

Item No. 12

APPLICATION NUMBER	CB/18/00875/FULL
LOCATION	102 Markyate Road, Slip End, Luton, LU1 4BX
PROPOSAL	Proposed New Residential Retirement Care Village with Retirement Living, Assisted Living, High Dependency Care Units, Community Club House, Ancillary Retail Units and Conservatory on a former disused garden nursery and the back garden of 88 Markyate Road. Change of use from unused derelict Land and C3 back garden to C2 Residential Institution.
PARISH	Slip End
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Donna Lavender
DATE REGISTERED	21 March 2018
EXPIRY DATE	20 June 2018
APPLICANT	Black Shu Limited
AGENT	Regents Park Group
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr R Stay, if minded to refuse due to local aspirations and need for elderly accommodation.

RECOMMENDED DECISION **Full Application - Recommended for Refusal**

Site Location:

The site is located on the edge of the small village of Slip End, adjacent to 102 Markyate Road. The site consists of a parcel of arable land which was previously used as a nursery which ceased use in the early 1990s and also consist of the back garden of 88 Markyate Road providing a plot of approximately 2 ha. The topography of the site slopes down Markyate Road away from the Slip End village and the site is largely unoccupied apart from a few remaining disused storage units.

The site is located outside of the settlement envelope of Slip End and is within the South Bedfordshire Green Belt.

The Application:

Permission is sought in full for a Retirement Village (C2 Residential Institution) proposal which would consist of a mix of high dependency accommodation, assisted living and early retirement homes and associated community based service/facilities.

The proposed retirement village is to consist of the following: -

- Sheltered accommodation consisting of 41 one bedroom flats
- 63 bed nursing home
- 70 two bedroom retirement apartments
- 21 one bedroom apartments
- There is also to be a Café; two shops; Hairdressers and Library.

The accommodation would consist of a mix of three and two stories and would broadly costs of special car bedrooms, close care units, assisted living units and retirement living units.

Vehicular access to the site is proposed adjacent to 102 Markyate Road by way of a new priority junction with pedestrian access to be extended along Markyate Road towards the village. There is a further detail within the plans to also divert the existing right of way through the site to allow connectivity to the Heritage Greenway.

Revised plans were received during the life of the application and these changes included a reduction in the height of Block D down to 3 storey in height and minor relocation of block B to improve relationship to boundary.

The following statements were supplied in support of the application:

- Design & Access Statement
- Planning Statement
- Statement of community involvement
- Affordable Housing Statement
- Economic & Market Strategy
- Health Impact Assessment
- MANOP assessment
- Operators Statement
- Sequential Assessment
- Landscape Visualisation & Impact Assessment
- Tree & Arboricultural Assessment
- Ecological Assessment
- Heritage Statement
- Transport Statement
- Drainage Statement
- Sustainability Statement
- Ground Conditions Assessment
- Noise Assessment
- Light Assessment
- Parking Schedule
- Viability Assessment

The site and development has been considered in relation to the EIA regulations (2011) as amended (2017) and is below the threshold for the requirement of an Environmental Statement.

RELEVANT POLICIES:

National Planning Policy Framework (2018)

2- Sustainable Development

5 - Supply of Homes

6 - Building a strong, competitive economy

8 – Promoting healthy communities

9 – Promoting sustainable transport

11- Effective Use of Land

12 - Achieving well designed places

13 - Green Belt

14 – Meeting the challenge of climate change, flooding and coastal change

15 – Conserving and enhancing the natural environment

16 – Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

H4 Affordable Housing

SD1 Keynote Policy

T10 Parking - New Development

(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 & BE8 are consistent with the Framework and carry significant weight. Other South Bedfordshire Local Plan Review Policies set out above carry less weight where aspects of these policies are out of date or not consistent with the NPPF.)

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;

- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

SP2: Sustainable Development
H1: Housing Mix
H2: Housing Standards
T2: Highway Safety & Design
T3: Parking
CC5: Sustainable Drainage
HQ1: High Quality Development

Supplementary Planning Guidance/Other Documents

1. Central Bedfordshire Design Guide (March 2014)
2. Central Bedfordshire Sustainable Drainage Guidance (May 2015)
3. Caddington & Slip End 2016- 2031

Relevant Planning History:

Application:	Planning	Number:	SB/08/00558/FULL
Validated:	19/05/2008	Type:	Full Application
Status:	Decided	Date:	19/08/2008
Summary:		Decision:	Full Application - Approved

Description: Erection of two detached dwellings

N.B. The permission included the demolition of two workshop buildings and the relinquish of the commercial use of the site which was subject to a Section 106 Agreement, returning the land to arable use.

Parish:

Slip End Parish Council

Fully support the project for the following reasons:

- The retirement village delivers a facility that was previously identified as an important need in our Neighbourhood plan
- Brings important additional employment to the parish
- Enables existing parish residents to down side their accommodation and frees up much needed housing stock
- The retirement village will bring additional facilities that will benefit all parishioners.

Subject to conditions:

- The block directly behind existing gardens (block d) should be no more than 2 storey in height plus accommodation in the roof space
- There should be adequate screening stipulated between the retirement village and residents houses and also the Green Belt
- There should be adequate parking to take into account use by residents, staff, visitors and parishioners.

Internal Consultees:

CBC Leisure -

No Comments to make

CBC SuDs -

Lack of FRA submitted and drainage strategy and recommend refusal due to lack of compliance with para 103 of the NPPF.

Following receipt of FRA and Drainage information, no further objection subject to the imposition of relevant conditions to secure mitigation.

CBC Pollution -

Lack of contamination and noise information. Whilst the contamination matters could be dealt with by condition, there is concern about conditions in respect of noise. A CEMP would also be required to be secured by condition.

Despite the additional information supplied, comments from pollution remain valid.

CBC Ecology -	<p>Net gain for biodiversity has not be demonstrated nor ongoing management of enhancement features and as such is deemed contrary to policy.</p> <p>Further to an updated ecological report, no further concerns subject to the imposition of a condition to secure net gains in accordance with the report.</p>
CBC Waste -	<p>Tracking information not supplied and no details on waste storage/ collection for retirement homes. Other commercial uses would require their own waste collection arrangements.</p>
CBC Rights of Way -	<p>The Heritage Greenway does not require to be diverted as its current alignment is more convenient than the proposed new one. The new diversion would affect the privacy of the occupiers of 102 Markyate Road.</p> <p>Following the revised ROW scheme, further comments from CBC ROW were received stating no objection. Locally, we do not consider that this is especially relevant to the development itself. However as regards the proposed improvements to the public right of way, and the opportunity they represent for the future enhancements to access proposed for the area, we value the chance to achieve increased usage for local rights of way including by those with mobility issues and the elderly. We also believe, as has been the case elsewhere, that improving this footpath in the way proposed and the dedication of the proposed new route, will lead to greater usage and understanding of the rights of way network generally. We also believe that the parish council and the community support the proposed changes to rights of way.</p>
CBC Economic Development	<p>Support for the proposal as generates new jobs, subject to MANOP being supportive of the proposal.</p>
CBC Sustainable Growth	<p>No Objection, subject to the imposition of a condition to ensure delivery of the energy saving provisions supplied in the energy statement</p>
CBC Archaeology	<p>Objects, due to insufficient information about the potential for archaeological resource of the area.</p> <p>Further to revised information, object remains valid. The Archaeology Team have been in communication with the</p>

applicant and provided assistance in securing an appropriate geophysical survey for the site, however, no survey results have been forthcoming.

CBC Landscape

Significant concerns due to the proposed developments detrimental impact on the landscape character and views and amenity.

Further to revised information, object remains valid.

CBC MANOP

Whilst there is and will be a need for the types of accommodation proposed, this needs to be in a more ideal location and of a scale that would mean it would met purely local needs.

Further to revised information, opinion remained the same.

CBC Travel Plans

No Objection, subject to the imposition of a condition to secure a travel plan.

CBC Public Health

The health impact assessment identifies a number of issues but there is a fundamental gap. The proposed development should provide for enhanced social relationships for residents and the location of the proposed development raises a number of questions about the potential impact of social isolation caused due to its rural edge location.

CBC Trees & Landscape

The proposed layout fails to recognise the constraints and importance of the boundary planting and the layout would significantly encroach into natural and future canopy spread which would subsequently have an adverse impact on the ability to visually contain the site.

Following the receipt of revised plans, whilst the Councils Officers accepts there has been some marginal change to the site layout in respect of the juxtaposition of the building layout to the existing hedgerow boundaries surrounding the site, there is still an insufficient landscape buffer being afforded to screen this development from open countryside and objection still remains.

CBC Highways

Objects, due to lack of parking provision and lack of footpath provision within the site.

CBC Housing Objects, due to the lack of affordable housing provision.
Development Officer

External Consultees:

Environment Agency No Objection, subject to conditions to secure SuDs strategy.

London Luton Airfield No Objection

Beds Fire & Rescue No Objection, subject to the imposition of a condition to secure a scheme for the location of fire hydrants within the site.

IDB No comments to make

London Luton Operations Ltd No Objection, subject to the imposition of a condition to secure a noise survey and mitigation scheme to take into account flight path noise.

Thames Water No Objection, subject to the imposition of conditions to secure foul water drainage scheme.

Police Architectural Liaison Officer Objects, fails to have regard to security by design.

Other Representations:

Neighbours (X4) Concerns expressed in respect of the following (in summary):

- Amenity impact in terms of overlooking and noise
- Impact on amenity due to relocation of heritage greenway in close proximity to boundary of existing property
- Overbearing impact
- Inappropriate design, out of keeping with the area
- Traffic intensification on dangerous road
- Parking concerns
- Inappropriate access
- Would create an unacceptable precedent
- Scale excessive based on the size of the village
- Flooding issues
- Heart of village would be lost
- Construction impact
- Pedestrian/driver conflicts
- Not the right location for this type of accommodation
- footpath diversion not required and historic

- Landscape harm
- Visual intrusion

Determining Issues:

The main considerations of the application are;

- 1. Principle**
- 2. Affect on the Character and Appearance of the Area**
- 3. Landscape Harm**
- 4. Neighbouring Amenity**
- 5. Highway Considerations**
- 6. Other Considerations**

Considerations

1. Principle

- 1.1 The site is located within the designated South Bedfordshire Green Belt. Policy GB1 of the South Bedfordshire Local Plan Review which provided the principle criteria for assessing new developments in the Green Belt was deleted and replaced by national guidance now contained in the National Planning Policy Framework (NPPF).
- 1.2 The framework in respect to Green Belt confirms the very strong presumption against such development. The following assessment of the advice given in the NPPF: Control of development within the Green Belt hinges on a two-part test: (i) whether the development proposed is appropriate development; and (ii) if inappropriate, whether there are 'very special circumstances' present which clearly outweigh both the harm by virtue of inappropriateness, and any other harm.
- 1.3 The NPPF states that the construction of new buildings is inappropriate in the Green Belt and exceptions to this are listed in paragraphs 145 and 146. The proposal herein does not fall within the list of exceptions and as such, Very Special Circumstances would need to be established.
- 1.4 The foremost consideration is what will be the harm to the Green Belt caused by the proposal having regard to the its purposes:
 1. to check the unrestricted sprawl of large built-up areas;
 2. to prevent neighbouring towns merging into one another;
 3. to assist in safeguarding the countryside from encroachment;
 4. to preserve the setting and special character of historic towns; and
 5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 1.5 Due to the size and scale of the proposed development and its siting, in an otherwise undeveloped portion of land, it is considered that the proposed development is not only inappropriate in the Green Belt, but also harmful to the visual amenities of the Green Belt. In addition, the harm of the development on the Green Belt would also be exacerbated due to its unrestricted sprawl, and as such would be harmful as a result.
- 1.6 Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts and as such, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The size and location of the development is considered to cause additional visual harm to the openness and as a result of this urbanised sprawl, it would result in the impact of coalescence of Lower Woodside and Slip End and as such harmful as a result.
- 1.7 By reason of its further urbanisation of the edge of the site by way of the introduction of built form in relatively close proximity to the common boundary, will encroach upon the countryside and will be harmful as a result.
- 1.8 The proposed mass and height of development is of an adverse character and scale in comparison with existing adjoining development and local settlement character of Slip End and as such harmful as a result.
- 1.9 The planning statement refers to appeal decisions including that at Former Weyburn Works in Surrey however this refers to the re-use of previously developed land. This proposal would not contribute to assisting in urban regeneration by encouraging the re-use of previously developed land. Whilst it is recognised in the planning history of this site that part of the site was used as a joinery workshop, any commercial use was removed as a result of a s106 agreement which accompanied the 2008 permission for the small scale development of the site. Furthermore, any more historical use appears to have been nursery/horticultural related which does not constitute previously developed land for planning purposes. However, even if this site in part, could be demonstrated to be previously developed, paragraph 145 states that redevelopment of previously developed land would only be acceptable if there was no greater impact on the openness of the Green Belt than its current use and if it could be demonstrated that the need could not be met outside of the Green Belt. This is further iterated in local policy SD1 of the S.B.L.P.R. The proposal herein would have a much greater impact on the openness of the Green Belt than the previous use. As such is harmful in this regard.
- 1.10 On the basis that there will be harm to the Green Belt by reason of its inappropriateness, harm to its openness, harm to visual amenity and any other harm identified, it is necessary to determine what “very special circumstances” may exist that clearly outweighs that harm.

1.11 There is no definition of the meaning of “very special circumstances” but there is a body of opinion expressed through dealing with planning appeals and challenges through the Courts in the past which can help the Committee reach a decision. Indeed the Encyclopaedia of Planning Law has examined how the courts have treated Green Belt Policy over the years and quotes the following extract from a judgement: '[very special circumstances] are] not merely special in the sense of unusual or exceptional but very special.'

- Does the application have a unique feature that outweighs the harm to the Green Belt?
- Is there a substantial economic need, especially at a national or regional level?
- Is there a substantial housing need that cannot solely be met within the urban area?
- Are there substantial cultural, social or community benefits?

The important point to bear in mind is that these substantial benefits must arise from the unique circumstances of the proposal or otherwise it could be repeated too often, to the long term, cumulative harm of the Green Belt.

1.12 The Very Special Circumstances identified as part of this submission include:

- Employment generation
- Identified need for elderly accommodation
- Improvements to the Heritage Green Way
- Shared local amenities - such as café, shop, hairdressers etc
- Enhanced landscaping and biodiversity
- Improvements to existing infrastructure
- Supports the aspirations of the neighbourhood plan
- Community benefits - playground/affordable housing contribution

1.13 The premise also to the VSCs presented, whilst the applicants have supplied their own evidence base in respect of need, has not been backed up by technical consultees whom have responded to this application. Whilst it is acknowledged that the proposal would generate some employment, the Councils MANOP officer considered that this site is unsustainable for this proposal and whilst the proposal may support local aspirations for elderly accommodation contained in the Caddington and Slip End Neighbourhood Plan for within their geographic, the Councils MANOP officer is not of the opinion that this is the only site potentially available to provide this need.

1.14 In addition, the Councils landscape officers considers that the site is detrimental to the landscape and the character and appearance of the area. In terms of Heritage Greenway which is furthermore supported by the Caddington & Slip End Neighbourhood Plan, the Councils ROW officer accepts the proposals

following a revised scheme however rightly draws upon the impact on existing residents by the proposed arrangements which are not otherwise required in order to future proof the Heritage Greenway as the existing Footpath 4 can connect to the future aspirations for the Heritage Greenway. The improvements and connection to the existing footpath would not represent Very Special Circumstances.

- 1.15 The proposal provides for community benefit through shared local amenities, however this can only be treated as a benefit if additional parking provision could be facilitated such that local residents could utilise the site. Whilst a contribution towards play is proposed no support was given by the Councils Leisure team. A contribution towards offsite affordable housing is proposed however having considered the viability which supports this proposal, the Council is not content that policy compliant affordable housing would be provided for. As such, it is considered that the proposal does not demonstrate VSCs, that would outweigh the harm to the green belt.
- 1.16 Sustainable Development: The proposal would result in economic, social and environment benefits, however these matters are mutually exclusive. Furthermore regard should be had to policy SD1 which supports these principles.
- 1.17 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.
- 1.18 In this case, the location is at the edge of the settlement of Slip End outside the settlement boundary. Slip End itself is a small village with few amenities, looking to Caddington, Dunstable and Luton for many facilities. The site is less than ideal from a sustainability perspective and whilst the site includes some on site provision which would to a degree mitigate the issue, the location of this site still

remains somewhat isolated. Whilst the Councils MANOP Officer advises that there is a requirement across the whole of Central Bedfordshire to accommodate 9050 units of elderly accommodation over a period from 2015-2035 of which the Councils emerging Core Strategy is planning for, the council has no precedent for a scheme of the proposed scale being delivered in a location well away from any significant centres of population. It is the Councils MANOPs view that the proposal would gain the majority of its residents from outside the immediate locality and therefore would not be meeting a purely local need or releasing other homes only from the immediate area.

- 1.19 A health impact assessment was also supplied in support of the application which identifies a number of issues but there is a fundamental gap. The proposed development should provide for enhanced social relationships for residents and the location of the proposed development raises a number of questions about the potential impact of social isolation caused due to its rural edge location.
- 1.20 As such, it is considered that the proposed circumstances presented do not present, Very Special Circumstances that would outweigh the harm caused by way of its inappropriateness and therefore contrary to the aims and objectives of paragraph 145 of the NPPF.

2. Affect on the Character and Appearance of the Area

- 2.1 Local Plan Policy BE8 states that proposals should take full account of the need for, or opportunities to enhance or reinforce the character and local distinctiveness of the area; and that the size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views.
- 2.2 The siting and scale of the development fails to respect the relatively small scale of the existing settlement and as a result of its scale and position relative to the settlement would appear at a discord with the character of the area and isolated in nature, lacking any cohesion with the existing settlement. The development would also fail to accord to the general grain of development within the locality, which for the better part of Slip End consists of development providing a frontage to Markyate Road.
- 2.3 In addition, due to its position at the brow of the hill, the proposal would appear unduly prominent and result in an unacceptable and significant visual intrusion. Furthermore, the guidance within the Councils Technical Design Guidance, states that proposals on the edge of settlement should be no more than two storey in height. The proposal herein is entirely contrary to this advice, being as much as 3.5 storeys in height at some points due to the level of the land.

- 2.4 The proposed mass and height of development is of an adverse character and scale in comparison with existing adjoining development and local settlement character of Slip End which is typically village core, 2 storey terraces and linear extensions consisting of 2 storey cottage terraces mixed with semi and detached dwellings within garden settings. The proposed development is of a scale and character more in keeping with town centre development and is inappropriate to the application site rural location and character of setting.
- 2.5 In addition to this, in terms of the fascia design of buildings and the materials and treatments proposed. They are very urbanised in nature and not the design and treatments which would respect the pre-existing character of the area and are not of the design that would be befitting of a rural edge.
- 2.6 Therefore the proposal is considered to fail conform with policy BE8 S.B.L.P.R, the Central Bedfordshire Design Guide and section 11 & 12 of the NPPF.

3. Landscape Harm

- 3.1 The application site is located on an elevated plateau location, which forms part of an important exposed landscape countryside gap between settlements at Slip End, Woodside and Caddington.
- 3.2 The submitted Landscape Appraisal Fig. 2 describes physical landscape context and including the application site; the aerial image highlights the fragility of the countryside gap. Urban development of the proposed mass and density, effectively 'filling' the application site with built form, will significantly reduce the countryside gap physically and visually, compromising spatial landscape character and distinctive existing settlement characters.
- 3.3 The submitted Landscape Appraisal Fig. 3 describes the topographical plateau character of the Caddington & Slip End landscape; the CBC Landscape Character Assessment provides description of key attributes and sensitivities for the landscape area 11B Caddington - Slip End Chalk Dipslope and the southern portion of the dipslope including the application site; notable lack of woodland, settlements contained by small scale fields. The LCA advises need to safeguard character and separate identity of historic settlements, limit further ribbon development that would create the impression of a much larger urban area. The LCA also highlights the local and wider visual sensitivity of the open ridges / plateau areas to tall development.
- 3.4 Submitted Landscape Appraisal Appendix 6 includes photo views describing base line views and photomontages describing proposed development at Yr. 1 and Yr. 15 including:
- Viewpoint 3 from Footpath 4 describes the existing undeveloped character of the landscape countryside gap between Woodside and Slip End and openness of views across the plateau. View 3 photomontages describe the

physical and visual intrusion of proposed development encroaching in to the rural countryside and serious detrimental impact on landscape character locally and in wider views.

- Viewpoint 4 from Footpath 3 describes baseline settlement edge, 2 storey dwellings set on a locally elevated and exposed location with and expansive views across the plateau landscape. View 4 photomontages describe the visual impact of development including 3 to 3 1/2 storey development (13ms + above site level), with roof lines exposed even by Yr 15.
- Viewpoint 6 from Mancroft Rd describes the undeveloped character of the application site and countryside gap with settlement at Slip End set back on and away from the edge of the local plateau and Woodside set back and within the local valley. View 6 photomontages describe the intrusion of proposed development, with roof lines at least still apparent at Yr15, resulting in highly detrimental long term change in landscape, countryside gap, settlement 'village' character and local / wider views.
- Viewpoint 7 and accompanying photomontages similarly describe impact of change, the highly urban character of development and in effective landscape mitigation.

3.5 Proposed built form of this mass and scale cannot be integrated appropriately and effectively within the elevated, open, rural, deciduous landscape setting. The mass and arrangement of proposed development does not allow adequate space for structural planting on site to screen and mitigate built form. The cumulative impact of massed units of varying heights, form and roof scapes with sole landscape mitigation reliant on boundary hedgerows and trees will result in an exposed, elevated urban edge encroaching in to the countryside. Proposed development will be highly intrusive visually and have a highly detrimental impact on landscape character, settlement character and will compromise the spatial quality of the countryside gap between Slip End, Woodside and Caddington.

3.6 The submitted Landscape Appraisal 9.5 describes .. 'whilst additional boundary planting would have some benefit it would have limited potential to completely screen the proposed built form due to the limited space available and potential for shading and loss of natural light to the new buildings...' This statement confirms additional landscape concern that hedgerow boundaries forming landscape mitigation / screening would need to be managed to maintain natural light to development and consequently landscape edges would not be allowed to grow /mature and development would be permanently exposed.

3.7 The visual impact of lighting from 3 to 3 & 1/2 storey development at night time from an elevated location will also be highly intrusive on wider rural landscape and have an urbanising effect.

- 3.8 The submitted Landscape Appraisal 10.10 describes 'The proposed development would have similar lighting levels to neighbouring residential development.'... The proposed development extends 2 - 3 + storey built form and lighting on a elevated site, located away from existing 2 storey residential units, and into rural countryside. The potential impact of lighting is not assessed adequately in the Landscape Appraisal and landscape concerns stand regarding detrimental effect of lighting from proposed development.
- 3.9 The potential impact of change on the rural approach and village 'gateway' to Slip End along Markyate Road to facilitate access / visibility splays and engineered junctions is also a serious concern.
- 3.10 Detail on design of access / junction to the application site and extent of existing hedgerow required to be removed to facilitate visibility splays is not provided in the application documents. There appears no information on highway design, materials, signage or lighting - all of which can be highly urbanising and detrimental to rural / settlement character. Therefore the proposal is considered to fail conform with policy BE8 S.B.L.P.R, the Central Bedfordshire Design Guide and section 12 & 15 of the NPPF.

4. Neighbouring Amenity

4.1 Existing Occupiers

Concerns have been raised by adjoining occupiers, due to the fact that the proposed main entrance to the site and the adjoining heritage greenway alignment plans would be located directly adjacent to this existing residential property of 102 Markyate Road and would lead to unacceptable amenity impact in terms of noise, disturbance and loss of privacy due to the intensified access arrangements for both vehicular and pedestrian traffic.

- 4.2 No noise assessment has been supplied for consideration and no planned mitigation for existing residents has been supplied and therefore concerns have also been expressed by the Councils Pollution Officer about the impact on future residents as a result of the mix of uses and whether it could be suitably mitigated. Having regard to the level of activity that may have been present in the past in respect of the nursery, it is not directly comparable to the intensified planned use of the site and as such, it is considered that the proposal would be detrimental to existing residents in terms of noise, and disturbance having regard to what they would otherwise expect of a rural, tranquil village edge.

- 4.3 In addition to this access, the planned retirement living block D would be located directly to the rear of 94-102 Markyate Road. The separation distance proposed would be approximately 21 metres which is the expected separation distance proposed back to back contained with the Central Bedfordshire Design Guide. As such, whilst concerns have been expressed about the potential for mutual

overlooking, having regard to these separation distances it is considered that the proposed would not be detrimental to amenity in this regard.

4.4 As such, it is considered that the proposal would be detrimental to the amenity of existing occupiers in terms of noise and disturbance and as such fails to conform with Policy BE8 S.B.L.P.R and section 12 of the NPPF.

4.5 Future Residents

The Councils MANOP officers has raised that the proposed scheme whilst for the most part meets recommended design characteristics, there are a number of concerns about accommodation and implications for future residents such as the fact there is very little communal space for the assisted living accommodation and retirement living blocks B & C and as such the proposal would fail to accord to the policy BE8, Section 12 of the NPPF and the Central Bedfordshire Design Guide by failing to provide suitable level of accommodation to meet the needs of the future occupiers and amenity for future occupiers.

5. Highways Considerations

5.1 Access

The Councils Highways Officer accepts the trip rates detailed in 5.0 in the Transport Statement and the proposal shows a simple junction with 6.0m radii and 6.0m carriageway with adequate visibility splays for a 40mph speed limit. There is also the provision for a footway to connect to the existing footway and these matters could otherwise be secured by condition if the scheme was found to be otherwise acceptable.

5.2 Footway Connectivity

Considering the type of development there is no provision for vulnerable road users such as the provision of a footway within the site. Further, the area remaining between the proposed carriageway and buildings is not sufficient to allow the provision of a 2.0m footway on either side.

The proposed highway network does not allow for the provision of an adequate footway to protect vulnerable people within the proposed site.

5.3 Cycleway Provision

In addition, the transport statement, para 4.13 states that there is cycle parking provision on the ground floors of each building, however it is unclear that this is the case.

5.4 Parking

The parking provision for Retirement Homes should be 1.25 per unit which equates to 114, the scheme only proposes to provide 80 spaces which is a deviation from the authority's standard.

There is a slight error in relation to Sheltered accommodation, the provision should be 1 per two units plus 0.25 for visitors. For the 41 units, this should equate to 31 while you the proposal provides only 25.

In relation to the residential element there should be 169 spaces, however, with the additional 6 spaces relating to the sheltered housing this should be 175 spaces. This is the authority standard and there is not any reason to deviate from this standard especially in the location of this site. As a result, I could not support a reduction in the authority's standard of 50 spaces as proposed.

In respect of the community centre and the conservatory, these would warrant a parking provision in relation to the uses which in accordance with standard would be 25 spaces. A deviation to parking provision for the community facility may be acceptable if the uses were for future residents of the village only however this would undermine part of the very special circumstances presented in that regard which the applicants has not agreed to and as such, there is a further under provision of parking.

In conclusion, this proposal would require a parking provision of 200 spaces while only 125 spaces are proposed.

- 5.5 As such, the Highways Officer is unable to support the proposal as it is considered that the proposal would fail to provide adequate parking provision for the nature of the uses proposed and would also fail to provide appropriate safe internal pedestrian movement between uses for future residents and therefore would fail to conform with Section 8 & 9 of the NPPF and the Central Bedfordshire Design Guide.

6. Other Considerations

6.1 Archaeology

This application is accompanied by a Heritage Statement (Regents Park Group, March 2018). This document contains a series of reproductions of historic maps and data derived from a 1km search of the Heritage Gateway. The information that is available from the Heritage Gateway represents a summary version of the historic environment record data and is infrequently updated. Therefore, it does not represent the data truly held by the Central Bedfordshire and Luton Historic Environment Record (HER). Regardless of the origin of the data in the Heritage Statement, no attempt has been made to critically analyse this information, it simply appears in list form and the document does not include an assessment of whether there is any potential for the site to contain archaeological remains (of any period). This is regrettable and the limited 1km search means that the Caddington Palaeolithic sites have not been included in the document.

The Caddington and Slip End area has the potential to produce further evidence of in situ Palaeolithic remains including extensive knapping floors. Research into the Palaeolithic is a national priority (see The Prehistoric Society & EH 2008). The

quality of the Palaeolithic remains thus far recovered in this part of Bedfordshire means that the county has the potential to provide information and material which would assist in research into: chronology, landscape, hominin behaviour and economy during this period (Austin 2000, 5-6 and Oake et al 2007, 8).

There may be archaeological remains at the proposed development site, however, because no field survey has been undertaken, the extent and character of those remains is unknown. Some of those remains could relate to the known Palaeolithic sites at Caddington which are nationally significant. At present the Archaeology Team cannot comment on the impact of the development proposals on the significance of any heritage assets with archaeological interest as there is insufficient information on the archaeological potential of the proposed development site.

6.2 Affordable Housing

The applicant refers in the submitted documents to the dwellings being Use Class C2 (residential institutions). The application describes three types of accommodation within the proposed scheme:

- Retirement Living Accommodation – Low care, access to onsite activity opportunities plus additional home maintenance and housekeeping.
- Assisted Living Accommodation - Medium care, all of the above plus support with meals, cleaning, laundry and domestic services are provided within medical supervision & personal visits.
- High Dependency Care Home – All of the above plus personal high dependency residential and nursing care.”

The Operator Statement submitted as part of the application states that “Occupancy of the Retirement Village will be limited to those over 65, frail and in need of care and support.” Using this definition, the applicant would be able to argue that the whole scheme falls into the C2 use class similar to the appeal decision referred to in the Planning statement in relation to The Knowle in Devon. This would certainly be the case for the High Dependency Care Home where the description and design places it squarely into this use class.

Strategic Housing are of the view the Council are in a position to seek affordable housing from the development from all units other than those designated as the High Dependency Care Home units (Retirement Living Accommodation and the Assisted Living Accommodation). Unlike the High Dependency Care Home (where the use is clearly limited by the design and internal layout of the building) the remaining units could be suitable for occupation by people with or without care and support needs. Designating the units other than the High Dependency Care Home as C3 use class would then require the applicant to provide a proportion of the units as affordable housing in accordance with the Councils policy. Affordable housing requirement would equate to 30% affordable housing from the Assisted Care Living Accommodation and Retirement Living Accommodation units. The

Strategic Housing Market Assessment (SHMA) has identified a tenure requirement from qualifying affordable housing sites as being 73% affordable rent and 27% intermediate tenure. Compliance with the SHMA would be expected.

A viability assessment has been supplied which demonstrates at face value that the scheme is unviable and unable to provide for affordable housing provision nor any other potential relative infrastructure provisions. However the applicant has accepted a lower profit margin of 15% to allow for a £2 million contribution to be realised towards an offsite affordable housing provision.

However this assessment provided has been independently scrutinised and the evidence supplied is insufficient to justify that the scheme is unviable nor that a £2 million contribution as proposed by the applicant for an offsite affordable housing scheme would be an acceptable offset for no onsite affordable provision.

6.3 Contamination

The Councils Pollution Team have raised that the site could have potential ground contamination and therefore has recommended that if the scheme is considered otherwise acceptable to secure conditions to control this potential.

6.4 Climate Change

Policy BE8: Design and Environmental Standards states that proposals should maximise energy efficiency and conservation through orientation, layout and design of buildings, use of natural lighting and solar gain, and take full advantage of opportunities to use renewable or alternative energy sources. It also requires proposals to demonstrate how trees and vegetation have been used to achieve visual, acoustic, energy saving, wildlife and other environmental benefits. The Councils Sustainability Officer is satisfied with the proposals contained within the Energy Statement and If the proposal were considered otherwise acceptable, such matters could be satisfactorily resolved as part of any forthcoming reserved matters application and could be controlled by condition. As such, the proposal would conform with policies BE8 of the SBLPR and Section 14 of the NPPF.

6.5 Flood Risk/ SuDs

Para 103 of the NPPF states, all new development that is more than 1 hectare (ha) and in Flood Zone 1 must provide an FRA. The FRA should show how the flood risk to the site (or elsewhere) as a result of proposed changes to the site will be managed as part of the development proposal. In addition, all new development must manage surface water in accordance with para 103 of the NPPF and its supporting Technical Guidance. The Councils SuDs officer is content following the receipt of relevant information that mitigation and a suitable drainage scheme could be secured by condition if the scheme is found to be otherwise acceptable. Therefore the proposal is considered to be in accordance with section 14 of the NPPF.

6.6 Ecology

Whilst the application is supported by an ecological appraisal and bat survey. Extensive recommendations for biodiversity enhancements are given in the Ecological Appraisal. The scheme has the potential to achieve a net gain for biodiversity subject to the imposition of a condition to secure proposals in accordance with the ecological report supplied, if found to be otherwise acceptable and as such the proposal is considered to accord with section 15 of the NPPF.

6.7 Fire Hydrants

The Bedfordshire Fire Service has identified that new residential developments should allow for the provision of fire hydrants and appropriate access. This is a matter that could be designed into the layout and can be controlled by condition.

6.8 Human Rights issues

The proposal raises no Human Rights issues.

Equality Act 2010

The proposal raises issues with regard to access under the Equality Act and the applicants / developer will be reminded of their responsibilities by way of an informative on the decision notice.

Recommendation:

That Planning Permission be REFUSED subject to the following:

REASONS FOR REFUSAL

- 1 The site lies within the South Bedfordshire Green Belt and would result in harm to the openness of the Green Belt, and would have an adverse impact on the setting of the site and the character of the area, by way of the urbanisation of the area and would result in an erosion of the rural transition between the villages. The proposal is inappropriate development within the Green Belt and would be harmful by reason of inappropriateness and loss of openness and would conflict with the purposes of including land within the Green Belt by way of encroachment of the countryside. Very special circumstances that would outweigh the identified harm have not been established in this case. The proposal is contrary to Section 13 of the National Planning Policy Framework.
- 2 The proposal due to its location, setting on the brow of a hill, its relationship to the existing villages and the scale of the development, would cause significant and demonstrable harm to the character and appearance of the area by extending built development into the countryside and due to the pattern of development in this area it would appear incongruous and out of character with the existing character of the villages and with adjoining dwellings in the locality. As such the proposal would be contrary to policy BE8 of the S.B.L.P.R and section 12 & 15 of the NPPF.

- 3 The proposed development makes inadequate provision for the on-site parking of vehicles and is likely to lead to an increase in on-street parking so resulting in traffic congestion and additional hazards for highway users. The proposal is therefore contrary to Policy T10 of the South Bedfordshire Local Plan Review and sections 9 & 12 of the NPPF.
- 4 In the absence of a completed legal agreement securing financial contributions to offset infrastructure impact, including the provision of affordable housing, the development would have an unmitigated and unacceptable impact on existing local infrastructure. The development would therefore not amount to sustainable development and would be contrary to the objectives of the National Planning Policy Framework.
- 5 The proposal fails to demonstrate how the intensified mix use of the site could be accommodated without detrimental impact on existing residents in terms of noise and disturbance. In addition, the proposal would fail to provide suitable level of accommodation or external amenity to meet the needs of the future occupiers and therefore is contrary to policy BE8 of the S.B.L.P.R., Section 12 of the NPPF and the Central Bedfordshire Design Guide.
- 6 Given its location and relationship to the existing settlement and in the absence of provision for direct and suitable footpath and cycleway connections and the lack of public transport provision, it would be isolated from the services and facilities of the adjacent settlement of Slip End and would thereby result in a heavy dependency on car journeys. As a result the proposal would not amount to sustainable development and would be inappropriate and unacceptable in principle. The proposal therefore fails to conform with the objectives of the National Planning Policy Framework and policy SD1 of the S.B.L.P.R.
- 7 This application does not provide sufficient information on the proposed development site's archaeological potential to be able to assess the impact of the proposal on the significance of heritage assets with archaeological interest. The proposal therefore fails to conform with the objectives of section 16 the National Planning Policy Framework and the Central Bedfordshire Design Guide.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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