

Item No. 12

APPLICATION NUMBER	CB/14/02569/FULL
LOCATION	Land rear of 100 -114 Common Road, Kensworth
PROPOSAL	Retention of building as constructed and change of use to offices (Resubmission of CB/14/01297)
PARISH	Kensworth
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Abel Bunu
DATE REGISTERED	03 July 2014
EXPIRY DATE	28 August 2014
APPLICANT	Mr R Gill
AGENT	Mr L Butler
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Richard Stay for the following reasons : Development is wholly inappropriate in the Green Belt, detrimental to the AONB and contrary to the Neighbourhood Plan.
RECOMMENDED DECISION	Full Application - Recommended for Approval

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 users of the Public Footpath 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 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 a field to the north of Kensworth measuring approximately 0.1 hectare with vehicular access from Common Road. The site is located within the Green Belt, Area of Outstanding Natural Beauty and Area of Great Landscape Value.

To the north of the field is open farmland. To the east is a public right of way, with further fields and farm buildings to the west. To the south there are residential properties along Common Road within Kensworth. There are mature hedgerows on two boundaries of the application site and a number of trees.

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

1. The application is a re-submission of a previous application, reference, **CB/14/01297/FULL** which was deferred by the Development Management Committee on the 7th May 2014 in order to address issues regarding to the ownership of the site access from Common Road. A Land Registry search conducted by CBC's legal team confirmed that the access from Common Road has no registered title against it. The adjoining landowner, Mrs Tilbury's solicitor advised as follows :

- *92 Common Road, Kensworth, Bedfordshire LU6 3RG is an asset of the estate of the late Barbara Ann Atkins and passes to Elizabeth and Jason Tilbury under the terms of the will. The property is currently unregistered but our firm is in the process of applying for first registration of the property and registering it in their names.*

Given that there is no confirmed owner of the access track, the agent was advised to follow the procedure set down in the planning regulations and serve notice in the local press of his intention to re-submit the application after the expiry of 21 days from the date of the press notice and sign Certificate D as proof that the requisite notice has been served.

2. **SB/TP/06/01275** : A decision to grant planning permission was made by the members on the 31st January 2007 subject to the completion of a Section 106 Agreement for the use of land as a paddock and erection of associated stables with a manege and landscaping including the retention of an agricultural building (revised application SB/TP/06/0720). The Agreement required the development to be ancillary to the residential occupation of 100 Common Road, Kensworth and not to be occupied or used as an independent use or business. However, having regard to the fact that the property referred to in the Section 106 Agreement was subsequently demolished and there was no immediate prospect of a replacement dwelling being built with which the development might be associated, the Agreement was not completed and the application disposed of on the 15th June 2009. 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.
3. **CB/10/04292**: Planning permission for the retention of a stable block measuring approximately, 18.6 metres deep, 5.7 metres wide and 3.9 metres high.
4. 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.

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

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 Policies T10 which is afforded less weight.

GB3 Green Belt Villages

BE8 Design Considerations

NE3 Control of Development in the Area of Great Landscape Value

NE12 Re-use/Adaptation of rural buildings

SD1 Keynote Policy

T10 Parking - New Developments

Development Strategy for Central Bedfordshire

The draft Development Strategy was endorsed for Development Management purposes on the 27th May 2014 and is due to be submitted to the Secretary of State in October 2014. It is therefore considered that having regard to the stage of plan preparation, the policies listed below are given limited weight in the determination of this application :

Policy 1 : Presumption in Favour of Sustainable Development

Policy 10: Rural economy and tourism

Policy 24:Accessibility and Connectivity

Policy 27 :Car Parking

Policy 36 : Development In the Green Belt

Policy 43: High Quality Development

Policy 50 : Development In the Countryside

Policy 58 : Landscape

Supplementary Planning Guidance

The revised Central Bedfordshire Design Guide was adopted by the Executive on 18 March 2014 as technical guidance for Development Management purposes and hence is a material consideration.

- 1.Design in Central Bedfordshire: A Guide for Development - Design Supplement 7: Movement, Streets and Places
- 2.Local Transport Plan: Appendix F - Parking Standards
- 3.Chilterns Buildings Design Guide, First Published in 1999.

Planning History

CB/14/01297	Not proceeded with. Retention of building as constructed and change of use to offices (Resubmission of CB/14/00634)
CB/14/00634	Withdrawn in order to amend the description to include retention of the stable as built. Change of use of part stables to office and storage.
CB/12/02608	Refused. Single storey rear extension to recently erected bungalow. (Appeal dismissed).
CB/12/02147	Refused. Erection of two bedroom dwelling on site of barn destroyed by fire. (Appeal dismissed).
CB/12/01922	Not proceeded with as barn was destroyed by a fire. Change of use from storage barn to residential accommodation
CB/10/04292	Permission. Retention of stable block.
SB/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/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.
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

The development on this whole site continues to cause grave concerns to Members and residents alike (over the last eleven years, excluding this application, a total of twenty-four different applications have been made :

SB/02/00954, SB/05/00479, SB/05/01283, SB/06/00673, SB/06/00720, SB/06/01275, SB/07/0695, SB/07/1034, SB/08/00520, SB/09/0153, CB/09/05130, CB/10/00452, CB/10/02550, CB/10/02361, CB/10/04292, CB/10/04307, CB/11/00100, CB/11/03414, CB/12/01922, CB/12/02147, CB/12/02608, CB/13/01559, CB/14/00634 and CB/14/01297).

- The Parish Council objects to this application on the same grounds as it did in 2010 for application CB/10/02361:-

The site lies within the **Green Belt and an Area of Outstanding Natural Beauty** and the proposal would, by reason of its inappropriate layout and scale, not constitute an acceptable form of infilling as permitted by policies GB3 and H12 of the South Bedfordshire Local Plan Review whereby, within category 2 villages, infilling and limited redevelopment would be permitted within defined boundaries. The proposed development would thereby be inappropriate development in the Green Belt, hence conflicting with national guidance within Planning Policy Guidance Note 2, 'Green Belts' and no very special circumstances have been established in this case and should therefore be refused on the basis of inappropriate development in the Green Belt.

- This falls outside the Kensworth Development envelope under the South Bedfordshire Local Plan Review. The scheme would further encroach into the countryside and would consolidate recent unlawful development.
- The proposed new buildings are adjacent to a public footpath (FP3). When the original application for this site came before the Parish Council in 2007

(SB/TP/07/1034) a number of trees had already been cut down and the Parish Council would wish the boundary and the right of way to be maintained.

- This is an overdevelopment of an existing site and not in keeping with surrounding properties.
- The proposed development makes no provision for adequate driver/driver intervisibility and will lead to conditions of danger to pedestrians using the adjoining footway. The proposal is therefore contrary to Policy 42 of the Bedfordshire Structure Plan 2011 and T1 of the South Bedfordshire Local Review Plan (The Parish Council anticipate that these two documents have been incorporated into the Central Bedfordshire planning regulations).
- Outside this development is the 'pick up' point for pupils for Manshead Upper, Streetfield and Beechwood Schools and the conditions mentioned in 5 above are particularly relevant.
- The access to the site is by way of a public footpath (number FP3) and follows the twisting driveway that skirts Auckland Meadows Cottage, an 18th Century dwelling. Members were of the opinion that this rural footpath should remain rural and remain a track for horses and walkers only.
- Over the last year there has been considerable dumping of soil and other debris on the proposed site, which has raised soil level by 5 feet. The Environmental Department of Central Bedfordshire Council were advised of this for investigation as it is illegal dumping of spurious items, including possibly asbestos sheets. As another case of illegal dumping of waste in the village has been rigorously pursued by CBC then this instance of a similar nature should be treated in the same way.
- Members of the Development Management Committee should be made aware that this site, prior to the granting of planning permission SB/TP/07695 had just one bungalow and a small workshop. **When the planning application CB/11/03414 was considered by the Development Management Committee on 7th December 2014 a Member of the committee requested the addition of a clause to the effect that no further development took place on this site.** Officers advised that this was not possible. In any case a decision on this application ought not to be made until the planning status of recent development on the site has been clarified. **The site ought to be the subject of enforcement action.**

Neighbours
84,92,108,112,114
Common Road,

Objection

- Plot falls outside the village envelope
- Business premises are not required in the village and there are empty properties waiting to be occupied. These properties have been empty for more than 12 months.
- The applicant is only associated with plant hire and property development hence the residents would be subjected to early starts and late finishes. Noise and general disturbance from activities on the site would be a nuisance to local residents.
- Large equipment and supplies waiting to be stored would be present on the site.
- Previously the applicant had equipment that was later stolen and he applied for a mobile home for security reasons.
- Less than five miles away, the applicant owns other undeveloped business premises and also units are available in Luton and Dunstable.
- The plot was originally part of a large field which has now been split to provide houses including new housing at the former Old Red Lion Public House.
- A barn was destroyed by a fire on the site and a subsequent application for dwelling was rejected.
- A stable building erected without planning permission was destroyed by a fire and later planning permission was granted for a new stable building which was never used.
- The number of vehicles has already increased by about 16 within close proximity to a roundabout.
- The likely increase in traffic due to employees and customers would pose a safety hazard to pedestrians.
- The access to the property incorporates a public right of way which is extensively used by the local residents.
- The stable building was never designed to house donkeys or ponies.
- Ponies or donkeys never stay on the field for a long time.
- There has been dumping of waste on the site which has raised the level of the ground in excess of 5 feet.
- Tarmac has been laid on the site. This used to be a field for grazing cattle and growing hay.
- There seems to be a pattern whereby structures are erected without permission, getting burnt down and being re-built with permission then declared redundant and permission applied for.
- Over the years, the site has been used as a builder's yard operating as early as 7 am and returning late evening and during weekends.
- the plot cuts off the rest of the field and there is only one access.

- There are no existing parking spaces.
- If the applicant does not need the field for farming then he should sell it. There were villagers who were interested in purchasing it.
- The development would disturb the habitat for wildlife.
- The applicant offered residents with properties backing onto the field money to purchase their back gardens for development.
- Broadband speed is not good in the village so no business stays.
- This is a purely residential area where there are other opportunities currently available to obtain office accommodation very close to this site on the outskirts of the village itself.

I would therefore wish you to resubmit my original objection to this commercial change in what is designated as an area of natural beauty.

One thing I noted on the modified proposal was that the applicant stated that they had met all the requirements following the advice of the Planners at the Council as to what needed to be changed to enable this proposal to be accepted. I was not aware that this level of advice was a facility that was provided to applicants from a Council's Planning Department – or have I misunderstood this?

- The application should have disclosed the further advice received from CBC officers (if it indeed existed) and its failure to do so should disqualify the application as materially misleading.
- The area where the property is situated is overwhelmingly residential with a limited amount of agricultural activity. There is no commercial or office accommodation in the vicinity and to allow this change of use would bring an unnecessary and unwelcome change to the character of the area.
- Of equal concern is the implicit change of use of the agricultural yard into an office car park. It is not at all clear that four parking spaces would be adequate for the occupants of the proposed offices and their visitors. Overflow parking would inevitably spill onto Common Road (in the hazard area adjacent to the mini-roundabout), onto the grassed areas which the plans promise will be retained but seem likely to become parking spots, or onto the private areas of neighbouring premises.
- Although the plans claim that no alteration will be made to the profile of the building, the presence of cars in the car park, newly constructed from the agricultural yard will detract from the beauty of the area, being

visible from rights of way both adjacent and remote.

- The access to the property is, in common with all the adjacent properties, at best compromised. Though traffic on Common Road is in theory restricted to 30mph, speeding vehicles, limited visibility and heavy traffic to the nearby zoo can make getting into and out of the drives on Common Road somewhat hazardous. To add commercial visitors crossing the through traffic to this picture will exacerbate the situation.
- The drive narrows down to single lane width via a bend and therefore is a hazard.
- Proposal is contrary to paragraph 75 of the NPPF which seeks to promote healthy communities.
- Driveway and access is the freehold property of Number 92 Common Road and as such, its use is illegal. Conducting business via this right of way infringes the human rights and privacy of this adjoining property's occupiers.
- The proposal is inappropriate in the Green Belt.

Cllr Richard Stay (Ward Councillor

Objection. Wholly inappropriate development in the Green Belt and detrimental impact on the AONB. Allowing this application would extend the existing building line & set an unfortunate precedent.

Further that it would appear to be contrary to the emerging Neighbourhood Plan for Kensworth.

This communication is therefore an objection and a call in, in the event that officers are minded to approve the application.

Consultations/Publicity responses

Highways Officer

The application proposes the change of use of a 5 bay stable block to create 3 offices with an ancillary storage area. No changes are proposed to the existing means of access to the highway and four on-site parking spaces are shown to be retained. A separate cycle store is also shown to be provided close to the building.

The Council's parking standards require 1 space per 25m² for a standalone office in a rural area. The size of the existing stable block is 106m². Therefore the provision of four spaces can be deemed compliant with the Council's parking standards.

The change of use to an office/storage area is likely to give rise to some 18 additional traffic movements to/from the site per day. This equates to 9 arrivals and 9 departures per day with 2 arrivals occurring in the

traditional AM peak and 2 departures in the PM peak.

It is considered that these can be satisfactorily accommodated on the local road network and given that vehicles can enter, turn and leave the site in forward gear, the proposal is unlikely to have any adverse impact, once completed.

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

- 1 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.

Informative recommended as follows :

- 1 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".

Rights of Way Officer

I am happy with the comments of Principal Highways Officer, Dave Ager that the vehicle numbers and type are acceptable from a highway point of view and that the vehicle speeds are likely to be very low along the access track/public footpath. I believe the gate into the premises is set back and the visibility to the right is acceptable. It would be good for both walkers and drivers to be aware of each other, however - especially to the left when exiting the premises and I would suggest a sign or signs may be necessary at the access gate and along the footpath to warn drivers that the access track is a shared use route with a public right of way running over it which requires some degree of caution, particularly as people's dogs may not always be on a lead.

I believe signage could be conditioned such as "no development will take place until any such signage to protect users of the public footpath as may be appropriate is discussed and agreed with the Council's Rights of Way Officer".

Tree and Landscape Officer	No objection subject to a landscaping condition to protect views from the Chiltern Valley.
Public Protection	<p>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.</p> <p>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.</p>
Chilterns Conservation Board	<p>The Board does not wish to comment on the planning application but recommends that the decision-maker takes into account the following:</p> <ul style="list-style-type: none"> • The Chilterns AONB Management Plan • The Chilterns Buildings Design Guide and Supplementary Technical Notes on Chilterns Building Materials (Flint, Brick and Roofing Materials) • The Environmental Guidelines for the Management of Highways in the Chilterns • The Board’s Position Statement on Development Affecting the Setting of the Chilterns AONB

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 however 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 permanent and 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 which carries a presumption against residential conversion 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 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. The Neighbourhood Plan preparation is at such a preliminary stage that it cannot be taken as a material planning consideration.

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 at 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. However, the issues raised by the Parish Council which are not specifically addressed above are considered in detail below and any further representations received will be reported at the meeting.

The Parish council's objections

It is claimed that a total of 24 applications have been made on the application site.

According to the CBC records, 10 applications were received on the application site between 2005 and 2014. The list compiled by the Parish Council includes applications that were processed for other sites close to the application site and linked to the applicant. Furthermore, these applications were determined in accordance with the Council policies and national guidance in force then. The mere number of applications submitted is not on its own a plausible reason to reject an application. If an application is accepted as valid, the Government rules demand that the Local Planning Authority must make a determination

unless the applicant withdraws the application.

Impact on the Green Belt and whether the proposal is infill development

These matters are covered in the relevant sections above. Furthermore, this is not infill development and the applicant is not making that claim.

Development at 100 Common Road

Application reference **SB/07/01034** cited by the Parish Council related to the demolition of an existing bungalow and outbuildings and the erection of two chalet bungalows at number 100 Common Road. This is a different site from the application site and the matters raised then have no relevance to the determination of the current application.

Overdevelopment of an existing site

The only development which stands on the application site is the stable building following the removal of the remains of a barn that was destroyed by a fire. The site is therefore not overdeveloped and in any case, a decision was made to approve the building in its position before the destruction of the barn, reference **CB/10/04292/FULL**.

Highway safety hazard and pedestrian safety

The Highways and Rights of Way officers raise no objections to the application subject to appropriate conditions and an informative. The scheme only requires signage on land within the applicant's control or where such land is owned by the Highway Authority.

Dumping of spurious items on the site

This allegation has been the subject of investigations by the Enforcement team but no evidence has been established to an extent as would make it expedient to take enforcement action. Furthermore, the allegation has no bearing on the determination of the current application.

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 applicant and other 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. (Policy BE8 & NE3 SBLPR and 36, 43, 50 & 58 DSCB).

- 3 The development hereby permitted shall not be open for use 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 further specific written permission from the Local Planning Authority.

Reason: To control the development in the interests of residential amenity. (Policy 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 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 as may be first agreed in writing with the Local Planning Authority.

Reason: To protect the visual amenities of the Green Belt Area of Outstanding Natural Beauty and the open countryside 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 & 58 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 & 58 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 **No development shall commence until details of a scheme of appropriate signage to protect users of the public footpath has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the approved development and thereafter permanently retained as such.**

Reason : To control the development in the interests of pedestrian safety (Policies 24 & 43 DSCB)

- 9 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 applicant/developer is advised that no materials or vehicles associated with the development should be left on or near the Public Footpath so as to cause an obstruction or hazard to its users at any time, including during preparation for the development and during any work carried out.
6. The applicants 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) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted 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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