issues:

The main considerations of the application are;

1. Principle of Development in the Green Belt
2. Impact upon on the Character and Appearance of the Area
3. Amenity
4. Highway Considerations
5. Other Considerations

Considerations

1.0 Principle of Development in the Green Belt

- 1.1 Policy GB1 of the South Bedfordshire Local Plan Review which provided the principle criteria for assessing new developments in the Green Belt was deleted and in effect has been replaced by national guidance now contained in the National Planning Policy Framework (NPPF). This national advice at Section 9 states that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this are listed in paragraphs 89 and 90 of the NPPF. If the development is considered inappropriate, paragraph 87 of the NPPF states that it is, by definition harmful to the Green Belt and should only be approved in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations (paragraph 88).
- 1.2 The majority of the application site can be considered 'previously developed' within the meaning of the NPPF. Annex 2 of the NPPF defines 'previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. National advice at paragraph 89 of the NPPF is clear that in giving consideration to proposals on previously developed land, Local Planning Authorities should have regard to whether or not the new development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 1.3 Within the application site, the existing building stands in the northern corner of the site; the remainder of the site is currently used for parking and amenity land. The whole of the application site has been used for both residential and commercial purposes, including the fixed surface infrastructure of the hard surfacing and therefore can be redeveloped in line with paragraph 89 of the NPPF providing that there is no greater impact on openness. The footprint of the existing building extends to circa **404.9m²**, the proposed development would have a total footprint of **267.8m²**.
- 1.4 Although there would be a resultant increase in height of 2.7m, the ridge height of the proposed dwelling would step down to 6.2m and then to a modest 4.4m. Taking into account the cessation of the commercial use on this part of the site, the decreasing ridge heights and given the fact that there would be a significant net loss of footprint of over 137sqm, it is considered that the proposed development would not have an adverse impact on openness and would therefore be appropriate development in the Green Belt.
- 1.5 In order to preserve the openness of the Green Belt, the removal of permitted development rights for outbuildings and extensions is considered to be

appropriate. Additionally, a condition to require the definition of the residential of curtilage is also required to mitigate intrusion in the Green Belt.

- 1.6 Overall, subject to conditions, the proposal is considered to be in accordance with National advice within the National Planning Policy Framework and policy BE8 of the South Bedfordshire Local Plan Review.

2.0 Impact Upon the Character and Appearance of the Area

- 2.1 South Bedfordshire Local Plan Review policy BE8 requires new development to be of high quality and appropriate in scale and design to its setting as well as contributing positively to creating a sense of place and respecting local distinctiveness, in addition the policy requires a high quality development in terms of design, layout and provision of open space. The Central Bedfordshire Design guide states that proposals should be visually distinctive and should be designed as a sensitive response to the site and its setting.

2.2 Layout

The site is very well screened on all edges such that there is not considered to be any harm caused to the character of the countryside or adjacent Area of Outstanding Natural Beauty or Area of Great Landscape Value to the east.

2.3 Appearance

The dwelling would be finished with stained timber boarding and a slate roof which would be in-keeping with the rural character of the location and would sit well with the existing dwelling on the site.

Overall, the proposal is considered to be in accordance with Sections 7 and 11 of the National Planning Policy Framework and policies BE8 and NE3 of the South Bedfordshire Local Plan Review.

3.0 Amenity

- 3.1 South Bedfordshire Local Plan Review policy BE8 requires new development to provide good quality living conditions for residents. The Central Bedfordshire Design guide states that proposals should avoid dominating the adjacent buildings and respect privacy of adjacent buildings

3.2 Future Occupiers

The Design Guide requires that for dwellings with 3 or more bedrooms, the minimum area for rear gardens should be 60m² with a depth of 12m. Where dwellings have awkward shaped plots side gardens could be taken into account.

- 3.3 The garden area afforded to the dwelling is far in excess of 100m² and would therefore be in accordance with design guidance.

- 3.4 All room sizes would in excess of the sizes detailed within nationally prescribed standards.

3.5 Existing Occupiers

The proposed principle elevation would face into open fields , perpendicular with the 'The Paddocks' which minimises any potential for mutual overlooking.

- 3.6 Overall, the proposal would not have detrimental impact upon existing occupiers of 'the Paddocks' and would provide a good standard of accommodation for future occupiers, therefore the proposal is considered to be in accordance with Section 7 of the National Planning Policy Framework, policy BE8 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

4.0 Highway Considerations

- 4.1 Overall, subject to the imposition of several conditions, the Highways Officer raises no objection to the application. Only those conditions which are considered to meet the tests stated in paragraph 204 of the NPPF will be attached to any forthcoming planning approval notice.
- 4.2 Subject to conditions, the proposal is considered to be in accordance with Section 4 of the NPPF.

5.0 Other Considerations

5.1 Consultation Responses

5.2 Public Protection

The Public Protection Officer has raised concerns that previous uses on the site may have contained contaminative uses and has requested that a pre-commencement condition be appended to the planning permission. Should the Agent provide more information in respect of the historical uses on the site, the condition may not be necessary and will be reviewed prior to the issue of the notice.

5.3 Human Rights issues:

The application raises no Human Rights issues.

5.4 Equality Act 2010:

The application raises no Equality Act matters.

Recommendation:

That Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to

commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.
(Section 4, NPPF)

- 3 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building in the interests of the visual amenities of the locality, which is situated in the Green Belt and adjoining the AONB and AGLV.
(Policies BE8 & NE3, SBLPR and Sections 7, 9 & 11, NPPF)**

- 4 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.
(Policies BE8 & T10, SBLPR and Sections 4 & 7, NPPF)

- 5 If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: To protect human health and the environment.
(Section 11, NPPF)

- 6 Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwelling hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To prevent harm being caused to the openness of the Green Belt.
(Section 9, NPPF)

- 7 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property without the grant of further specific planning permission from the

Local Planning Authority.

Reason: To prevent harm being caused to the openness of the Green Belt.
(Section 9, NPPF)

- 8 Prior to the commencement of the construction phase of development, a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping, in the interests of the visual amenities of the area which is situated within the Green Belt and adjoining the AONB and AGLV.
(Policies BE8 & NE3, SBLPR & Sections 7, 9 & 11, NPPF)

- 9 Prior to the first occupation of the development hereby approved, a plan shall be submitted clearly demarcating the residential curtilage of the dwelling and a scheme for proposed boundary treatment to separate the residential curtilage from the surrounding land. The boundary scheme shall be implemented and retained thereafter.

Reason: To prevent the intrusion of the residential curtilage into the open countryside to the detriment of the character and openness of the Green Belt and the adjoining AONB and AGLV.
(Policies BE8 & NE3 and Sections 7, 9 & 11, NPPF)

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 0101, 0102, 0103 & 0104.

Reason: To identify the approved plans and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

3. The Buckingham & River Ouzel Internal Drainage Board advise that it is essential that ground conditions be investigated and if found satisfactory, the soakaways constructed in accordance with the latest Building Research Establishment Digest.

In the event that ground conditions are found not to be suitable for soakaway drainage, any direct discharge to the nearby watercourse will require the Board's prior consent. Please contact the Internal Drainage Board at Vale House, Broadmead Road, Stewartby, Bedford. MK43 9ND - Telephone (01234 767995) - E-mail contact@idbs.org.uk

4. The Environment Agency advises the following;

The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination, which can be found here:

<https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>

Infiltration Sustainable Drainage Systems (SuDS)

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13 which can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297347/LIT_7660_9a3742.pdf.

In addition, they must not be constructed in ground affected by contamination.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line 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

.....

.....