

## **Item No. 16**

<b>APPLICATION NUMBER</b>	<b>CB/15/03143/OUT</b>
<b>LOCATION</b>	<b>Brook Side, Watling Street, Hockliffe, Leighton Buzzard, LU7 9NF</b>
<b>PROPOSAL</b>	<b>Outline application for the construction of 5 detached houses with access road.</b>
<b>PARISH</b>	<b>Hockliffe</b>
<b>WARD</b>	<b>Heath &amp; Reach</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Versallion</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>20 August 2015</b>
<b>EXPIRY DATE</b>	<b>15 October 2015</b>
<b>APPLICANT</b>	<b>Glenside Landscape &amp; Construction</b>
<b>AGENT</b>	<b>Project Design Studio Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Mark Versallion for the reason that the site is a brownfield site and such the proposed development could be approved.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Recommended for Refusal</b>

### **Reasons for Recommendation**

The proposed development would be, because of its scale, materially more harmful to the openness of the Green Belt than the existing use and as such would constitute inappropriate development in the Green Belt which, by definition is harmful thus conflicting with Policies SD1 of the South Bedfordshire Local Plan Review and 36 of the emerging Development Strategy for Central Bedfordshire. The very special circumstances case submitted by the applicant is not sufficient to justify setting aside well established Green Belt policy in this instance and the Council attaches significant weight to the harm caused to the Green Belt by reason of inappropriateness and loss of openness. Furthermore, the site has the potential to contain archaeological remains relating to the Iron Age, Roman and Saxon settlement and the application is not accompanied by the results of a field archaeological evaluation to enable the full impact of the development on archaeological remains to be assessed. The proposed development would therefore likely cause irreversible harm to the remains contained on the site and thus conflicting with Policies 43 and 45 of the emerging Development Strategy for Central Bedfordshire and national advice within the National Planning Policy Framework.

### **Site Location:**

The application site is located within the Green Belt just outside the village core of Hockliffe and outside the Conservation Area. The existing development on the site consists of a single storey workshop building measuring approximately 16 metres deep, 9.5 metres wide and 6 metres high (152 sqm footprint) and an area of tarmac/gravel and hardstanding extending for about 50 metres to the south east of the workshop building currently used for open storage of containers and mobile

trailers. The building is set on a roughly 'L'-shaped yard measuring approximately 0.56 hectare and accessed directly from the A5 Trunk Road on its northern boundary. Overhead electricity lines run across the site splitting it roughly in the middle in a south west - north east direction. The south eastern boundary of the site is defined by a stream beyond which is open countryside and houses on Augustus Road. The southern boundary of the site is defined by intermittent hedgerow which rises to approximately 5 metres in height beyond which is an agricultural field. The western boundary of the site is defined by a hedgerow measuring approximately 4.5 metres high abutting an agricultural field and a public footpath. To the north east of the site is a water pumping station and to the north of it are two Grade II Listed buildings, Brook Side and Brook House.

### **The Application:**

seeks Outline planning permission for the erection of five dwellings and associated garages and parking spaces and the formation of a new access off the A5 Trunk Road. Approval is sought for Access, Layout and Scale with Landscaping and Appearance being reserved for later consideration.

#### Scale

The proposal is for the erection of 5 dwellings with associated garages and parking spaces.

#### Layout

The dwellings would be laid out around a central courtyard which would incorporate a vehicular turning area.

#### Access

A new 4.8 metre wide access would be created off the A5 Trunk Road which would also serve the water pumping station. Two footpaths would be provided on either side of the access each measuring 1.8 metres wide. The existing track would be retained to provide access to the Old Village Hall garage.

The application is supported by the following documents :

- Design and Access Statement
- Transport Statement
- Preliminary Environmental Risk Assessment/ Phase 1 Desk Study
- Flood Risk Assessment
- Certificate of Lawfulness confirming use of the site as a civil engineering contractors depot
- Previous pre-application advice for residential development
- Tree Survey and Assessment Report

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (27 March 2012)**

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents PPS's and PPGs. The following sections are considered directly relevant :

Section 1 : Building a strong, competitive economy  
Section 6 : Delivering a wide choice of high quality homes  
Section 7 : Requiring good design  
Section 9 : Protecting Green Belt land  
Section 11 : Conserving and enhancing the historic environment

### **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 except policy T10.

BE8 Design Considerations  
E2 Development: Outside Employment Areas  
T10 Parking - New Development  
SD1 Sustainability Keynote

### **Emerging Development Strategy for Central Bedfordshire 2014**

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspector's findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

Policy 1 : Presumption in Favour of Sustainable Development  
Policy 2 : Growth Strategy  
Policy 6 : Employment Land  
Policy 7 : Employment Sites and Uses  
Policy 8 : Change of use  
Policy 19: Planning Obligations and Community Infrastructure Levy  
Policy 23 : Public Rights of Way  
Policy 24 : Accessibility and Connectivity  
Policy 27 : Car Parking  
Policy 34 : Affordable Housing  
Policy 36 : Green Belt  
Policy 43: High Quality Development  
Policy 45: The Historic Environment  
Policy 50: Development in the Countryside

Policy 59 : Woodlands, Trees and Hedgerows

### **Supplementary Planning Guidance**

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

### **Relevant Planning History:**

- |               |   |
|---------------|---|
| 15/01139/OUT  | Withdrawn. Outline Application for the construction 5 detached houses with access road.               |
| 13/00442/LDCE | Granted. Lawful Development Certificate for use of the site as a civil engineering contractors depot. |

### **Consultees:**

- |                            |   |
|----------------------------|---|
| Parish Council             | To be reported at the meeting.  |
| Highways Officer           | This application site fronts/takes access from the A5 which is a Trunk Road and falls under the jurisdiction of the Highways England.   |
| Tree and Landscape Officer | <p>I have examined the plans and documents associated with this application, including the "Arboricultural Report" and the "Tree Survey" drawing, as prepared by John Wright Arboriculturist, both dated March 2015.</p> <p>The "Proposed Site Layout" plan (Dwg No. 1313-L4L) recognises the tree survey and findings of the "Arboricultural Report", but there is a lack of any Arboricultural Impact Assessment or Tree Constraints Plan showing the Root Protection Area radius circles, (which is not actually shown on the tree survey drawing) and any clear indication as to which trees are to be removed. However, it is accepted that 3 Category C (low quality) trees T1 to T3 will be removed to accommodate this development layout, but there is no objection to this.</p> <p>It is important that tree removal and tree retention are clearly shown on approved plans before development commences, and the site plans should be more clear in this respect. If this aspect of the application can be undertaken, then the following conditions are recommended, if you are minded to grant consent to this application:-</p> <p>Tree Protection Plan</p> <p>Prior to development a Tree Protection Plan shall be submitted to the Local Planning Authority for approval, clearly indicating the retention of all Category A and B trees, and showing the position and build specification of protective barrier fencing based on the Root Protection Area radius measurements, as shown in the</p> |

"Arboricultural Report" prepared by John Wright Arboriculturist. The barrier fencing shall comply with the requirements of BS 5837 : 2012 "Trees in relation to design, demolition and construction", and the approved plan shall be fully implemented before all development activity, including demolition, and the fencing shall remain securely in place throughout the course of development.

#### REASON

To ensure the satisfactory protection of retained trees in the interests of maintaining visual amenity and screening.

#### Landscape Planting Scheme

Prior to the completion of development, a landscape planting scheme shall be submitted to the Local Planning Authority for approval, clearly showing the species, planting density, planting sizes and planting specification of trees, shrubs and hedging. The approved scheme shall be fully implemented during the first planting season following completion of development, and shall be maintained for a period of 5 years until satisfactorily established, with any losses replaced in accordance with the approved scheme.

#### REASON

To ensure a satisfactory standard of landscape planting, aftercare and establishment, so as to improve the visual amenity and screening of the development.

#### Public Protection

Due to the past commercial uses of the site, it is recommended that conditions are attached to deal with any potential contamination on the site. These are set out below.

**Conditions Required:** Without prejudice to any decision you shall make should you be mindful to grant permission against the recommendations of Public Protection I ask that the following conditions are inserted on any permission granted.

#### Condition "1"

No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

A Phase 2 intrusive investigation report as recommended by the previously submitted January 2015 TSL Phase 1 Report, along with a Remediation Method Statement should the Phase 2 discover the need for remediation.

#### Condition "2"

No occupation of any permitted building shall take place

until the following has been submitted to and approved in writing by the Local Planning Authority:

The effectiveness of remediation implemented by any Remediation Method Statement shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs and depth measurements). Any unexpected contamination discovered during works should be brought to the Attention of the Planning Authority.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to. The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also be adhered to.

There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health and the environment.

Sustainable Drainage  
Engineer

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant is required to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the development and surrounding area, this should be met in order to discharge the conditions recommended below.

We therefore consider that outline planning permission could be granted to the proposed development and the final design, sizing and maintenance of the surface water system agreed at the detailed design stage; subject to an appropriate Surface Water Drainage Strategy and finalised Maintenance and Management Plan being provided. Conditions have been recommended below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

## **REASON FOR POSITION AND ADVICE TO LAP AND APPLICANT**

We understand that the proposal is to discharge surface water to the watercourse adjacent to the site: *'...The geology is described as 'lime rich loamy and clayey soils' and goes on to state that drainage is impeded. Therefore soakaways are not expected to be a suitable means of surface water disposal for the development. The new development will therefore drain to Clipstone Brook using a conventional surface water drainage system'* (para 9.2 of the submitted FRA, 6th May 2015 Revision B).

This watercourse is situated within the Internal Drainage Board's (IDB) district and any connection will be subject to the IDBs approval and local byelaws. No correspondence with the IDB has been provided.

Confirmation must therefore be demonstrated from the IDB and provided to the Local Planning Authority prior to any development taking place on site, that the proposed minimum standards of operation are appropriate, and that clear arrangements are in place for the ongoing maintenance and operation requirements of the drainage system over the lifetime of the development.

We also ask that the statement made in para 9.4 of the submitted FRA (6th May 2015 Revision B) be considered in detail with the IDB and that the appropriate mitigation will be in place to deliver this statement : *'When the site is developed, run-off from adjacent land should be monitored to see if this poses a flood risk to the development. If there is a significant problem, land drainage should be installed along the site boundaries to intercept the run-off and divert it away from the development'*.

The detail to be provided will also demonstrate compliance with the 'Non-statutory technical standards for sustainable drainage system' for the design, maintenance and operation of sustainable drainage systems (Ref : PB14308):

- That the peak runoff rate from the development to the receiving surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event (+30% for Climate Change) will not exceed the peak greenfield runoff rate for the same event.
- That the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year (+30% for climate change), 6 hour rainfall event will not exceed the greenfield runoff volume for the same event.
- That the drainage system has been designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event.

- That the drainage system has been designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur during a 1 in 100 year rainfall event in any part of: a building (including a basement); or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- That the design of the site will ensure that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.
- That components of the drainage system have been designed to ensure structural integrity of the drainage system and any adjacent structures or infrastructure under anticipated loading conditions over the design life of the development taking into account the requirement for reasonable levels of maintenance.
- That the materials, including products, components, fittings or naturally occurring materials, specified by the designer are of a suitable nature and quality for their intended use.
- That pumping will only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity.
- That the mode of construction of any communication with an existing sewer or drainage system is such that the making of the communication is not prejudicial to the structural integrity and functionality of the sewerage or drainage system.
- That damage to the drainage system, resulting from associated construction activities, will be minimised and rectified before the drainage system is considered to be completed.

## **RECOMMENDED CONDITIONS**

### **Condition (1)**

No development shall take place until a scheme detailing the design, construction and associated management and maintenance for the proposed surface water drainage system, based on sustainable principles, a site-specific percolation test and correspondence from the Internal Drainage Board, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme and maintenance plan, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.



**Reason (1)**

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to others downstream of the site.

**Condition (2)**

No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority that the approved scheme has been checked by them and has been correctly and fully installed as per the approved details. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

**Reason (2)**

To ensure that the construction of the surface water drainage system is in line with what has been approved and will continue to operate and function as designed for the lifetime of the proposed development.

Conservation Officer

(Reason for Consultation: development potentially affecting the immediate setting of a Grade II listed building). Providing that as much of the existing boundary hedgerow around the proposed site entrance is retained, and the new site entrance is given an appropriate 'green'/soft landscaping enclosure treatment, and is maintained as such thereafter, I am comfortable that the proposed development would not impact negatively upon the setting of the adjacent listed building (Brook House and Brook Side). In raising no direct objection, I would note, however, that any further site access provision, as proposed, which breaches traditional village boundary treatments (walls and hedges) along the A5, inevitably further erodes the traditional (historic) character of the village.

Archaeologist

The proposed development is located within a late medieval roadside settlement (HER 16877) and beside Watling Street (HER 5508) one of the major arterial roads of Roman Britain. These are heritage assets with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*. The site is also within the setting of the Church Farm Moat (HER 10) to the east, this is a Scheduled Monument (Heritage List Number 1012915) a designated heritage asset of the highest significance (*NPPF* paragraph 132). The setting of designated heritage assets form part of the significance of the asset, development within the setting can have an impact on the setting and, therefore, on the significance of the heritage asset.

Settlement at Hockliffe is first recorded in a will of 1015 AD and again in the Domesday Survey of 1086 when it

appears to have been a substantial settlement with an estimated population of 120 (Coleman 1983). This suggests that the origins of the settlement are in at least the late Saxon period. The original core of the settlement (HER 11639) was on the ridge to the west of Watling Street around the parish church of St Nicholas (HER 5386).

There are extensive earthwork remains of the medieval settlement around Church End (11639) as well as of ridge and furrow earthworks (HER 3279), part of the medieval open field system of Hockliffe. During the later medieval the settlement focus shifted gradually from Church End to the present village along the line of Watling Street (HER 16877). The earliest recorded occupation dates to the 13th century (Coleman 1983) and as traffic movements increased along Watling Street reflecting expanding trade between London and Wales and the north in the late medieval and early post-medieval periods the settlement along the road expanded to service that traffic. Watling Street, the present A5, was one of the major routes of Roman Britain. The road crosses the Clipstone Brook immediately to the south of the proposed development site and it is likely that some form of activity developed around any crossing point. There are a number of finds of Roman material from the surrounding area (e.g. HERs 15799 and 19444).

The proposed development site has the potential to contain archaeological remains relating to the Saxon, medieval and post-medieval settlement of Hockliffe and Roman occupation and activity associated with Watling Street. It is also within the setting of Church Farm Moat designated heritage asset, development of the site could have an impact on that setting. The use of the site as an engineering workshop and yard may have had some impact upon the surviving archaeological resource. However, recent research elsewhere in Bedfordshire has demonstrated that while such remains may have suffered some truncation, they are likely to survive beneath and between the existing structures. Paragraph 128 of the *NPPF* states the following regarding applications that have the potential to affect heritage assets:

*"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which*

*development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."*

The scale of the proposals mean that they will have a negative and irreversible impact on any surviving archaeological remains present at the site and could affect the setting of a designated heritage asset. This application does not include a description of the significance of the heritage assets, both designated and non-designated that will be affected by this application. The applicant should be asked to prepare and submit a **Heritage Statement** which comprises the results of an archaeological trial trench evaluation (of the available parts of the site). The results of the trial trench evaluation should then be used together with any technical details on the construction methods to be employed, to demonstrate the level of impact the proposed development will have on any surviving archaeological remains at the site. The **Heritage Statement** must also include a consideration of the setting of Church Farm Moat Scheduled Monument and the impact of the proposal on that setting. This must take into account paragraphs 132-134 of the *NPPF* and the guidance in *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (English Heritage 2015); in particular it should follow the staged approach to assessing impact.

In their comments on an earlier planning application for the development of this site (CB/15/01139/OUT) the Archaeology Team identified the site's archaeological potential and the requirement for a **Heritage Statement** including the results of an archaeological field evaluation. This application does not include a **Heritage Statement** and I am not aware that an archaeological field evaluation has been undertaken at the site. This application should not be determined until a **Heritage Statement** has been submitted. In order for there to be sufficient time to prepare the **Heritage Statement** it may be appropriate for the application to be withdrawn and resubmitted when it is available.

Environment Agency

No objection.

Internal Drainage Board

The Board acknowledge that there has been a reduction in the impermeable area of the site. However, if the applicant intends to discharge storm water using a newly constructed outfall structure, the Board's consent would be required and the application may be subject to a general development contribution.

The Board would also require further details of the piped culvert underneath the proposed access road. The FRA identified that overland flows are drained into Clipstone Brook. However, the quantity of overland flows generated remains unclear.

## Ecology

The site lies adjacent to the Clipstone Brook CWS and within the Greensand Ridge Nature Improvement Area. I note from the layout that the dwellings will be to the north of the powerlines away from the brook which is welcomed. However as no ecological survey accompanies the application it is difficult to determine potential impacts development would have on the site. Looking at the photos submitted with the Environmental Risk Assessment it is apparent that there are a number of piles of rubble, gravel and logs which could potentially be of value for amphibians or reptiles so the removal of these should be done with care. The NPPF calls for development to deliver a net gain for biodiversity therefore to ensure the development does not result in a detrimental impact on biodiversity I would like to condition an ecological assessment of the site undertaken which would inform a mitigation and enhancement strategy for the site. Within this I would expect to see the inclusion of integrated bat and bird bricks, appropriate SuDS, enhancement of the river corridor including the provision of hibernacula and flower/ nectar rich planting.

## Highways England

Numerous pre-application discussions have been carried out with the applicant and his transport consultant regarding the impact of the proposed access point on the A5 Trunk Road. This is also mentioned in the Transport Statement submitted with the planning application. Please be aware that a Road Safety Audit Stage 1 (RSA1) has been carried out to understand if there are any safety issues resulting from the introduction of the new junction. Highway England 's letter confirming that Drawing No. 09065/102 is acceptable in terms of access arrangements onto the A5 is attached to this response. However, please note that the detailed design is not yet complete. The applicant would also need to carry out works on the A5 and as such, a section 278 Agreement would be required to enable those works to be carried out.

Appropriate conditions are therefore recommended as follows :

- No development within the application area shall be undertaken prior to suitable access arrangements as

set out in drawing number 09065/102 being completed to the satisfaction of Highways England.

- No development within the application area shall be undertaken prior to the agreement of a suitable construction management plan with both the Local Planning Authority and the Highways England.

Reasons for the conditions :

To ensure that the A5 Trunk Road continues to serve its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of highway safety.

Notes to the applicant drawing their attention to the need to enter into a section 278 Agreement.

### **Other Representations:**

Neighbours  
Brook House, Raydene,  
South View, The Old  
Village Hall & 10 Birchs  
Close

Objection:

- The start of the proposed entry road and footpaths would be too near the driveway of Brook House, and as such this would be potentially dangerous.
- The proposed road is within the Green Belt, which I feel should be kept as Green Belt.
- Hedges and mature trees would be cut down, and are unlikely to be replaced, to the detriment of the abundant wildlife.
- The two previous planning applications on Brook Side gardens, were turned down before as the Highways Agency, refused access on the busy A5. These were for two houses. The new plan is for 5 houses, that would mean possibly up to 15 vehicles using this road.
- If the proposed houses were to be approved on the Glenside site, this will set a precedent for other landowners either side of it, in that case it would mean that it could become a rat run onto the Leighton Road and this would be unacceptable.
- The new proposed road will be directly opposite South View, and Willow Cottage, and it could cause problems with their access.
- Since 1998 there have been so many accidents on this part of the road, as they speed away from the traffic lights. (Photographic evidence of the accidents is included).
- More traffic pollution given that each property has 3 parking spaces adding up to up to 15 vehicles.
- The Design and Access Statement refers to the application boundary as incorporating a portion of the garden of Brook House. This is incorrect. The

intention was probably to refer to part of the former garden of Brook Side. The document also refers to a measurement of 600 millimetres. I assume this is meant to be read as 600 metres.

- The Travel Plan refers to a proposal for 4 houses and yet the application is for 5 dwellings. The figure of 22 vehicle trips at the end of para 4.11 should therefore become 28 as an absolute minimum.
- Loss of lovely views and possible overlooking from Plot 5 resulting in loss of privacy.
- Currently the yard is possibly in use in the weekdays (infrequently) so not during the weekends. This development will generate more noise pollution throughout the week and weekends.
- The transport report is misleading as currently there is NO traffic coming from existing site. The current access road is only single lane traffic therefore any traffic going in or out could potentially have to wait/queue on the busy A5 and interrupt traffic flow when the lights are green. Surely a residential estate cannot have a single lane access road. Any change of use or residential houses built will increase traffic not reduce as the report suggests. Also a well used footpath entrance will be compromised during work or by increased traffic. This footpath entrance is used by walkers and dog walkers on a regular basis, any regular traffic would be dangerous as the current gate is right on the edge of the single lane access.
- Inadequate infrastructure in the village to cope with the proposed development and other development that has already been consented and is still to be built.
- Drainage problems would worsen.
- Three roads in close proximity would compromise safety of users.
- Wildlife would be affected by this development.

## **Determining Issues**

The main considerations of the application are;

1. Principle of the development having regard to the location of the site in the Green Belt
2. Impact on the openness of the Green Belt
3. Impact on the character and appearance of the open countryside
4. Impact on the historic environment
5. Impact on residential amenity
6. Impact on parking provision and highway safety
7. Other material considerations

## Considerations

### 1.0 Principle of the development having regard to the location of the site in the Green Belt

- 1.1 National advice contained within the National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this are listed in paragraphs 89 and 90. Policy 36 of the emerging Development Strategy for Central Bedfordshire (DSCB) echoes this national advice. The current proposal is for the construction of five dwellings, garages and a new access following the demolition of an existing single storey workshop building which is used for the storage of construction plant and machinery. The partial or complete re-development of previously developed sites (brownfield land), whether redundant or in continuing use is not considered inappropriate subject to the requirement that the new use should not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The proposed dwellings and garages would occupy a combined footprint of approximately 562sqm thus exceeding the footprint of the existing building by about 410sqm or 270%. However, the proposed dwellings and garages would be no higher than the existing workshop building but they would be spread over a larger area beyond the existing built footprint. Having regard to the increase in built footprint and spread of the dwellings beyond the existing footprint, it is considered that the proposed development would be materially more harmful to the openness of the Green Belt than the existing use of the site and thus constituting inappropriate development. Accordingly, very special circumstances need to be demonstrated.

In an attempt to prove the existence of very special circumstances, the applicant states that :

- The site is previously developed land.
- The current use of the site for open storage and as a workshop is incompatible with the predominant residential surrounding area.
- Planning permission for residential development would discontinue a use that has unrestricted hours of operation.
- If planning permission is not granted, the site would be sold and it is likely the operations would intensify causing nuisance to its neighbours from traffic, work processes and noise.
- The proposed two storey dwellings restricted to the north-westerly portion of the site would not affect the openness of the Green Belt to any greater degree than the existing building or the unrestricted height of open storage throughout the site. The site is screened on all boundaries by mature trees and hedgerows.
- Overall, the proposed residential development would deliver a marked improvement to the visual appearance of the site and enhance the enjoyment and privacy of the properties in the area through the removal of a non-conforming commercial use.

### 1.2 Appraisal of the applicant's very special circumstances case

Whilst it is correct that the application site is previously developed land, national advice within the NPPF and echoed in Policy 36 of the DSCB sets limits to the amount of re-development that is acceptable. Annex 2 of the NPPF defines

'previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. National advice makes it clear that in giving consideration to proposals on previously developed land, Local Planning Authorities should have regard to whether or not the new development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. In this case, the proposed development would have a materially greater impact on the visual openness of the Green Belt than the existing use.

It is accepted that one benefit of the proposal is the removal of a non-conforming use from a residential location and the removal of outside storage would result in a net environment gain. Whilst this benefit is acknowledged, this argument can easily be repeated elsewhere in similar situations and as such is afforded limited weight. Furthermore, whilst the Local Planning Authority does not have a five year housing supply of land for housing as required by national advice within the NPPF, this factor does not constitute an overriding consideration. Assessed against paragraphs 14 and 49 of the NPPF, the adverse impacts of this development would significantly and demonstrably outweigh the benefits to be had having regard to the fact that the most essential attributes of Green Belts are their openness and permanence. As already discussed above, the built footprint of the proposed development would far exceed that of the workshop building and as such would be more harmful to the visual openness of the Green Belt. The applicant's statement to the contrary is therefore refuted.

With regards the existing planting around the site, this is accepted as a positive mitigation to visual harm. However, this consideration is given limited weight in the consideration of very special circumstances since the dwellings would still be visible above the hedgerow from the the open countryside.

Notwithstanding the consideration that the premises could be classed as previously developed land within the meaning of the NPPF the proposed development would be more harmful to the visual openness of the Green Belt than the existing use of the site. The benefits to be had from the scheme would therefore not amount to sufficient very special circumstances to permit the proposed scale of development.

- 1.3 National advice requires that following an assessment of the appropriateness or otherwise of a development in the Green Belt, the LPA should also examine if there would be any other harm caused by the development.

Policy SD1 of the SBLPR states that preference will be given to the proposals on sites within the first four categories of the Development Strategy and proposals on sites in the remaining categories of the development strategy will only be favourably considered where the applicant can demonstrate that:

- there is a need that could not be met by proposals in the local plan;
- there are no sites in the first four categories that could practicably meet that need;



- the proposal would be preferable to sites in the first four categories in terms of reducing the need to travel; relationship to existing services and facilities; and accessibility by modes of transport other than the car;
- there is adequate service and community infrastructure, existing or proposed, to accommodate the proposal; and
- the proposal is acceptable in terms of Green Belt Policy

In this case, the proposal conflicts with the last criterion.

#### 1.4 Loss of an existing employment site

The requirements of Policy E2 of the South Bedfordshire Local Plan Review (SBLPR) and Policy 8 of the DSCB are relevant. Given that the site is not allocated in the local plan for employment purposes, there is no requirement in Policy 8 for the developer to have carried out comprehensive marketing prior to submitting an application for the change of use of the site to residential use. The proposed development would contribute towards the supply of housing and hence satisfy one of the principle objectives of Policy E2. Fundamentally, the loss of employment in this particular case would not be an overriding consideration given that national advice within the NPPF does not preclude the re-development of sites which are in existing use. (Paragraph 89). The site is also not specifically allocated as an employment site in the Local Plan and the loss of employment would be insignificant in this case.

- 1.5 In conclusion on the issue of principle of the development, it is considered that notwithstanding the lack of opposition to the loss of an existing employment site and the other benefits to be had from the development, the principle of residential development of the scale proposed is inappropriate in the Green Belt and the very special circumstances case submitted by the applicant is not sufficient to justify setting aside well established Green Belt policy in this instance. The Council attaches significant weight to the harm caused to the Green Belt by reason of inappropriateness and loss of openness.

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

- 2.1 Because of the scale of the development as discussed above, the proposed development would cause significant harm to the Green Belt compared to the existing use.

## **3.0 Impact on the character and appearance of the open countryside**

- 3.1 Whilst the proposed development would result in the change in the character of the land by incorporating gardens that would extend mainly towards the south east and the erection of garden fences that would result in an urban form of development and the domestication of a large area of the countryside, it is considered that the existing development has already got a similar impact given that there are no restrictions on the erection of fences and open storage on the premises. Furthermore, the site is well landscaped in all directions. Because of these factors, the proposed development would not result in detrimental harm to the character and appearance of the open countryside thus conforming with the requirements of Policies BE8 (S.B.L.P.R) and 43, 50 and 58 (D.S.C.B) and

national advice contained in the National Planning Policy Framework.

#### **4.0 Impact on the historic environment**

4.1 Whilst the application lies outside the Conservation Area, it nevertheless abuts two listed buildings, Brook Side and Brook House. The proposed access construction next to these two listed buildings would result in the opening up of a section of existing hedgerow which contributes positively to the village character and setting of the listed buildings. However, the amount of hedgerow to be removed is limited and the applicant proposes replacement planting behind the footpaths radii which would mitigate the resultant visual harm. Furthermore, the Conservation Officer raises no objection to the proposal. However, the Archaeological Officer considers that there is a high probability that archaeological remains relating to the Saxon, medieval and post medieval settlement of Hockliffe and Roman occupation and activity associated with Watling Street could be present on the application site. The site is also within the setting of the Church Farm Moat designated heritage asset and hence, the proposed development could have an impact on that setting. The application is not accompanied by the results of a field archaeological evaluation to enable the full impact of the development on archaeological remains to be assessed. The proposed development would therefore likely cause irreversible harm to the remains contained on the site and thus conflicting with Policies 43 and 45 of the emerging Development Strategy for Central Bedfordshire and national advice within the National Planning Policy Framework.

#### **5.0 Impact on residential amenity**

5.1 The proposed layout submitted with the application provides adequate separation distances with the existing surrounding residential properties which far exceeds the council standards. Furthermore the site enjoys adequate screening from the existing planting along the boundaries. It is therefore considered that the proposed development would not be harmful to the residential amenity of the existing neighbouring property occupiers. With regards protecting the amenity of the future occupiers, it is considered that this could be achieved at detailed design stage. The development would therefore not be harmful to residential amenity thus complying with Policies BE8, South Bedfordshire Local Plan Review and 43, DSCB and national advice within the NPPF.

#### **6.0 Impact on parking provision and highway safety**

6.1 Matters regarding safety of the proposed access were the subject of detailed pre-application discussions between the applicant's Highways consultant and Highways England. The latter has formally issued no objections to the proposed development subject to conditions. It is therefore considered that with appropriate conditions as suggested, the proposed development would not be prejudicial to the highway safety of other users of the adjoining A5 Trunk Road. Furthermore, the development would make sufficient provision for off street parking as detailed on the site layout drawing.

#### **7.0 Other material considerations**

##### **7.1 Planning Obligations**

On 28 November 2014 changes to the National Planning Practice Guidance

were published setting out the Government's position that tariff-style planning obligations should not be sought for certain small developments (10 dwellings or less or 1,000 square metres of gross floorspace). However, following the decision of the High Court in *West Berkshire & Reading Councils vs the Secretary of State*, this section of the National Planning Policy Guidance has been deleted. As a result of this judgement, it is considered that the proposal meets the threshold at which affordable housing is required. However, in this particular case, the application was originally submitted before the High Court judgement and as such, no affordable housing contribution is sought.

With regards financial contributions, until the introduction of the Council's CIL, the Council will expect applicants for developments of 10 dwellings or less to provide relevant, site specific planning contributions as part of a Section 106 Agreement based on the impact of the development on local infrastructure and any specific and local Planning Obligations that are necessary as a result of the development. However, due to changes in legislation that came into force on 6 April 2015 under the Community Infrastructure Levy Regulations, Local Planning Authorities are now only able to collect S106 contributions that relate specifically to an infrastructure project and under Regulation 122, there are rules to ensure that they relate directly to the development. Furthermore there are restrictions on pooling Section 106 contributions that have been collected since 2010 to a maximum of 5 per infrastructure project. In this case, it is considered that the level of development proposed does not trigger the requirement for planning obligations.

## 7.2 Responses to objections

The applicant's agent responded to some of the specific points raised by the objectors as follows :

- 1) The proposals have been approved by the Highways Agency. If they are not approved, no doubt they would have said so, or will say so, during the planning consultation process.
- 2) The A5 is not narrow at the location of the proposed access. Indeed, the hatching is there to give the impression that the road is actually narrower than it actually is in order to reduce the speed of vehicles. The visibility has been agreed with the Highways Agency and has also been subject to a safety audit undertaken by highway engineers professionally trained in matters of highway safety. The conclusion of the safety audit process was that the access would be safe.
- 3) The errors in the Transport Statement and Travel Plan are noted, but have no bearing on the acceptability of the development, either in transport or in highway safety terms.

In view of the formal consultation response from Highways England, the agent's response is considered satisfactory. Furthermore, concerns about loss of views are not material planning considerations. With regards impact on wildlife, the Ecologist has raised no objections subject to an ecological assessment being undertaken should permission be granted. Technical errors in the Design and Access Statement and Travel Plan have been noted but do not carry weight in the determination of the current application. Similarly, references to developments elsewhere are not material as the LPA should determine each

application on its own merits.

### 7.3 Human Rights issues

The application raises significant human rights concerns as reflected by the objections raised by some of the local residents. However, it is considered that some of these concerns have been sufficiently dealt with in the relevant sections above or are not material planning considerations.

### 7.4 Equality Act 2010

No adverse equality issues are raised by the proposal.

## Recommendation

That Planning Permission be **REFUSED**.

## RECOMMENDED REASONS

- 1 The site lies within the South Bedfordshire Green Belt, where permission will not be granted except in very special circumstances for development for purposes other than those listed in paragraphs 89 and 90 of the National Planning Policy Framework. The proposed development would be, because of its scale, materially more harmful to the openness of the Green Belt than the existing use and as such would constitute inappropriate development in the Green Belt which, by definition is harmful. The very special circumstances case submitted by the applicant is not sufficient to justify setting aside well established Green Belt policy in this instance and the Council attaches significant weight to the harm caused to the Green Belt by reason of inappropriateness and loss of openness. The development is therefore contrary to Policies SD1 of the South Bedfordshire Local Plan Review and 36 of the emerging Development Strategy for Central Bedfordshire supported by national advice within the National Planning Policy Framework.
- 2 The site has the potential to contain archaeological remains relating to the Saxon, medieval and post medieval settlement of Hockliffe and Roman occupation and activity associated with Watling Street and also lies within the setting of Church Farm Moat which is a designated heritage asset. The application is not accompanied by the results of a field archaeological evaluation to enable the full impact of the development on archaeological remains to be assessed. The proposed development would therefore likely cause irreversible harm to the remains contained on the site and thus conflicting with Policies 43 and 45 of the emerging Development Strategy for Central Bedfordshire and national advice within the National Planning Policy Framework.

## **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

Planning permission has been recommended for refusal for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted

pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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