

## **Item No. 14**

<b>APPLICATION NUMBER</b>	<b>CB/16/05438/OUT</b>
<b>LOCATION</b>	<b>Land at Former Readshill Quarry, Back Street, Clophill</b>
<b>PROPOSAL</b>	<b>Outline: Residential development of up to 51 dwellings.</b>
<b>PARISH</b>	<b>Clophill</b>
<b>WARD</b>	<b>Amphill</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Duckett, Blair &amp; Downing</b>
<b>CASE OFFICER</b>	<b>Annabel Robinson</b>
<b>DATE REGISTERED</b>	<b>05 December 2016</b>
<b>EXPIRY DATE</b>	<b>06 March 2017</b>
<b>APPLICANT</b>	<b>Hamlin Estates</b>
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Appeal against non-determination for a major development</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Recommended for Refusal</b>

### **Summary of Recommendation:**

This 'major' outline planning application for up to 51 residential units is subject to an appeal against non-determination. The appeal is due to be determined by written representations at a date yet to be determined. The application is therefore no longer before Central Bedfordshire Council for determination. However, under paragraph 4.4.53 of Part 3E of the Central Bedfordshire Constitution, the non-determination of a 'major' application needs to be reported to Development Management Committee for a resolution.

This outline application seeks approval for the matter of access, with the remaining matters of appearance, landscaping, layout and scale for consideration at reserved matters application stage. Whilst with additional information the access arrangements could be considered acceptable for the scale of the development, the proposed development represents inappropriate and harmful development within the open countryside, and is therefore unacceptable in principle. In considering this application it is material that planning permission has been refused and dismissed at appeal for a similar development.

### **Site Location:**

The application site is located immediately adjacent to and north of the Clophill village settlement boundary and within the Greensand Ridge, one of the key landscapes in Central Bedfordshire. The site, a former sand quarry is roughly bowl shaped; has steeply graded slopes along the northern, western and eastern sides and an embankment along its frontage with Back Street on the southern side.

### **The Application:**

This application seeks outline permission for residential development for up to 51 dwellings and is a resubmission following the refusal of a previous scheme

(CB/15/04602/OUT) and subsequent appeal dismissal (APP/P0240/W/16/3152707). All matters are reserved except for means of access.

This application was supported by a suite of supporting documentation including some key updated reports.

Following initial consultation on the application the following additional and revised information was submitted as part of the application in April 2016.

- Updated Planning Statement (November 2016)
- Ecological Impact Assessment with Appendices (Keystones, September 2016)
- Slope Stability Assessment (EPS, October 2016)
- Indicative Master Plan (Ref: HAM/2853/PA/001)

The supporting information provided in support of the application confirms that the application seeks permission for up to 51 dwellings including 35% affordable homes. The proposal would involve the creation of a new vehicular access onto Back Street from the southern boundary of the site.

The applicant sought to reduce the numbers further during the life of the application, however the Council considered this to be a material change to the application and this amendment was refused.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (NPPF) (July 2018)**

Section 5 – Delivering a sufficient supply of homes

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

### **Core Strategy and Development Management Policies - North 2009**

CS5 Providing Homes

CS7 Affordable Housing

CS13 Climate Change

CS14 High Quality Development

CS16 Landscape & Woodland

CS17 Green Infrastructure

CS18 Biodiversity & Geological Conservation

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM3 High Quality Development

DM4 Development Within & Beyond Settlement Envelopes

DM10 Housing Mix

DM14 Landscape & Woodland

DM15 Biodiversity

DM16 Green Infrastructure

### **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:

LP H1: Housing Mix

LP H4: Affordable Housing

LP T1: Mitigation of Transport Impacts on the Network

LP T3: Parking

LP EE2: Enhancing biodiversity

LP EE3: Nature Conservation

LP EE4: Trees, woodlands and hedgerows

LP EE5: Landscape Character and Value

LP EE8: Greensand Ridge Nature Improvement Area

LP CC1: Climate Change and Sustainability

LP HQ1: High Quality Development

LP HQ2: Provision for Social and Community Infrastructure Levy

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

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History**

As discussed previously, planning permission has been refused for a similar development under LPA reference CB/15/04602/OUT and subsequent appeal dismissal (APP/P0240/W/16/3152707). That appeal decision is included as appendix A to this report.

### **Consultees:**

**CBC Archaeology** The proposed development is located in an area that has been subject to sand quarrying since the later 19<sup>th</sup> Century (HER 2890). In its earliest phases the quarrying was small scale and localised, but in the mid to late 20<sup>th</sup> century it expanded substantially, taking up the bulk of the proposed development site. The site plan shows the development area as being largely confined to the floor of the former sand quarry, an area that has been subject to significant ground lowering as a result of extraction. This will have removed any archaeological remains that may have existed within the former quarry, therefore development within the excavated area of the former quarry is unlikely to have an impact on archaeological remains. Therefore, I have no objection to this application on archaeological grounds.

**CBC Community Safety Officer** No comment received.

CBC Ecology

The submission was accompanied by an Ecological Impact Assessment which looked at how the detrimental effects to the habitats on site can be mitigated. Overall there are no objection to the application given the details of the LEMP and the support from a local, renowned conservation group to undertake ongoing management. However, some reservations remain. Appropriate management is the key to this project being able to deliver a net gain for biodiversity in line with both the NPPF and NIA aspirations.

CBC Green  
Infrastructure  
Coordinator

This application appears broadly similar to that submitted as CB/15/04602, which was refused on a number of grounds, including green infrastructure.

The application documents are also the same in many instances (for example, the Design and Access Statement, and Flood Risk Assessment).

The updated proposals for ecological mitigation (although addressing valid ecological concerns) would have a negative impact on the green infrastructure value of the site, in terms of the experience of the open space from residents of the development, and also users and of the path across the western side of the site due to the reliance on significant amounts of substantial and visually intrusive fencing for ecological protection.

Therefore, I object to the application, making the same comments as those set out below, which were made in relation to CB/15/04602:

*Despite the reduction in the number of dwellings, my concerns regarding the project remain.*

*The amended proposals do not clearly demonstrate that a net gain for green infrastructure would be delivered.*

*The updated proposals do not respond well to the location and nature of the site. For example, the proposals on the updated site plan for drainage appear to show a very geometric arrangement of a particularly linear swale and circular attenuation feature. This is inappropriate for the nature of the site.*

*The updated information about drainage appears to be in relation to the previous layout and housing numbers, which immediately questions its validity. Detailed information about sustainable drainage is not provided, and the applicant indicates that this would be provided at the detailed design stage. Central Bedfordshire Council's Sustainable Drainage SPD sets out the level of information required at different stages of the planning process. At the outline stage, the applicant should provide concept designs for appearance, as well as initial operation and maintenance proposals, and should demonstrate how the SuDS design is integrated with the landscape, ecology and open space plans to maximise environment and amenity benefits. The proposals as illustrated,*

*are inappropriate, and fail to design for naturalistic benefits. Given the sensitive landscape and ecological setting, the design is inappropriate.*

*Summary - Despite the change in the number of homes, my concerns that the site would fail to deliver a net green infrastructure benefit remain. The site is a significant GI asset, being identified in the Clophill GI plan, on the route of the Greensand Ridge Walk, and within the Greensand Ridge Nature Improvement Area, as well as the project area for the 'Greensand Country' HLF project. The proposed development would damage this green infrastructure asset. The sensitivity of the site makes the development inappropriate.*

*The proposals are therefore contrary to policy CS17 of the Core Strategy for Central Bedfordshire (north), which requires a net green infrastructure gain, and policy DM16, which notes that development which adversely affects identified green infrastructure assets will not be permitted. The development should therefore be refused.*

CBC Highways                      Concerns raised with regards to the ability to achieve the required visibility splay to the east; confirmation of radii details at the A6 / Back Street junction; footway gradients achieving Disability Act compliance and ongoing maintenance liability to the Highway Authority. Officers query why footway alignment can't be placed further away from the carriageway

CBC Housing Development Officer                      I support this application as it provides for 18no affordable homes which reflects the current affordable housing policy requirement of 35%. The supporting documentation indicates the tenure split of the affordable units as being 63% affordable rent and 37% intermediate tenure. All qualifying sites are now expected to meet the new tenure requirements which the Strategic Housing Market Assessment (SHMA, 2015) has identified as being 73% affordable rent and 27% intermediate tenure. This would make a requirement of 13no units of affordable rent and 5no units of intermediate tenure (shared ownership) from this proposed development.

I would like to see the affordable units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect the units to meet all nationally prescribed space standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council.

CBC Integrated Transport – Cycling & Walking Officer                      No comment to make.

CBC Landscape Officer                      This is the application for 51 houses within the floor of Readshill Quarry - a reduction on the first application. The housing footprint would be contained within a more restricted

central area and fenced by a five-foot close boarded fence, which is to be erected as part of the strategy to safeguard the ecology of the site. The fence would be a highly intrusive and incongruous structure within the setting of a naturally colonised landscape. Mitigation to help screen and integrate the fence and housing is proposed with the establishment of a belt of gorse, broom and silver birch.

I still have serious concerns about the acceptability of this site for residential development. The quarry is a recolonised woody grassland habitat, but it is accepted that management works on this dynamic landscape e.g. to produce a more open heathland habitat would be beneficial to both the greensand landscape and ecology.

A further major concern is the major change in character which will arise with the development of the access on Back Street - which at present is a highly attractive boundary feature of mature trees on a sandstone wall. This quarry edge is highly distinctive and forms a tranquil approach to Clophill village. However, the trees are causing stability issues and the wall needs maintenance and repair. I have not seen a detailed drawing of the access which clarifies the number of trees to be removed and an illustration of how the wall will be remodelled as a gateway to the quarry redevelopment.

However, the Landscape and Ecology Masterplan does illustrate a significant gain to heathland ecology, to be achieved through site clearance of invasive trees and ground management to favour heathland. The involvement of a local experienced conservation body such as the Greensand Trust, as discussed in the Application, would be essential.

In my view, I still consider the introduction of a residential area will be detrimental to the local landscape: former quarries are an important part of the heritage of the area. Housing brings intrusive features such as lighting from homes as well as street lighting, noise and recreational pressure to a site which is vulnerable to erosion. I would be more sympathetic to a much-reduced scale of development associated with ecological tourism or even employment use, although accessing the site for whatever end use would still require a substantial breach in the Back Street boundary.

I maintain my objection as it is considered the application to be contrary to Policy EE5 of the Central Bedfordshire Emerging Local Plan (Pre-Submission 2018) and Paragraph 170 of the NPPF which seeks to safeguard valuable landscapes. Recent case law has confirmed that a site does not need to be designated to have value. The quarry habitats, its setting on the edge of Clophill and position on rights of way, including the Greensand Ridge path and contribution to local history all raise the importance of the site in terms of landscape character and as such warrant the protection of the site as a green infrastructure asset.

Chapter 1: Leisure Facilities Strategy

The CBC Leisure Centre at Flitwick is the nearest multi-facility sports and leisure centre to this development. The construction of a new centre is complete; therefore, no contributions are sought from this development.

Chapter 2: Recreation & Open Strategy

Based on the assessment of current facilities and future requirements, Chapter 2 has established a set of local standards for the nine open space typologies. The standards set the baseline requirement for the provision of on-site open space facilities, or off-site contributions for the larger, more strategic typologies.

Based on an estimated occupancy of 2.4/dwg, the development generates 168 estimated occupants. Using 168 occupants the table below calculates the open space requirements generated by this development.

This development requires a total of 0.9ha of open space, from both on-site facilities and off-site contributions is identified below and by comments from other CBC officers.

On-site Provision

*Children Play Facilities:* A development of this size should provide 1 on-site combined LEAP and LAP play area i.e. approx. 500sqm with 3 pieces of equipment for 3-6 year olds and 5 pieces for 6-10 year olds

*Amenity Space:* On-site amenity space is required and is indicated, provision should meet the requirement above and be provided in association with the play facilities.

*Outdoor sporting facilities:* will be sought in the first instance; however, this will only be possible where development is of sufficient size. For smaller developments, a contribution will be sought toward the needs identified below.

*Sporting space* is not possible; however, the increased population will add demand to the existing sporting/recreation facilities in the town, there are however, no identified sporting projects to which a contribution could be sought. Therefore, no contribution is sought from this development.

Some of the submitted plans/drawings appear to relate to the previous application for the site however no objections are raised

Due to the history and location of the site, along with the findings of the previously submitted Ground Condition Assessments, including elevated Arsenic results in shallow soil at location WS2 in the EPS Phase II report, relevant conditions and informative should be attached to any permission granted.

CBC Public Art Officer	If the application were to be approved a condition is recommended for a Public Art Plan.
CBC Rights of Way Officer	No comments received.
CBC SuDS Management Team	We consider that outline planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage, subject to relevant planning conditions.
CBC Sustainable Growth/Climate Change	<p>The proposed development should comply with the requirements of the Core Strategy and Development Management Policies: CS13: Climate Change, DM1: Renewable Energy; DM2: Sustainable Construction of New Buildings.</p> <p>Should permission be granted for this development I would expect the following conditions to be attached to ensure that policy DM1 and DM2 requirements are met:</p> <ul style="list-style-type: none"> <li>• 10% energy demand of the development to be delivered from renewable or low carbon sources;</li> <li>• Water efficiency to achieve water standard of 110 litres per person per day</li> </ul>
CBC Transport Strategy	No comment received.
CBC Trees & Landscape	<p>Proposal has been reduced to 50 dwellings but still has a number of issues with regards to developing this site which I have already commented on.</p> <p>Principally the removal of a large amount of the tree cover along Back Street boundary many identified as B category trees. There is still the ongoing issues that will occur with regards to trees on higher ground and close to trees that will continue to mature and create issues of shading, overbearing and leaf drop issues. I would consider that the amenity value of these trees is substantial and would consider that this site would be better suited to a far more limited, low impact development.</p> <p>This application does not appear to include any tree survey information although earlier application did. We require updated Tree Survey and Arboricultural Impact Assessment (TS and AIA) with this application. Previous application did include this and some of the previous comments are above.</p> <p>The supplied Slope Stability Assessment appears to indicate a number of areas including the south and east boundaries that they consider have a degree of instability and I suspect that to make stable is going to result in the loss of a large number of trees. I have concerns regarding this issue especially where the new access from Back Street is to be located. Currently there is no indication as to how many trees are going to be lost as a</p>

result of the access and stabilisation works and until this information is available I do not believe I can comment with any accuracy. Updated TS and AIA must include this information based on Highways requirements and all other factors.

Slope Stability Assessment (SSA) also notes the importance in retaining stability of slope A by retaining tree cover. However, the supplied Landscape and Ecology Masterplan shows the same area identified for rotational coppicing of Sweet Chestnut and felling of the Birch within this area which is in contradiction to the SSA.

Design and Access Statement seems to refer to the original application for 70 dwellings and not this proposed application, and again refers to removal of stone wall and trees along the south boundary which are an integral feature of the site and Back Street Clophill. There is also reference to the TS and AIA which does not appear to be present.

I have many reservations about this application but we need a definitive plan and definitive information about tree removal before we can accurately assess it.

CBC Waste Services

The Council's waste collection pattern for Clophill is as follows:  
Week 1 – 1 x 240 litre residual waste wheelie bin, 1 x 23 litre food waste caddy  
Week 2 – 1 x 240 litre recycling wheelie bin, 2 x reusable garden waste sacks, and 1 x 23 litre food waste caddy.

Wherever possible, refuse collection vehicles will only use adopted highways. If the access road is to be used, it must be to adoptable standards. Typically, until roads are adopted, bins are to be brought to the highway boundary or a pre-arranged point. If residents are required to pull their bins to the highway, a hard-standing area needs to be provided for at least 1 wheelie bin and a food waste caddy, in addition to 2 reusable garden waste bags. Waste vehicles will reverse a maximum of 15m to the point of collection.

Anglian Water Services Ltd

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

#### Wastewater Treatment

The foul drainage from this development is in the catchment of Clophill Water Recycling Centre that will have available capacity for these flows.

#### Foul Sewerage Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

#### Surface Water Disposal

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are

unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Trade Effluent

Not applicable

Beds & River Ivel  
I.D.B

No comment to make.

Clophill Parish  
Council

Objects on the following grounds:

Location

- Development is outside the settlement envelope & within the Greensands Ridge Nature Improvement Area. Development would be harmful to the natural environment & the local, rural character of the area;
- Development would not amount to sustainable development & would be inappropriate & unacceptable in principle;
- Development would not relate to the settlement itself as its jutting out.

Ecology

- Site lies in key area for enhanced habitat connectivity, within the Greensands Ridge Nature Improvement Area and habituated by invertebrates, reptiles, nesting birds, bats along with a diverse botanical range

Traffic

- The development would create a more inviting entrance for those using the A6 & want to avoid the traffic congestion at busy times at the Clophill roundabout (A6/A507) that will use this new inviting widened route as a 'rat-run'

Housing Land Supply

- CBC can demonstrate a five-year housing supply & are working towards redeveloping the Local Plan so suggest the Core Strategy & Development Management Policies must apply & this application be refused

Water & Sewage

- We have problems with water & sewage in the village as the main water mains needs replacing & the sewage plant is at or close to capacity.

The adverse impacts of the development would significantly & demonstrably outweigh its benefits & therefore the proposal should not be considered to represent a sustainable form of development

Environment  
Agency

No comment received.

Highways England No objection.

### Other Representations:

CBC Adult Social Care – MANOP It would therefore be beneficial that a proportion of the dwellings proposed were designed to be suitable for older people, taking into account their needs, expectations and aspirations.

Our view is that the needs of older people should be considered as part of this proposal and, should approval be given, we would support a proportion of houses in the scheme being suitable for older people, by incorporating some or all of the design features mentioned above.

CBC Self Build Officer I would like to encourage the developer to provide a number of serviced plots for self and custom housebuilders registered on the Central Bedfordshire's Self and Custom Build Register. I would like to hear from the developer how many serviced plots this development would be able to offer.

The Council operates a Register and looks to support applications for the delivery of serviced plots in suitable locations where the need can be demonstrated.

Currently there are 17 people looking for a plot located in Clophill, Maulden, Silsoe and Greenfield area; and 85 people on the register would consider a plot anywhere within Central Bedfordshire.

The Greensand Trust If CBC is minded to grant this application, there should be firm conditions attached to ensure that detailed cost management proposals are developed with a secure mechanism for ensuring management is adequately resourced in the long term.

Clophill Residents Group Objects on the following grounds:

- No accurate representations from applicant as documents refer to previous application and appeal;
- Outside settlement envelope, recommends reducing number of dwellings down to a maximum of 30.

The Clophill Parish Neighbourhood Plan questionnaire results supported this site as an acceptable location for development within the parish.

CAUSE Residents Group The cumulative impact and volume of homes in combination with recent approved application (CB/16/05127/OUT) in Clophill and in light of the draft Local Plan development on this site is unsustainable. LDF CS1 states that development in the rural part of the district new development will be limited in scale. The revised plans do not demonstrate how traffic will be accurate and sustainably managed.

Neighbours and members of public 394 representations were received of which 391 were objections:

Predominantly the representations received were a similar template letter with the following objections:

- Traffic
  - Development will lead to significant traffic congestion

- through Clophill's narrow streets and the local arterial routes;
- Development will lead to additional car journeys to & from the village school & shop creating significant parking issues and increase in traffic related accidents in the village
- Outside settlement envelope
  - Development would set a precedent for development in other areas of the village, which are outside the settlement envelope
  - Cumulative impact & volume of houses
  - In combination with other active applications, appeals & the call for sites the cumulative impact of this development would result in the significant & inappropriate over development of Clophill
- Community benefit
  - No planning obligations or community benefits have been put forward
- Natural Environment
  - Impact on village natural habitats
  - Site is home to countless species of wildlife and its vital the habitat is preserved for future generations; appropriate surveys need to be undertaken & guarantees that they will be implemented are required.
- Infrastructure
  - Major consequential impact on traffic levels, lack of school places & the constant breakdown of essential services & amenities
  - Turn it into something for the kids in the village for them to have something to do

### **Determining Issues:**

The main considerations of the application are;

1. Principle of Development
2. Effect on the Character and Appearance of the Area
3. Design Considerations
4. Ecological Considerations
5. Highway Considerations
6. Impact on neighbouring residents
7. The Requirement for Planning Obligations
8. Other Considerations
9. Sustainable Development and the Planning Balance

### **Considerations**

#### **1. Principle of Development**

- 1.1 The application site lies to the north of the village of Clophill, outside of the settlement boundary as defined on the Core Strategy Proposals Map. In this location, the proposal would not constitute a form of development that would be appropriate in the countryside as envisaged by policy DM4.
- 1.2 Further to a recent update on the Council's housing supply published on 1 January 2019, the Council can demonstrate an ability to meet 5.71 years of its housing need. Accordingly, what is referred to as the 'tilted balance' in

paragraph 11 of the NPPF is not engaged.

- 1.3 The application site is not an allocated housing site and so is considered to be a 'windfall site' for the purposes of the NPPF. Policy CS1 classifies settlements by virtue of their scale, services and facilities (Clophill is identified as a Large Village). Furthermore, the thrust of Policy DM4 is to apply weight in favour of development within 'settlement envelopes' and restrict development divorced from the settlements identified within Policy CS1, in the interest of protecting the countryside and reflecting the character 'on the ground'. There is therefore a clear settlement strategy directing residential developments to larger, more sustainable, areas. Additionally, the Framework seeks to encourage sustainable development only.
- 1.4 In summary, policies CS1 and DM4 are considered to be consistent with the NPPF and the proposed development would be contrary to them.

## **2. Effect on the Character and Appearance of the Area**

- 2.1 Policies CS14 and DM3 state that the Council will require development to be of the highest quality by respecting local context, the varied character and the distinctiveness of places, spaces and buildings. All proposals for new development should contribute positively to creating a sense of place and respecting local distinctiveness through design.
- 2.2 Currently the application site sits outside of the village boundary in visual terms as well as on the map. It has remained largely unused since its former use as a quarry ceased and it has taken on the character of land that has returned to nature with colonising species of flora and fauna present. Around the edges of the site including at the site frontage is more established woodland with mature trees present. The site lies within the Greensands Ridge, which is one of the key landscapes within Central Bedfordshire and is on the Greensands Ridge Walk. In line with Policies CS16, CS17 and DM14, the Council will conserve and enhance the varied countryside character and local distinctiveness. Proposals for development that lie within the Greensands Ridge or Flit Valley will be required to conserve or enhance the landscape. Any proposals that have an adverse impact on the landscape in these areas will be rejected unless there is a particular need for, or benefit arising from the proposal that would override this development.
- 2.3 The proposed housing development would be visible from the existing and proposed vehicular accesses and from the banked edges to the Greensands Walk on the eastern edge of the site and would be harmful to the landscape character of the site as an important natural feature. Construction associated with the proposed vehicular access would result in existing stone boundary wall, earth mounds and mature trees being removed which would open views into the site. New footways would also need to be created along Back Street. The character of Back Street would therefore change very significantly in character from what at present appears as a country lane without footpaths with overhanging foliage.
- 2.4 The Central Bedfordshire Design Guide seeks to ensure development proposals respond positively to the character of the site and setting including specific aspects which contribute to their character and local distinctiveness. Existing hedgerow or tree boundaries are particularly important and the presumption shall be that they are retained (paragraph 5.9.07). Development proposals should take cognisance of existing front boundary treatments and

not result in the significant loss of characteristic boundary walls, hedges, gateposts etc., or the creation of new road junctions which result in the unacceptable loss of those features (paragraph 5.13.07).

2.5 The proposal would therefore be detrimental to the character and appearance of the area, contrary to Policies CS14, CS16, CS17, DM3, DM14 and DM16 and guidance contained within Design in Central Bedfordshire. Such a position is consistent with the views expressed by the Planning Inspector in relation to the dismissed appeal (para 12-24 of appendix A)

2.6 Following the original submission of the application, the applicant submitted a revised scheme with a reduction in numbers of units, however this revision was not accepted as it would have resulted in a fundamental change in the application.

### **3. Design Considerations**

3.1 The application is submitted in outline and so there is limited information with which to inform the design of the development. Details of the proposed access are submitted in detail and an illustrative layout suggests a long cul-de-sac layout with houses on each side of the road within the centre of the site. The proposed illustrative layout would result in a layout that appears to have no real connection with, or relevance to, the established settlement.

3.2 This revised application is supported by a Slope Stability Assessment following concerns raised within the previous 2015 application. The assessment generally concludes that any excavations near to the base of the slopes may well lead to instability and therefore due attention is required during construction. The Phase II geo-Environmental Assessment report submitted provides no real assessment of whether or not the proposed development is likely to result in slope instability and the extent to which it will affect either the development or nearby property. The mitigation measures proposed are therefore very generalised. Making the steep quarry sides stable to a point where building homes at the foot of them is considered sufficiently safe may result in a differently graded site with a range and scale of impacts not considered or anticipated in the reports accompanying the outline application. It is considered that this information is needed if a full and accurate assessment of the development impacts, the capacity of the site and any mitigation measures proposed, are to be adequately assessed. Planning practice guidance makes it clear that such a report is the developer's responsibility and without such a report and the identification of any mitigation measures that might be necessary to minimise the risk and effects of land stability on property, infrastructure and the public, planning permission should not be granted.

3.3 It has not been demonstrated that the proposal would be capable of creating a high quality and safe environment and is therefore contrary to Policies CS14 and DM3.

### **4. Ecological Considerations**

4.1 In line with Policies CS18 and DM15, the Council will support the maintenance and enhancement of habitats. Development that would fragment or prejudice the biodiversity networks will not be permitted. The Council and developer also have a statutory responsibility with respect to protected species.

- 4.2 This revised application is supported by an Ecological Impact Assessment (EIA), which as previously requested includes the following:
- Botanical & Lichen Survey;
  - Badger Survey;
  - Bat Activity Survey;
  - Dormouse Survey;
  - Breeding Birds Survey; and
  - Reptile Survey.
- 4.3 The EIA describes the ecological surveys which have been undertaken to assess the ecologically rich nature of this site which includes a regional interest on site for bats and acid grass/heath/ scrub mosaic. Surveys are listed in appendices but results for the invertebrate walkover survey undertaken in April 2016 are not apparent.
- 4.4 The site lies within the Greensand Ridge Nature Improvement Area (NIA) and sits in a key area for enhanced habitat connectivity within the NIA context. The NPPF calls for development to deliver a net gain for biodiversity and the proposed Landscape Environment Management Plan (LEMP) looks to address impacts through mitigation and compensation / enhancement through appropriate management of retained features.
- 4.5 The Planning Inspector considers the impact on ecology in paragraphs 60 and 61 of appendix A. It is considered that management proposals as set out in the LEMP would represent a benefit to the scheme and the development will not result in material harm to ecology.

## **5. Highway Considerations**

- 5.1 The Council's Highways (Development Management) Team advises that the layout could, in principle, be acceptable subject to visibility splays being kept free of obstruction both vertical and horizontally. The Planning Inspector considered that highway safety and access matters to be acceptable (paras 59 of appendix A) subject to conditions and financial contributions.

## **6. Impact on neighbouring residents**

- 6.1 The development would be in the base of the quarry some distance from the nearest neighbouring homes. As a result, the proposed development is unlikely to have a significant adverse impact upon existing residents except through the likely additional vehicular activity on Back Street which is deemed acceptable by Highways.

## **7. The Requirement for Planning Obligations**

- 7.1 Significant weight should be given to the National Planning Policy Framework, which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. It is considered that Policy CS2 of the Core Strategy for the North is in accordance with the National Planning Policy Framework. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals.

- 7.2 In this case, the following would need to be secured by S106 Legal Agreement prior to any planning permission.
- The proposed affordable housing;
  - Contributions and obligations to secure highways mitigation, including physical works to Back Street;
  - Financial contributions towards education facilities and services.
- 7.3 In this case, the Council would also seek a commitment from the applicant to deliver the development in accordance with a Build Rate timetable to ensure that the development would contribute towards the five-year supply of housing land for Central Bedfordshire.
- 7.4 The applicant has not provided a draft S106 or Unilateral Undertaking to the Council and as such the lack of any formal documentation to secure these contributions forms a separate reason for refusal as the scheme fails to mitigate the impacts on local infrastructure.

## **8. Other Considerations**

### **8.1 Human Rights issues**

The proposal raises no Human Rights issues.

### **8.2 Equality Act 2010**

The proposal raises no issues under the Equality Act.

## **9. Sustainable Development and the Planning Balance**

9.1 There are three objectives to sustainable development: economic, social and environmental. These roles should not be sought in isolation, because they are mutually dependent. As such, in order to achieve sustainable development all three of the dimensions should be sought simultaneously.

### **9.2 Economic Role**

The NPPF defines the Economic Role as contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

9.3 The construction of up to 51 houses would support a limited level of employment, with associated benefits to the local economy, within the local area on a temporary basis during the construction period which could be expected to last no longer than one year. Clophill provides a limited level of employment opportunities as a primarily residential village with a number of community facilities and local services but is accessible to strategic transport links. Having regard to the Utilities Assessment supporting the application and consultation under the application, infrastructure provision appears to be sufficient to support additional housing within the village. The proposal is not therefore considered to be in conflict with the Economic Role.

### **9.4 Social Role**

The Social Role involves supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

- 9.5 The development would provide a limited number of new homes in support of the general supply of housing and would make provision for 18 affordable homes in line with current requirements under the Council's Strategic Housing Market Assessment. The Planning Update Statement refers to a delivery timetable however there is no indication of whether the applicant would be willing to make any delivery commitment in the form of a Build Rate timetable as part of a S106 agreement and there is no certainty that the development would contribute towards the five-year supply of housing land for Central Bedfordshire. The site is accessible to local services within Clophill including a village shop/post office, a village hall and a number of churches and restaurants/public houses. St Mary's Lower School is located at the eastern end of the village within 15 minutes' walk from the site. CBC Children's Services has advised there would be sufficient school capacity within the area, subject to suitable financial contributions being secured to provide additional facilities at St Mary's Lower School and Robert Bloomfield Middle School and Samuel Whitbread Academy (Upper) at Shefford.
- 9.6 However, the location of the proposed housing within the former quarry area, surrounded on all sides by the quarry walls and woodland, would result in a residential enclave isolated from the adjoining settlement. The quarry walls also have the potential to result in an overbearing impact on residential properties with close proximity on the quarry floor. The application does not provide sufficient evidence within the slope stability assessment. As the necessary mitigation measures are not specified as part of the application, it is not clear if large-scale changes to the contours of the site or significant retaining walls etc. would be required or what the implications of these would be in design terms or the impact on the character of the site. Whilst the application is submitted in outline this is considered fundamental to the principle of development on this site. The application does not therefore demonstrate how the proposal would be capable of creating a high quality built environment and it is considered that the development would conflict with the Social Role in this regard.
- 9.7 Environmental Role  
The Environmental Role is defined as contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 9.8 The site is a green infrastructure asset identified on the Clophill Green Infrastructure Plan. The quarry has been considered naturally restored for some time and is considered habitat and species rich. It lies in a key area for enhanced habitat connectivity, within the Greensands Ridge Nature Improvement Area. The site is also on the route of the Greensands Ridge Walk which runs through the existing woodland on the northern and eastern sides of the site.
- 9.9 In visual terms, the site is an important natural feature directly on the Greensands Ridge Walk. The proposed housing development would appear intrusive in views from the south west corner of the site, at the existing level access onto the A6, from the new vehicular access created onto Back Street, and from banked edges to Public Footpath FP2 which forms part of the Greensands Ridge Walk. The development would necessitate the removal of existing trees and the attractive walled enclosure along the southern

boundary of the site in order to create the proposed vehicular access, together with the creation of new footways along Back Street. This would result in an adverse urbanising effect on Back Street.

9.10 The development would therefore be harmful to the natural and rural character of the area and would fail to protect and enhance the natural environment. In these respects, the development would not fully support the Environmental Role.

9.11 Sustainability Conclusion

The housing and employment benefits associated with the construction of 51 new homes, including 18 affordable units, are acknowledged. However, the proposal would not result in a high quality built environment. It would also be harmful to the natural environment and local, rural character. The development would not therefore contribute to the social and environmental roles of sustainable development. The three objectives to sustainable development should not be sought in isolation, because they are mutually dependent. In order to achieve sustainable development all three objectives should be sought simultaneously. In this case, the adverse impacts of the development would significantly and demonstrably outweigh its benefits and the proposal is not considered to represent a sustainable form of development under the terms of the NPPF.

**Recommendation:**

Officers are therefore asking Committee, at their discretion, to ratify and agree, the recommendation of refusal. The resolution will therefore form the basis of the grounds the Council will defend the appeal.

**RECOMMENDED REASONS**

- 1 The site is outside of the Clophill Settlement Envelope and is within the open countryside. The site is a habitat and species rich green infrastructure asset within the Greensands Ridge Nature Improvement Area and lies on the route of the Greensands Ridge Walk. The proposed development would be harmful to the natural environment and the local, rural character of the area and it has not been properly demonstrated how the changes to levels and slopes within the site would provide a safe and high quality environment suitable for residential occupation. As a result, the development would not amount to sustainable development and would be inappropriate and unacceptable in principle. The development is therefore contrary to the objectives of the National Planning Policy Framework (2018) and Policies CS14 (High Quality Development), CS16 (Landscape and Woodland), CS17 (Green Infrastructure), DM3 (High Quality Development), DM4 (Development Within and Beyond Settlement Envelopes) and DM14 (Landscape and Woodland) of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and the Central Bedfordshire Design Guide (March 2014).
- 2 In the absence of a completed legal agreement securing the provision of housing, including affordable housing, in accordance with a Build Rate timetable; highways mitigation; and contributions towards education facilities and services, the development would have an unmitigated and unacceptable impact on existing local infrastructure and would fail to make an acceptable contribution towards the five year supply of deliverable housing land for Central Bedfordshire and the local affordable housing stock. The development would be contrary to the objectives of the National Planning

Policy Framework (2012), Policies CS2 (Developer Contributions) and CS7 (Affordable Housing) of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

**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 in principle and the fundamental objections cannot be overcome through dialogue. 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 complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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