

## Item No. 7

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

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

The Council acted pro-actively through positive engagement with the applicant during the determination process. Officers felt the issues could not be overcome and recommended the application for refusal. However, the Development Management Committee overturned the officers recommendation and granted planning permission. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The Council as the Local Planning Authority hereby gives notice of its decision to **GRANT PERMISSION** for the development specified above and shown on the submitted plans, subject to the following conditions:

- 1 The use hereby permitted shall be discontinued on or before 6 March 2024, and within 6 months of this date all structures (if any) removed and the land re-instated with grasscrete to its pre-development condition as an agricultural field in accordance with a scheme of work previously submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the Green Belt, Chilterns Area of Outstanding Natural Beauty and an Area of Great Landscape Value.

(Section 13 and 16, NPPF)

- 2 The storage use hereby approved shall be solely for the storage of historic artefacts arising from excavation at Euston Station, and not for any other use.

Reason: To ensure the use is specific to the very special circumstances demonstrated to clearly outweigh the harm to the Green Belt.  
(Section 13 NPPF)

- 3 Details of the landscaping works shown on approved plan 2712.20 A, to include details of native species to be used and a scheme for landscape maintenance for the duration of the planning permission following the implementation of the landscaping scheme, shall be submitted to the Local Planning Authority within three months of the date of planning permission and subsequently approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following this approval (a full planting season means the period from October to March). The landscaping works shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping to screen the storage area, and for the planting to integrate into the surrounding countryside.  
(Policies BE8 & NE3, SBLPR and Sections 13 & 16, NPPF)

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

Reason: To provide adequate visibility between the existing highway and the vehicle access, and to make the access safe and convenient for the traffic which is likely to use it.  
(Section 9, NPPF)

- 5 Within two months of the date of planning permission, details of a turning area suitable for HGV's shall be submitted to and approved in writing by the Local Planning Authority and once approved the turning areas shall be constructed within two months of approval and thereafter retained in perpetuity.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.  
(Section 9, NPPF)

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

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

(Section 9, NPPF)

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

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

(Section 9, NPPF)

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

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

(Section 9, NPPF)

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

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

(Section 9, NPPF)

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

Reason: To protect the amenity of neighbouring residents.

(Policy BE8, SBLPR and Section 16, NPPF)

- 11 There shall be no lighting on the application site.

Reason: To protect the Green Belt, Chilterns Area of Outstanding Natural Beauty and an Area of Great Landscape Value.

(Section 13 and 16, NPPF)

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers C2712.20 A and C2712.19.

Reason: To identify the approved plans and to avoid doubt