

## **Item No. 14**

<b>APPLICATION NUMBER</b>	<b>CB/12/00182/FULL</b>
<b>LOCATION</b>	<b>Reach Lane Quarry, Reach Lane, Heath And Reach</b>
<b>PROPOSAL</b>	<b>Change of Use of existing building G/F Office with F/F Residential to detached dwelling with replacement front porch.</b>
<b>PARISH</b>	<b>Heath &amp; Reach</b>
<b>WARD</b>	<b>Heath &amp; Reach</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Versallion</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>13 January 2012</b>
<b>EXPIRY DATE</b>	<b>09 March 2012</b>
<b>APPLICANT</b>	<b>JER Developments Ltd</b>
<b>AGENT</b>	<b>Mr L Butler</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Application called in at the request of Cllr Versallion due to concerns raised by the Parish Council and residents; site access and safeguarding the existing Right Of Way.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

### **Site Location:**

The application site lies to the east of Reach Lane and forms part of the Reach Lane Quarry. The site shares a common boundary with Number 24 Reach Lane in the south and a maintenance access to the north. To the immediate east is the route for a proposed bridle way which would run all the way around the perimeter of the quarry site. Directly opposite the entrance to the site are residential properties, numbers 21 and 23 Reach Lane. An electricity substation stands next to the site access and falls outside the application site. The building which is the subject of this application was in use as the site manager's office / accommodation and was intended to be retained beyond the operational life of the Reach Lane Quarry site as an administrative base for the L.B. Silica Sands (LBSS). It is a two storey building set well back into the site. The ground floor space was used as offices and the first floor was in residential use in association with the operation of the quarry.

### **The Application:**

Planning permission is sought for the change of use of the building for use as a detached dwellinghouse and the erection of a replacement front porch. The existing building has four bedrooms at first floor level and the application does not propose to increase them. The existing porch is flat roofed and measures 1.6 metres deep, 1.8 metres wide and 2.7 metres high. This would be demolished and replaced by a pitched roof porch measuring 2.7 metres deep, 4.6 metres wide and 4 metres high.

### **RELEVANT POLICIES:**

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced the previous national planning policy documents, PPG1 and PPS5. The following sections of the NPPF are considered relevant to this application.

Section 6: Delivering a wide choice of high quality homes.  
Section 7: Requiring good design.  
Section 9: Protecting Green Belt Land.

## **Regional Spatial Strategy East of England Plan (May 2008)**

ENV7 Quality in the Built Environment  
SS1 Achieving Sustainable Development  
H1 Regional Housing Provision 2001 to 2021

## **Bedfordshire Structure Plan 2011**

None saved

## **South Bedfordshire Local Plan Review Policies**

BE8 Design Considerations  
NE12 Re-use/Adaptation of Rural Buildings  
T10 Parking - New Development  
H3 Local Housing Needs

## **Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development - Design Supplement 1:  
New Residential Development

1. Design in Central Bedfordshire: A Guide for Development - Design Supplement 7: Movement, Streets and Places

## **Planning History**

Extensive history exists for the quarry site but none directly related to the application site.

## **Representations: (Parish & Neighbours)**

Parish Council

Objection

1. Access: There is no right of access to the site. The property is sited within an island within Reach Lane Quarry. The current entrance is only allowed for care, maintenance and agricultural purposes.
2. Land Pollution: The site used to be used for the storage of industrial vehicles.
3. Safety: The site allows easy access to the working quarry of Reach Lane Quarry, if the site was not secured at all times there would be the possibility of access to the quarry.
4. Restrictions: Strict restrictions should be endorsed for use of the site.
5. Electricity Substation: There is an electricity sub station on site which must be secured.
6. Parking: Six car parking spaces is excessive for the development.

7. Water Drainage: A lot of surface water comes from the hard standing areas in to Reach Lane. The Parish Council seeks assurances that the water drainage will not be made worse. The local water drainage is inadequate, any development on this site should ensure that water is drained in to Reach Lane Quarry.

8. Incomplete Plans: There needs to be a more detailed plan relating to the restoration of Reach Lane Quarry. There is a continuation of a bridle way which has not been identified on the plans submitted.

9. Road accessibility: The Parish Council has concerns that Reach Lane itself is limited with the volume of traffic that it can take

Neighbours  
9 Gig Lane, 23 Reach  
Lane

Objection.

- Development would worsen traffic problems on Reach Lane
- The land may be polluted due to history of parking HGVs
- No legal rights of way from Reach Lane to the site.
- Restrictions should be imposed on business operations.
- Proposed development should not conflict with the proposed Rights Way
- The electricity substation would need to be secured
- Runoff from the site should not be made worse by the development.

26 Reach Lane

No objections but have some concern regarding the level of parking provision and the associated hard landscaping. The application is an opportunity to seek a landscaping scheme to improve the appearance of the site.

## Consultations/Publicity responses

Minerals and Waste

My main concern with the proposed change of use to private residential dwelling is the proximity of the building to the permitted inert landfill area. The western boundary of the landfill area is less than 40 metres from the building at its closest point. A temporary soil bund is situated between the building and the edge of the quarry void which affords some degree of screening benefit to potential residential occupiers. The bund will remain in situ until the importation of fill has been completed. Tipping operations are expected to commence later this year and last for 3 - 4 years. Whilst there are noise and dust schemes in place to minimise nuisance to nearby residential properties, the manager's accommodation / office building was not viewed as a potentially sensitive receptor when the schemes were devised.

The remaining mineral working reserves in Reach Lane Quarry must be worked by 31 October 2015. The extraction phases and mineral processing plant are in excess of 200 metres from the building in question. Final

restoration of Reach Lane Quarry as a whole is due by the end of December 2016. Again, there are approved noise and dust schemes to minimise emissions from quarrying activities but the measures incorporated into the schemes would not have taken into consideration potential impacts at the former manager's office / accommodation.

Operational quarry traffic is prohibited from using the entrance off Reach Lane. It was permanently closed in 2003. All vehicles must use the purpose-built shared entrance at Bryants Lane. The approved restoration plan for Reach Lane Quarry envisages that the entrance off Reach Lane will serve as the main 'maintenance access' for the agricultural and woodland after use. However, if consent is given for the change of use to detached dwelling then there are alternative accesses on Eastern Way and Overend Green Lane (identified as 'field gates' on the plan) which are suitable for use by agricultural and maintenance vehicles. The quarry restoration drawing would need to be amended to reflect these changes.

There is a Section 106 Agreement (dated 29 November 2010) which attaches to the current mineral working permission as allowed on appeal in February 2011. This Agreement contains an obligation for, *inter alia*, hard surfaces and foundations to be removed from the quarry on or before 31 March 2016. The change of use application land is caught by this obligation. However, the office / manager's accommodation building is specifically excluded from the list of items required to be removed or demolished.

I should also briefly mention Bryants Lane Quarry which forms part of the same working void but is controlled by a separate permission. This site has considerable unexpired sand resources and a 1997 consolidating permission extends the life of the quarry to the year 2041. The south eastern corner of Bryants Lane Quarry is approximately 75 metres to the north west of the former manager's office / accommodation.

Highways Officer

Recommends conditions and an informative. No changes are proposed to the existing means of access and it is stated that 6 parking spaces will be provided. Given that this access has been previously used to serve the quarry, it is considered that the proposed development is unlikely to make a material impact on the adjoining public highway.

Public Protection

Having reviewed the application again - I note that the premise lies within the boundary of the old quarry and as such it is within an area of potential concern regarding contaminative issues. However the plans indicate that the footprint of the building will remain unchanged but the hardstanding of the former yard is due to be removed and landscaped - as such I would recommend that the following condition be attached to any grant of planning

permission:

*"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."*

Although tipping activities are due to commence this year for at least 3-4 years, Minerals and Waste have ensured that noise/dust conditions are in place to protect nearby residents. Although the former managers office/accommodation was not included as a sensitive location at the time, other dwellings in the vicinity of the site were and so this should be sufficient to safeguard the conditions at the new dwelling.

Rights of Way                      No public right of way would be affected by the proposal.

## **Determining Issues**

The main considerations of the application are;

1. Whether or not the proposed change of use is appropriate in the Green Belt
2. Residential amenity
3. Off street parking provision and highway safety
4. Other matters

## **Considerations**

### **1. Green Belt considerations**

The application proposes the change of use of an office/residential building to use for residential accommodation and the erection of a replacement porch. The main issue to consider therefore is whether or not the development constitutes inappropriate development in the Green Belt and if so, whether or not there are very special circumstances justifying approval of the scheme.

The National Planning Policy Framework (NPPF) came into force on the 27th March 2012 and sets out the criteria for processing applications for development in the Green Belt. Paragraph 90 states that the re-use of existing buildings inside a Green Belt is not inappropriate development provided that they are of a permanent and substantial construction.

The property to be converted is brick built and sits under a tiled roof. It is of a permanent and substantial construction and as such, would only require minor external alterations involving re-configuration of the fenestration and doors, rendering and the erection of a replacement porch. The proposed development is therefore, by definition, not inappropriate in the Green Belt and hence, very special circumstances need not be established.

Policy NE12 of the South Bedfordshire Local Plan Review provides further detailed criteria for assessing applications for the re-use of existing buildings in the Green Belt and states that :

A. In the Green Belt planning permission will not be granted for the re-use of buildings for residential purposes unless:

(i) the residential use proposed would fulfil an identified local housing need for affordable housing;

or

(ii) the applicant can demonstrate to the satisfaction of the District Planning Authority that every reasonable attempt to secure a suitable business re-use has been made;

or

(iii) residential development is a subordinate part of a scheme for business re-use. The policy states that in the Green Belt planning permission will not be granted for the re-use of buildings for residential purposes unless residential development is a subordinate part of a scheme for business re-use.

Further criteria are set out at paragraph B which require that :

*B. The re-use or conversion of a rural building in the Green Belt for non residential purposes, or for residential purposes in accordance with part A of this policy, will be permitted provided that:*

*(i) the form, bulk and general design of the building to be converted is in keeping with the character and appearance of its rural surroundings;*

*(ii) the building is of permanent and substantial construction and capable of conversion without extensive alteration, rebuilding or extension;*

*(iii) the conversion is sympathetic to the character and appearance of the building and the rural area and where possible enhances it;*

*(iv) the proposed use of the building and/or its surroundings will not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;*

*(v) the re-use/conversion will not cause harm to features of architectural or historic value or to sites and species of nature conservation value;*

*(vi) the scale of the development in question (including the cumulative impact of the re-use or other development of a series of buildings in close proximity to one another) is appropriate to a rural area and would not lead to a dispersal of activity on a scale which conflicts with the plans principles in Chapter 1;*

*(vii) the proposed use will not create amenity, traffic, access or other environmental problems which cannot be satisfactorily controlled by the imposition of appropriate conditions; and*

*(viii) the proposed use will not generate a need for car parking or other services on a scale which cannot be accommodated on the site.*

Whilst there is no information submitted with the application to demonstrate that the proposed development would satisfy the requirements of paragraphs B (i), (ii) and (iii) of Policy NE12 as set out above, it is considered that other material considerations exist to outweigh the policy harm and these are examined below :

- The building was historically used for residential purposes at first floor level. The principle of residential use is therefore established on the site.
- As already discussed, the proposed development is not inappropriate development in the Green Belt since it satisfies the criteria set in the NPPF.
- The building is two storey in height and hence in terms of its form, bulk and general design accords with the general pattern of development hereabout.

- The applicant states that the use of the building in association with the quarry has ceased. The proposed development would therefore not prejudice employment creation in the area. Paragraph 17 of the NPPF seeks to encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Furthermore, proposed development would not conflict with the criteria laid out at paragraph B(i) to (viii) of Policy NE12.

#### Impact on the openness of the Green Belt

Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts and as such, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

The existing use of the building is for office and residential purposes. The proposal to convert the whole building to a single use would improve the openness of the Green Belt due to the potential to achieve a reduction in the amount of parking required which would offer an opportunity to landscape areas of hardstanding. Given its modest size, the proposed replacement porch would not materially affect the openness of the Green Belt. Taking these factors into account, it can be concluded that the proposed development would not cause significant harm to the openness of the Green Belt.

Furthermore, the openness of the Green Belt would be preserved in the future through the use of appropriate conditions, removing permitted development rights for extensions and outbuildings and the requirement to implement a landscaping scheme.

## **2. Residential amenity**

Due to the separation distances between the existing building and the adjoining neighbouring properties, it is not considered that the proposed development would cause detrimental harm to residential amenity.

With regard to the residential amenity of proposed occupiers, the dwelling would be close to the permitted inert landfill area. Noise and dust conditions are on the Mineral and Waste permission. Although the former Manager's office/accommodation was not included as a sensitive location at the time, other dwellings within the vicinity of the site were.

The Public Protection Officer considers that this should be sufficient to safeguard occupiers of the new dwelling. Accordingly, it is considered that there would be no adverse effect in the amenity of prospective occupiers.

## **3. Off street parking provision and highway safety**

Having regard to the fact that no changes are proposed to the existing means of access and six parking spaces would be provided and given that the access has been previously used to serve the quarry, it is considered that the proposed development is unlikely to make a material impact on the adjoining public highway. Conditions as suggested by the Highways Officer are therefore

considered appropriate.

#### **4. Other matters**

The objections raised by the Parish Council and some local residents are noted and are examined below.

##### Increase in traffic on Reach Lane

The Minerals and Waste Officer's consultation response makes it clear that operational quarry traffic is prohibited from using the entrance off Reach Lane.

##### No legal rights of way from Reach Lane

Concerns about the legal rights of access for residential purposes fall outside the scope of landuse planning and are best resolved through civil procedures.

##### Possible Land Contamination

This would be dealt with by way of conditions and informatives as suggested by the Environmental Health Officer.

##### Increase in traffic

This has been addressed above under parking and highway safety considerations.

##### Water drainage from the existing hardstanding

A landscaping condition would ensure that parts of the hardstanding would be landscaped. Furthermore, there is an existing septic tank and soakaway pit .

##### Business use of the site

Any future use of the property for business purposes, depending on the scale of the operation, would require planning permission. A condition restricting business use is therefore considered unnecessary.

##### Security of the electricity substation

The electricity substation falls outside the application site and the applicant's ownership and as such, cannot be secured by a planning condition.

##### Effect on the bridleway

The proposed bridleway would not be affected by the proposed development. Plans approved as part of the quarry restoration programme clearly show the route of the proposed bridleway falling outside the application site.

##### National Planning Policy Framework

Annex 1 of the NPPF requires, at paragraph 214, that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework provided that such policies were adopted in accordance with the Planning and Compulsory Purchase Act 2004. Paragraph 215 goes on to state that in other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).The South Bedfordshire Local Plan Review was adopted prior to the Planning and Compulsory Purchase Act 2004 coming into force and as such, the latter advice at paragraph 215 applies. It is considered that the saved local plan policies cited in this report are broadly in line with the NPPF and hence, have been given



significant weight in the determination of the current application.

## **Recommendation**

That Planning Permission be **GRANTED** subject to the following:

- 1 The development 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 **Before development begins, samples of the materials to be used for the external walls and roofs of all new buildings shall be 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/s.  
(Policies BE8 & H8, S.B.L.P.R).**

- 3 **Before development begins, a landscaping scheme to include the removal of parts of the existing hardstanding and any other hard surfaces 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 for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**Reason: To ensure that the development does not have a cumulatively adverse impact on the openness of the Green Belt and to secure improvements to the residential environment of the area.  
(Policy BE8, S.B.L.P.R).**

- 4 Before the development hereby permitted is commenced, any existing access to the adjoining quarry site within the frontage of the land to be developed shall be closed in a manner to the Local Planning Authority's written approval.

Reason

In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 5 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public

highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason

To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it.

- 6 Any gates provided shall open away from the highway and be set back a distance of at least 5.0 metres from the nearside edge of the carriageway of the adjoining highway.

Reason

To enable vehicles to draw off the highway before the gates are opened.

- 7 **Before the development hereby permitted is commenced, details of a scheme showing the provision of four off-street parking spaces to serve the new dwelling shall be submitted to and approved by the Local Planning Authority. The details to be approved shall include the proposed materials for construction and 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. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.**

**Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.**

- 8 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 ensure the site is safe to use

(Policy BE8, S.B.L.P.R)

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building/s hereby permitted shall be carried out without the grant of further specific permission from the Local Planning Authority.

Reason: To control the external appearance of the buildings in the interests of the amenities of the area and the openness of the Green Belt.  
(Policy BE8 S.B.L.P.R.).

- 10 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town

and Country (General Permitted Development) Order 1995 (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 permission from the Local Planning Authority.

Reason: To control the development in the interests of the amenities of the area and the openness of the Green Belt.  
(Policy BE8 S.B.L.P.R.).

- 11 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 221111.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed development would, not be inappropriate in the Green Belt, represent an efficient use of previously developed land and would not be harmful to the general amenity and character of the area, thus conforming to the relevant policies of the Development Plan comprising policies ENV7, H1 and SS1 of the Regional Spatial Strategy for the East of England and Policies BE8, H3 and NE12 of the South Bedfordshire Local Plan Review and national advice contained in the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010.

### **Notes to Applicant**

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

#### **Regional Spatial Strategy**

##### **East of England Plan (May 2008)**

ENV7 Quality in the Built Environment

H1 Regional Housing Provision 2001 - 2021

SS1 Achieving Sustainable Development

##### **South Bedfordshire Local Plan Review**

BE8 Design Considerations

H3 Local Housing Needs

SD1 Keynote Policy

T10 Parking - New Developments

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason

for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).

3. 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.
4. The applicant is advised that the proposal is situated over a Principal aquifer within Source Protection Zone 2, of the Environment Agency's Groundwater Protection Policy. Any pollutants entering the aquifer below this site could potentially contaminate the potable water supply within 400 days and hence only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
5. Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Planning Authority. The maximum acceptable depth for soakaways is 2.00 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
6. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Amphill Road, Bedford MK42 9BD.
7. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Guidance -July 2010".

**DECISION**

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