

APPLICATION NUMBER	CB/18/04553/FULL
LOCATION	North Star Cottage, Watling Street, Hockliffe, Leighton Buzzard, LU7 9PY
PROPOSAL	Demolition of existing buildings/structures and retention of the pallet operation and ancillary buildings on site (retrospective) and expansion of the operation's facilities.
PARISH	Chalgrave
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Caroline Macrdechian
DATE REGISTERED	20 December 2018
EXPIRY DATE	21 March 2019
APPLICANT	Direct Pallets Ltd.
AGENT	Optimis Consulting
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Call-in request received from Cllr Versallion Full Application - Recommended for Refusal

Summary of Recommendation:

The site is in a sensitive location within open countryside and the South Bedfordshire Green Belt. It is acknowledged that a portion of the site constitutes previously developed land and the local planning authority is supportive of utilising this area for the pallet operation. Landscape mitigation measures are proposed and it is considered that the species are more appropriate to the setting of the site. Nonetheless due to the excessive scale and intensive nature of the operations it is considered that the proposal would have a detrimental impact on the open countryside and openness of the Green Belt. The development amounts to inappropriate development in the Green Belt. It is not considered that the previous reasons for refusal have been addressed, in fact the proposed expansion into the adjacent field has exacerbated the issues. The very special circumstances are not considered to outweigh the harm to the openness of the Green Belt. It is considered that the proposal conflicts with the objectives of national and local planning policy. It is therefore recommended for refusal.

Site Location:

The application site is approximately 2.98 hectares in size. It is sited on the eastern side of A5, Watling Street, in close proximity to the A5-M1 link road, which is south of the application site.

The site itself has two distinct areas. The largest portion of the site that is in the northernmost part of the site, was a former car salvage yard that contained cars stacked in an open storage arrangement. A number of detached buildings/structures were provided in the north western corner of the site and a detached dwelling at the front of the site. A paddock area for the grazing of horses was provided in the south western corner of this section of the site. Vegetation is provided around the perimeter of the site, along with a green palisade fence that was erected by the applicant in summer 2018. There were trees on the site but these were cleared as part of the clearance work undertaken in 2018. The

topography is flat. An application for the use of this part of the site as a pallet storage business was refused in August 2018 and is discussed in subsequent sections of the report.

The second portion of the site is in the southernmost part of the site, and is an agricultural field that has not been enclosed by the palisade fence referred to above. This open field sits approximately 2m lower than the former car salvage yard but is generally flat.

For clarification, the two distinct areas have been referred to as Parcel A and B in the supporting Planning Statement. It is deemed appropriate to refer to the application site on this basis: the former part car salvage yard is Parcel A and the agricultural field is Parcel B.

The site lies within the South Bedfordshire Green Belt.

The Application:

Retrospective permission is sought for the demolition of all structures and buildings, and retention of the pallet operation and ancillary buildings.

The application also seeks to expand the operation of the site into the adjacent field (Parcel B), which is not retrospective. Despite a refusal of planning permission in August 2018, the site has been operational within Parcel A since July 2018, a matter of which Planning Enforcement are aware.

The existing access has been retained and upgraded.

The former dwelling house sited at the entrance to the site is retained for office purposes. Within the western section of the site adjacent to the highway, parking for 38 staff cars is provided. To the rear of this and covering the majority of Parcel A are hardscaped pallet storage areas, and loading and turning areas for HGVs. The pallets would be stored at a height of 4.5m, which is a reduction to what is currently seen on the site, which is approximately 5.5m to 6m.

Centrally positioned along the northern section of the site, there are two sheds for undertaking pallet repairs. These sheds measure 6m by 24m, and have dual pitched roofs with a maximum ridge height of 4.1m and an eaves height of 3.3m. These are enclosed on three sides with an open frontage.

Other facilities include cycle storage and staff welfare facilities, which are positioned close to the office.

Parcel B would constitute the trailer parking area for 10 trailers and 18 HGVs and trailers. Access to this section of the site would be via a centrally positioned access from Parcel B. There would be no direct access taken from the A5, Watling Street.

It is proposed that existing trees and landscaping on the site boundaries would be retained and enhanced through additional landscaping.

The site is currently occupied by an active company, known as Direct Pallets, a local company that recycles wooden pallets and has operated in the area for over 25 years. Direct Pallets formerly occupied three sites, located in Dunstable, Ridgmont and Hulcote/Milton Keynes. The owners of Direct Pallets sold the site in Tavistock Street and advised that they needed to vacate the premises by June 2018. Planning permission was initially secured in 2012 for 48 dwellings

(12/01941/OUT) and a subsequent application was granted consent in March 2018 (16/05657/FULL) for 55 affordable dwellings. The owners were advised that they needed to vacate their Hulcote/Milton Keynes site. It is due to these matters that they have sought to consolidate their operations at a single site.

The applicant has advised that the work at the site commenced as there was a need to relocate to ensure existing employees were retained in employment. Since relocating the operation has grown significantly and there is a desire to increase the site area to meet the demands. More recently, the company has been approached by an international corporation that have opened a nearby distribution centre.

Background Information:

A pre-application enquiry relating to the development of the site (Parcel A) for pallet storage was submitted in January 2018. A proposed site plan with extensive landscape buffering around the perimeter of the site was submitted, which also showed landscaping within the site to demarcate the parking and pallet storage areas. The main access route within the site was also lined with landscaping at intermittent locations. A pre-application response dated 22nd February 2018 was provided advising that a portion of the site could be considered as previously developed land and the key concern would relate to the height of the stacked pallets. A suggested starting point was 4m as it was deemed that any higher would not be comparable to the previously approved housing scheme. It was confirmed that the hard surfacing of the front portion of the site would be inappropriate development within the meaning of the NPPF, unless very special circumstances were put forward that were robust enough to outweigh the harm to the openness of the Green Belt.

Following receipt of the pre-application response, the applicant submitted a full application for Parcel A that was refused in August 2018 (18/01504/FULL). The reasons for refusal were as follows:

- The development would represent an inappropriate form of development that would adversely affect the openness of the Green Belt. The very special circumstances that have been put forward are insufficient to outweigh the harm to the openness of the Green Belt. The proposal would be contrary to Section 13 of the National Planning Policy Framework.
- The proposal would represent an inappropriate form of development that would be detrimental to the character of the area and the open nature of the countryside. The proposal is considered contrary to Policy BE8 of the South Bedfordshire Local Plan Review and Section 12 of the NPPF.

The refused application was different to the pre-application scheme. It was a retrospective application that provided hardstanding across the site, with limited landscaping around the perimeter of the site and none within the site. The installation of the hardstanding was completed during the determination period of the application.

It is also necessary to consider the 2016 application for residential development at the site, which is extant and expires on 28th June 2020. This application was for the erection of 12 two storey dwellings with associated parking and access provision. Each dwelling reached a maximum height of 9.8m. Approximately 2.4 acres of paddock areas would be retained across the site, most notably along the eastern, southern and western portions of the site. In the Case Officers report, it

acknowledges that part of the site is previously developed land and a series of very special circumstances were agreed to justify the principle of development which would otherwise be inappropriate development in the Green Belt.

POLICIES:

National Planning Policy Framework (NPPF) (February 2019)

- 2: Achieving sustainable development
- 4: Decision-making
- 9: Promoting sustainable transport
- 11: Making effective use of land
- 12: Achieving well-designed places
- 13: Protecting Green Belt land
- 15: Conserving and enhancing the natural environment

South Bedfordshire Local Plan Review Policies

- BE8 Design Considerations
- T10 Parking - New Development
- SD1 Keynote Policy

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 EE5: Landscape Character and Value
- LP EMP1: Employment Sites and Uses
- LP CC5: Sustainable Drainage
- LP DC1: Re-use of Buildings in the Countryside
- LP CC8: Pollution and Land Instability
- LP EE4: Trees, woodlands and hedgerows
- LP HQ1: High Quality Development
- LP SP4: Development in the Green Belt
- LP SP2: NPPF - Sustainable Development

Supplementary Planning Guidance/Other Documents

- Central Bedfordshire Design Guide (March 2014)
- Supplement 1 Placemaking in Central Bedfordshire

Relevant Planning History:

Application Number	SB/97/00002/LDCE
Description	Use of land for dismantling motor vehicles, distribution/sale of parts, vehicle repairs, offices and storage
Decision	Granted
Decision Date	23/05/1997
Application Number	CB/16/04498/FULL
Description	Demolition of existing dwelling, workshop and ancillary storage sheds, removal of mobile home, removal of hardstanding; and erection of 12 dwellings, formation of new access, remediation works, formation of SUDs and associated landscaping.
Decision	Granted
Decision Date	29/06/2017
Application Number	CB/18/00103/PAPC
Description	Pre-application enquiry relating to the introduction of a pallet business on the site
Decision	Pre-application advice released
Decision Date	22/02/2018
Application Number	CB/18/01504/FULL
Description	Demolition of some of the existing buildings/structures on the site in connection with the change of use of the dwelling to an office, ancillary to the use of the site for pallet storage and distribution, along with associated parking.
Decision	Refused
Decision Date	16/08/2018

Consultees:

Chalgrave Parish Council	<p>Initial comments - Chalgrave Parish Council objects on the basis that we have concerns over the number of vehicles, particularly lorries on this stretch of already overburdened single carriageway. There is also the issue with slow moving lorries entering and exiting the site onto a busy road.</p> <p>Final comments - The applicant gave a presentation to Chalgrave Parish Council in February. Concerns were initially expressed about the number of lorries entering and exiting the site. However, the applicant explained that the system that would be used to lessen the impact of lorry movements on the flow of traffic on the A5. The landscaping to be put in place was also described. As a result there are no objections.</p>
Local Councillor	Call-in request received from Cllr. Versallion requesting that the application be determined at committee should it be recommended for refusal.
Highways	The previous application was assessed on the area of land to be used for storage which has now increased

slightly to an estimated 9,410m². Although the total site area has increased due to the proposed HGV parking spaces to the south of the site, the northern section of the development now includes larger areas for loading which have not been considered as part of the storage element.

The Central Bedfordshire Parking Standards recommend a maximum of 1 parking space per 30m² (for less than 500m²) thereafter 1 parking space per 200m² (for more than 500m²). This would equate to a maximum of 61 car spaces and the HGV parking provision would be 20 HGV parking spaces, although the applicant is proposing 18 HGV spaces and 10 trailer spaces. The applicant has indicated 38 car parking spaces but clearly has the potential to create additional spaces. The potential problems associated with not providing sufficient off-street parking would usually result in additional on-street parking on the public highway. As the Highway Authority for the adjacent highway is Highways England, I am not in a position to object on highway grounds.

I would point out that the Stormwater Drainage plan does not incorporate the new area to the south, indeed the internal access to this land runs across the attenuation pond. The HGV parking area has been annotated as permeable, therefore I would recommend you seek clarification as to how diesel/oil contaminants will be prevented from permeating in to the subsoil.

I recommend the following conditions are considered.

1. Before the premises are brought in to use all on site vehicular areas shall be surfaced in accordance with the approved drawing. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits.

2. The turning space for vehicles illustrated on the approved Plan (plan no. to be inserted) shall be constructed before the development is first brought into use and retained thereafter for that purpose.

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. The proposed development shall be carried out and completed in all respects in accordance with the access

siting and layout illustrated on the approved plan No. and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

Highways England

The current application has a revised planning statement (dated 5 December 2018) that sets out a detailed planning history for the site, however the transport evidence appears to be similar to that supplied with the previous application and as such Highways England's recommendation remains the same.

The proposed site access arrangement as shown in the Transport Statement report, the drawing titled 'Proposed Site Access', drawing no. 175200-001, revision-dated April 2018, has been reviewed and subject to a stage 1 Road Safety Audit RSA. The developer needs to enter into a section 278 with Highways England to deliver the scheme.

Any grant of planning permission should have the following conditions attached:

- No development within the application area shall be undertaken prior to the access being constructed in accordance with the drawing titled 'Proposed Site Access' drawing no. 175200-001 revision -, dated April 2018
- No development within the application area shall be undertaken prior to the applicant entering into a S278 with Highways England.

Reason for the conditions: To ensure A5 trunk road will continue to fulfil its purpose as part of the Strategic Road Network in accordance the Highway Act 1980, Circular 02/2013 ' the Strategic Road Network and the Delivery of Sustainable Development' the National Planning Policy Framework and Planning Practice Guidance.

Pollution Team

This application is retrospective and the site is currently operational. With regards to the submitted information, I have no objections to the proposals.

Trees and Landscape Officer

Initial comments - I have examined the plans and documents relating to this application, in particular the "Planning Statement" dated 5th December 2018 (Ref. P593/PS Final). I have also referred to my previous

consultation responses in respect of CB/18/01504/FULL, CB/18/00103/FULL and CB/16/04498/FULL, which also relate to the site in question, and its previous application history.

I should state that my support for previous applications were always based on the existing site usage at the time, which was the recognition of the site having a significant, adverse visual impact being imposed on the surrounding landscape. Subsequently, it was considered that any suitable, alternative development on this site would present an opportunity to reinforce, by way of planning condition, the existing boundary planting, using a robust, native planting scheme that could only serve to enhance the area from that currently being experienced.

However, in respect of this current application, I should state that my position regarding the positive improvements that the existing site could gain from enhanced and reinforced boundary landscaping, should not be interpreted as now justifying any further expansion into additional agricultural land, namely the inclusion of Parcel B as part of the current development site proposals.

I consider that the development of Parcel B would undermine the original purpose of improving the visual containment of the original site, recognising that further site expansion would actually exacerbate adverse visual impact on the surrounding countryside, by significantly increasing the scale of the site within its green belt setting. If the site is now expanded further, the provision of any new landscaping, planted around the extended site perimeter, will be much less effective in dealing with the larger increase of internal area within.

Whilst I would always respond positively in enhancing the existing boundaries of the present site, and have recently supplied the applicant with appropriate planting specifications for this purpose, I could not support an increase in size of the present site usage by encroachment into further green belt land. I should also state that I cannot support the planting of *Leylandii* along the A5 road frontage, as being proposed in Section 8.36 of the "Planning Statement", as this would present an incongruous feature within its rural setting.

Final comments - Further to my previous comments, I refer to the revised landscaping scheme "Proposed Site Plan Landscaping Proposals" -Revision A, which has now been submitted in support of this application.

Whilst the scheme does not reverse my concerns made earlier regarding the principle of expansion of the site into Parcel B, it does represent the best use of the perimeter planting space being made available, given the

constraints of the site inevitably imposed by its intended usage.

The planting scheme still requires appropriate landscape planting and maintenance specifications to ensure that cultivation, planting and aftercare procedures are undertaken in accordance with best practice, to ensure successful establishment and growing conditions.

However, this could be secured by way of a condition as suggested below:

Prior to the completion of development, a Landscape Works and Maintenance Specification shall be submitted to the Local Planning Authority for approval, setting out the procedures for implementing and maintaining the landscaping scheme as submitted in the drawing "Proposed Site Plan Landscaping Proposals -Revision A". The approved Landscaping Works and Maintenance Specification shall then be implemented as part of all landscape preparation works, planting operations and aftercare, which shall include an appropriate weed control and watering programme. The maintenance and aftercare period shall be for a minimum period of 5 years, with any losses replaced in accordance with the approved "Proposed Site Plan Landscaping Proposals" drawing.

REASON

To ensure that satisfactory horticultural best practice is undertaken as part of all landscape operations, in order to ensure the health and successful establishment of all landscaping planting.

National Grid Customer Support Team

No response received.

Bedfordshire and River Ivel Internal Drainage Board

The Board notes that the intended method of storm water discharge is via a balancing facility.

Also as the means of storm water disposal is to be via a balancing facility it is essential that this be completed prior to the construction of any impervious areas within the site.

If the applicant does not wish to balance the flows to that equivalent to the present peak of discharge from the undeveloped land then the Board will require a once and for all payment. This charge will be based on a rate of £5 per square metre of impermeable area discharging to the watercourse.

Confirmation should be sought that the watercourse culvert under the A5 Watling Street is suitable to handle additional surface water run-off from the impermeable area.

Ecology

The site area now includes the adjacent arable field, this contains grade 3 agricultural land which, depending on whether or not it is graded a or b, could be classified as Best and Most Versatile, the loss of which should be resisted.

The updated 2018 Ecological Appraisal confirms that all features with any ecological interest, including 2 ponds, have been removed and hence lost from the site. The hedgerow holds the only remaining interest and it is recommended that this be gapped up as part of any landscaping condition to compensate for losses to the wider site.

Given the loss of biodiversity value that the site has already sustained substantial efforts to support ecological enhancements would be expected.

SuDS Management Team

We consider that 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, if the following recommendations and planning conditions are secured.

1. The watercourse to be discharged in to should be part of the management plan.

2. Permeable surfaces are a better option for parking or machinery areas. Where the use of permeable surfacing is proposed, this should be designed in accordance with the 'CIRIA RP992 The SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement'.

3. The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance must be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).

4. To ensure future owners will be aware of any maintenance requirements /responsibilities for surface water drainage, including ditches; further measures should be proposed by the applicant and may include, for example, information provided to a purchaser of the property and also designation/registration of the SuDS so that it appears as a Land Charge for the property and as such is identified to subsequent purchasers of the property.

5. Land drainage Consent under the Land Drainage Act 1991 must be secured to discharge surface water to an

existing watercourse/ditch, and details of this provided with the full detailed design. The agreement and rate (l/s) must be included in relevant correspondence.

6. An easement should be provided on the developable side of the watercourse to allow for access for maintenance, this should be 9m but may depend on the maintenance requirements considered appropriate.
Recommended condition;

Condition 1: The discharge rate from the development will be limited to the equivalent 1 in 1 year rate, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards or sewage undertaker. The final detailed design shall be based on the agreed Drainage Strategy (of various parts submitted before 10th January 2019) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March, 2018), and shall be implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development. Any variation to the connections and controls indicated on the approved drawing which may be necessary at the time of construction would require the resubmission of those details to the Local Planning Authority for approval. The applicant should address points 1, 5 and 6 when submitting details to discharge the condition:

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 of the NPPF.

Environment Agency

No objection to this application.

Advised that the Internal Drainage Board are consulted.

The site is located above a Principal Aquifer but do not consider this proposal to be High Risk. Therefore, no detailed site-specific advice or comments with regards to land contamination issues for this site.

Informatives should be added directing the applicant to the comments from the Environment Agency.

Landscape Officer

Apologies for delay in response, due to the character of existing development and proposed extension it has been necessary to visit the site surrounds again to inform landscape assessment of proposals.

The application site is located adjacent to the A5 to the north of Dunstable and Houghton Regis and within a rural, relatively unsettled, setting at the transition between the Eaton Bray Clay Vale (LCA 5A) and the Toddington-Hockliffe Clay Hills (LCA 8A) which offer

medium to long distance, panoramic views in places, across the application site and surrounding vale and clay hills to the Chiltern chalk escarpment to the south and south-west. These rural views, and reciprocal views, are of high sensitivity to change and must be protected.

The application site also sits within a well used and well connected framework of PROW, including FP16 running alongside the northern site boundary and FP29 to the south. The footpath network connects across the A5 and vale to the rolling clay hills to the west, east and north east of the site. The amenity of footpaths and enjoyment of users of the countryside, and including views, are considered as having high sensitivity to change.

The current operational area of the application site (Parcel A) is highly intrusive in local views generally and from PROW; the stacked pallets present an incongruous juxtaposition of towers and repair sheds are in close proximity to the northern site boundary and poorly mitigated, in part due to the narrow corridor left for trees and landscaping. The recently installed metal palisade fencing is very industrial in appearance, is tight against the site boundaries and is poorly mitigated by planting.

The recently planted *Leylandii* is not acceptable in terms of landscape and character; although *Leylandii* may be present in locations within the vicinity of the application site the use of this tree is not encouraged.

The application also proposes extension of site to include HGV and trailer parking to the southern portion (Parcel B); the extension of development to the south of the application site to store up to 18 number 4 metre plus high HGVs, along with trailers, is of serious concern due to the cumulative impact of 'development' on the surrounding rural landscape, elevated views across the application site and highly sensitive views from local PROW.

Whilst the proposed planting to mitigate development is appropriate in terms of species and types within the deciduous landscape the screening capacity would be seriously diminished in winter time due to loss of leaf. Palisade fencing to the site boundaries is intrusive in terms of character and again would be further exposed in winter time.

The application refers to security CCTV but there appears no reference to operational and security lighting; this could be highly intrusive visually at nighttime.

In conclusion; visual intrusion of development would have a detrimental impact on immediate and wider landscape character, openness of the countryside and amenity and is contrary to:

SBLP Policy B8

NPPF Section 12, para 130. Section 13. Section 15, para 170.

Rights of Way Officer

No public right of way seems to be directly affected but Chalgrave Public Footpath no. 45 lies to the north of the site and Houghton Regis Public Footpath no. 29 lies to the south. Houghton Regis Public Footpath no. 29 which has a signpost at the A5 end should remain completely unaffected by the proposals and any new planting or fencing.

My previous comment for this site has been that the A5 footway between these two public rights of way should be improved for pedestrians walking between the two. It is disappointing that Highways England did not feel this was significant in terms of the Road Safety Audit but surely more people will be using these public rights of way and choosing to walk along this footway once the proposed housing and employment land to the south is in place. Any improvement to the footway would also link into Highways England's own new footway/cycleway provision provided as part of the A5-M1 link road.

Other Representations:

Neighbours No representations have been received.

Determining Issues:

The main considerations of the application are;

1. Principle of Development
2. Impact on the Green Belt and open countryside
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

Considerations

1. Principle of Development

1.1 The use of the site as a car scrapyard would have been sui generic and the storage of pallets would fall within Use Class B8 (storage and distribution). No issues were raised during the consideration of the pre-application where it was considered that the introduction of open storage facilities would be acceptable as a matter of principle but this would be subject to satisfying relevant policy relating to development within the Green Belt, which is discussed in subsequent sections of the report.

1.2 In terms of the change of use of the front dwelling to offices that would be ancillary to the main use as a storage facility, this needs to be assessed against the requirements of Policy H7 (Controlling the loss of Residential Accommodation) of the South Bedfordshire Local Plan Review. Policy H7 seeks to protect the existing stock unless the change of use would represent an acceptable loss to housing stock. As the dwelling is in an isolated location and would be incompatible with the proposed use as a pallet yard, it is deemed that the loss of the residential use to form ancillary office

accommodation would be acceptable in this instance.

- 1.3 As the site is located within the South Bedfordshire Green Belt then the application must be assessed against the requirements of Section 13 of the NPPF. Paragraph 143 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSCs). However, VSCs would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Certain types of development constitute exceptions and these are listed in paragraphs 145 and 146 of the NPPF.
- 1.4 The assessment of the impact on the Green Belt has been broken down into three sections based on the nature of the application:
- Development within the paddock area and Parcel B;
 - Previously developed land in Parcel A;
 - Provision of Pallet repair sheds and other structures.

Development within the paddock area and Parcel B

- 1.5 The development of these areas would not fall within the exceptions set out in paragraphs 145 or 146 of the NPPF. A series of VSCs have been put forward within the supporting Planning Statement, and these are as follows:
- Cessation of the use of the site as a scrapyards, which was a non-conforming use in the Green Belt;
 - The amalgamation and relocation of the pallet business will allow for retention of an established business;
 - Long term future of Direct Pallets will be secured;
 - Rateable value of the site = £134,000 (letter from Valuation Office Agency provided dated 13th February 2019);
 - Total number of employees equals 69;
 - Proposal enables scope for the business to continue to grow and create more jobs;
 - Proposal will ensure the site remains in employment use;
 - Vacating the Dunstable site has enabled the provision of dwellings as per consent 16/05657/FULL;
 - Traffic congestion has been removed from Dunstable Town Centre;
 - Visual and physical improvements to the site;
 - A safe and improved access to the site;
 - Net loss in the building footprint compared to the residential scheme that was approved on the site under reference 16/04498/FULL;
 - Landscape enhancements;
 - Environmental enhancements: introduction of appropriate surface water drainage and decontaminating the site.
- 1.6 The retention of the business in the District and subsequent retention of local jobs is deemed a positive aspect of the proposal. Additionally, the NPPF identifies the importance of building a strong, competitive economy and paragraph 83 emphasises the need to support sustainable growth and expansion of businesses in rural areas, although this does not relate to open storage.
- 1.7 Closure of the Dunstable site on Tavistock Street to enable the provision of dwellings, and associated highway improvements this has brought to Dunstable have been put forward as VSCs. Whilst the provision of dwellings is beneficial to Dunstable, it is not considered that these VSCs appropriately

justify an inappropriate development in the Green Belt.

- 1.8 Comparison is made to the scale and form of the extant housing development but it is not considered that these can be directly compared as the two schemes are very different. The housing scheme did not include Parcel B and despite the dwellings having a maximum height of 9.8m, they did not cover the entirety of the site as large paddock areas were proposed so a sense of openness was retained with the built form limited in the main to the previously developed sections of the site.
- 1.9 It is noted that the rateable value of the site is high but this should not weigh against the need to ensure that all aspects that encompass sustainable development are achieved. The specific environmental enhancements include the introduction of surface water drainage and decontamination of the site. Whilst these improvements are noted, the majority of Parcel A has been finished in concrete as a result of the site being capped off. Whilst capping off the site is a suitable means to deal with contamination it has resulted in an expansive area of hardstanding that has resulted in the loss of the former paddock area.
- 1.10 The applicant has put forward the landscape enhancements as a VSC and this is discussed in subsequent sections of the report.
- 1.11 A further consideration in regard to Parcel B, is that it would represent encroachment in the countryside. As specified in paragraph 134 of the NPPF, the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment. The supporting Planning Statement concludes that the proposal would not conflict with any of the five purposes. However, the local planning authority considers that expansion of the business into an adjacent agricultural field to enable HGV parking would result in unacceptable encroachment into the countryside.
- 1.12 In response, none of these factors either on their own or in combination clearly outweigh the harm to the Green Belt. They do not demonstrate that the site has a unique feature or features required to accommodate the proposal. They are not matters which go above and beyond to be considered as 'very special'.

Previously developed land in Parcel A

- 1.13 Paragraph 145 of the NPPF states that there are exceptions and of relevance is point (g), which states:
 - Limited infilling or the 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;
 - 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.
- 1.14 The local planning authority acknowledge that part of the site within Parcel A qualifies as previously developed land and this was confirmed in the pre-application response and determination of the refused application. It must be noted that the pre-application advice pre-dates the NPPF July 2018 but the general thrust of national policy on this matter is not considered to have altered and therefore the pre-application response is still relevant. On balance

it is considered that the development of the previously developed parcels of land on the site would be appropriate, as a matter of principle.

Provision of pallet repair shed and other facilities

- 1.15 Paragraph 145 of the NPPF indicates exceptions for the construction of new buildings in the Green Belt. One of these exceptions relates to the replacement of a building, provided the building is in the same use and not materially larger than the one it replaces. A series of buildings used for storage and repairs were provided on the site. The provision of two pallet repair sheds and welfare facilities is therefore deemed acceptable and are not considered to have an adverse impact on the openness of the Green Belt.
- 1.16 Whilst it is acknowledged that the proposal provides a number of positive aspects, it is considered that the manner in which the site has been developed represents an inappropriate form of development in the Green Belt and would therefore be in conflict with the requirements of Section 13 of the NPPF. The intention to expand the business into the open countryside would exacerbate the impact of the development and has not overcome the previous reasons for refusal.

2. Impact on the Green Belt and open countryside

- 2.1 Paragraph 170 of the NPPF sets out the manner in which planning decisions should contribute to and enhance the natural and local environment. This is also a requirement of Policy BE8 of the South Bedfordshire Local Plan Review.
- 2.2 The site lies in a rural location between the Eaton Bray Clay Vale and the Toddington-Hockliffe Clay Hills which offer panoramic views across the site and the surrounding area. These views, and those from the surrounding network of public rights of way (PROW) are of high sensitivity to change and must be protected.
- 2.3 Proposed landscape enhancements include the retention of trees around the perimeter of the site, most notably the southern boundary and enhanced planting around the entire perimeter of the site and on land that separates Parcel A and B.
- 2.4 An initial landscape proposal was submitted but the Tree Officer advised that the provision of leylandii along the Watling Street frontage would represent an incongruous feature within the rural setting, a concern that has also been raised by the Landscape Officer.
- 2.5 In response to this, a revised landscaping plan was submitted and the Tree Officer has advised that this represents the best use of the perimeter planting available, given the constraints of the site and a condition could be imposed to secure maintenance specifications, amongst other things. The Landscape Officer has also advised that the proposed species are suitable but has raised concern that the screening would be limited during the winter months.
- 2.6 Owing to the intense nature of the operations on the site, it is considered highly intrusive to local views and from the PROW, with the stacked pallets appearing as an incongruous form of towers that are poorly mitigated by current landscaping. It is noted that the pallets are currently stacked at heights varying from 5.5 to 6m, whereas the proposal seeks them stacked at a height of 4.5m, which would be lower than the stacked cars (previously stacked at 5-6 cars per stack). Reducing the stacking height to 4.5m would assist in reducing the

impact of the development, although given the intense nature and expanse of the operations it would not wholly address the issues. The palisade fencing that encloses Parcel A is also considered visually intrusive due to its industrial nature.

- 2.7 In terms of the development of Parcel B, neither the Tree Officer or Landscape Officer are able to support this. Further site expansion would exacerbate the adverse visual impact on the surrounding rural landscape and the inner perimeter planting would be less effective in dealing with the larger increase of internal area, and its effectiveness would diminish during the winter months.
- 2.8 A further concern raised by the Landscape Officer relates to security provision in terms of CCTV and lighting and the visually intrusive nature of this, particularly at night-time. These concerns are noted but it is considered that if minded to approve appropriate conditions could be imposed.
- 2.9 In summary, it is considered that the visual intrusion of the development would have a detrimental impact on the immediate and wider landscape character, which would be detrimental to the open nature of the countryside and the Green Belt. The proposal would therefore be contrary to policy BE8 of the South Bedfordshire Local Plan, and section 12, 13 and 15 of the NPPF.

3. Neighbouring Amenity

- 3.1 Owing to the location of the site away from residential or other uses, no issues are raised regarding impact on neighbouring amenity.

4. Highway Matters

- 4.1 A Transport Statement was submitted with the application. Consultation was undertaken with the Council's Highway Development Team and Highways England who are the highway authority responsible for this section of the A5.
- 4.2 Access and egress to the site is provided via the existing access point. The gated entrance point is set back within the site to enable HGVs to wait without causing congestion on Watling Street. The final response from Highways England advised that the proposal was acceptable subject to conditions that are set out in the consultee section of the report. These are pre-commencement conditions and the local authority are liaising with Highways England to ensure they are aware the site is operational.
- 4.3 The Council's Highway Development Team have assessed the application based on the slightly increased storage area of 9,410sq.m. Although the total site area has increased due to the proposed HGV parking spaces to the south of the site (Parcel B), the northern section of the development now includes larger areas for loading which have not been considered as part of the storage element.
- 4.4 The proposed open storage use would equate to a maximum of 61 car parking spaces and 20 HGV parking spaces, although the proposal seeks 18 HGV spaces and 10 trailer spaces. The application indicates that 38 parking spaces can be provided but there is potential for additional spaces to be created. The potential problems associated with not providing sufficient off-street parking would usually result in additional on-street parking on the public highway. As the Highway Authority for the adjacent highway is Highways England, therefore it is appropriate to object on highway grounds.

4.5 Additionally, highway have indicated that the Stormwater Drainage plan does not incorporate the new area to the south, indeed the internal access to this land runs across the attenuation pond. The HGV parking has been annotated as permeable therefore it would be necessary to seek how diesel/oil contaminations would be prevented from permeating the subsoil.

5. Other Considerations

5.1 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** subject to the following:

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. The very special circumstances put forward are not considered to outweigh the harm to the Green Belt. The proposal is therefore contrary to Section 13 (Protecting Green Belt land) of the National Planning Policy Framework (NPPF), February 2019.
- 2 The proposal, as a result of the excessive scale and intensive nature of the operation, would represent an inappropriate form of development that would be detrimental to the character of the area and the open nature of the countryside. The proposal is considered contrary to Policy BE8 of the South Bedfordshire Local Plan Review and Section 12, 13 and 15 of the NPPF, February 2019.

DECISION

.....
.....