

## Item No. 10

<b>APPLICATION NUMBER</b>	<b>CB/18/01001/FULL</b>
<b>LOCATION</b>	<b>10 Copper Beech Way, Leighton Buzzard, LU7 3BD</b>
<b>PROPOSAL</b>	<b>Erection of one detached dwelling with parking and access. Erection of detached garage to serve 10 Copper Beech Way.</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Johnstone, Spurr &amp; Ferguson</b>
<b>CASE OFFICER</b>	<b>Nicola Darcy</b>
<b>DATE REGISTERED</b>	<b>12 March 2018</b>
<b>EXPIRY DATE</b>	<b>07 May 2018</b>
<b>APPLICANT</b>	<b>Mr F Marshall</b>
<b>AGENT</b>	<b>Woods Hardwick Planning</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Spurr as the site lies within the Green Belt.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - For Approval</b>

### Summary of Recommendation

The site lies within the Green Belt and on balance, although inappropriate development, it is considered that very special circumstances have been demonstrated for the proposal for a dwellinghouse, having regard to the developed character of the majority of the locality, the lack of harm to openness, such that the development would be in conformity with The National Planning Policy Framework and policy BE8 of the South Bedfordshire Local Plan Review.

### Site Location:

The application site is formed by the side garden of number 10 Copper Beech Way, Leighton Buzzard.

The site lies on the western side of the road and is flanked by a parcel of amenity land/public open space to the north and number 10 Copper Beech Way to the South.

The site lies within the South Bedfordshire Green Belt.

### The Application:

The application seeks planning permission to erect a detached dwelling, the dwelling would be constructed over 2 levels with 4 bedrooms.

The existing garage which was for the use of 10 Copper Beech Way will be demolished and a total of three parking spaces will be provided for the new plot.

In addition, a detached garage would be built to serve No 10 Copper Beech Way, resulting in a further three allocated parking spaces.

Access onto the proposed site would be via the existing vehicular crossover to the northern tip onto Copper Beech Way. A new access would be formed to serve the existing dwelling.

## **RELEVANT POLICIES:**

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

The National Planning Policy Framework (NPPF) was published on July 2018 and replaced most of the previous national planning policy documents, PPGs and PPSs. The following sections are considered directly relevant :

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
9. Promoting sustainable transport
12. Achieving well-designed places
13. Protecting Green Belt land
15. Conserving and enhancing the natural environment

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

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the Framework and significant weight should be attached to them, with the exception of Policy GB3 in regard to village categories and policies BE6 and T10 which are afforded less weight.

SD1 Keynote Policy  
GB3 Green Belt Villages  
BE6 Area of Special Character  
BE8 Design Considerations  
T10 Parking - New Developments

### **Emerging Local Plan**

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 216) 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:

Policy SP1: Growth Strategy

Policy SP2: National Planning Policy Framework - Presumption in Favour of Sustainable Development

Policy SP4: Development in the Green Belt

Policy EE4: Trees, woodlands and hedgerows

Policy EE5: Landscape Character and Value

Policy HQ1: High Quality Development

Policy T1: Mitigation of Transport Impacts on the Network

Policy T2: Highway Safety & Design

Policy T3: Parking

### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

<b>Case Reference</b>	<b>CB/17/04327/FULL</b>
Location	10 Copper Beech Way, Leighton Buzzard, LU7 3BD
Proposal	Erection of one detached dwelling with parking and access. Erection of detached garage to serve 10 Copper Beech Way.
Decision	Full Application - Refused
Decision Date	18/12/2017

### **Consultees:**

Leighton-Linslade Town Council

RESOLVED to recommend to Central Bedfordshire Council that objection be made to application reference CB/18/01001 (10 Copper Beech Way) on the following grounds:

- That no evidence of very special circumstances had been given to justify the proposed development on Green Belt land
- The proposal would have a detrimental impact upon the Area of Special Character
- The overbearing nature of the proposed development on adjoining residential properties

- That the proposal might not meet Central Bedfordshire parking standards
- Concerns regarding visibility, safety and practicality of proposed vehicular access
- Concerns regarding the visual impact on the landscape from the other side of the river and canal (Linslade)

Tree and Landscape Officer

Further to my previous consultation response made in respect of the application No. CB/17/04327/FULL, I have examined the plans, documents and planning statements relating to this current application, and a further site visit was made on the 1st May 2018. Unfortunately, it was found that the tree described as the "nearest Silver Birch" in my previous consultation response had now been felled, with only a stump remaining.

This unwarranted felling has now merely served to exacerbate the already high adverse visual impact that the development would have on the designated "Area of Special Character" and Public Open Space; removing the very landscaping that could have otherwise helped to integrate any new development (albeit on a smaller scale) into such an area.

In recognition that the layout of the original building is largely the same as for the previous application, where there is little space for mitigating planting between the new dwelling and the POS, and that given the tall profile of this new dwelling, and its close juxtaposition to the northern boundary, it will result in the visual impact on the surrounding area as being significant as ever.

Therefore, in the absence of any effective landscaping that could mitigate against the bulk of this building, I could not support such a proposal.

13/07/18

I refer to the amended drawings in respect of the height and scale of this building being reduced, and also my previous comments.

May I advise you that if you are minded to grant consent to this application, then a standard landscaping condition is imposed in order to secure new trees and shrubbery around this new building.

Highways

I refer to the above application for which you have requested my comments. I would advise as follows:

The application proposes the erection of a new dwelling house and attached garage on land adjacent to number

10 Copper Beach Way, Leighton Buzzard. The proposal includes the demolition of the existing double garage serving number 10 and its replacement with a single one. Both these garages are substandard in size to be considered acceptable in parking terms. However, there is ample parking in front of number 10 to be compliant with the Council's requirements.

The proposed dwelling is shown to be served by an existing private drive serving three properties. The drive is 3.3m in width and terminates in an area intended for turning of vehicles but it is used for car parking. The private drive is substandard in its width but it is straight and vehicles entering/leaving it can see each other and wait to avoid conflict on the public highway. The junction of the private drive with the public highway is satisfactory. In a highway context I consider the proposal satisfactory in principle and recommend that the following condition be included if planning approval is to be issued:

(Requests detailed parking layout)

#### Comments on Revised Plan

I refer to the above application and the revised drawing for which you have requested my comments and I advise as follows:

The amendment proposes to retain the existing double garage to be used as parking for the proposed 4 bedroom dwelling. This garage is substandard and cannot be considered as part of the parking provision for the proposed dwelling. Therefore, the proposed dwelling will only have one parking space while it should have 3 which is a deviation from the authority's standard.

As submitted the proposal cannot be supported. Please advise the applicant of my comments and suggest they withdraw the proposal. However, if they wish to proceed please advise and I will provide you with reasons for refusal which will encompass all the issues above.

The comments and advice in this letter are based on the information supplied in the planning application and accompanying documents/plans and no liability is accepted for any inaccuracy contained therein.

## Other Representations:

Neighbours:

Objections summarised:

11 Letters of objection.

- Traffic and Highway Safety
  - lack of turning circle
  - increase of traffic
- Loss of Amenity & Detrimental to public open space
- Disturbance during construction
- Contrary to Green Belt Policy
- Conflict with 'safer routes to school'
- Contrary to the 'Area of Special Character'

## Considerations

1. Principle of Development
2. Harm to Openness of the Green Belt
3. Impact Upon the Character and Appearance of the Area
4. Amenity
5. Highway
6. Other

### 1. Principle of Development

- 1.1 The application site is washed over by the South Bedfordshire Green Belt and therefore Section 13 of the National Planning Policy Framework is a key consideration in the determination of this application.
- 1.2 Section 13 explains that the government attaches great importance to Green Belts. 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.
- 1.3 Paragraph 134 sets out the five purposes of Green Belt, which includes preventing neighbouring towns from merging into each other and assisting in safeguarding the countryside from encroachment.
- 1.4 Paragraph 143 states that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 1.5 Paragraph 144 states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.
- 1.6 Paragraph 145 of the National Planning Policy Framework states appropriate forms of development include limited infilling in villages, limited affordable housing for local community needs under policies set out in the Local Plan and limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would:
  - not have a greater impact on the openness of the Green Belt than the existing development: or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting

- an identified affordable housing need within the area of the local planning authority.
- 1.7 No definition of infill is provided within the National Planning Policy Framework or the National Planning Practice Guidance. The Court of Appeal decision sets out that it was common ground that whether or not a proposed development constituted limited infilling in a village was a matter of planning judgement and would depend on an assessment of the position on the ground.
  - 1.8 Policy H12 sets out the definition of infill development and considers when infill development will be appropriate. However, in accordance with Annexe 2; land within residential gardens is not usually considered to be previously developed land and as such the development cannot be strictly considered as infill. Although it is worth noting that should the criteria of H12 being applied to the physical attributes of the scheme, the proposal would comply with policy.
  - 1.9 The side garden of number 10 Copper Beech Way has a very limited role with regard to preserving the openness of the Green Belt and having regard to the established character of the area and the much reduced scale of the proposed dwelling, it is considered that there would be very limited impact on the openness of the Green Belt or the character of the area.
  - 1.10 Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.
  - 1.11 The Agent has put forward a case for 'Very Special Circumstances' which include the development being considered as infill.
  - 1.12 In the circumstances, although the proposal cannot be considered as infill as the site is created by the subdivision of a private garden, it is considered that the revised design which includes the significant reduction of the building, has overcome the impact concerns of the previously refused scheme and it is considered that very special circumstances exist which outweigh any harm to the Green Belt.
  - 1.13 In this location the character of the immediate locale is varied, with open space to the west and a more built-up feel to the north. The Agent has revised the design of dwelling by reducing it to one storey and removing the planned detached garage. Although the proposal would consolidate development in this location, the impact is not considered to be harmful to the character of the area.
  - 1.14 In this location the character of the immediate locale is spacious, with open space to the west. The proposal would consolidate development in this location, creating a more built-up feel to the locality, however, the important gap between the application site and the dwellings to the north of the site would be retained, albeit to a slightly lesser degree, therefore, the distinctive gap which contributes positively to the open character of the area and the openness of the Green Belt would be retained.

## **2. Harm to the Openness of the Green Belt**

- 2.1 The proposal would cause harm by reason of inappropriateness, however, when assessing harm, it important to consider the five purposes of the Green Belt:
  - a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;

- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In terms of the five purposes set out above, the proposed development would be well contained within the boundaries of the existing residential curtilage and would not result in unrestricted sprawl of the built up area given that the site is located centrally within a town, it would not result in coalescence with any other settlement, it would not encroach into the open countryside given the site is within a town, it would not affect the setting or special historic character of the town, and it would recycle existing settlement related land ie: residential curtilage.

- 2.2 In this respect it is considered that the proposal would not conflict with the five purposes of including land in the Green Belt.

### 2.3 **Harm to Openness**

As part of the new Local Plan for the whole of Central Bedfordshire a number of technical studies have been undertaken including a review of the Green Belt. The purpose of the Central Bedfordshire and Luton Green Belt Study (2017) is to test the performance of the Green Belt against the five purposes of Green Belt as identified within the NPPF, and to identify any areas which may be performing less well in Green Belt terms. The initial Study was undertaken in two stages to isolate areas of the Central Bedfordshire and Luton Green Belt which perform relatively weakly against the Green Belt purposes and are therefore likely to cause less harm to the Green Belt if released for development. A further Stage 3 study has also been carried out to support the LPCBC and for the purpose of assessing sites for potential inclusion in the emerging plan. The Stage 1 assessment identifies the application site as having a weak, and relatively weak contribution to four of the five purposes of the Green Belt.. The assessment notes the parcel consists entirely of woodland except for a smaller area of amenity grassland in the east and one individual dwelling (the application site). The assessment notes Woodland typically has a weak relationship with the settlement and the parcel is almost entirely contained by residential development and so has a weak relationship with the wider countryside.

- 2.4 The Stage 2 assessment concludes, "The parcel relates more strongly to the settlement than to the wider countryside and so makes a relatively weak contribution to Green Belt purposes. The bridleway that runs along the northern edge of the parcel would constitute a relatively strong potential alternative Green Belt boundary that would be simpler in form than the extended existing Green Belt edge defined by the parcel's woodland boundaries."

- 2.5 Having regard to this detailed assessment of the site and surrounding area, it is considered that the harm to openness would be extremely limited. Additionally, the proposed development would not conflict with the five purposes for including land within the Green Belt, which is endorsed by the recent Green Belt Studies undertaken as part of the technical studies to support the Central Bedfordshire Local Plan. The site has a better relationship with the edge of a large built-up area rather than surrounding countryside. In conclusion, these circumstances are material considerations in the determination of this application.

## 3. **Impact on the character and appearance of the Area**

- 3.1 South Bedfordshire Local Plan Review in 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. Design Supplement 1 of the Central Bedfordshire Design Guide states that proposals should be visually distinctive and should be designed as a sensitive response to their site and its setting.

- 3.2 Section 11 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 3.3 The site does lie within an 'Area of Special Character' as defined within the South Bedfordshire Local Plan however this local designation is not proposed to be retained as part of the emerging Central Bedfordshire Local Plan. Although it cannot be given weight in the determination of the application, it is a useful policy which sets out the unique character of the locality and is considered to be relevant taken together with the consideration of the proposal in the context of the local character and distinctiveness of the area.
- 3.4 To the north of the application site there lies an area of open space. While the proposed dwelling would be visible from views within the open space, the area to the north, east and south of the open space comprises built form.
- 3.5 The open space is a relatively small area of grass contained between existing housing. It is not an area readily visible from the wider surroundings, nor does it offer wider views of open countryside. The introduction of an additional dwelling would not significantly visually harm the area.
- 3.6 During consideration of the refused application CB/17/04327/FULL, the Tree and Landscape Officer raised concern that there is limited space along the site boundary to allow landscaping to be planted as mitigation. However, the proposed dwelling has now been reduced in size. The narrowest point between the proposed dwelling and the site boundary is 2m which allows adequate space for a laurel hedge or similar screening to be planted on the boundary. This will provide a softer edge to the development and will be no different to the existing conifer hedge that currently exists along the boundary in part.
- 3.7 The Tree and Landscape Officer has objected to this current application because the owners have removed a silver birch tree which provided screening of the site.
- 3.8 There are clear views into and across the site from the adjacent area of Public Open Space. If housing was erected on the land it would be clearly visible from longer views. The proposal would alter the open character of the existing built development, however, this harm could be mitigated by the implementation of a robust landscaping scheme.
- 3.9 On balance and subject to a condition requiring a robust Landscaping Scheme, the proposal would be not be detrimental to the local character of the area and as such, the proposal would be in accordance with the principles of good design set out in the NPPF, and Policies BE6 and BE8 of the South Bedfordshire Local Plan Review.

#### **4. Amenity**

- 4.1 South Bedfordshire Local Plan Review policy BE8 and the Central Bedfordshire Design Guide require 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. Furthermore, development must respect the amenity of neighbouring occupiers and provide high quality living conditions for future occupiers.

- 4.2 The Design Guide includes a back to back distance of 21m which should be achieved between dwellings to ensure privacy is maintained. The proposed dwelling has no 'back to back' relationship conflict, there is one adjoining property (10 Copper Beech Way), however, the spacing and placing of fenestration mitigates against any mutual overlooking.
- 4.3 The Design Guide requires that for dwellings with 3 or more bedrooms, the minimum area for rear gardens should be 60m<sup>2</sup> with a depth of 12m. Where dwellings have awkward shaped plots side gardens could be taken into account. The proposal affords a generous garden area for future residents.
- 4.4 Whilst cycle storage facilities have not been identified on the indicative plan, this could be secured by condition as part of a planning permission.

## **5. Highway Considerations**

- 5.1 The applicant has adequately responded to the Highways Officer's concerns by the submission of a revised plan. The proposal now complies with Design Guidance both in terms of layout and parking provision, therefore, subject to condition, there would be no demonstrable harm to highway safety.

## **6. Other Considerations**

- 6.1 Human Rights issues:  
The application raises no Human Rights issues.

Equality Act 2010:

The application raises no Equality Act matters.

### **Recommendation:**

That Planning Permission be APPROVED for the following:

### **RECOMMENDED CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building in the interests of the visual amenities of the locality.  
(Section 12, NPPF)**

- 3 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the**

**landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

**Reason: To ensure an acceptable standard of landscaping.  
(Sections 12 &15, NPPF)**

- 4 The parking scheme shown on approved drawing ref: 18/FM/101 Rev B shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure provision for car parking clear of the highway.  
(Section 9, NPPF)

- 5 Prior to the occupation of any dwelling on the site, a scheme for the provision of waste receptacles for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: In the interest of residential amenity and to reduce waste generation in accordance with the Council's Minerals and Waste Local Plan 2014, Policy WSP5 and the adopted SPD "Managing Waste in New Developments" (2006).

- 6 Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the buildings hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance of the buildings in the interests of the amenities of the area.  
(Section 12, NPPF)

- 7 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development in the interests of the visual amenity of the area.  
(Section 12, NPPF)

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 18/FM/101 Rev B, 18/FM/112 Rev A, 18/FM/113 Rev A & 18/FM/114 Rev A.

Reason: To identify the approved plans and to avoid doubt.

## **INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **DECISION**

.....  
.....  
.....