

## Item No. 11

<b>APPLICATION NUMBER</b>	<b>CB/14/03260/FULL</b>
<b>LOCATION</b>	<b>Land Adj to The Harrow, 80 Woodside Road, Woodside, Luton, LU1 4DQ</b>
<b>PROPOSAL</b>	<b>Erection of 2 semi-detached houses on 'Brownfield site' of redundant car park (Resubmission of CB/14/00173/FULL)</b>
<b>PARISH</b>	<b>Slip End</b>
<b>WARD</b>	<b>Caddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Collins &amp; Stay</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>11 August 2014</b>
<b>EXPIRY DATE</b>	<b>06 October 2014</b>
<b>APPLICANT</b>	<b>Bridgewater Homes Ltd</b>
<b>AGENT</b>	<b>Mr L Butler</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Ward Councillor Kevin Collins for the following reason: The support from the neighbouring properties and photographs of previous residential development on the site suggest that special circumstances on Green Belt have been met.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Refusal</b>

### Summary of Recommendation

The proposed development would constitute inappropriate development within the Green Belt and would have a significant harmful impact upon the openness of the Green Belt. The very special circumstances case submitted by the applicant is not considered to be sufficient to outweigh the harm that would be caused to the Green Belt. The proposed development would also be cramped and out of character with the grain of the village and thus the proposal would have a detrimental impact on the character and visual amenities of Woodside and upon the amenity of the occupiers of Nos. 1 & 2 Whyley Cottages. The proposal would also fail to offer an acceptable level of amenity to future residents of the property due to the restricted size of the bedrooms. The proposal is therefore considered to conflict with the National Planning Policy Framework, policy BE8 of the South Bedfordshire Local Plan Review, policies 36 and 43 of the emerging Development Strategy for Central Bedfordshire and the Design Guide for Central Bedfordshire.

### Site Location:

The application site comprises an area of hard surfaced land which lies on the eastern side of Woodside Road, within the hamlet of Woodside, to the south west of the M1 motorway.

The site was previously used as a car park for the former Harrow public house, which was recently converted into a dwelling. The site has a frontage to Woodside

Road of some 29m and is divided by a definitive right of way: Public Footpath (No. 4 Slip End). To the north of the footpath the site is approximately 15m deep by 7m wide; to the south of the footpath the site is approximately 26m deep by 19m wide. The former public house is located to the north, and ribbon development continues along Woodside Road to the south. At the rear of the site are Nos. 1 & 2 Whyley Cottages. The site is inclined, with the land falling towards the road.

The site has recently been fenced off with 2m high metal fencing, an enforcement notice has been issued for its removal.

The site is washed over by the South Bedfordshire Green Belt.

### **The Application:**

The application seeks planning permission for a pair of semi-detached dwellings with associated gardens, parking, bin storage and cycle storage. The smaller section of the site, to the north of the footpath would provide four parking spaces and a waste storage and collection point to serve both dwellings. The larger section of the site would accommodate the dwellings, garden areas and cycle storage.

The dwellings would each have a kitchen and a lounge/diner on the ground floor and two bedrooms and a bathroom on the first floor. The dwellings would measure 6.6m deep by 5m wide and would have a dual pitched roof with a ridge height of 6.5m.

The dwelling to the north would have a rear garden comprising 56 square metres, the dwelling to the south would have a rear garden comprising 54 square metres.

Between the public footpath and the proposed dwellings, an access way providing vehicular access to the dwellings behind the site would be retained, measuring 2.8m wide.

The application is a resubmission of application no. CB/14/00173/FULL, which was refused planning permission earlier this year for the following two reasons:

1) The site is washed over by the South Bedfordshire Green Belt, where new residential development is considered to be inappropriate and therefore harmful to the Green Belt by definition. The proposed development would also have a detrimental impact on the openness of the Green Belt. The proposal would not constitute infilling as the site is defined as being part of the countryside within policy GB3 of the South Bedfordshire Local Plan Review and policy 4 of the emerging Development Strategy for Central Bedfordshire. No very special circumstances have been established in this case and thus the proposal is contrary to Section 9 of the National Planning Policy Framework and policy 36 of the emerging Development Strategy for Central Bedfordshire.

2) The site is too restricted in size and would appear cramped in relation to adjoining development. In addition, as a result of the site's location in front of Whyley Cottages, the proposal would result in the creation of tandem development that would be out of character with the grain and pattern of surrounding development. The proposal would thus create an unsatisfactory form of development, detrimental

to the visual amenities of the surrounding area and the residential amenities of the occupiers of Whyley Cottages. The proposal is therefore contrary to the principles of good design set out within the National Planning Policy Framework, Policy BE8 of the South Bedfordshire Local Plan Review, Policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

The application differs from the previous application predominantly in that the ridge heights of the dwellings have been reduced by 0.7m and that a case for Very Special Circumstances has been supplied, which will be discussed further below.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (2012)**

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

GB3 Green Belt Villages

BE8 Design Considerations

H2 Making Provision for Housing via 'Fall-in' Sites

H12 Controlling Infilling in Villages

T10 Parking - New Development

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies GB3, BE8, H2 and H12 are still given significant weight. Policy T10 is afforded less weight).*

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 3: Green Belt

Policy 4: Settlement Hierarchy

Policy 5: Neighbourhood Planning

Policy 19: Planning Obligations and the Community Infrastructure Levy

Policy 23: Public Rights of Way

Policy 24: Accessibility and Connectivity

Policy 25: Functioning of the Network

Policy 27: Parking

Policy 36: Development in the Green Belt

Policy 43: High Quality Development

Policy 56: Green Infrastructure

*The draft Development Strategy for Central Bedfordshire is due to be submitted to the Secretary of State in October 2014, but, having regard to the National Planning Policy Framework, limited weight is given to the policies contained within the emerging Development Strategy, which is consistent with the NPPF.)*

#### **Supplementary Planning Guidance**

Central Bedfordshire Design Guide: A Guide for Development (2014)

Design Supplement 5: Residential Development, 2014

Planning Obligations Strategy, October 2009

## Planning History

CB/11/01424/PAPP - Advice given on proposal for the change of use of the Public House to residential and 1 detached dwelling. Advice offered was that there is a presumption against residential development within the Green Belt, particularly new buildings and therefore planning permission is unlikely to be granted.

CB/12/00616/PAPC - Advice given on proposal for the erection of two new detached dwellings. Advice offered was that there is a presumption against residential development within the Green Belt, particularly new buildings and therefore planning permission is unlikely to be granted.

CB/12/00640/FULL - Application withdrawn for the change of use of restaurant on ground floor with 3 beds and bathroom over to 3 bed detached house with garage.

CB/12/02743/FULL - Application refused for alterations and extensions to the Harrow to form 2 new dwellings. Appeal dismissed.

CB/12/04303/FULL - Application granted for change of use of restaurant on ground floor with 3 bedrooms and bathroom over to 1 no. 3 bedroom detached house with garage.

CB/13/03407/FULL - Application granted for the retention of "As Built" alterations and additions.

CB/14/00173/FULL - Application refused for the erection of 2 semi-detached houses.

CB/ENC/14/0340 - Enforcement Notice issued 01/09/2014 to secure the removal of fencing around the land, taking effect on 01 October 2014. No appeal has been received.

## Representations: (Parish & Neighbours)

Slip End Parish Council      The Parish Council support this application, provided:

1. The drive to the cottages at the rear is formalised.
2. Construction materials are kept as per the proposed plans.
3. The construction phase is monitored by CBC's enforcement team to ensure the developer keeps to the approved plans as previously this has not happened.

Neighbours (Nos. 1 & 2  
Whyley Cottages)      Support the application for the following reasons:

- The development would make good use of a barren, purposeless and redundant piece of land;
- The development would provide vehicular access to Whyley Cottages;
- The development would be an asset to the village;
- The roof height of the proposed dwellings would be low enough that there would be no impact on light reaching Whyley Cottages;

- The site previously had two dwellings, which existed as recently as 1961, so there was originally tandem development in this location; the application would merely restore the previous situation.
- The development would increase the variety of available housing within the village.
- Returning the site to its original use would improve property values for Whyley Cottages as the uncertainty is driving values down.

(Inglewood & 95,  
Woodside Road)

Object to the application for the following reasons:

- The development would not enhance the lovely, quiet hamlet;
- The development would handicap the existing quiet atmosphere;
- The revised proposal does not overcome the reasons for refusal.

### **Consultations/Publicity responses**

Highways Officer

The applicant is proposing to construct a pair of semi-detached houses on the car park of the former public house, known as The Harrow.

The units comprise of two, two bedroom properties with off-street parking for two cars per unit.

There is a public footpath adjacent to the proposed units and a 2.8m wide vehicle access to serve the existing rear property. This new vehicle access will require the kerbs to be lowered and the existing redundant vehicle crossing to the frontage of the new properties will need to be closed and the footway reinstated. This work must be carried out by Bedfordshire Highways at the applicant's expense. I shall impose a condition to secure its provision. There is also a footpath 'finger post' type sign which will also require repositioning. The Rights of Way section are aware of this and will be considering an alternative location for the sign.

I would advise that there shall be no physical barrier between the public footpath and the access to the rear of the proposed development.

The applicant has indicated pedestrian intervisibility splays for the new vehicle access which is fine, however the existing access to the south west of the development, will also require a pedestrian splay across the corner of the front boundary of the adjacent proposed unit (see attached plan).

Driver / driver intervisibility shall be provided and maintained at the new and existing vehicle access. To secure this splay I would recommend that a 2.4m wide margin is kept clear from all obstruction, measured in to the site from the face of the nearside kerb line of the main carriageway (see attached plan).

The bin store area shown on the applicants drawing may not be practical for the south western plot. Perhaps the storage area can be within the curtilage to the rear of the property, with the collection point to the side of the property, towards the frontage (see attached plan).

I would not wish to raise any highway objection to the application subject to the following conditions.

1. Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.

#### Reason

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

2. Before the accesses are first brought into use, a triangular vision splay shall be provided on each side of the accesses and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

#### Reason

To provide adequate visibility between the existing highway and the vehicular accesses and to make the accesses safe and convenient for the traffic which is likely to use them.

3. Before the access is brought into use an area of land across the whole of the site frontage measuring at least 2.4m from and parallel to the nearside edge of the adjacent road carriageway shall be provided and thereafter be kept free of all obstruction to visibility.

Reason

To provide adequate visibility between the existing highway and the vehicular accesses and to make the accesses safe and convenient for the traffic which is likely to use them.

4. The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a minimum distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason

To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of the highway.

5. Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved 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.

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

Reason

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

7. No development shall commence until details of the method statement of preventing site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be

implemented throughout the construction works and until the completion of the development.

Reason

In the interests of highway safety and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

8. Details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling.

Reason

To avoid the long term storage of refuse containers on the highway so as to safeguard the interest of highway safety.

9. Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason

To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

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

Reason

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

Furthermore, I should be grateful if you would arrange for the following Notes to the applicant to be appended to any Consent issued by the council :

- i. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the



applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 1. Upon formal approval of details, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

To fully discharge condition 1, the applicant must provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction in accordance with the approved plan, before the development is brought into use.

- ii. 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 Street Works Co-ordinator, Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8049.
- iii. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
- iv. The applicant is advised that the closure of existing access shall include the reinstatement of the highway to include any footway, verge and kerbing and no works associated with the closure of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local

Planning Authority for details of the closure of the redundant access in accordance with condition 5. Upon formal approval of details, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. To fully discharge condition 5 the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction works in accordance with the approved plan, before the development is brought into use. The applicant will also be expected to bear all costs involved in closing the access.

The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Council's "Cycle Parking Guidance - July 2010".

Rights of Way Officer  
(Initial comments)

Public Footpath no. 4, Slip End must remain the full existing width as marked by concrete kerb edging on site. It is not clear from the submitted plans whether there will be any physical boundary between the Public Footpath and the access left for the rear property to the side of it, or the other side where the proposed parking is shown. Although an open aspect is preferred, it is not clear how the applicant intends to stop people driving down or parking on the Public Footpath. This may be particularly relevant if larger vehicles use the proposed access for the rear property which is only proposed as 2.8 metres wide. Additionally, it is not clear where the applicant intends the existing Public Footpath signpost to be sited. It is currently on the right hand side (see photo attached). This could be an obstruction within the vision splay and may be hit by vehicles?

Finally, I believe all archaeological trenching work is complete but if further work is required, this should not in any way affect the public footpath or its use or I should be sent further details before any work is carried out.

I note that Highways did refer to the Public Footpath signpost in their original response to CB/14/00173/FULL but for clarification, it would be up to the applicant/agent to tell me where they intend the signpost to be relocated rather than for me to resolve this issue. The Public Footpath must be signed where it leaves the metalled road as required by Section 27 of the Countryside Act 1968. It must be in a position where it is clearly visible to

walkers and somewhere it is not at danger of being hit by passing vehicles.

Rights of Way Officer  
(Further comments)

The additional information submitted all seems acceptable to me from the public footpath point of view.

The relocation of the Public Footpath signpost to the other side of the path is fine as long as John does not feel it will impact on visibility or access for vehicles. I would prefer it to stay on the Harrow side of the road – one side of the path or the other. The provision of a raised table is fine; the Walking and Cycling Officer quite likes them as they provide a clear indication to pedestrians where they can cross the road and slows traffic.

I welcome the comment from the agent clarifying that no boundary fencing will be erected alongside the Public Footpath on either side. My preference in the first instance is for it to remain completely open with bollards being installed if there becomes an issue in the future with regard to parking or driving down the footpath. Obviously the driveway for the rear property to the right and new dwelling parking to the left of the footpath should be of adequate width to mean that there would be no need for anyone to park or drive down any part of the footpath width.

## **Determining Issues**

The main considerations of the application are;

- 1. Principle of Development and Green Belt Implications**
- 2. Design Considerations**
- 3. Amenity Considerations**
- 4. Parking, Highway Safety and Rights-of-Way**
- 5. Other Issues**

## **Considerations**

### **1. Principle of Development and Green Belt Implications**

The application site is located within the South Bedfordshire Green Belt within the hamlet of Woodside, within the parish of Slip End. Woodside is separated from the village of Slip End to the south by open fields. Woodside is not listed within either Policy GB3: Green Belt Villages of the South Bedfordshire Local Plan or Policy 4: Settlement Hierarchy of the Development Strategy for Central Bedfordshire. The preamble to Policy 4 states that settlements not identified within the hierarchy are considered to be part of the countryside due to their small scale and rural nature.

Slip End is identified within these policies as being inset from the Green Belt, however, the application site is located a significant distance outside the inset boundaries of Slip End.

The application site is therefore washed over by the Green Belt and is considered to be part of the countryside. Neither Policy H2 nor H12 of the South Bedfordshire Local Plan Review, which apply to fall-in sites and controlling infilling in villages respectively, can be applied to this application as these policies specifically exclude sites that are washed over by the Green Belt.

The principle of the development therefore must be considered against Section 9 of the National Planning Policy Framework (NPPF) and Policy 36 of the Development Strategy for Central Bedfordshire, which is considered to be in accordance with Section 9 of the NPPF. Section 9 states that the construction of new buildings within the Green Belt should be considered as inappropriate development, excluding certain limited exceptions. Among these listed exceptions are the following:

- 1) limited infilling in villages; and
- 2) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), 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.

Development which is inappropriate is, by definition, harmful to the Green Belt. Section 9 of the NPPF states that planning permission should not be granted for inappropriate development within the Green Belt unless there are 'very special circumstances' which exist and would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

In this case it is not considered that the proposal can constitute limited infilling of villages because, as a result of its small scale and rural character, Woodside is not considered to be a village in terms of the Settlement Hierarchy, but part of the open countryside. It is also noted that villages that are washed over by the Green Belt do not have a defined village envelope and therefore it cannot be stated that the site is located within the village envelope. Both Policy GB3 and 4 set out those villages within the South Bedfordshire Green Belt where infilling will be permitted and Woodside is not included within these lists. It is therefore judged that the proposal cannot be considered to represent "infilling within villages".

It is accepted that the site previously held two dwellings and therefore constitutes brownfield land. However, there is little evidence as to exactly when the building was demolished, it has certainly disappeared from the Ordnance Survey maps by 1971; the site has therefore been open for at least 40 years and in recent years has been used until recently for car parking for the adjoining Harrow Public House. The test must therefore be whether or not the proposal would have a greater impact on the openness of the Green Belt than the existing development.

It is considered that the erection of buildings in this location would have a significantly greater impact on the openness of the Green Belt than the use of the site for car parking and therefore the redevelopment of this site would not fall within the categories of permissible 'exceptions' and would constitute inappropriate development within the Green Belt.

Relevant to this application is the recent Appeal decision for application reference no. CB/12/02743/FULL. This application sought to extend the Harrow public house into the northern part of the current application site and to convert the extended building into a pair of semi-detached dwellings. It is noted that the Inspector considered that the proposed development would result in a material increase in the footprint of built development, which would materially erode the openness of Green Belt and have a significantly greater impact than the existing building. No very special circumstances were submitted and the Inspector concluded that substantial weight should be given to the harm that would have been caused by the proposal to the Green Belt. The Appeal was consequently dismissed.

The applicant has submitted that, in this case, Very Special Circumstances exist which outweigh the harm that would be caused to the Green Belt in terms of inappropriateness and loss of openness. These are as follows:

- 1) The site is a redundant brownfield site.
- 2) The site is clustered to both sides, to the rear and across the road by residential dwellings.
- 3) The development is supported by the majority of people living near the development.
- 4) The applicant is prepared to contribute £10,000 towards the creation of a raised crossing of the Woodside Road, linking the two sections of the public footpath that adjoins the site. The crossing would provide an element of traffic calming and would also form part of a "heritage greenway" which has been identified within the emerging Caddington & Slip End Neighbourhood Plan.

The first point has been addressed above. In reference to the second point, the existence of other dwellings within the vicinity does not alter the fact that the development would have a significant impact on openness through the introduction of built form upon the site. It is therefore considered that neither of these points can contribute to a Very Special Circumstances case. It should be noted that the Inspector for the earlier appeal, also concluded against these points.

The third point indicates that there is a strong degree of support for the proposal. It is noted that the application is supported by Slip End Parish Council, however, direct consultation and the posting of a site notice received only four responses, two in favour of the development and two against. Moreover, it is considered that, on its own, the level of local support an application has is not sufficient to outweigh the harm that would be caused to the Green Belt by development.

The proposal for a heritage greenway would comprise a route from the southern tip of Slip End to the northern tip of Caddington, which will include the upgrade of existing footpaths to encourage sustainable methods of transport such as walking, cycling and horse riding. The existing public footpath adjacent to the site is part of this route and the section immediately across the road is expected to be one of the first to be upgraded. The viability report that has been prepared for the proposed heritage greenway proposes that the provision of the crossing of Woodside Road should be the second highest priority .

It is noted that there is an issue with the alignment of the crossing with the footpath. A representative from Amey has indicated that a simple table crossing would cost in the region of £10,000. However, it will not be possible to provide a simple table crossing to align with the footpath desire line due to a number of adjacent accesses to private properties. There are therefore two options: 1) to provide a crossing away from the desire line of the footpath or 2) to raise a much larger section of Woodside Road incorporating the various accesses. The anticipated costing for this is between £20,000 - £30,000.

Paragraph 88 of the National Planning Policy Framework states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It goes on to say that 'Very Special 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.

The Caddington & Slip End Neighbourhood Plan is at an early stage of preparation, and as yet the draft plan is not complete and formal pre-submission consultation has not been carried out. Due to the early stage of the Neighbourhood Plan, no weight can be given to the aspirations that can be found within it. Therefore the level of weight that can be given to the public benefit that would result from the provision of a crossing to Woodside Road is extremely limited, particularly considering that the proposed contribution would not be sufficient to provide the crossing on the appropriate desire line.

Given the substantial weight that must be given to potential harm to the Green Belt, it is not considered that the proposed public benefit of the provision of £10,000 for the crossover of Woodside Road is sufficient to outweigh the harm that would be caused to the Green Belt both by reason of inappropriateness and loss of openness. The applicant has thus failed to demonstrate that Very Special Circumstances exist in this case. It is therefore considered that the proposed development would conflict with Section 9 of the NPPF and policy 36 of the emerging Development Strategy for Central Bedfordshire and significant weight should be given to this harm.

Attention should be drawn to the planning history of the site. Pre-application advice was initially sought in 2011 and again in 2012 in regards to the application site and the adjoining Harrow public house, which at that time formed one complete site. Advice given at the time was that the whole site should be considered comprehensively and that the erection of new buildings on the site would not be acceptable as it would be contrary to Green Belt policy. As noted above, this approach was supported by the Inspector when determining the Appeal for application no. CB/12/02743/FULL.

## **2. Design Considerations**

Policy BE8 of the South Bedfordshire Local Plan Review sets out the certain requirements in terms of the design of new development and their impact upon the character and appearance of the surrounding area. Among other things, development proposals should ensure that:

- proposals take full account of the need for opportunities to enhance or reinforce the character and local distinctiveness of the area; and
- the size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views; and
- the setting of any development should be carefully considered, whether in the countryside or built-up area. Attention should be paid to its impact on public views into, over and out of the site. Those views should not be harmed and opportunities should be taken to enhance them or open up new views.

In terms of appearance and materials it is considered that the proposed new dwellings would respond well to their setting and would complement other dwellings within the immediate vicinity. The scale and height of the dwellings would also be respectful of surrounding development and the dwellings would continue the building line of the dwellings to the north and south along Woodside Road.

However, in relation to the pattern of development and the grain of the area, it is considered that the proposed development would be out of character. The gardens would be cramped, barely meeting the minimum garden size permitted for family houses and the front gardens would be extremely small.

Furthermore, there are two dwellings located behind the site, Nos. 1 & 2 Whyley Cottages, and the introduction of dwellings in front of these cottages would relegate them to backland status. These dwellings would be almost completely obscured from view from the streetscene and the cramped rear gardens of the new dwellings would further give the impression of tandem development of a very different character to the surrounding ribbon development.

Again, it is considered that the Appeal for application reference no. CB/12/02743/FULL is relevant to this application. The Inspector stated, in paragraph 10, that it was important to maintain a sense of openness and space for Whyley Cottages. This is considered to add weight to the judgement that the development would have an unacceptable impact on the visual amenities of the local surroundings.

The Inspector also made it clear that views from the public footpath that runs through the site must be considered. The Inspector felt that a two storey building in close proximity to the footpath would appear unduly dominant to walkers when emerging from the footpath to the east of the site. It is considered that the proposed dwellings, though located on the other side of the footpath than the previous proposal, would have a similar, unacceptable impact on views from the footpath, increasing the level of harm that would result from the development.

Overall it is considered that the proposal would fail to reinforce the character of the area and to complement and harmonise with the local surroundings, particularly in terms of the grain of the area. Public views through the site of No. 1 & 2 Whyley Cottages would be damaged by the introduction of development in

front of these cottages and there would be harmful impact on views from the public footpath. It is therefore considered that the proposal fails to accord with policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire.

### **3. Amenity Considerations**

The proposed dwellings would be located in front of Nos. 1 & 2 Whyley Cottages, with a separation distance of approximately 19m between the front elevation of Nos. 1 & 2 Whyley Cottages and the rear elevation of the proposed dwellings and thus there would be no overshadowing of Whyley Cottages. However, there would be a detrimental alteration to the outlook of Whyley Cottages, who will look over the rear fence, garden and elevation of the new dwellings rather than the streetscene, and it is considered that this would create an unacceptable sense of enclosure. The Inspector's comments, as reported in the previous section regarding Whyley Cottages, contribute to the weight that should be given to this consideration. Although it is noted that letters of support have been received from Nos. 1 & 2 Whyley Cottages, it is considered that the proposed development would still give rise to an unacceptable impact on the owners of these properties.

The Council's Design Supplement 5: New Residential Development advocates a separation distance of 21m to prevent interlooking and a loss of privacy. Taken in isolation, it is considered that, on balance, a 19m separation distance would be sufficient to prevent an unacceptable degree of interlooking and loss of privacy, however, in the context of the scheme it is considered to be symptomatic of the overly cramped nature of the scheme and to add to the detrimental impact that would take place for the residents of Whyley Cottages.

Also symptomatic of the cramped nature of the development is that the proposed development would not meet the Council's minimum internal space standards, as set out in Design Supplement 5. The gross internal floor area of each house, at 54 square metres, is well below the 71 square metres suggested by the Design Supplement. Furthermore, the bedrooms are also well below the essential minimum standards, with the double bedrooms having an internal floor area of 8.6 square metres instead of the minimum 12 square metres set out within the Design Supplement, while the single bedrooms would have an internal floor area of 5.8 square metres instead of the required 8 square metres. It is therefore considered that the proposal would not offer future residents of the development an acceptable degree of amenity.

To conclude, the proposal would not have a detrimental impact on the dwellings to the north and south of the site, however, it is considered that the impact of the proposal on the amenity of occupiers of Whyley Cottages would be unacceptable. It is also considered that the proposal would not offer an acceptable degree of amenity to future residents of the property as a result of the substandard bedroom sizes. The proposal is therefore considered to conflict with policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire.

### **4. Parking and Highway Safety and Impact on the Right-of-Way**

The comments of the Highways Officer have been noted and it is considered



that, subject to the imposition of appropriate conditions, the development would not have a detrimental impact upon highway safety.

Following the receipt of the initial comments from the Rights-of-Way Officer, the agent has confirmed that there would be no physical boundary between the public footpath and the access to Whyley Cottages, however bollards can be used to prevent vehicles using the access from encroaching on the Public Footpath. This has been agreed by the Rights-of-Way Officer and could be controlled by condition, should the application be approved, as could the exact positioning of the relocated Public Footpath sign.

## **5. Other Issues**

In addition to the offered contribution of £10,000 towards the proposed crossover, the applicant has submitted a Unilateral Undertaking offering a level of contributions in line with the Council's Planning Obligations Strategy.

### **Human Rights issues**

The proposal raises no Human Rights issues.

### **Equality Act 2010**

The proposal raises no issues under the Equality Act 2010.

## **Recommendation**

That Planning Permission be REFUSED for the following:

## **RECOMMENDED REASONS**

- 1 The site is washed over by the South Bedfordshire Green Belt, where new residential development is considered to be inappropriate and therefore harmful to the Green Belt by definition. The proposed development would also have a detrimental impact on the openness of the Green Belt. The proposal would not constitute infilling as the site is defined as being part of the countryside within policy GB3 of the South Bedfordshire Local Plan Review and policy 4 of the emerging Development Strategy for Central Bedfordshire. The very special circumstances case that has been submitted is not considered to be sufficient to outweigh the harm that would be caused to the Green Belt by reason of inappropriateness and harm to openness. The proposal is thus contrary to Section 9 of the National Planning Policy Framework and policy 36 of the emerging Development Strategy for Central Bedfordshire.
- 2 The site is too restricted in size and would appear cramped in relation to adjoining development. In addition, as a result of the site's location in front of Whyley Cottages, the proposal would result in the creation of tandem development that would be out of character with the grain and pattern of surrounding development. The proposal would thus create an unsatisfactory form of development, detrimental to the visual amenities of the surrounding area and the residential amenities of the occupiers of Whyley Cottages. The proposal is therefore contrary to the principles of good design set out within the National Planning Policy Framework, Policy BE8 of the South Bedfordshire Local Plan Review, Policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

- 3 The proposed development would fail to conform with the Council's recommended gross internal floor area standards and minimum bedroom standards as set out in the Council's Design Supplement 5: New Residential Development and would therefore fail to offer an acceptable level of amenity to future occupiers of the proposed development. The proposal is therefore contrary to the principles of good design set out within the National Planning Policy Framework, Policy BE8 of the South Bedfordshire Local Plan Review, Policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

**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 refusal for this proposal for the clear reasons set out in this report. In the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore complied 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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