

Item No. 11

APPLICATION NUMBER	CB/17/00298/FULL
LOCATION	Commercial Yard, Watling Street, Caddington, Dunstable, LU6 3QP
PROPOSAL	Retrospective planning application for commercial building for vehicle storage.
PARISH	Caddington
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Debbie Willcox
DATE REGISTERED	19 January 2017
EXPIRY DATE	16 March 2017
APPLICANT	Statham's Motor Engineering Ltd
AGENT	Woods Hardwick Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Stay for the following reasons: <ul style="list-style-type: none">• Contrary to policy as the site is in the Green Belt;• The building contributes to inappropriate and unattractive ribbon development along the A5;• The bulk, size and design of the building is inappropriate and overbearing within the Area of Outstanding Natural Beauty;• The building has had an adverse impact on the landscape of the Green Belt and the Area of Outstanding Natural Beauty
RECOMMENDED DECISION	Full Application - Granted

Summary of Recommendation:

The application is recommended for approval. The new building is considered to constitute inappropriate development within the Green Belt; however, very special circumstances have been established based on the economic benefits to the rural economy and the limited harm to the Green Belt. The building does not have a detrimental impact on the character and appearance of the Area of Outstanding Natural Beauty or the Area of Great Landscape Value, does not have a harmful impact on the amenity of neighbouring occupiers and does not have a material impact on the highway network. The application is therefore in accordance with Sections 3, 7, 9 and 11 of the National Planning Policy Framework, Policies BE8, E2 and NE3 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

Site Location:

The application site comprises an existing commercial yard which has operated for many years as a vehicle recovery, repair and maintenance business, located on the north east of the A5 Trunk Road to the south of Dunstable, the west of Caddington and the north east of Kensworth. The current operators have been in situ since 2001.

The site forms part of a small cluster of development along the A5 which is predominantly surrounded by open countryside. The cluster of development includes a residential property, a Gypsy and Travellers site, a scaffolding yard and a fleet services yard.

The site is washed over by the South Bedfordshire Green Belt and is located within the Chilterns Area of Outstanding Natural Beauty (AONB) and a designated Area of Great Landscape Value (AGLV). The site is on an incline with the site sloping upwards to the east, away from the A5. The land continues to slope up beyond the boundaries of the site. The southern boundary of the site is heavily landscaped with coniferous planting. The countryside around the site is gently undulating in shape, in character with the downland AONB status.

The Application:

The application seeks retrospective planning permission for the erection of a building to the south east corner of the site.

The building was completed in February 2016. It measures 12.8m wide by 14.5m deep and has a shallow, dual pitched roof with an eaves height of 5.8m and a ridge height of 6.7m. The building is finished in green metal profiled cladding.

The building is used for the storage of vehicles which have been recovered by the police as part of a recently awarded contract.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Section 3: Supporting a prosperous rural economy

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 9: Protecting Green Belt land

Section 11: Conserving and enhancing the natural environment

South Bedfordshire Local Plan Review

BE8 Design Considerations

NE3 Control of Development in the Areas of Great Landscape Value (AGLV)

T10 Parking - New Development

E2 Development - Outside Main Employment Areas

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8, NE3 & E2 are still given significant weight. Policy T10 is afforded less weight).

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, 2014

Relevant Planning History:

Application Number CB/13/00935/FULL

Description First floor and part two storey extension to existing offices and staff room.

Decision Planning permission granted

Decision Date 16/05/2013

Application Number	SB/08/00213
Description	Continued use of building for vehicle maintenance and repairs (Removal of condition 3 of Planning Permission SB/90/00034)
Decision	Variation of Condition granted
Decision Date	15/04/2008

Application Number	SB/90/00034
Description	Erection of workshop and toilet accommodation
Decision	Planning permission granted
Decision Date	02/04/1992

Application Number	SB/87/00005
Description	Certificate of Lawfulness of Existing Use: Use of land for parking of commercial vehicles
Decision	Certificate of Lawfulness Granted
Decision Date	07/01/1988

Consultees:

Caddington Parish Council	We are not happy with this being a retrospective planning application. We feel this is the wrong way to bring this form of application forward and would hope CBC will make it clear to the applicant that they are also not in favour of the way this has been handled.
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We understand this is Green Belt and AONB area but this is brownfield employment land and after giving it great consideration we would not oppose this application.

Kensworth Parish Council	OBJECT on grounds of contribution to ribbon development along the A5 and impact on the Green Belt and AONB. The scale of the ribbon development on Watling Street has a negative impact on the entrance to Kensworth and has wrongly been allowed to develop over the last 12 years leading to an appalling eyesore and mess in an Area of Outstanding Natural Beauty.
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Kensworth Parish Council urge planners to consider the overall impact of the ribbon development and also ensure enforcement is carried out on current issues such as car park sales from the Packhorse Pub and P&A Berry, Watling Street laying of paving slabs on the grass verges of the A5 creating unauthorised and dangerous parking.

Highways England	No response at time of writing. Any response to be reported on the Late Sheet.
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Highways Officer	No response at time of writing. Any response to be reported on the Late Sheet.
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Pollution Team	As the application documents state, this building has been in situ for around 12 months. No complaints have been received regarding this premises and I have no objections.
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Other Representations:

None at time of writing. Any other representations received will be reported on the

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value (AGLV)
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

Considerations

1. Principle

- 1.1 The application site is washed over by the South Bedfordshire Green Belt and therefore Section 9 of the National Planning Policy Framework (NPPF) is a key consideration in the determination of this application. Section 9 states that great importance is attached to Green Belts.
- 1.2 Section 9 sets out that Green Belts serve five purposes:
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 1.3 It explains that inappropriate development within the Green Belt is harmful by definition and should only be permitted in very special circumstances, where the harm that would be caused by inappropriateness and any other harm (such as harm to openness or harm to the visual amenities of the Green Belt) are clearly outweighed by other considerations.
- 1.4 Paragraph 89 of the NPPF explains that the erection of new buildings within the Green Belt should be considered as inappropriate development unless the building falls within one of a number of provided exceptions. The only one of these exceptions which could be relevant to this application is that of limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 1.5 In this case, the building has been erected on a brownfield site, which was previously in use for the outdoor storage of vehicles. This has been clarified through the examination of a series of aerial images going back several years. It is therefore considered that the erection of the building has not had a greater impact on any of the five purposes of including land within the Green Belt than the previous development. However, the building is located near the boundaries of the site and therefore is not considered to comprise infill development. Also, while the site was previously hard surfaced, it is considered that the erection of the building has had a greater impact on openness than the previous development. Consequently, the erection of the building is considered to be inappropriate development within the Green Belt.

- 1.6 Furthermore, some weight must be given to the government's letter to Chief Planning Officer issued on 31st August 2015, which introduced a planning policy that makes intentional unauthorised development within the Green Belt a material consideration in the determination of planning applications and appeals. In this case, the application is retrospective; however, the agent has made the following statement: *"Our clients were not aware that planning permission was required as the building is of modest size and has been constructed within the curtilage of the existing site with a design appropriate to the surrounding buildings. Also, as you would expect, they do not have any detailed knowledge of the planning system and did not know the implications of the site being in the Green Belt. In this particular case the site is 'washed over' by Green Belt. They had assumed that as they were building within the existing site and not expanding it, they were not contravening any planning regulations. It was a genuine mistake and not a deliberate attempt to circumvent the system."* No evidence is available to contradict this statement and so it appears the development did not constitute *intentional* unauthorised development, therefore limited weight is given to this consideration.
- 1.7 The application is accompanied by a case for very special circumstances which is based on two key strands: the economic benefits of the erection of the building and the limited harm which has resulted to the Green Belt as a consequence of the erection of the building.
- 1.8 The statement explains that the applicant comprises a long-running Bedfordshire based business that has recently benefited from the awarding of a new contract by Bedfordshire Police, which depends on the existence of the building to store the vehicles internally to preserve forensic evidence for inspection. The contract comprises some 10% of the company's annual turnover and has already created three new jobs with a further two jobs planned in the next few months.
- 1.9 When considering the weight that should be given to these economic benefits, attention must be given to Section 3 of the NPPF, which requires local planning authorities to support economic growth in rural areas in order to create jobs and prosperity. Paragraph 28 of the NPPF requires local planning authorities to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.
- 1.10 The statement also argues that the impact of the new building on the Green Belt is extremely limited, as it does not conflict with any of the five purposes of including land within the Green Belt, is constructed on a brownfield site and is modest in scale and viewed against the cluster of existing buildings and commercial uses in this section of development on the A5.
- 1.11 In this case, it is considered that the statement has accurately assessed the impact of the new building on the Green Belt as being very limited. The impact on both the openness of the Green Belt and the visual amenities of the Green Belt is significantly lessened by the location of the building on an existing brownfield site, which is part of a larger cluster of development with an industrial character. The cluster of development comprised several buildings, including buildings of greater size than the building which is the subject of this application, and significant areas of land used for the storage of heavy goods vehicles, caravans and scaffolding. Within this context, the building is modest

in size and clustered with existing development.

- 1.12 Views of the building from the surrounding countryside are very limited by both the contours of the land and the existing screening to the south and west of the building. The building is visible from the A5 travelling south, but is partially screened by other buildings and never appears isolated or dominant within the cluster of development. Furthermore, it is already acknowledged that the development does not conflict with any of the five purposes for including land within the Green Belt.
- 1.13 Significant weight is given to the requirements of Section 3 of the NPPF and the creation of rural jobs and the support of an existing, long-running local business. Therefore, in this case it is considered that the economic benefits of the new building clearly outweigh the harm that has been caused to the Green Belt by the erection of the new building, including the weight attributed to the fact that the development comprises unauthorised development within the Green Belt. As such, the application is considered to be in accordance with Sections 3 and 9 of the National Planning Policy Framework and the spirit of policy E2 of the South Bedfordshire Local Plan Review.

2. Affect on the Character and Appearance of the Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value (AGLV)

- 2.1 As described above in Section 1, the new building has had a limited impact on the character and appearance of the area, because it is protected from many views by the contours of the land and the existence of coniferous screening.
- 2.2 In those views where the building is visible, the modest scale of the building, the use of green cladding and the positioning of the building as part of an existing cluster of development means that the building appears neither dominant nor obtrusive and instead complements and harmonises with the site and its surroundings and does not have a harmful impact on the character and appearance of the AONB or the AGLV.
- 2.3 The concerns of Kensworth Parish Council and Ward Councillor are noted; however the determination of this application can only consider the impact of this building, rather than the existing, authorised development in this location. It is also considered that the building is actually an improvement in aesthetic terms over the storage of heavy goods vehicles, which aerial imagery has confirmed was taking place in this location for several years prior to the erection of the building.
- 2.4 Furthermore, views of the building are very difficult to obtain from public view points in Kensworth and the roads leading to and from the village, due to the topography of the land and the patches of woodland between the village and the A5.
- 2.5 It is not considered appropriate to impose a condition requiring screening to the north of the site, partly because the impact of the building on the character and appearance of the area is so limited, and partly because the changing ground levels on and around the site would mean that planting would have to reach significant heights to be effective, which would take many years to accomplish.
- 2.6 The erection of the building is therefore considered to conform with Sections 7 and 11 of the NPPF, Policies BE8 and NE3 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

3. Neighbouring Amenity

- 3.1 The building is set a sufficient distance away from residential properties (including the Gypsy and Traveller caravans) that it has not had a material impact on the amenities of the occupiers of these residences.
- 3.2 The comments of the Pollution Team indicate that there has also been no detrimental impact on neighbouring occupiers in terms of increased levels of noise and disturbance.
- 3.3 As a result it is considered that the application adheres to the requirements of Sections 7 and 11 of the NPPF, Policy BE8 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

4. Highways Considerations

- 4.1 The building is of modest scale and only accommodates 11 vehicles, which in the context of the yard as a whole is relatively small. It is not considered that the erection of the building has had a material impact on the safety and capacity of the surrounding highway network.

5. Other Considerations

5.1 Human Rights issues:

The application raises no Human Rights issues.

5.2 Equality Act 2010:

The application mentions that the building is fully compliant with Part M of the Building Regulations, nevertheless, it is considered appropriate to impose an informative advising the applicants of their responsibilities under the Equality Act 2010.

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 This planning permission relates only to the details shown on the submitted plans, numbers 1778-001, 1778-002 and 1778-003.

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

INFORMATIVE NOTES TO APPLICANT

- 1. This permission is granted under the provisions of Section 73A of the Town and Country Planning Act 1990.
- 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 applicant's attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

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

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