

Item No. 14

APPLICATION NUMBER	CB/18/04383/FULL
LOCATION	Manor Farm, Watling Street, Kensworth, Dunstable, LU6 3QU
PROPOSAL	Retrospective change of use from agriculture to temporary use as storage area for 5 years, with ancillary landscaping works and formation of hardstanding area using road planings (scalpings).
PARISH	Kensworth
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Peter Vosper
DATE REGISTERED	26 November 2018
EXPIRY DATE	21 January 2019
APPLICANT	O'Hagan Transport Ltd
AGENT	Shaun Andrews Design and Architecture
REASON FOR COMMITTEE TO DETERMINE	Called-in by Cllr Stay if the application is recommended for refusal for the following reasons: <ul style="list-style-type: none">• Minimal to zero impact on landscape• This proposal is part of a national infrastructure scheme & is strongly supported
RECOMMENDED DECISION	Full Application - Recommended for Refusal

Reason for Recommendation:

Subject to conditions, the proposal is acceptable in terms of its impact on the occupants of neighbouring properties, and its highway impact.

However, the proposed change of use from agriculture to a temporary storage use for 5 years represents inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. The proposal would be detrimental to the openness and visual amenity of the Green Belt, and an encroachment into the countryside. No factors which could amount to very special circumstances to clearly outweigh the harm to the Green Belt, and other harm to the Chilterns Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV), are evident.

Furthermore, the proposed change of use would be to the detriment of the countryside and would

Site Location:

The site of 5,183 sq m is to the south east of the A5183 (former A5). It is a field in agricultural use with vehicular access onto the A5183.

Within the 'Blue Line' area adjoining the application site to the south west are two buildings. The first, to the north, is a building granted planning permission as a grain store under reference SB/89/01217/FULL, and then issued a Certificate of Lawful Development for commercial storage purposes under reference SB/08/00596/LDCE. The second building, to the south, was granted planning permission for agricultural storage under reference SB/95/00716/FULL. There is a current, undetermined, application to change the use of this building from agricultural storage to commercial storage under reference CB/18/02617/FULL.

There is also a recently constructed agricultural grain store building immediately to the north west of the application site, approved under reference CB/18/00952/FULL. This is not on land within the ownership of the applicant for this application.

There are three dwellings - New Lodge, Red Cow Farm and Red Cow Byre - a short distance to the east and north of the site, on the opposite side of the A5183. The rest of the surrounding area is open countryside.

The site is in the South Bedfordshire Green Belt, the Chilterns Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV).

The boundary of Central Bedfordshire district with Dacorum district follows the A5183 in the vicinity of the application site.

The Application:

Retrospective planning permission is sought for a change of use of a field in agricultural use to an open storage area for a temporary period of five years.

The application form states that the use started on 29 January 2018.

Euston Station in London is being redeveloped to accommodate the High Speed 2 (HS2) rail link. The supporting Planning Statement (Shaun Andrews Design and Architecture, reference 2712.DAS) states that a significant number of known and anticipated artefacts will arise from the excavation of the Euston site. It is proposed to safely and securely store these artefacts on the application site.

At a site visit on 14 January 2018 it was noted that building materials are currently being stored on site. The site has already been covered in hardstanding.

Ancillary landscaping works are proposed. This includes the landscaping approved as part of planning application CB/17/02974/FULL consisting of a row of new tree planting adjacent to the site boundary with the A5183 and the strengthening of an existing hedge with new planting adjacent to the south west boundary of the site. Also semi-mature trees planted within wooden boxes would be placed throughout the site.

The existing junction and vehicular access from the A5183 would be used.

Relevant Policies:

National Planning Policy Framework (NPPF), July 2018

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 6: Building a strong, competitive economy
Section 9: Promoting sustainable transport
Section 12: Achieving well-designed places
Section 13: Protecting Green Belt land
Section 16: Conserving and enhancing the natural environment

South Bedfordshire Local Plan Review, January 2004

Policy SD1: Sustainability Keynote Policy
Policy NE3: Control of Development in the Areas of Great Landscape Value (AGLV)
Policy BE8: Design Considerations

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 Policies SD1, NE3 and BE8 are broadly consistent with the Framework and carry significant weight.

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:

Policy SP4: Development in the Green Belt
Policy T2: Highway Safety and Design
Policy T3: Parking
Policy EE5: Landscape Character and Value
Policy EE7: The Chilterns Area of Outstanding Natural Beauty

Policy CC5: Sustainable Drainage
Policy HQ1: High Quality Development
Policy DC5: Agricultural Land

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

CB/18/03052/PAPC - Pre-application Charging Fee Advice Released: Temporary change of use to storage area (4 December 2017)

Application Number	CB/18/00680/FULL
Description	Retrospective change of use from agriculture to temporary use as storage area for 5 years, with ancillary landscaping works and formation of hardstanding area using road plantings (scalpings).
Decision	Withdrawn
Decision Date	6 August 2018

Within 'Blue Line' area:

Application Number	CB/18/02617/FULL
Description	Change of use from agricultural storage to commercial storage
Decision	Undetermined
Decision Date	

Application Number	CB/17/02974/FULL
Description	Erection of secure fencing to enclose storage yard, with ancillary landscaping works
Decision	Conditional planning permission
Decision Date	23 January 2018

Application Number	CB/13/00471/FULL
Description	Demolition of a warehouse and construction of a pair of semi-detached houses
Decision	Refused
Decision Date	30 April 2013

Application Number	SB/08/00596/LDCE
Description	Use of building for commercial storage purposes
Decision	Lawful Development - Existing - Granted
Decision Date	24 July 2008

Application Number	SB/95/00716/FULL
Description	Erection of agricultural building for implement and machinery store - workshop and parts store
Decision	Conditional planning permission

Decision Date 13 December 1995
Application Number SB/89/01217/FULL
Description Erection of grain store
Decision Conditional planning permission
Decision Date 27 June 1990

Land to the south of Packhorse Place (immediately to the north west of this application site:

Application Number CB/18/00952/FULL
Description Erection of steel framed agricultural grain store with access roadway, apron, retaining wall & drainage
Decision Conditional planning permission
Decision Date 16 May 2018

Consultees:

Kensworth Parish Council Support in principal for temporary use only over a short period of time and conditions will be put in place for times of operation, lighting and screening etc.

Highways (Development Management) I have the following comments to offer, based on drawing number 2712.20 rev A.

The applicant seeks retrospective permission for the change of use from agriculture for temporary use as storage area for five years.

This application follows a pre-application CB/18/03052/PAPC which attracted the following highway comments.

The proposed development will result in additional traffic generation, particularly HGV movements, which would intensify the use of a vehicle access which does meet the standards of the Design Manual for Roads and Bridges (TD 42/95). The applicant must therefore undertake improvements to the access in accordance with the standards of the DMRB. The works in the public highway must be undertaken via a section 278 agreement with the Highway Authority, all costs to be borne by the applicant.

Any future application shall also provide the following information.

- Details of the internal access road for HGV's, which must include details of the turning areas for articulated vehicles, to be supported by tracking diagrams to demonstrate compliance.

- Details of parking areas for both HGV's and cars shall be shown which must also comply with the current parking standards which are car parking at a ratio of 1 space per 30m² (less than 500m²) thereafter 1 space per 200m² (over 500m²) and 2 HGV parking spaces up to 280m² after which 1 additional lorry space per 500m².

Unfortunately, the applicant has not provided any of this information.

No Transport Statement has been provided in support of the development, however, the Planning Statement refers to the site satisfying the applicants criteria with connectivity to the motorway network via M1 junction 9. It is clear then that the majority of HGV traffic will be entering or leaving the motorway at junction 9 and then using the A5183 (former A5) to access the site.

As this is a retrospective application, I assume pre-commencement conditions cannot be imposed, I shall therefore recommend specific time periods for submission of the information outstanding as well as the design and construction of the junction improvements.

I recommend the following conditions should you be minded to approve the application.

1. Within two months of the date of planning permission details of the improvements to the junction of the vehicular access, in accordance with the Design Manual for Roads and Bridges, including tracking diagrams for an articulated vehicle (16.5m in length) accessing/egressing the site and turning within the development, shall be submitted to and approved by the Local Planning Authority. Within one month of approval, the applicant shall make an application to the Highway Authority to implement the works which shall be constructed within five months of approval and thereafter retained in perpetuity.

Reason

To provide adequate visibility between the existing highway and the vehicle access, and to make the access safe and convenient for the traffic which is likely to use it.

2. Within two months of the date of planning permission, details of a turning area suitable for HGV's shall be

submitted to and approved in writing by the Local Planning Authority and once approved the turning areas shall be constructed within two months of approval and thereafter retained in perpetuity.

Reason

To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

3. This permission is for the sole benefit of the applicant and shall extend to no other person, partnership, firm or company.

Reason

To ensure the retention of planning control by the Local Planning Authority on the disposal of the present applicant's interest in the land and building.

4. Visibility splays shall be provided at the junction of the access with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the improved access from its junction with the channel of the public highway and 215m measured either side from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason

To provide adequate visibility between the existing highway and the modified access and to make the access safe and convenient for the traffic which is likely to use it.

5. Within two months of the date of this permission, a scheme for the parking of cars and HGV's on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the standards of the Local Planning Authority and once approved shall be constructed within two months of approval and thereafter retained in perpetuity

Reason

To ensure the provision for vehicle parking clear of the public highway.

6. The proposed driveway shall be constructed and surfaced in a stable and durable material in

accordance with details to be approved in writing by the Local Planning Authority for a minimum distance of 20m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason

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

7. Any gates provided shall open away from the highway and be set back a distance of at least 20m from the nearside edge of the carriageway of the adjoining highway.

Reason

To enable vehicles to draw off the highway before the gates are opened.

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

- i. The applicant is advised that in order to comply with Condition 1 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access junction improvements. You are advised to contact the Highways Agreements Officer, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG175TQ.

E-mail

highwaysagreements@centralbedfordshire.gov.uk

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from The Street Works Co-ordinator, Central Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8301.

Public Protection

Topics considered:

Air quality
Contaminated land
Noise
Light
Odour

Further to my comments on the previous (similar) applications and I have no objections to the proposals subject to the imposition of the following condition.

The premises shall not be used, including deliveries to and from the site, except between 0800 hours and 1700 hours Monday – Friday and at no time on Saturdays, Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

In addition to this, it has been alleged that some lighting has been installed on the site although there appears to be no detail of such on the submitted information. It may therefore be prudent to place a condition on any permission prohibiting the use of lighting or requiring a lighting scheme.

Trees and Landscape No representation received.

Ecology No objection.

Highways England No objection.

Other Representations:

Neighbours Two representations objecting to the proposal have been received. These are summarised as follows:

Light and noise pollution.

Loss of Green Belt and AONB.

Little regard for those living in the locality.

Increased noise from numerous lorries.

Mud coming from site access road and being trailed onto Watling Street, increasing danger on a very busy road.

Loss of outlook over open countryside.

Loss of wildlife habitat.

Risk of pollution from materials and heavy equipment.

Misleading and concerning claims on application form for application CB/18/02617/FULL which are also considered applicable for this application, in terms of drainage, removal of hedgerow, failure to protect flora and fauna, percentage of site used for historical storage space (instead of heavy equipment and industrial storage).

No commitment to returning the area to agriculture use.

Granting consent of change of use would be tacit acceptance of the misuse of agricultural green belt for profit.

Appropriate industrial estates better suited to commercial / industrial storage should be used.

Destruction of countryside for developers profit.

Determining Issues:

The main considerations of the application are:

1. Principle of Development and Impact on Green Belt, AONB and AGLV
2. Impact on Amenity of Neighbouring Occupants
3. Highway Considerations
4. Other Considerations

Considerations:

1. Principle of Development and Impact on Green Belt, AONB and AGLV

- 1.1 As stated above, the site is in the South Bedfordshire Green Belt.
- 1.2 Paragraph 134 in Section 13 (Protecting Green Belt land) of the NPPF, 2018 states that '*Green Belt serves five purposes:*
 - *to check the unrestricted sprawl of large built-up areas;*
 - *to prevent neighbouring towns merging into one another;*
 - *to assist in safeguarding the countryside from encroachment;*
 - *to preserve the setting and special character of historic towns; and*
 - *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*'.
- 1.3 Paragraph 143 states that '*... inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'.
- 1.4 Paragraph 144 states that '*... 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'.

- 1.5 Paragraph 146 states '*Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt*'. Exception e) which states '*material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)*' is the only criterion which could be of relevance.
- 1.6 The proposal is for a change of use of a field in agricultural use to an open storage area. However, the change of use of an agricultural field with no existing development to an open storage area for historic artefacts would not preserve the openness of the Green Belt. The need to avoid development in this area was recognised by condition 4 attached to planning permission CB/17/02974/FULL (fencing to secure the two buildings to the south west of the application site) which required the field to remain in situ as agricultural land and not be used for storage or commercial purposes.
- 1.7 The proposal would also conflict with one of the purposes of including land in the Green Belt, i.e. safeguarding the countryside from encroachment. The storage use would introduce development to an open field and would therefore be an encroachment into the countryside.
- 1.8 The proposal does not therefore fall within exception e) of paragraph 146 and as such is inappropriate development in the Green Belt.
- 1.9 As well as being in the Green Belt, the site is in the Chilterns Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV).
- 1.10 Control of Development in the Areas of Great Landscape Value (AGLV) of the SBLPR states that a proposal can only be considered acceptable if it does not '*adversely affect the landscape character and setting of the area*'
- 1.11 The proposal does not recognise the intrinsic character and beauty of the countryside, and would instead be to the detriment of the countryside. It would also fail to conserve or enhance the landscape and scenic beauty of the AONB, and is therefore in conflict with NPPF paragraphs 170 and 172. The introduction of development to an agricultural field would also adversely affect the landscape character and setting of the area, in conflict with SBLPR policy NE3.
- 1.12 A number of factors are put forward in the supporting Planning Statement (Shaun Andrews Design and Architecture, reference 2712.DAS) as very special circumstances. These include the proposal playing a key role in a significant national infrastructure programme, and the site having a uniqueness in respect of no other realistic or viable options being identified on the preferred transport corridor.

- 1.13 In response it is accepted that the required storage in connection with the redevelopment of Euston Station for HS2 is nationally significant. However, no detail is provided on why other options for the storage have been dismissed. The Planning Statement cites, '*Storage facilities within the M25 have been evaluated and discounted on viability grounds*'. The application implies that there is not a single site suitable for the required storage on the '*preferred transport corridor*' any closer to Euston Station, or within the M25. The distance between Euston Station and the application site is 32 miles with a travelling time of 51 minutes (source: AA Route planner).
- 1.14 Other factors put forward are the site providing a secure and safe environment, the site being located close to main arterial routes from Euston, the site being in a sustainable location, the site providing adequate space for storage, planting minimising the impact on adjoining properties, and resolution of this application being urgent.
- 1.15 In response, none of these factors either on their own or in combination clearly outweigh the harm to the Green Belt, the AONB or the AGLV. They do not demonstrate that the site has a unique feature or features required to accommodate the proposal. Or they are matters which need to be addressed for a planning application to be a successful, not matters which 'go above and beyond to be considered as 'very special'.
- 1.16 Paragraph 83 of the NPPF, 2018 outlines that planning decisions should support a prosperous rural economy. This is through measures such as the sustainable growth and expansion of all types of business in rural areas, and the development and diversification of agricultural and other land-based rural businesses. The storage of historic artefacts does not comply with the criteria in paragraph 83.
- 1.17 Overall, in view of the above, the proposal is inappropriate development in the Green Belt, detrimental to openness and visual amenity. The factors advanced do not on their own or in combination clearly outweigh the harm to the Green Belt, and other harm to the AONB and the AGLV, and therefore very special circumstances do not exist. The principle of the development is therefore unacceptable, and contrary to Sections 13 (Protecting Green Belt land) and 16 (Conserving and enhancing the natural environment) of the NPPF, 2018, and policy NE3 of the SBLPR.

2. Impact on Amenity of Neighbouring Occupants

- 2.1 The nearest dwellings to the site, on the opposite side of the A5183 are New Lodge (over 90m distant) and Red Cow Farm (over 70m distant).
- 2.2 As summarised above, many areas of concern have been raised by the occupants of neighbouring dwellings.
- 2.3 One area of objection is light and noise pollution. To ensure there is not an unacceptable impact on neighbour amenity, conditions should be attached to any planning permission granted, as outlined in the Public Protection response above. These would require the premises to not be used, including deliveries

to and from the site, except between 0800 hours and 1700 hours Monday - Friday, and for a lighting scheme. A further condition should be included to set a restriction on the number of daily vehicle delivery journeys.

- 2.4 In view of the distance to the nearest neighbouring dwellings, the open storage area would not result in any undue impact on neighbouring amenity in terms of loss of light or privacy, and it would not appear as unduly overbearing. Whilst the storage area would be visible from neighbouring dwellings there is no protection or right to a view within the English planning system; as such planning permission cannot be refused on this basis.

3. Highway Considerations

- 3.1 The Highways (Development Management) response states that the proposal will result in additional traffic generation, particularly HGV movements, which would intensify the use of a vehicle access which does meet the standards of the Design Manual for Roads and Bridges (TD 42/95). As such improvements must be undertaken to the access in accordance with the standards of the DMRB.

- 3.2 This matter needs to be the subject of a condition attached to any planning permission granted. Further conditions are required in respect of the provision of visibility splays, details of a turning area on site suitable for HGV's, and a scheme for the parking of cars and HGV's on site.

4. Other Considerations

4.1 Response to Neighbour objections

Most of the matters raised are considered in the discussion above, or are not material planning considerations.

In the event of planning permission being granted for a temporary period, a condition should be attached requiring the site to be returned to agricultural use following the expiry of the temporary period.

4.2 Human Rights and Equality Act issues

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

Recommendation:

That Planning Permission be REFUSED for the following reasons.

RECOMMENDED REASONS

- 1 The proposed development represents inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. The proposal would be detrimental to the openness and visual amenity of the Green Belt, and an encroachment into the countryside. No factors which could amount to

very special circumstances to clearly outweigh the harm to the Green Belt, and other harm to the Chilterns Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV), are evident. The proposal is therefore contrary to Section 13 (Protecting Green Belt land) of the National Planning Policy Framework (NPPF), July 2018.

- 2 The application site is in the Chilterns Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV). The proposed development would be to the detriment of the countryside and would

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

In the Council's view the proposal is unacceptable for the reasons stated, and is not considered to be a sustainable development which would improve the economic, social and environmental conditions of the area. The Council has therefore complied with the requirements of the Framework (paragraph 38) in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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