

Item No. 6

APPLICATION NUMBER	CB/16/00637/FULL
LOCATION	165A Castle Hill Road, Totternhoe, Dunstable, LU6 1QQ
PROPOSAL	Demolition of buildings and redevelopment for 20 dwellings, an estate road, open space and associated works.
PARISH	Totternhoe
WARD	Eaton Bray
WARD COUNCILLORS	Cllr Janes
CASE OFFICER	Nicola Darcy
DATE REGISTERED	09 March 2016
EXPIRY DATE	08 June 2016
APPLICANT	Taylor French Developments Ltd
AGENT	Wilbraham Associates Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Ken Janes - Public interest with the support of the Parish Council.
RECOMMENDED DECISION	Full Application - Recommended for Refusal

Summary of Recommendation

The planning application is recommended for refusal as 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 uses listed in paragraph 89 of the National Planning Policy Framework. No very special circumstances have been justified to outweigh the harm to the Green Belt. The harm would comprise harm by reason of inappropriateness, harm by reason of impact on openness, harm to the landscape character and appearance of the area and encroachment into open countryside. The proposal is therefore contrary to the National Planning Policy Framework (NPPF). Additionally, the limited facilities within Totternhoe are likely to result in additional journeys by private car to other locations to access health, retail and leisure opportunities. The proposal is not considered to be sustainable development and therefore is contrary to the National Planning Policy Framework and policy SD1 of the South Bedfordshire Local Plan Review.

Site Location:

The application site is a parcel of land which lies on the southern side of Castle Hill Road, Totternhoe. The site comprises 0.83ha of land and slopes downwards to the south with a drop in levels across the site of approximately 9m. It has a frontage of 15m to Castle Hill Road and there is an existing access at the western end of the frontage.

The application site comprises two industrial units, a stable building, area of hardstanding, outside storage, containers and part of the garden of a detached house, number 165 Castle Hill Road.

The northern industrial unit is situated close to Castle Hill Road and is currently occupied by Dial-a-Ride who park their mini buses at the site overnight and also use the building as an office, with a workshop at the rear.

The southern unit is set back some 105m from the road and is occupied by Warnerbus who adapt standard motor vehicles. This unit is a mixed B1/B2 and B8 use.

Immediately to the east of the northern unit is a detached house, 165 Castle Hill Road, with extensive outbuildings on its eastern side, behind which is a garden enclosed on its western and southern sides by commercial uses.

The site is located within the South Bedfordshire Green Belt.

The Application:

The application seeks full planning permission for the redevelopment of the site for 20 dwellings. The site has an area of 0.83ha giving a density of approximately 24 dwellings per hectare.

The scheme includes five different house types and six affordable housing units. A mix of three, four and five bedroom houses are proposed. The dwellings would be two storeys in height with eaves heights between 4.8m and 5.5m and ridge heights of between 7m and 9.5m. The dwellings would have depths of between 8m and 10m.

Access will be provided from Castle Hill Road utilizing the existing access to the commercial site. The access would be modified to improve visibility in each direction and to provide access for pedestrians and other road users.

An estate road will be provided to serve the development and this would be 4.8m wide with 2 m wide footways on each side. The road would run parallel to the western boundary and then turn through ninety degrees towards the rear of the site. A turning head would be provided at the end of the estate road such that refuse and other vehicles could turn round and exit the site in forward gear.

Frontage housing will be provided to the estate road and plots 3 and 4, 7 to 10 and 19/20 will be served by three private drives accessed from the estate road. The drive serving plots 19/20 would also provide access to the open space/SUDS for maintenance. There would be a locked gate to this area to prevent unauthorised access. However a pedestrian gate will be provided so that residents of the proposed houses can use this area for recreation.

Each of the dwellings would have level access to either the front or rear doors and each would have a minimum of two parking spaces or one parking space and one garage space.

Castle Hill Road is a single carriageway road 5.9m wide. The road links with the A505 to the west and the A5 to the east and is subject to a 30mph speed limit.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Section 4: Promoting sustainable transport
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design
Section 8: Promoting healthy communities
Section 9: Protecting Green Belt land
Section 11: Conserving and enhancing the natural environment

South Bedfordshire Local Plan Review Policies

Policy SD1 Sustainability Key Note Policy
Policy GB3 Green Belt Villages
Policy BE8 Design Considerations
Policy E2 Control of Development on Employment Land outside Main Employment Areas
Policy T10 Controlling Parking in New Developments
Policy H4 Providing Affordable Housing
Policy H3 Meeting Local Housing Needs

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 Policies SD1, GB3, E2, BE8 and H3 are broadly consistent with the Framework and carry significant weight. Policies T10 and H4 carry less weight but are considered relevant to this proposal

Development Strategy for Central Bedfordshire 2014

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)
Affordable Housing Guidance Note (Endorsed 5th April 2016)

Relevant Planning History:

Application Number	CB/15/02079/PAPC
Description	Pre-application non-householder charge: Redevelopment of site for housing
Decision	
Decision Date	01/09/2015
Application Number	SB/04/01561 (Units 2/3 165, Castle Hill Road, Totternhoe.)
Description	Change of use from b8 (storage) to b1 (offices)
Decision	Granted

Decision Date 09/03/2005

Application Number SB/96/00728

Description Erection of replacement building

Decision Granted

Decision Date 18/12/1996

Application Number SB/94/00542

Description Replacement of warehouse, loading bay and offices destroyed by fire

Decision Granted

Decision Date 03/10/1994

Application Number SB/93/00608

Description Demolition of warehouse and erection of extension to existing warehouse building with improvements to access

Decision Granted

Decision Date 20/12/1993

Representations:

(Consultations/Publicity/Neighbour responses)

Parish Council 31/03/16

Planning Application No. CB/16/00637/FULL - 165A Castle Hill Road, Totternhoe, Dunstable, LU6 1QQ

Totternhoe Parish Council wish to comment on the above application:

The Council are in full support of this development for the reasons below:

1. A much needed development for affordable housing in the village.
2. In line with Central Bedfordshire's policy of finding suitable sites for affordable housing.
3. Green Belt unharmed due to volume of existing buildings on the site would be reduced.
4. Not an excessive number of dwellings.
5. Need for housing in the village.
6. Less HGV movements through the village.
7. This development would be a tasteful addition to the village.

It should be noted that back in 2005 an application was put forward to SBDC to erect 40 dwellings (including affordable housing) on the site of the Lime Works in Knolls View, Totternhoe. This was unfortunately turned

down to the detriment of the whole village and especially the residents of Knolls View.

Since 2009 when the site changed hands the residents of Knolls View have had to put up with the movements of many HGV's trundling up and down this pleasant village road each week, day and night to cover the type of businesses that now operate from the site.

The Parish Council would hope that this does not happen again with the site under this current Planning Application which is located in the centre of the village.

04/04/16

Totternhoe is an ageing village, with little opportunity for its young people to find housing that they can afford. Opportunities have been lost in the past to provide affordable housing - for example the development rejected by South Beds District Council at the former Lime works - and my Council do not wish to see a similar prospect lost. The development at 165A Castle Hill Road includes a significant proportion of affordable housing for young people and families, which is welcomed and fully endorsed. My Council is aware that a precedent has been set for the use of what was formerly industrial land for housing at Sundon Road Harlington, and considers that such an opportunity should not be lost in Totternhoe due to the obvious benefits to the village. The landowner's previous enterprise caused some degree of concern to residents, which had no controls on it in terms of hours of operation, noise or lorry movements, and residents would not wish to return to such a situation should Central Beds Council persist in its commonly held attitude regarding industrial sites, as demonstrated by the former lime works situation. A precedent has been created in Harlington, and should apply to this development as well.

Totternhoe Lower School has been judged 'good with outstanding features' by Ofsted, and would welcome more pupils from local families. There is a proportion of its students from other villages and from Dunstable, attracted by the quality of its teaching, but the Governors and Headteacher are concerned that the intake from the village is being adversely affected by the lack of suitable housing for young families.

The development is on a site currently occupied by a number of commercial activities, in premises previously used by the landowner's own enterprise. My Council weighed the industrial benefits against the housing opportunities and came down firmly and without reservation on the side of housing. Housing is clearly and

unequivocally what Totternhoe needs and given the lack of suitable land within the village, which is washed over by the Green Belt, 165A Castle Hill Road is eminently suitable.

The Village is working on a Village Plan, and members have had considerable difficulty in identifying land for anything other than minor infilling. This development is therefore welcomed and would transform an industrial landscape into a small, but tasteful, housing opportunity.

During its deliberations on the plans, my Council commented on one aspect of the development, which we understand was a proposal from the Planning Department during initial discussions with the landowner. An area of land adjacent to the brook is shown as a 'green'. It is not clear in the documentation who will be responsible for maintaining this plot. If it remains in the ownership of the landowner, the Council is confident that it will be properly cared for, but have reservations if responsibility is passed to agents of the developer or to householders. My Council request that this point is clarified with the applicant, and a suitable maintenance plan agreed.

My Council also recognised the wider benefits to the village of a Community Infrastructure Levy on the development. The proportion of the levy available for works in the village would be used for traffic calming works in Castle Hill Road, and calls upon Central Beds Council to include such a requirement in conditions attached to approval.

In summary Totternhoe Parish Council fully supports the application and calls upon Central Beds Council to approve the development. The development is of such importance to the village that my Council requests that it should be referred to Committee for a decision.

Highways DM

There is not a footway on the west side of the access road as this has been used for visitor parking instead and as a result this access road is substandard. However, this authority permits shared space access roads and for that reason I consider that I would not be able to maintain an objection on these grounds alone and in my view the alternative of a shared space would be detrimental to the proposal. Further, there would be an advantage to the introduction of a footway on the west side to the limit of the first parking bay.

In relation to the junction onto Castle Hill Road:- while there is an intensification I acknowledge that there has not been any accidents in the vicinity of the site and that

improvements are proposed to achieve adequate intervisibility to the right on exit. It should also be noted that while there is a traffic calming scheme along Castle Hill Road the 85%ile speed is still above the threshold of 20mph and for that reason the proposal should include a traffic calming scheme in the area of the site to achieve the lower average speed.

While I would not offer an objection to the proposal it should be acknowledged that the proposed access road is not up to standard and for that reason the highway authority will not be willing to adopt this new road and as a result the prospective purchasers should be made aware of this and a management company put in place to manage this new road.

Rights of Way

Although no public rights of way lie directly within the site, Public Footpath no. 19, Totterhoe runs adjacent to the application site, directly to the south of the local stream.

I note that an 'open space' (only for new residents?) is proposed at the southern end of the site (marked green on my plan) but no information is provided as to who will own and manage this 'open space' long-term and the trees/vegetation within it. There also does not appear to be any drainage strategy provided so it is difficult to judge the impact of any proposed surface water attenuation tank on the stream or the adjacent public footpath. Although on adjacent land which is grazed by horses, we would need to make sure no drainage issues are created for the public footpath by the new development.

Public Footpath no. 19 runs along the other side of the stream in different landownership and an obvious thought is whether the developer should provide a bridge over the stream to link the new development to the public footpath. This would seem reasonable for the new residents to have direct access to the local public rights of way network. Paragraph 75 of the National Planning Policy Framework (NPPF) states that Planning Policies should protect and enhance public rights of way and local authorities should seek opportunities to provide better facilities for users, for example by adding links to the rights of way network. The applicant would have to secure all permissions of the neighbouring landowner and Internal Drainage Board, however, and put in place a long-term plan for the continued survey and maintenance of any bridge provided.

Ecology

I do not object to the proposed development and note that the Ecological survey does not anticipate any impact on protected sites or species. However, the NPPF calls for development to deliver a net gain for biodiversity and

whilst a number of enhancement measures are suggested in the ecological report I feel the surface water attenuation tank has missed an opportunity for a sustainable drainage solution which could be multifunction to benefit biodiversity as well. I welcome the proposals to include nectar and berry rich planting in the landscaping scheme and would also like to see integral bird and bat boxes included at a ratio of one per unit.

Landscape Officer

Thank you for the opportunity to comment on proposals and landscape: I have serious concerns regarding the scale of development on the settlement / rural edge, potential visual impact of proposed development on the wider rural landscapes and subsequent impact on landscape character and amenity, **therefore I must object to the proposals.**

Site context: The application site lies on the transition in landscape from the Totternhoe Chalk Escarpment and Eaton Bray Clay Vale, on sloping land with change in level overall of @9 ms from Castle Hill Road down to the southwest and brook corridor. The CBC Landscape Character Assessment provides description and assessment of landscape and visual character for the local landscape areas along with guidance to assist with DM decision making.

Totternhoe Chalk Escarpment (LCA 9b) forms part of the chalk escarpment landscape system distinctive to the south of Bedfordshire. The Totternhoe escarpment is the lowest chalk escarpment yet offers panoramic views across the clay vale to longer distant chalk escarpments at Dunstable Downs (LCA 9a) and Ivinghoe Beacon in Bucks' - both forming part of the Chilterns AONB. The LCA describes the visual sensitivity of views to and from the chalk escarpments and need to retain the characteristic rural views across the clay vale.

Eaton Bray Clay Vale (LCA 5a) extends from the Totternhoe scarp westwards to Leighton Buzzard and is described as predominantly arable with some pockets of pasture particularly near settlements. Fields are medium to large in scale and follow a essentially Medieval pattern. The vale is predominantly unsettled which contributes to the open, exposed character. Elevated escarpments to the north (Totternhoe) and east (Dunstable Downs) offer extensive views across the vale.

Settlements within the vale tend to be orientated around former hamlets, 'Greens' or 'Ends' and settings to vale settlements are typically wet meadow, pastoral with sheep and horse grazing. The area around Totternhoe

and Eaton Bray is notable for a number of old Aylesbury Prune orchards. OS Maps from 1880 and 1901 clearly show many field boundaries to the south of Totternhoe still exist today, including the application site, and included extensive areas of orchards. The CBC 'Totternhoe Countryside Vision' includes detail on landscape and access enhancement opportunities including restoring prune orchards (one may exist on the application site) and GI connectivity including the brook to the south of the application site.

Development existing on site and to the north west / south east tends to be single storey units and static mobile homes. Due to topography the downward slope from the scarp to the vale floor, and including the application site, the south west of Totternhoe is exposed to wider views from local footpaths and potentially the elevated escarpment to the south east especially.

The inclusion of 2 to 2.5 storey development on the settlement edge and extension of development visually into the wider vale landscape is of serious concern; there is no assessment of views beyond the application site from the wider landscape to the site. If the application were to be progressed a Landscape and Visual Appraisal (LVA) would be required to assess capacity of site to accommodate development, degree of impact of change both visually and in terms of landscape character, and landscape mitigation needs - if appropriate mitigation can be achieved.

The current proposals are not acceptable in terms of SuDS and proposed tanking of attenuated surface water especially given the number of ponds and tributaries which run parallel to the scarp slopes and are common landscape features. Opportunities to enhance biodiversity, including orchard planting, should be sought along with extending access to the wider footpath network.

Tree and Landscape
Officer

In determining this application, I refer to my previous comments dated 24th July 2015 in respect of CB/15/02079/PAPC, which have been duplicated below in italics:-

There are mature trees located along the southwestern, rear boundary, which should be allowed sufficient clearance to maintain an effective screening buffer. Unfortunately, there is a pinch point being created by the positioning of Unit 25, which would compromise the integrity of this buffer, and the unit should be relocated accordingly. Unit 24 should also be set further back to

avoid shading constraint issues being imposed on the property. It was also noted that a well maintained hedge, which runs along the southeastern side boundary, will also be damaged by the close positioning of several units close to this planting.

I therefore consider that any future layout should recognise the screening and demarcation value of boundary landscaping, and allow sufficient clearance in order that the necessary protection measures, as recommended under BS 5837 : 2012 can be accommodated.

Having examined the plans and documents associated with this full application, whilst I welcome the landscape buffer proposed at the southwestern end of the site, it is of concern that contrary to the advice given at Pre Application stage, a number of dwellings are still being positioned too close to the southeastern boundary with the Poplar Farm Mobile Home Park. This close juxtaposition will result in significant damage to a 3.5m high cypress hedge, and thereby compromise the existing screening value that this hedge currently provides.

Whilst such a hedge cannot be protected by a TPO, and has no wider importance in the surrounding landscape, nevertheless if visual impact on neighbouring properties has been raised as an objection by affected neighbours, then at least a 5m clearance from the hedge should be maintained, which will also help avoid future nuisance regarding loss of light incurred to the habitable rooms of the new properties.

Housing Development Officer	Initial objection overcome.
Environment Agency	No objection to this application. The site is located above a Principal Aquifer. Informatives recommended.
Drainage Officer (SUDS)	Although we do not object to the development in principle, we strongly recommend the drainage strategy is revised in line with the following comments and therefore recommend that conditions are attached to the planning permission.
Drainage Board	No objection on the proviso that storm water discharge is conditioned.
Land Contamination Officer	Contaminated Land

Notwithstanding the Groundsure report submitted in support of this application, further site specific detail is necessary to ensure the requirements of the National Planning Policy Framework's Paragraph 121 are met, given that the application site's former use potentially poses contamination risks. I would therefore expect the conditions and informatives to be attached to any permission granted.

Waste

The Council's waste collection pattern for Totternhoe is as follows:

Week 1 – 1 x 240 litre residual waste wheelie bin, 55 litre glass box

Week 2 – 1 x 240 litre recycling wheelie bin, 1 x 240 litre garden waste wheelie bin

Each property needs to allow space to store and present the above receptacles.

Wherever possible, refuse collection vehicles will only use adopted highways. Where this is not possible the Council shall exercise discretion on instructing the contractor to use other access roads. In any case the access roads must be to adoptable standards. Typically, until roads are adopted, bins are to be brought to the highway boundary or a prearranged point. We require confirmation that the road is to be adopted, which we would recommend, areas specified for bin collection would require the householders to drag their bins more than the 10m we specify. If residents are required to pull their bins to the entrance to the highway, a hard standing area needs to be provided for at least 2 wheelie bins per property.

In the full application the developer will need to provide vehicle tracking and an indication of where bins will be presented for collection. If collection points are to be the only means of residents presenting their bins for emptying they must be as close to the kerbside as possible and large enough for at least two bins from each property on collection day.

The Waste Services Team will need to see vehicle tracking for all locations where the developer is proposing to put turning locations in place. Vehicle access would only be possible if roads leading up to waste collection points are completely free of parked cars on both sides, giving the collection crews space for manoeuvrability and making visibility clearer. Tracking needs to be provided for a vehicle of a minimum 12metres in length and 4.5 metres in width, and to take into account parked cars. Our contractor's vehicles must be able to enter and exit a development in forward gear.

Archaeology	No objection subject to condition.
Sustainability Officer	No objection subject to condition.

Other Representations:

Neighbours

208 Castle Hill Road, 29 Poplar Farm Close	<p>Objections; summary of responses:</p> <ul style="list-style-type: none"> - Village does not have the local amenities to house the extra houses. Village road is not really equipped to take the extra cars, there are not sufficient doctors, school or shops to take the extra people - increase in traffic - no shop - limited public transport
5 Lancot Drive 31a, 32 Church Road 24 Church Green 38 & 45 Poplar Farm Close 86, 27 Knolls View 35 (Apple Cottage), 38 Wellhead Road 86, High Ridge, 154, 156, 160, 162, 166 Castle Hill Road 46 The Orchards	<p>Support; summary of responses:</p> <ul style="list-style-type: none"> - brownfield site - decrease of commercial vehicle movements - demand for smaller dwellings - sympathetic development

Determining Issues

1. **Green Belt & Principle of the development**
2. **Harm to the Green Belt**
3. **Very special circumstances**
4. **Impact on Biodiversity and Landscape**
5. **Flood Risk and SuDS**
6. **Amenity**
7. **Loss of Employment Land**
8. **Highway Impact**
9. **Affordable Housing**
10. **Other Issues**

Considerations

1. **Green Belt and Principle of the Development**
 - 1.1 In accordance with policy GB3 of the South Bedfordshire Local Plan Review, Totternhoe is washed over by the Green Belt. Policy GB1 of the SBLPR which provides the principle criteria for assessing new developments in the Green Belt was deleted and in effect has been replaced by national guidance now contained in the National Planning Policy Framework (NPPF). This national

advice and the emerging policy state that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this are listed in paragraphs 89 and 90 of the NPPF. If the development is considered inappropriate, paragraph 87 of the NPPF states that it is, by definition harmful to the Green Belt and should only be approved in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations (paragraph 88).

- 1.2 A portion of the site can be considered as 'previously developed' within the meaning of the NPPF. 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 at paragraph 89 of the NPPF is 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.
- 1.3 The site only has two existing buildings, the largest of the two, the commercial building, is located to the far west of the site, the proposed development is proposed to be spread across the whole site, including an undeveloped, grassed area of the site and as such would be considered as more intrusive in the landscape than the existing buildings and therefore, the proposal would be inappropriate within the meaning of the NPPF.
- 1.4 Paragraph 87 advises that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Further advice at paragraph 88 is clear 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.
- 1.5 The proposal is therefore by definition harmful to the Green Belt by reason of inappropriateness. Very special circumstances will therefore need to be demonstrated to clearly outweigh the harm to the Green Belt by inappropriateness and any other harm which would arise as a result of the development.
- 1.6 The National Planning Policy Framework carries a presumption in favour of Sustainable Development. There are three dimensions to sustainable development which require consideration such as economic, social and environmental roles. Paragraph 9 of the NPPF states that these roles are mutually inclusive and as such in order to achieve sustainable development all three of the dimensions should be sought simultaneously.
- 1.7 Economic Role
The NPPF makes it clear that planning policies should aim to minimise journey lengths for employment, shopping and other activities, therefore planning decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised. It is acknowledged that the

construction of 20 houses would support a limited level of employment, with associated benefits to the local economy, within the local area on a temporary basis during the construction period which could be expected to last no longer than one year. Totternhoe provides limited employment opportunities. There are no allocations for employment within the village. Therefore it is concluded that the development lacks the appropriate infrastructure to support the additional 20 dwellinghouses and number of occupants and fails to conform to this sustainable dimension.

1.8 Social Role

The NPPF notes that sustainable development should support healthy communities by providing housing to meet the needs of the present and future generations. Local services should be accessible and reflect the communities needs. The application site is located within the existing settlement however there are no community facilities such as a convenience shop close-by and public transport links are poor. Residents would need to travel further afield for community facilities and doctor surgeries putting greater pressure on the highway network. As such, the proposal would fail to conform to this sustainable dimension.

1.9 Environmental Role

The NPPF states that opportunities should be taken to protect and enhance the natural environment and to improve biodiversity. The site provides views in to the open countryside. The steep slope of the site results in views into the countryside from Castle Hill Road. Furthermore the Councils Landscape Planner has objected to this application (which is explored in more detail later in this report under section 3) on the grounds that the supporting information supplied in respect of this application fails to fully consider the visual impact of the development nor provides appropriate mitigation against any identified impact. As such, the proposal would fail to conform to this sustainable dimension.

1.10 Furthermore, paragraph 55 allows housing development in rural areas where it would enhance or maintain the vitality of rural communities, it would represent the optimal viable use of a heritage asset or where it would re-use redundant or disused buildings. The application site is not a heritage asset nor is it a redundant or disused building and as such makes no such contribution.

1.11 Paragraph 50 of the NPPF suggests that developments should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes) and specifically reflecting local demand. Whilst affordable housing provision has been proposed in accordance with local demand, the potential benefits identified by the applicant, to be had from the development comprising the addition to the village's housing stock including the policy presumption in favour of using land effectively are acknowledged but are not considered sufficient on the basis of the information supplied to outweigh the identified harm that 20 new residential units in this location would result in an unsustainable form of development which would be harmful to the character of the rural area and detrimental to protected species and contrary to the aims and objectives of the NPPF. The objections to the proposal therefore significantly and demonstrably

outweigh the benefits of the proposal.

- 1.12 Considering the prevailing rural, spacious character of Totternhoe, the proposal would represent a cramped form of development, at odds with the existing grain of development. The proposal would therefore be in conflict with policy BE8 of the South Bedfordshire Local Plan Review

2. Harm to the Green Belt

- 2.1 The application suggests the VSCs should outweigh the presumption against inappropriate development in the Green Belt. This is not the test that the NPPF applies, the NPPF requires that VSCs clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm. In order to consider whether the VSCs outweigh the potential harm, that harm first needs to be identified.
- 2.2 The proposal would cause harm by reason of inappropriateness, it would also cause harm by reason of loss of openness, harm to the character and appearance of the area and conflicts with the purposes of including land in the Green Belt by failing to safeguard the countryside from encroachment. The level of harm caused by each of these is considered in more detail below.
- 2.3 The NPPF highlights the openness of the Green Belt as its most important attribute and the development of the site would result in the loss of openness. Openness is the absence of development and it is considered that although part of the site can be considered as 'previously developed', the proposal would have an adverse impact on the openness of the land within the Green Belt.
- 2.4 It is accepted that a limited amount of development would result in limited harm; however the proposal comprises a development of 20 dwellings and associated road, landscaping etc which would cause significant harm to the openness of the Green Belt.
- 2.5 Significant weight should be given to the harm to openness which would result from the development. The development, compared to the existing buildings on the site, would have a greater impact on the openness of the Green Belt and would therefore be considered to conflict with section 9 of the NPPF.

3. Very Special Circumstances

- 3.1 The application sets out that there are a number of reasons to approve the application, although these matters have not been referred to as 'very special circumstances'. The reasons are set out below.
- 3.2 **The majority of the site is in industrial/commercial use and accordingly comprises a previously developed (brownfield) site. Although the housing will extend onto the grassed area on the eastern side of the site this land is not perceptible in the wider landscape as an open area. It does not contribute in any meaningful way to the openness of the Green Belt.**

It is accepted that a portion of the site meets the definition of 'previously developed land,' however, the eastern part of the site is undeveloped. Although there may not be an impact with regard to encroachment outside of the planning unit into the wider countryside, there is encroachment onto

undeveloped land and the site does lie within the Green Belt and as such, the principle to protect openness remains.

- 3.3 **Whilst the development will increase the number of buildings on the land it will provide space between and around each of them and will provide buildings more in keeping with the character and appearance of the village. The removal of the stable building at the southern end of the site together with the caravans and containers and the laying of this area to grass will improve the openness of this part of the Green Belt. Consequently the openness of the Green Belt will be increased as a result of the development.**

The development would spread across the majority of the site on to an area which is devoid of permanent buildings, it is therefore considered that it would have a much greater impact upon openness than the existing development.

- 3.4 **The principle of replacing commercial buildings with housing has already been accepted by the Council at a site at Lower Wood Farm, Sundon Road Harlington under reference CB/13/03477/OUT. That site lies to the south of Harlington within the Green Belt and permission was granted to demolish the existing buildings and replace them with 13 dwellings.**

Each application is assessed on its own merits, however, this application site is materially different when compared with Lower Wood Farm in that a large portion of the application site is undeveloped with a large, pleasant planted area being included within the application site.

- 3.5 **The Council do not currently have a five year housing land supply**

Although the Council at the time of writing, cannot demonstrate an up to date 5 year housing land supply, this small scale site in the Green Belt does not accord with paragraphs 49 and 14 of the NPPF where “the adverse impacts of this development would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole.”

- 3.6 The proposal would cause harm by reason of inappropriateness, it would also cause harm by reason of loss of openness, harm to the character and appearance of the countryside and conflicts with the purposes of including land in the Green Belt by failing to safeguard the countryside from encroachment. The level of harm caused by each of these is considered in more detail below.

- 3.7 Overall it is not considered that the very special circumstances set out above clearly outweigh the harm identified to the Green Belt. The proposal therefore would be contrary to Section 9 of the NPPF.

4. Impact on Biodiversity & Landscape

4.1 Biodiversity

Section 11 of the NPPF requires a net gain in terms of green infrastructure provision and biodiversity and geodiversity. The Natural Environment and Rural Communities (NERC) Act 2006 requires the Council in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

- 4.2 The Ecology Officer has recommended that bird boxes be provided at one box per dwelling which is considered to be in accordance with the relevant policies

and conditions could secure a scheme. The proposal is therefore considered to be in accordance with Section 11 of the NPPF.

4.3 Landscape Character

This site is in a sensitive location within the historic context of Totternhoe and the site faces the open countryside, including views to the Chilterns to the south and west.

4.4 The Landscape Officer has concerns about the principle of the development considering the inclusion of 2 to 2.5 storey development on the settlement edge and extension of development visually into the wider vale landscape. The proposals and information provided in the application regarding visual impact are inadequate as there is no assessment of views beyond the application site from the wider landscape to the site. If the application were to be progressed a Landscape and Visual Appraisal (LVA) would be required to assess the capacity of the site to accommodate development, the degree of impact of change both visually and in terms of landscape character, and landscape mitigation needs - if appropriate mitigation can be achieved.

4.5 The current proposals are also not acceptable in terms of SuDS and the proposed tanking of attenuated surface water especially given the number of ponds and tributaries which run parallel to the scarp slopes and are common landscape features. Opportunities to enhance biodiversity, including orchard planting, should be sought along with extending access to the wider footpath network.

4.6 The courtyard approach places houses too close to the boundary hedgeline – especially plots 4,8 and 9. This point is made by the Trees and Landscape Officer. The mature cypress hedge along the southern boundary will not respond well to “trimming.”

4.7 The application as it stands therefore conflicts with policy BE8 of the Local Plan and Section 11 of the NPPF.

4.8 Landscaping

South Bedfordshire Local Plan Review policy BE8 requires that the proposal takes full account of the need for landscaping and takes into account existing trees and vegetation.

4.9 The Tree and Landscape Officer acknowledges the landscape buffer proposed at the southwestern end of the site, however, it is of concern that contrary to the advice given at Pre Application stage, a number of dwellings are still being positioned too close to the southeastern boundary with the Poplar Farm Mobile Home Park. This close juxtaposition will likely result in significant damage to a 3.5m high cypress hedge, and thereby compromise the existing screening value that this hedge currently provides.

4.10 Whilst such a hedge cannot be protected by a TPO, and has no wider importance in the surroundings landscape, visual impact on neighbouring properties is important and it is recommended that at least a 5m clearance from the hedge should be maintained, which will also help avoid future nuisance regarding loss of light incurred to the habitable rooms of the new properties.

- 4.11 The application as it stands therefore conflicts with policy BE8 of the Local Plan and Section 11 of the NPPF.

5 Flood Risk and SuDS

- 5.1 The site is located above a Principal Aquifer, no objections have been raised by the Environment agency.
- 5.2 From 6th April 2015 local planning policies and decisions on planning applications relating to major development (developments of 10 dwellings or more; or equivalent non-residential or mixed development [as defined in Article 2(1) of the Town and County Planning (Development Management Procedure) Order 2015], must ensure that sustainable drainage systems (SuDS) for the management of surface water runoff are put in place, unless demonstrated to be inappropriate.
- 5.3 A Flood risk assessment alongside a drainage strategy was supplied for consideration as part of the application and the Councils SuDS Officer is satisfied that an appropriate Sustainable Drainage System could be implemented on site so as to limit any flooding potential and as such has not wished to raise any objection to this proposal subject to the imposition of conditions. As such it is considered that the proposal accords with the Councils adopted SuDs guidance and the section 10 of the NPPF.

6. Amenity

- 6.1 South Bedfordshire Local Plan Review policy BE8 requires new development to be of high quality and appropriate in scale and design to its setting as well as contributing positively to creating a sense of place and respecting local distinctiveness, in addition the policies require a high quality development in terms of design, layout and provision of open space. The Central Bedfordshire Design guide states that proposals should be visually distinctive and should be designed as a sensitive response to the site and its setting.
- 6.2 Future Occupiers
The Design Guide includes a back to back distance of 21m which should be achieved between dwellings to ensure privacy is maintained. The proposed dwellings have no 'back to back' relationship conflicts, there are 'back to side' relationships to consider, distances range between 11 and 15m, although fairly tight in terms of spacing, the placing of fenestration is such that adequate separation distances have been achieved to protect the residential amenity of existing residents.
- 6.3 The Design Guide requires that for dwellings with 3 or more bedrooms, the minimum area for rear gardens should be 60m² with a depth of 12m. Where dwellings have awkward shaped plots side gardens could be taken into account.
- 6.4 Many of the dwellings shown on the layout plan do not have gardens large enough to comply with the guidance set out in the Design Guide. Considering the location of the site, close to open countryside and within a small, rural village, the site would appear cramped in comparison and would not be characteristic of the locale.

- 6.5 The proposed development would result in a density per hectare of 24. Whilst this doesn't constitute high density for most rural locations, the siting of the units and level of amenity for each unit as indicated on the site layout plan is not representative of the general grain of development.
- 6.6 Whilst bin storage and collection points and cycle storage facilities have not been identified on the indicative plan, this could be secured by condition as part of a planning permission.
- 6.7 Residential Amenity - Existing residents
South Bedfordshire Local Plan Review policy BE8 requires that new development ensures general and residential amenity is not adversely affected.
- 6.8 Given the length of the garden spaces of adjacent dwellinghouses, and the opportunities to secure appropriate boundary treatments by condition, the development would unlikely result in the harmful overshadowing of adjoining gardens.

7 Loss of Employment Land

- 7.1 In line with South Bedfordshire Local Plan Review Policy E2, the Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. National guidance within the NPPF sets out that business and enterprise in rural areas should be supported. Accordingly proposals for non-employment generating developments will generally only be considered where suitable evidence is submitted in accordance with the detailed criteria set out within Local Plan Review Policy E2. In this context, it should be demonstrated that the redevelopment of the site would not unacceptably reduce the supply, variety or quality of available commercial land within the area.
- 7.2 The site is currently occupied by two separate businesses; Dial a Ride in the northern unit and Warnerbus in the southern unit. The planning statement states that both businesses will relocate within the Central Bedfordshire area. Dial a ride will relocate to premises at Dunstable and Warnerbus will relocate to premises at Leighton Buzzard. The businesses which currently occupy the site generate a limited level of employment with Dial a Ride employing four people and Warnerbus employing two people full time and one person part time. Both businesses are on a rolling lease. Warnerbus are moving to smaller premises, as the building on the site is too large, financially burdensome and not up to a suitable modern standard to support the operation of their business.
- 7.3 Due to the age of the main industrial building, substantial refurbishment works would be required to bring the premises up to a standard suitable for modern commercial use.
- 7.4 As the existing businesses will relocate within Central Bedfordshire and considering the amount of employees the site supports and the availability of alternative employment land, it is considered that the loss of employment land would not unacceptably reduce the supply available and as such, the development would broadly accord with policy E2 of the South Bedfordshire Local Plan Review and the National Planning Policy Framework.

8. Highway Impact

- 8.1 The Highways Officer has acknowledged that the existing access is sub-

standard in terms of visibility although there have been no accidents recorded and as such, he has not wished to object to the use of the access. However, due to the results of a speed survey indicating that the average speed is above 20mph on Castle Hill Road, he would recommend that a traffic calming scheme be required by condition, should permission be granted. In addition, he has also recommended that the footways should be improved and constructed to improve highway safety.

- 8.2 Subject to the imposition of recommended conditions, the proposal is not likely to have a detrimental impact upon highway safety and is therefore in accordance with Section 4 of the National Planning Policy Framework.

9. Affordable Housing

- 9.1 On 5th April 2016, the Council's Executive endorsed interim guidance in relation to Affordable Housing in the South area of Central Bedfordshire, and shall apply until such time as the Central Bedfordshire Local Plan reaches submission stage and its emerging affordable housing policy carries sufficient weight. The South Bedfordshire Local Plan 2004 (Appendix A) remains the adopted development plan for this area and Policy H4 Affordable Housing remains the extant policy. The guidance is concerned with the percentage of affordable housing required and is not intended to provide detailed advice around the procedures related to the implementation of affordable housing policy. The requirement for affordable housing is 30% on all qualifying sites of 4 dwellings or more.

- 9.2 The application originally submitted, offered six affordable units, all being provided as shared ownership, against the Council's tenure requirements which demonstrate an overarching need for affordable rented units, however, after further discussion with North Herts Homes Housing Association, the proposal now offers six affordable units which adhere to the tenure requirements of Central Bedfordshire Council providing 4 units of affordable rent (73%) and 2 units of shared ownership (27%). On this basis, the Housing Development Officer supports the proposed scheme, however, no detailed negotiations on the Section 106 agreement have taken place due to the in principle objection to the development.

10. Other Issues

10.1 Consultation Responses

Archaeology

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of any surviving heritage assets with archaeological interest. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the scheme will adopt a staged approach, beginning with a trial trench evaluation, which may be followed by further fieldwork if appropriate. The archaeological scheme will include the post-excavation analysis of any archive material generated and the publication of a report on the investigations. In order to secure this scheme of works, a condition is to be attached to any permission granted in respect of the application.

10.2 Sustainability Officer

The Sustainability Officer has requested that the following planning conditions to be attached, should the planning permission be granted for this development:

- 10% energy demand of the development to be delivered from renewable or low carbon sources;
 - Water efficiency to achieve water standard of 110 litres per person per day.
- However, such conditions would be difficult to enforce. Building Regulations set the criteria for renewable energy and as such, these matters would be addressed as part of that process.

10.3 Rights of Way

Paragraph 75 of the National Planning Policy Framework (NPPF) states that Planning Policies should protect and enhance public rights of way and local authorities should seek opportunities to provide better facilities for users, for example by adding links to the rights of way network. The Rights of Way Officer has requested that the developer provide a bridge over the stream to link the development with Public Footpath no. 19 which runs along the other side of the stream. In order to do this, the applicant would be required to secure all permissions of the neighbouring landowner and Internal Drainage Board.

- 10.4 The Agent has responded to the request stating that a bridge would be a significant burden on such a small scheme and would not be deliverable as the land is not under the applicant's control and that access to the wider footpath network is reasonable and is not significantly different to the access afforded to the residents of the park home adjacent. She also states that Footpath 21 links directly to footpath 19 which runs along the rear of the site and that 'Secured by design' would also not encourage an unnecessary thoroughfare through the development.

- 10.5 The Council's policy is to improve residents' access to the rights of way network and the countryside, particularly new residents and footpath 21 is approximately 130m from the application site. It is considered reasonable for the Council to ask for improvements particularly as the development is not subject to any planning obligations except for the affordable housing requirement. Although this issue would not be subject for a reason for refusal, if Members are minded to approve this application against the officer's recommendation, further negotiations regarding this matter should take place in order to improve footpath links.

10.6 Parish Council Comments

Totternhoe Parish Council have supported the application. A comparison was made between this application and a refused planning application for residential development of 40 houses at the Lime Works in 2005. Although the Council acknowledge the situation which has occurred since the refusal for residential development at the Lime Works, this application site is significantly different, particularly taking into account the use classes and restricted operations permitted at the application site.

10.7 Planning Obligations

The Planning Obligation Strategies that have previously been used to inform

the collection and negotiation of contributions can no longer be applied. From 6 April 2015 only site specific planning obligations can be negotiated until the adoption of the Central Bedfordshire Community Infrastructure Levy (CIL). Spending Officers from Leisure, Education and Sustainable Transport have been consulted and have not requested any contributions.

10.8 Human Rights Act

It is not considered that the application raises any issues under the Human Rights Act.

Equality Act 2010

It is not considered that the application raises any issues under the Equality Act.

Recommendation

That Planning Permission be REFUSED for the following reasons:

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 uses listed in paragraphs 89 & 90 of the National Planning Policy Framework (NPPF). The proposal would spread built development across the whole site, including an undeveloped and open area of the site and as such would have a greater impact on the openness of the Green Belt and would be more intrusive in the landscape than the existing buildings, therefore the proposal would be inappropriate within the meaning of the NPPF. The very special circumstances put forward do not outweigh the harm to the Green Belt. The harm would comprise harm by reason of inappropriateness, harm by reason of impact on openness, harm to the character and appearance of the area and encroachment into open countryside. The proposal is therefore contrary to Section 9 to the National Planning Policy Framework (NPPF).
- 2 The limited facilities within Totternhoe are likely to result in additional journeys by private car to other locations to access health, retail and leisure opportunities. The proposal is not considered to be sustainable development and therefore is contrary to the National Planning Policy Framework and Policy SD1 of the South Bedfordshire Local Plan Review.
- 3 Insufficient information has been provided to enable a proper assessment of the proposal in terms of landscape and visual impact. The site extends to open countryside and the proposal would introduce a new urban edge into the landscape, detrimental to the rural landscape of the locality. The proposed landscaping is inadequate to ensure integration or appropriate wildlife habitat. At present the proposal conflicts with the National Planning Policy Framework (NPPF) and policy BE8 of the South Bedfordshire Local Plan Review.
- 4 The proposed development would have inadequate garden sizes and would result in a cramped form of development which would be incongruous and out of character with the existing uniform grain of development and with adjoining dwellings in the locality, exacerbated by the close proximity of the proposed

development against the eastern boundary hedgerow which would result in the likely loss of the hedgerow which provides significant greening and visual screening of the site. The visual impact of the proposed development would also be exacerbated by the gradient of the land and thereby would be harmful to the visual amenities of the countryside and to the character of the area. The proposal therefore fails to conform with policy BE8 of the South Bedfordshire Local Plan Review, the Central Bedfordshire Design Guide and Section 7 of the National Planning Policy Framework (NPPF).

INFORMATIVE NOTES TO APPLICANT

- 1. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council’s website www.centralbedfordshire.gov.uk.

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

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 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 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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