

## **Item No. 5**

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| <b>APPLICATION NUMBER</b>                        | <b>CB/14/01297/FULL</b>   |
| <b>LOCATION</b>                                  | <b>Land rear of 100 to 114, Common Road,<br/>Kensworth</b>  |
| <b>PROPOSAL</b>                                  | <b>Retention of building as constructed and change<br/>of use to offices (Resubmission of CB/14/00634)</b>  |
| <b>PARISH</b>                                    | <b>Kensworth</b>  |
| <b>WARD</b>                                      | <b>Caddington</b>   |
| <b>WARD COUNCILLORS</b>                          | <b>Cllrs Collins &amp; Stay</b>   |
| <b>CASE OFFICER</b>                              | <b>Abel Bunu</b>  |
| <b>DATE REGISTERED</b>                           | <b>07 April 2014</b>  |
| <b>EXPIRY DATE</b>                               | <b>02 June 2014</b>   |
| <b>APPLICANT</b>                                 | <b>Mr R Gill</b>  |
| <b>AGENT</b>                                     | <b>Mr L Butler</b>  |
| <b>REASON FOR<br/>COMMITTEE TO<br/>DETERMINE</b> | <b>Called in by Cllr Richard Stay for the following<br/>reasons:</b> <ul style="list-style-type: none"><li><b>• Development is wholly inappropriate in the<br/>Green Belt and detrimental to the AONB</b></li></ul> |
| <b>RECOMMENDED<br/>DECISION</b>                  | <b>Full Application - Recommended for Approval</b>  |

### **Summary of recommendation:**

The proposed development would not be inappropriate in the Green Belt within the meaning of the NPPF as it involves an existing building which is of substantial construction and the site is previously developed. The development would also potentially help to support the rural economy. Furthermore, the development would not be, harmful to the character and appearance of the area, prejudicial to highway safety and would not be harmful to residential amenity thereby conforming to the development plan comprising Policies BE8, SD1, NE3, and T10 of the South Bedfordshire Local Plan Review, Policies 1, 2, 10, 27, 28, 36, 43, 50 and 58 of the emerging Development Strategy for Central Bedfordshire and national advice contained in the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010 and the Chiltern Design Guide.

### **Site Location:**

The application site comprises previously developed land measuring approximately 0.18 hectares bounded to the north and west, by a field which is owned by the applicant and is used for grazing horses. The site abuts a public footpath to the east beyond which are residential properties and this boundary is lined by mature hedgerows and trees. To the south, the site shares common boundaries with Numbers 98, 102, 104 and 106 Common Road. The site is located within the Green Belt, Area of Outstanding Natural Beauty and Area of Great Landscape Value.

## **The Application:**

seeks planning permission for the retention of an existing building as constructed and its change of use from stables to offices with complementary alterations to the front elevation and internal re-configuration of space. The building would accommodate three offices, store, kitchenette and a toilet. The building measures approximately, 18.6 metres deep, 5.7 metres wide and 3.9 metres high and sits next to the boundary with the public footpath.

## Background

The application is a re-submission following the withdrawal of a similar application, reference **CB/14/00634**. It was considered that this previous application had been described incorrectly and hence was misleading and also the land that was proposed to be used in association with the office development was considered disproportionate. The application was therefore withdrawn in order to address these problems.

**SB/TP/06/01275:** The principle of erecting a stable block on the application site was agreed by the planning committee on the 31st January 2007 subject to the completion of a section 106 Agreement tying the use of the building to a bungalow that previously stood at Number 100 Common Road. However, the property referred to in the Agreement was subsequently demolished and given there was no immediate prospect of a replacement dwelling being built with which the development could be associated, the application was disposed of on the 15th June 2009 under the provisions of Article 25 (ii) (a-d) of the Town and Country Planning (General Development Procedure) Order 1995.

Although a formal decision notice was not issued in respect of the development, the reasons for not doing so did not change the established principle. Nevertheless, the stable was erected without formal permission being issued but was later gutted by a fire which led to the submission of an application to re-construct the building.

1. **CB/10/04292 (26.01.11):** Planning permission for the retention of a stable block measuring approximately, 18.6 metres deep, 5.7 metres wide and 3.9 metres high.
2. The stable block was re-instated but not in strict accordance with the approved details. Whilst the footprint and overall size remained the same, the building differed from the approved scheme in the following respects:
  - Two velux windows were inserted in the roof slope adjacent to the public footpath.
  - Four doors of different widths and different positions were inserted in the front elevation instead of five stable doors. A window has also been inserted into the front elevation where none existed in the approved scheme.

No enforcement action was taken as it would not have been expedient to do so given the minor nature of the amendments to the approved scheme and the fact that the applicant's agent expressed willingness to regularise the development through a planning application.

## **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 of the NPPF are considered relevant to this application.

Section 3: Supporting a prosperous rural economy

Section 7: Requiring good design.

Section 9: Protecting Green Belt Land.

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

GB3 Green Belt Villages

BE8 Design Considerations

NE3 Control of Development in the Area of Great Landscape Value

SD1 Keynote Policy

T10 Parking - New Developments

### **Endorsed Core Strategy - South**

The Pre-Submission Core Strategy for Southern Central Bedfordshire was endorsed for Development Management purposes by the Executive in August 2011 following the decision of The Luton and South Bedfordshire Joint Committee's resolution on the 29th July 2011 to seek the withdrawal of the Luton and southern Central Bedfordshire Joint Core Strategy.

### **Development Strategy for Central Bedfordshire**

Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in 2014 and the following policies are considered relevant to the determination of any subsequent application:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Growth Strategy

Policy 10: Rural Economy and Tourism

Policy 36: Development in the Green Belt

Policy 43: High Quality Development

Policy 50: Development in the Countryside

Policy 58: Landscape

### **Supplementary Planning Guidance**

1. Design in Central Bedfordshire: A Guide for Development - Design Supplement 7: Movement, Streets and Places.
2. Chilterns Buildings Design Guide, First Published in 1999.

## Planning History

|                |   |
|----------------|---|
| CB/14/00634    | Withdrawn. Change of use of part stables to office and storage.   |
| CB/10/04292    | Permission. Retention of stable block.(26.01.11).   |
| SB/TP/06/01275 | Disposed of. Use as paddock and erection of associated stables with manege and landscaping. retention of agricultural building (revised application SB/TP/06/0720). |
| SB/TP/06/0720  | Withdrawn. Use as a paddock and erection of stables.  |
| SB/TP/06/0673  | Refusal for demolition of existing out building and erection of two storey outbuilding to incorporate triple garage and study.                                      |
| SB/05/0479/AG  | Prior approval not required for the erection of an agricultural barn.   |

## Related History

### Land at 100 Common Road and land to rear

|                |  |
|----------------|--|
| CB/11/03414    | - Permission. Erection of a single bedroom bungalow.   |
| CB/10/02361    | - Erection of a detached bungalow and garage. Refused. Appeal dismissed. (Attached as Appendix to this report).                                |
| CB/09/05130    | - Permission. Erection of 2 dwellings involving change of house types to previous scheme (SB/TP/09/0153).                                      |
| SB/TP/09/00153 | - Refused. Erection of 2 detached dwellings. (Revised application SB/TP/07/1034).  |
| SB/TP/08/00520 | - Refused. Erection of two pairs of semi-detached dwellings with parking provision. (Appeal Dismissed).  |
| SB/TP/07/1034  | - Permission for the demolition of existing bungalow and outbuildings and erection of two chalet bungalows (revised application SB/TP/07/0695) |
| SB/TP/07/0695  | - Refusal for demolition of existing bungalow and outbuilding and erection of two chalet bungalows.  |

### Land to rear of 100-106 Common Road

|               |   |
|---------------|---|
| SB/TP/05/1283 | - Refusal for demolition of existing outbuilding and erection of detached dwelling.   |
| SB/TP/02/0954 | - Refusal for demolition of existing bungalow and outbuildings and erection of two detached dwellings, with detached single/double garages (outline). Appeal dismissed. |

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

|                                     |   |
|-------------------------------------|---|
| Parish Council                      | To be reported at the meeting.  |
| Neighbours                          | To be reported at the meeting.  |
| Cllr Richard Stay (Ward Councillor) | Objection. Wholly inappropriate development in the Green Belt and detrimental impact on the AONB. |

## Consultations/Publicity responses

|                            |  |
|----------------------------|--|
| Highways Officer           | To be reported at the meeting.   |
| Tree and Landscape Officer | To be reported at the meeting.   |
| Public Protection          | No objections to the proposals subject to restricting the hours of use to those stipulated in the application documents. To this end I recommend the following condition be attached to any planning permission. |

The development hereby permitted shall not be used except between 0800 hours and 1800 hours Monday – Friday, 0800 hours to 1300 hours on Saturdays and at no time on Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

## Determining Issues

The main considerations of the application are;

1. Whether or not the proposal is acceptable in principle
2. Impact on the openness of the Green Belt
3. Impact on the character and appearance of the open countryside, Area of Outstanding Natural Beauty and Area of Great Landscape Value
4. Impact on residential amenity
5. Impact on parking and highway safety
6. Other matters

## Considerations

### 1 Whether or not the proposed development is acceptable in principle

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 terms of policy considerations, has been replaced by national guidance now contained in the National Planning Policy Framework (NPPF) and Policy 36 of the emerging Development Strategy for Central Bedfordshire (DSCB). This national advice and the emerging policy state 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).

The current proposal is for the retention of an existing building and its change of use following minor external alterations and internal reconfiguration to adapt it to the proposed use as offices. No structural alterations are required to make the

building fit for its intended purpose. It is therefore considered that the building is of substantial construction. The NPPF advises that the re-use of buildings provided that they are of permanent and substantial construction is not inappropriate in the Green Belt, (paragraph 90, bullet point 4) and the extension or alteration of a building, provided it is not disproportionate is also appropriate. (Paragraph 89, bullet point 3). This is supported by Policies 36 and 52 of the DSCB. 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. It is considered that Part A of the policy is not consistent with the NPPF and hence is not given weight in the determination of this application. Full weight should however be given to the criteria laid out in Part B. Furthermore, the NPPF is quite clear at paragraph 89, bullet point 6, that the partial or complete re-development of previously developed sites 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 is not inappropriate. In this case, part of the application site is occupied by a concrete slab which remained after the destruction of a barn by a fire and the rest of the land constitutes existing vehicular areas. Taking these factors into account, it is considered that the proposed development is not inappropriate in the Green Belt within the meaning of the NPPF.

It is considered that the principle behind the construction of the building is not in dispute as this was established with the grant of planning permission, reference, **CB/10/04292**. This previous permission is therefore a significant material consideration. The alterations to the approved plans are considered minor and could have been regularised through an application for a Non Material Amendment. However, requiring the submission of such an application as a pre-requisite to the consideration of a proposal for a change of use of the building would have been unnecessarily bureaucratic. Furthermore, the applicant states that the development would employ three members of staff and thus potentially support the growth of the rural economy in line with council policies and national advice contained at paragraph 28 of the NPPF. In particular, the preamble to Policy 10 of the DSCB states that the re-use and adaptation of rural buildings can make a significant contribution to the local economy. Proposals for employment generating uses and tourism activities will therefore need to be mindful of the benefits that existing buildings can deliver. The principle of the development is therefore acceptable in both Green Belt and employment terms.

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

Given that the building is already in existence and the land within its curtilage is limited to those parts that are previously developed, together with any landscaping that could be secured through a planning condition, it is considered that the proposed development would preserve the openness of the Green Belt and as such would comply with Policy 36 of the DSCB and national advice. A condition restricting outside storage of materials would ensure further protection of the Green Belt.

## **3 Impact on the character and appearance of the open countryside, Area of Outstanding Natural Beauty and Area of Great Landscape Value**

As the site is previously developed, the proposal would not represent further

encroachment into the open countryside and the scale of the development would not be harmful to the Area of Outstanding Natural Beauty and Area of Great Landscape Value. Furthermore, the site would be landscaped to improve the visual appearance of the development. The development would therefore comply with Policies BE8 & NE3 (S.B.L.P.R), 43 & 50 DSCB and national advice within the NPPF.

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

Due to the separation distances with the nearest residential properties and the fact that no windows exist in the side elevation adjacent to Number 98 Common Road, (the new bungalow), the proposed development would not result in overlooking and loss of privacy to the neighbouring property occupiers. No overall harm would be caused to residential amenity. Furthermore, a condition restricting the office use to Class B(1)a is considered appropriate to ensure that the neighbouring residential property occupiers are not subjected to noise and general disturbance in the future. In this regard, a further condition as suggested by the Environmental Health Officer is also considered appropriate to protect residential amenity.

#### **5. Impact on parking and highway safety**

The proposal makes adequate provision for off-street parking which could be secured by a planning condition and no changes are proposed to the existing means of access to the highway. A further condition restricting the office use to Class B(1)a would ensure that traffic calling to the premises in association with the business would be kept to a reasonable level.

#### **6. Other Matters**

##### **Objections**

The objections received have been noted and addressed in the relevant sections of this report. Any further representations received will be reported at the meeting.

##### **Human Rights issues**

The application proposals raise significant human rights issues as reflected by the objections received. However, taking into account the mitigation measures that could be secured by planning conditions, the human rights of the applicant and employees who stand to benefit from the development and the fact that the development would support national objectives in the NPPF, it is considered that withholding planning permission against this background would severely infringe the human rights of the intended beneficiaries and this is an overriding consideration.

##### **Equality Act 2010**

The application raises issues of access to employment visitors. A disabled toilet is proposed within the building and an informative to advise the applicants of their responsibilities would be added to the permission.

## Recommendation

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

### RECOMMENDED CONDITIONS

- 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 the first occupation of the office development hereby approved, a landscaping scheme to include any 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 a satisfactory standard of landscaping that would preserve the visual openness of the Green Belt and open countryside within the AONB and AGLV.  
(Policies BE8 &, NE3 SBLPR and 36, 43 & 50 DSCB).

- 3 The development hereby permitted shall not be used except between 0800 hours to 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturdays and at no time on Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: To control the development in the interests of residential amenity.  
(Policies BE8 SBLPR and 43 & 50 DSCB).

- 4 The building and premises shall only be used for B(1)a offices and for no other purpose other than with the grant of further specific written permission from the Local Planning Authority.

Reason: To control the development in the interests of residential amenity and highway safety.  
(Policies BE8 SBLPR and 43 & 50 DSCB).

- 5 No machinery, goods, waste, materials or equipment shall be deposited or stored on the site in the open other than with the grant of further specific permission from the Local Planning Authority.

Reason: To protect the visual amenities of the Green Belt and open countryside in the AONB and AGLV and to ensure that vehicle parking,



servicing and unloading areas are available for those purposes at all times.  
(Policies BE8 & NE3 SBLPR and 27, 36 & 50 DSCB).

- 6 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, 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 preserving the openness of the Green Belt, open countryside and AONB and AGLV.  
(Policies BE8 & NE3 SBLPR and 36, 43 & 50 DSCB).

- 7 Before the development hereby permitted is first occupied or brought into use, the scheme for parking and manoeuvring shown on Drawing No. 10214 shall be laid out, drained and surfaced in accordance with details previously submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter 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.  
(Policies T10 SBLPR and 27 DSCB).

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number 10214.

Reason: For the avoidance of doubt.

### **Notes to Applicant**

1. This permission is granted under the provisions of Section 73A of the Town and Country Planning Act 1990.
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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
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 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".

5. 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](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Planning permission has been recommended for approval for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. 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) (Amendment No. 2) Order 2012.

**DECISION**

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