

Central  
Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ



**TO EACH MEMBER OF THE  
DEVELOPMENT MANAGEMENT COMMITTEE**

21 May 2013

Dear Councillor

**DEVELOPMENT MANAGEMENT COMMITTEE - Wednesday 22 May 2013**

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the Late Sheet:-

Late Sheet

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Should you have any queries regarding the above please contact Democratic Services on Tel: 0300 300 4032.

Yours sincerely

Martha Clampitt,  
Committee Services Officer  
email: [martha.clampitt@centralbedfordshire.gov.uk](mailto:martha.clampitt@centralbedfordshire.gov.uk)

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## LATE SHEET

### DEVELOPMENT MANAGEMENT COMMITTEE – 22 MAY 2013

#### ***Item 6 (Page 7 - 44) – CB/13/00985/FULL – Paradise Farm, The Causeway, Clophill, Bedford, MK45 4BA***

##### **Additional Consultation/Publicity Responses**

###### Private Sector Housing

The proposed site will be a licensable caravan site. In order to comply with the site licence conditions the static and touring caravans have to be positioned so that the following separation distances are achieved.

Minimum separation distance between any caravan & the boundary of the site - 3m

Minimum separation distance between two adjacent caravans - 6m

On Gypsy and traveller sites separate caravans that are occupied by the immediate members of the same family may be less than 6m apart. Therefore if all the caravans are occupied by immediate members of the same family they may be less than 6m apart, however 6m is still the recommended separation distance.

Looking at the proposed layout plan, in order to comply all of the caravans will need to be moved so that they are at least 3m from the edges of the site. I also suggest the positions of the two touring caravans are staggered so to increase the separation distance between them.

I note that the applicant is proposing to use a portaloo for the disposal of foul waste. The site licence conditions will require that there is adequate disposal of foul waste. I would regard the provision of a portaloo(s) the absolute minimum requirement provided there is a permanent service contract in place for them to be emptied on a regular basis. However I would strongly recommend that a more permanent means of disposal of foul waste is provided such as the construction of a toilet or amenity block connected to a foul mains sewer, cess tank, septic tank or package treatment works.

##### **Comments on the Consultation Response**

The applicant has removed the portaloo from the description and therefore the officer's comments in relation to this are no longer necessary.

In order to ensure that the site layout is appropriate in terms of its visual appearance as well as the site licensing requirements it is proposed that condition 5 be amended to include the requirement for a site layout plan to be submitted and approved.

##### **Amended Condition 5**

5. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (vi) below:

1. within 3 months of the date of this decision a scheme for the means of surface water drainage of the site shall be submitted to and approved by the Local Planning Authority, the approved scheme shall be implemented with 3 months of the date of approval;
2. within 3 months of the date of this decision the proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 10m into the site, measured from the highway boundary, 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.
3. within 3 months of the date of this decision a scheme for the storage and collection of waste from the site shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval;
4. within 3 months of the date of this decision a scheme for external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval;
5. within 3 months of the new access being brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in accordance with a scheme submitted to and approved by the Local Planning Authority, the scheme shall include the details of the closure of the access, boundary treatment and landscaping.
6. within 3 months of the date of this decision a landscaping scheme to screen the site, clearly identifying ground preparation works, details of all tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities, together with the means of their protection shall be submitted to and approved by the Local Planning Authority, the approved scheme shall be implemented during the first full planting season following the completion of the development. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.
7. within 3 months of the date of this decision a plan showing the layout of the site including the position of the caravans shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval.

Reason: To ensure an appropriate standard of development.  
(CS policy DM3 and DSCB policy 43).

### **Additional Informatives**

6. All mobile home sites are required to obtain a Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. Further information may be obtained from the Private Sector Housing Team, Central Bedfordshire 0300 300 8000.

### ***Item 7 (Page 45 - 46) – CB/13/01044/FULL – Toddbury Farm, Slapton Road, Little Billington, Leighton Buzzard, LU7 9BP***

#### **Additional Consultation/Publicity Responses**

None

#### **Additional Comments**

None

#### **Additional/Amended Conditions**

None

### ***Item 8 (Page 47-60) – CB/13/01022/FULL – Houghton Hall Park, Houghton Hall Business Park, Houghton Regis***

#### **Additional Consultation/Publicity Responses**

1. **Houghton Regis Town Council** – No objection
2. **Environmental Health Officer** – No objection.
3. **Leisure Services** – No comments to make.
4. **Ecology** – No objections. The proposals would not have a detrimental impact on protected species and as such have no objection to the development.
5. **Environment Agency**  
No objection subject to the imposition of the following conditions, without which, the proposed development on this site would pose an unacceptable risk to the environment :

**CONDITION 1 :**

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason**

To protect and prevent the pollution of controlled waters (particularly the underlying Principal aquifer) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework

(NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

## **CONDITION 2**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

### **Reason**

To protect and prevent the pollution of controlled waters (particularly the underlying Principal aquifer) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

## **CONDITION 3**

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

### **Reason**

See Reason 1. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

## **Informatives**

### **Advice to LPA / Applicant 1**

Hydrocarbon contamination has been shown to be associated with car park facilities and driveways. This site is located on a Principal aquifer that is vulnerable to contamination and an investigation is required to determine the presence and the potential extent of any contamination. Also required is an investigation into any other activities or facilities such as heating oil storage tanks, either current or historical, that may have resulted in contamination of soils and/or groundwater.

### **Advice to LPA 2**

Land contamination investigation and assessment can provide a robust understanding of the contamination present and any necessary remedial action required. However, with all due diligence, contamination can still be missed by an investigation and this condition gives the LPA the ability to require a new, or amendments to an existing, remediation strategy for any previously unexpected contamination which subsequently comes to light.

## **6. Neighbour consultations – Objections**

81 Leafields, Flat 24 Dylan Court, Parkside Drive, 161 Cemetery Road

- No gains would flow from this project as the space does not justify it. The development is disproportionate and not sympathetic to the size and character of the Park.
- Extending the car park only serves to increase parking for the office community on the Woodside Estate who already use the existing car park.
- Car park is always full between 9 am and 5 pm leaving limited spaces for the public.
- There is much traffic coming through the town already and the visitors centre would attract even more.
- The development would disturb the wildlife in the park.
- Development would attract anti-social behaviour and detract from the long term sustainability and amenity value of the Park.
- Loss of green space, visual impact, promotion of car use would not justify the provision of 76 car parking spaces.



***Item 9 (Page 61-72) – CB/13/0810/FULL – 4A Moor End Lane, Eaton Bray, Dunstable, LU6 2HW***

**Additional Consultation/Publicity Responses**

Buckingham and River Ouzel Internal Drainage Board – It is not clear from the application which method of storm water disposal is to be employed. If it is by way of soakaways then it is essential that the ground conditions be investigated and if found satisfactory the soakaways be constructed in accordance with the latest BRE Digest 365. In the event that ground conditions are not found to be suitable for soakaway drainage any direct discharge into the nearby watercourse will require the Board's prior consent. Request a suitably worded condition.

**Comments on the Consultation Response**

The application is for a two storey extension to a recently constructed dwelling. The planning permission for the dwelling required by condition the submission of details of surface/storm water disposal. The details were submitted and approved. It is therefore considered that an informative to advise the applicant is sufficient as there are existing approved surface water disposal arrangements.

**Additional Informatives**

3. The Buckingham & River Ouzel Internal Drainage Board advise that it is essential that ground conditions be investigated and if found satisfactory, the soakaways constructed in accordance with the latest Building Research Establishment Digest.

In the event that ground conditions are found not to be suitable for soakaway drainage, any direct discharge to the nearby watercourse will require the Board's prior consent. Please contact the Internal Drainage Board at Cambridge House, Cambridge Road, Bedford, MK42 0LH - Telephone (01234 354396) - E-mail [contact@idbs.org.uk](mailto:contact@idbs.org.uk)

***Item 10 (Page 73-88) – CB/13/00967/RM – Brogborough Club House, Bedford Road, Brogborough, Bedford, MK43 0XY***

**Additional Consultation/Publicity Responses**

None

**Additional Comments**

The Committee Report states that the reason for the application being brought to Planning Committee is due to a Councillor Call-in and Departure. This is incorrect. The reason the application has been brought to Planning Committee is because the application is for a Major Development and the Council has received material representations from the Parish Council that could not be overcome by negotiation or planning condition.

**Additional/Amended Conditions/Reasons**

None

***Item 11 (Page 89-110) – CB/13/00554/FULL – Land off Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BD***

**Additional Consultation/Publicity Responses**

Four further letters/emails received objecting to the application and raising the following points:

- Loss of privacy as site overlooks 108, 169, 175 and Swallowfield
- Increase in noise
- Extra waste water
- Repositioning of footpath
- Site access on dangerous bend and extra traffic accessing A1
- Possible subsidence as site is adjacent to old grave pit
- Contrary to planning policies CS1, CS8, CS18, DM2, DM3, NPPF 47, 50, 54, 58-64, 90
- Refusal of applications at 150 Biggleswade Road
- Inappropriate assessment of need
- Add to speeding cars on Biggleswade Road
- Unsafe for pedestrians
- Site is away from main centre of the village
- Site outside settlement envelope, layout not in keeping
- Lead to congestion in Manor Place (the school entrance)
- Site in Ickwell Road is preferred
- Further congestion in the area
- Other applications for housing refused nearby

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

***Item 12 (Page 111-120) – CB/13/00723/FULL – 31 - 35 Cambridge Road, Sandy, SG19 1JF***

**Additional Consultation/Publicity Responses**

A further email received from the occupier of 4 Malaunay Place stating the following:

*Thank you for your advice earlier today, when I shared that I was unable to attend the planning meeting on 22nd May due to work commitments that I have been unable to change. I attach some bullet points below that I would appreciate being considered at the meeting. If you could ensure that these points are seen by the planning committee I would really appreciate this.*

*1. Privacy for No 4 will be severely affected and totally unacceptable - the new build upper front bedroom windows will look straight down into the back garden and back door and into the kitchen area.*

*2. Driveway access and parking facilities are already very difficult, an additional 4 bedroom property with additional cars will make the situation a hazard and intolerable.*

*3. The access strip of land for the proposed build has been maintained by the owners of No9 for 14 years. At no time has the local council ever maintained this area. Paul Fox, Site Manager for Wheatley Homes advised that this land was being held as 'ransom land' by Wheatley Homes. This raises the question of ownership of the land, either by Wheatleys or the residents of No9 having some claim given their upkeep of the area.*

*4. Right to light - this build will have a detrimental impact to access to natural light. Currently this area has a number of high trees, if these were properly maintained this would provide greater direct sunlight (something a large new house would not offer!). The trees are most pleasant as they are home to a number of different bird species and there is sound evidence of bat occupancy. The destruction of such a natural habitat for wildlife is questionable.*

*5. Right to open land - I am aware of a recent application (in the last couple of years) to erect a fence on the access strip of land, which was rejected due to the loss of 'open land'. A property build would completely eradicate the open land that is currently enjoyed by the residents, and will be detrimental to the character of the street.*

*6. Reasons for rejecting the last application were (taken from the Central Beds website):*

*The development would, as a result of the size of the proposed dwelling and the constrained nature of the plot, cause a cramped form of development, to the detriment of the character and appearance of the surrounding area. Furthermore, by reason of the proximity and orientation of the retained willow tree on adjoining land to the rear result in an unsatisfactory level of amenity for future occupiers. As such the proposal is contrary to the National Policy Framework Document and Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies 2009.*

*The revised application does little to address the constrained nature of the plot, particularly for the front area of the property where impact on other residents will be most felt.*

A further email was received from the occupiers of 8 Malaunay Place stating the following:

*We have written objection letters listing my issues previously with regards to the above application, but would also ask that the points below are given to the planning committee for discussion and consideration at their meeting on 22<sup>nd</sup> May 2013.*

*· Malaunay Place was built as a small development of just 12 houses and at construction did not have any pavements included, which is still the case today. As a result of this residents and children have to walk in the road to go to the town and*

*school. As you can appreciate this is highly dangerous and if planning permission is granted will cause increased traffic from construction vehicles during the build. A new 4 bedroom house will also bring at least 2 more cars into the close (plus increased traffic from their visitors) on a very regular basis.*

*· I have major concerns over the environmental impact as there is a large amount of wildlife that frequent the trees (including bats) and would expect a full survey to be carried out before any decisions are taken.*

*· Malaunay Place had Block Paving laid after the building of the houses. If planning is granted, construction traffic could have an impact on the loading of these blocks, which may cause subsidence of the road. Will the council confirm that finance will be available to relay the road to the original condition?*

*We are unable to attend the meeting so would ask that the points above are taken into account.*

#### **Additional Comments**

None

#### **Additional/Amended Conditions/Reasons**

None

### ***Item 13 (Page 121-136) – CB/12/04398/FULL – 34 Mill Road, Cranfield, Bedford, MK43 0JL***

#### **Additional Consultation/Publicity Responses**

None

#### **Additional Comments**

#### **Tree and Landscaping Comments:**

Site at present has no substantial vegetation on it.

There is a proposed landscape plan supplied with the application which includes tree and shrub planting along the north and east boundaries.

Proposed on the north boundary species include *Malus domestica* alongside the proposed driveway for Plot 1. I would suggest that with the spreading habit and annual fruit fall it would be better to choose a more fastigate species which does not have fruit, and include the *Malus domestica* in the rear garden.

I would suggest replace the *Prunus padus* in the rear of Plot 1 with a *Pyrus chalcidifolia* which has a less spreading habit and tends to hold its leaves to a large extent throughout the winter which will afford better screening from the window on the side of 37 Lordsmead.

Other landscaping details would appear to be suitable including sizes and densities of planting.

**Amended Condition:**

**Condition 4 –**

Prior to the occupation of either of the dwelling subject of this application the approved car parking, and boundary treatment plan shown on plan 502B shall be completed.

Reason: To protect the amenities of the adjacent properties, and in the interest of highway safety.

**Additional Condition:**

**No works shall begin on site until a landscaping scheme is submitted to and approved in writing by the Local Planning Authority, the landscaping scheme shall be completed prior to the occupation of either of the dwellings in accordance with the subsequently approved plan.**

**Reason: To supply a suitable level of landscaping.**

Additional Informative:

None

***Item 14 (Page 137-150) – CB/13/00892/FULL – 2 High Street, Stotfold, Hitchin, SG5 4LL***

**Additional Consultation/Publicity Responses**

Further correspondence from Stotfold Town Council regarding land ownership is attached.

A copy of the Inspector's appeal decision is attached.

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

***Item 15 (Page 151-158) – CB/12/03287/FULL – 6 Shaftesbury Drive, Stotfold, Hitchin, SG5 4FS***

**Additional Consultation/Publicity Responses**

When this planning application was submitted, the relevant Town Council was Stotfold and it was consulted. During the application process, Fairfield Parish Council

was formed. The Clerk to Fairfield Parish Council has requested that this application be deferred so that its members have an opportunity to comment on it. As such, the officer's recommendation is now that this application be deferred.

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

***Item 16 (Page 159-174) – CB/13/00371/FULL – Land at Boot Lane, Dunton, Biggleswade, SG18 8RP***

**Additional Consultation/Publicity Responses**

This application is before the Committee because there was an objection from the Parish Council (they wanted a mini-roundabout at the Boot Lane/Cambridge Road junction) that could not be addressed through planning conditions.

On the 16<sup>th</sup> May, Dunton Parish Council sent the following email withdrawing its objection to the application:

*I refer to our telephone conversation of this afternoon in connection with the above planning application on land at Boot Lane, Dunton.*

*I would like to confirm with you that Dunton Parish Council, at the Parish Council meeting last night, Wednesday 15th May 2013, re-opened discussion on this planning application with a representative of Linden Homes, Mr Barry Maynard. Mr Maynard advised members that Linden Homes had been in consultation with yourself regarding an additional amount of £12,000 for traffic calming measures in Dunton under Section 106 agreement should the application be approved. Taking this into account together with confirmation from the Highways Department that a mini roundabout (Council's suggestion and reason for objecting to the application) would not be practical or possible at the junction of Boot Lane my members resolved to withdraw their original objection.*

*I would therefore like to register with you that Dunton Parish Council, after further determination, now raises no objection to planning application CB/13/00371/FULL subject to confirmation, discussion and negotiation with the Highways and planners for the additional sum of £12,000 from Linden Homes to be used for traffic calming measures for Dunton.*

**Additional Comments**

Bullet points 8 and 9 of the neighbours representations should be amended to read:

- Dunton does not have infrastructure capable of accommodating the proposed houses.
- The development would harm the rural character of the village.

**Additional/Amended Conditions/Reasons**

None

***Item 17 (Page 175-202) – CB/12/02740/FULL – Leighton Linslade  
(Greenleas) Lower School Kestrel Way, Leighton Buzzard***

**Additional Consultation/Publicity Responses**

None

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

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## Appeal Decision

Site visit made on 6 August 2012

by **John Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 September 2012

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**Appeal Ref: APP/P0240/A/12/2174107**  
**2 High Street, Stotfold, Hitchin SG5 4LL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr David McNeill against Central Bedfordshire Council.
  - The application Ref CB/12/00466/FULL is dated 2 February 2012.
  - The development proposed is erection of one detached dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of one detached dwelling at 2 High Street, Stotfold, Hitchin SG5 4LL. The permission is granted in accordance with the terms of the application, Ref CB/12/00466/FULL, dated 2 February 2012, subject to the conditions included in the Schedule at Annex A.

### Preliminary Matters

2. The Council indicates that in this case planning permission would be refused because the development by reason of its size and siting and lack of rear amenity space would result in a cramped form of development that would be harmful to the character and appearance of the surrounding area.
3. In coming to a view on this proposal, I have had regard to the recently issued National Planning Policy Framework, on which both parties have been consulted. Despite the fact that the Central Bedfordshire Core Strategy and Development Management Policies document (the Core Strategy) was adopted in November 2009, the relevant policy relied upon in this case is not at odds with the new Framework. Therefore, whilst the policies in the Framework have been considered, in light of the facts in this case, they do not alter my overall conclusion.
4. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

### Main Issue

5. The main issue is the effect on the character and appearance of the appeal site and surrounding area.

### Reasons

6. The appeal property is a two storey detached house set back from the High Street and with a long rear garden. Uses in the surrounding area are varied and include residential, shops, commercial and other buildings. This is reflected in the immediately neighbouring uses to the appeal property, with a pair of semi-detached houses on one side and a public footpath, with beyond that a large church building, on the other.
7. The proposal involves development in a private residential garden. In accordance with Annex 2 to the National Planning Policy Framework, such land is now excluded from the definition of previously-developed land. However, neither the new Framework nor local policies that have been drawn to my attention preclude development on such sites. In essence, these policies require that new housing should not harm the character and appearance of an area. Furthermore, in this case the Council takes the view that the principle of development in this location is not unacceptable.
8. Two recent decisions are relevant in this case. One is an appeal decision<sup>1</sup> concerning a two storey dwelling in the rear garden of the appeal property. The other is the Council's granting of a Lawful Development Certificate (LDC) for erection of a building of broadly the same size and in the same location as the appeal proposal, for use as a garage, office and playroom with access and hardstanding. In this case, I have no evidence or other reasons to suggest that the building the subject of the LDC may not be built were the appeal to fail.
9. The proposed dwelling would be visible in views from the High Street between Nos 2 and 4. While in the previous appeal it was found that the proposed house would be an intrusive structure, in that case a larger, two storey building was involved compared to the single storey dwelling in this case. Furthermore, given the existence of the LDC, it is possible that a structure of similar size and appearance could be erected in broadly the same location. While the appeal proposal would be in a separate use rather than an ancillary building, it would not have a materially different visual effect to the appeal proposal, which due to its size and height would not be intrusive or harmful.
10. The Council contends that the difference in appearance and use between the current proposal and the ancillary building would be most apparent from the public footpath to the west. However, a tall, close-boarded fence runs the full length of the rear garden boundary of No 2 with the public footpath. While both the appeal and ancillary building would stand close to this boundary, in both cases the height of the building above the fence would be similar and not visually incongruous. Moreover, due to the height of the fence, direct views into the site from the footpath would not be possible. For these reasons, any differences in use between the two buildings would not be obviously apparent and the appearance and height of the appeal building would not be uncharacteristic or otherwise harmful.
11. With regard to the position of the proposed house, while it would be a relatively short distance from the rear and eastern boundaries of the appeal site, given

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<sup>1</sup> APP/P0240/A/10/2142428 dated 7 March 2011.

that a small two-bedroom, single storey house is proposed, I do not consider that its appearance would be cramped or incongruous or, while acknowledging the greater intensity of use that would arise compared to an ancillary building, that this positioning would adversely affect its reasonable use as a dwelling house. Furthermore, the Council has not contested the appellant's assertion that sufficient amenity space would be provided in total to meet the relevant standards.

12. For all these reasons, I conclude that the proposal would not have an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area. As such, there is no conflict with Policy DM3 of the Core Strategy, which sets out criteria against which all development proposals will be assessed, including requiring development to be appropriate in scale and design to its setting.

#### **Other Matters**

13. The appellant has submitted a Unilateral Undertaking to secure contributions towards a range of infrastructure and service requirements sought by the Council.
14. The Council refers to its *Planning Obligations Supplementary Planning Document*, which supports Policy CS2 of the Core Strategy and sets out the basis for seeking and calculating contributions from new development. In each case, the need for provision of the relevant services and facilities is set out in relation to the district and, where relevant, to Stotfold; and that new development should provide equitably towards provision of these. Therefore, there is a demonstrable need for the additional facilities and requirements sought, which arises from the development, and the contributions sought towards these are calculated on an equitable basis in relation to new development and, therefore, are reasonable and proportionate.
15. For these reasons, I conclude that the statutory tests in Regulation 122 of the CIL Regulations and the policy requirements now included in the National Planning Policy Framework (paragraph 204) have been met with regard to the Unilateral Undertaking and, accordingly, I have taken it into account in reaching a decision in this case.
16. I have had regard to the issues raised by the occupants of neighbouring properties. In the previous appeal, the Inspector found that there would be a loss of privacy from overlooking of the garden of No 4 High Street from the first floor window of the proposed two-storey house. In this case, there would not be a similarly harmful effect because the proposed dwelling is single storey. Furthermore, as the Council indicates, any concerns in this regard could be addressed through a condition requiring a higher boundary fence than currently exists. I do not consider that the straightforward design of the proposed building or the amount of car parking would be uncharacteristic or harmful in its setting.
17. While I acknowledge concerns about the potential noise and disturbance from use of the access drive, which was a basis for refusal of the previous proposal, I am particularly mindful of the points made by the Council in this regard. The current and previous proposals are not directly comparable as in this case the turning area is twice as far away as in the earlier appeal from the patio area of



No 4. Moreover, while the access road is adjacent to the boundary with No 4, the relationship is the same as the permitted ancillary building. While the use in this case is for a separate dwelling, given its small scale I consider that the level of use and movements generated would not be comparable to the larger house proposed previously and would not therefore be unacceptably harmful to neighbours' living conditions. For these reasons, while I have had full regard to these matters, they have not led me to reach a different overall conclusion.

#### **Conditions**

18. Of the Council's suggested conditions, I have imposed the standard time condition and, to avoid doubt and in the interests of good planning, one which requires development to be carried out in accordance with the approved plans.
19. I agree that a condition requiring approval of materials for external surfaces is necessary in the interests of the appearance of the new property and surrounding area. Furthermore, despite the limited scale of the development, it is important that appropriate landscaping is approved and implemented for its visual integration into the site and surrounding area. I have combined the Council's suggested conditions on this matter. Similarly, approval of the appearance of any means of enclosure is necessary in the interests of the appearance of the site and surrounds; and I agree as indicated above that a higher boundary fence with No 4 is necessary.
20. Conditions requiring approval and implementation of the access arrangements, on-site surfaces and positioning of gates are necessary in the interests of highway safety, although I have combined these where appropriate. The appellant refers to a previous appeal decision<sup>2</sup> in support of his contention that a turning space is not needed in a development of this limited size. While both this case and the one referred to involve single dwellings, I am not familiar with the access details related to the earlier case and cannot, therefore, compare them directly. In this case, a vehicle visiting the new dwelling in circumstances where all the parking spaces relating to the new dwelling and No 2 were occupied, would need to reverse down the drive onto the High Street to leave the site. This would have implications for highway safety and for this reason I consider that the condition requiring the turning space is necessary and I have added to it that it should be retained for that use.
21. I agree that the refuse and recycling storage facilities should be approved and, additionally, in place before occupation of the dwelling, in the interests of amenity and public health. Conditions requiring approval of construction traffic access and parking are needed in the interests of highway safety, and approval of the levels of the new dwelling in relation to other properties is necessary to ensure a satisfactory relationship between the existing and new properties.

#### **Conclusion**

22. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

*John Bell-Williamson* INSPECTOR

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<sup>2</sup> APP/P0240/A/10/2130949 dated 17 November 2010.

Annex A

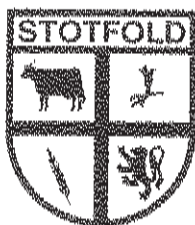
**Schedule – conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1563/11/1, 1563/11/2, 1563/12/3 and 1563/12/4.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The scheme as approved shall be carried out in the first planting season following the occupation of the dwelling or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) No development shall take place until details of the position, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the local planning authority. This shall include a boundary fence to a minimum height of 1.8 metres along the boundary with No 4 High Street. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until details of the junction of the modified vehicular access with the highway have been submitted to and approved in writing by the local planning authority and the dwelling hereby approved shall not be occupied until the junction has been constructed in accordance with the approved details.
- 7) Any gates provided shall open away from the highway and be set back a distance of at least 5 metres from the nearest edge of the carriageway of the adjoining highway.
- 8) The dwelling hereby permitted shall not be occupied until the vehicular access shown on plan no. 1563/12/3 has been constructed and surfaced for a distance of 8 metres into the site, measured from the highway boundary; and all on-site vehicular areas have been surfaced, all in accordance with details to be submitted to and approved in writing by the local planning authority. 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.
- 9) The turning space for vehicles illustrated on the approved plan no. 1563/12/3 shall be constructed before the dwelling hereby permitted is occupied and thereafter retained for that use.

Appeal Decision APP/P0240/A/12/2174107

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- 10) The dwelling hereby permitted shall not be occupied until details of the bin storage and collection point have been submitted to and approved in writing by the local planning authority, and provided in accordance with the approved details.
- 11) No development shall take place until a scheme detailing access provision to and from the site for construction traffic and provision for on-site parking for construction workers, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress, has been submitted to and approved in writing by the local planning authority. The scheme shall be operated throughout the period of construction work.
- 12) No development shall take place until details of the final ground and slab levels of the dwelling hereby approved have been submitted to and approved in writing by the local planning authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the local planning authority. Development shall take place in accordance with the approved details.



# STOTFOLD TOWN COUNCIL

AFFILIATED TO THE BEDFORDSHIRE ASSOCIATION OF TOWN AND PARISH COUNCILS

Town Council Office, The Simpson Centre, Hitchin Road, Stotfold, Hitchin, Herts. SG5 4HP

Telephone: Hitchin (01462) 730064  
Facsimile: Hitchin (01462) 732620  
Email: [enquiries@stotfoldtowncouncil.gov.uk](mailto:enquiries@stotfoldtowncouncil.gov.uk)  
[www.stotfoldtowncouncil.gov.uk](http://www.stotfoldtowncouncil.gov.uk)



15<sup>th</sup> May 2013

16 MAY 2013

Francis Caldwell  
Aragon Land and Planning Ltd  
The Old Coalhouse  
28a Rosamond Road  
Bedford, MK40 3SS

Dear Mr Caldwell

**2 High Street, Stotfold & Footpath No. 11**

I have been forwarded further information supplied by you to Sam Boyd, Planning Officer at Central Beds Council for with the current application at 2 High Street, Stotfold, for which you are agent.

Our Planning and Recreation Grounds, Public Lands & Lighting Committees have both given the matter of the application and the apparent re-routed footpath number 11 due consideration, with the Chairman of the Planning Committee producing the attached response from the Town Council.

Yours sincerely

Mrs Kate Elliott-Turner  
Town Clerk

Cc: Samantha Boyd, Planning Officer, Central Bedfordshire Council  
Andrew Gwillam, Rights of Way Officer, Central Bedfordshire Council  
Legal Team, Central Bedfordshire Council  
Mr Guy Balsom, Brignalls Balderston Warren Solicitors – Town Council's Solicitors



Proposal for development in rear garden of  
2 High Street, Stotfold, Bedfordshire  
Question on land ownership to Western boundary - Considerations

There is a long history concerning this proposed development with the latest proposals involving building over an existing footpath and rerouting this footpath to follow the route of, what is suggested by the applicant, the "correct" property boundary (legal line).

This realignment of the boundary/pathway differs from the current position at its SW corner by being approximately 2 metre further west and the proposed building siting revisions would cause the new bungalow to be upon the present pathway and beyond its present westerly boundary.

It has not been questioned that the pathway lies entirely within the boundary of this property and there are many local witnesses that the pathway has followed its current position "on the ground" for several decades. It is suggested that, although this is not a planning matter, the long triangular piece of land along the western boundary required to allow this building work and path realignment to be carried out is not in the ownership of No.2 High Street. On this basis it is felt that it should be contested on these grounds and the true boundaries (legal line?) on the western side of the property be confirmed.

Evidence (10 pages submitted here)

**Doc.1 to Doc.4** (Supplied by Mark Draper)

These are letters between the previous owner, Mark Shane Draper and HM Land Registry in Peterborough when Mr. Draper asked for them to clarify the boundaries of his property 1998/99, at that time due to a discrepancy with the eastern border.

It can be seen from these that HMLR conducted a survey of the site and amended the official plan ref.TL2136 in 1999, this is shown as Doc.4.

The letter (Doc.2) interestingly states "Our surveyor reported that the fencing on the ground appeared to have been in place for at least 15 years, and I am confident that the position of the boundary is unlikely to have changed since original construction."

*The border to the western side likewise has a corrugated iron fence along most of its length that has been in its current position for as long as the living memory of many long term Stotfold residents.*

Mr. Draper wrote back to HMLR on 23/4/99 confirming agreement with the boundaries defined.

**Doc.5** (Supplied by Mark Draper)

This is the boundary map attached to the 1933 Deeds (Abstract of the Title)

This document, under The first Schedule, refers to "ALL that pece or parcel of land site in the Parish of Stotfold in the Cty of Bedford and forming pt of an enclosure or pece of land known as Mixes which sd pce of land hereby convd has a frontage of 40 ft or therabts (including the ftpth) to the High St of Stotfold afsd and is bounded on the North West in pt by ppty of the Wesleyan Chapel Trustees....."

*This would insinuate that the full width of the footpath is contained within the property boundary?*

**Doc.6**

A copy of Ordnance Survey map, September 1967 revision, showing the area for reference.

**Doc.7 to Doc.10** (Submitted with planning application CB/13/00892/FULL to Central Bedfordshire Council)

*Note – All of these drawings have been recently produced by the clients agent for the purposed of submitting the planning application(s).*

Doc.7 Drawing ref. 1563/12/1; shows site plan (as abstracted from Title Deeds?)

Doc.8 Drawing ref. 1563/12/2; shows a block plan of the site in question with boundary line?

Doc.9 Drawing ref. 1563/12/3; shows increased sized bungalow from previous plans agreed after appeal and abutted to existing fence line on western boundary (of garden).

The current position of footpath is shown following the garden fence line but The boundary line is shown some 2 metres further to the west at the SW Corner (A "roughly" straight line has been struck from along the Chapel wall!)

Doc.10 Drawing ref. 1563/12/3B; This is a revision to the original proposal and shows the new, larger, bungalow moved further to the west than before and now straddling the existing footpath. The footpath position has been realigned from somewhere around the rear of No.2 High Street to the revised SW corner and a "dog-leg" created at that corner to return and re-join the exiting path further down at the rear of The Mixies properties.



In addition to providing the documentation above Mr. Draper kindly addressed a meeting of Stotfold Town Councils Planning Management Committee on Wednesday 8<sup>th</sup> May 2013 where he outlined to the committee and some members of the public present two further occasions when, while he was the owner of No.2 High Street, the question of ownership of the land west of the current footpath position was raised.

Firstly, when street lighting was to be installed along this length of footpath (There was a rape in the area alongside No.2 some 25 years ago and this was to increase pedestrian safety).

The Council (Beds CC?) employees arrived to put in lighting butting against the corrugated iron fence to which he objected as he had not been consulted plus this would be on his land and make maintenance of the fence difficult.

He agreed that if these were moved onto the grass area to the west of the pathway they would no longer be on his property and he would have no objection. This is where the lighting is at the present time.

Secondly, there was a problem with "nuisance youths" along this footpath to the side of his property and he proposed to Stotfold town Council they install a fence along the western border of the pathway (on "their" side) to close off the escape route around the Council buildings/Library for these youths.

On the question of a fire escape route from the buildings he confirmed to Dawn Sutherns, the then Clerk to Council, he would have no objections to a gate(s) through this fence onto the footpath at the side of his property allowing this. This fencing was not erected.

Mr. Draper could not remember exact dates for either of these instances but there was confirmation in writing at the time. He also confirmed his willingness to give a written statement if required as witness them being correct statements.

#### **QUESTIONS ARISING FROM THE ABOVE IN CONTEST OF CURRENT BOUNDARY CLAIMS.**

All statements and drawings through Doc.1 to Doc.7 show the boundary line and footpath line to be both coincidental and, although not a perfectly straight line, of a continuous "flowing" nature.

The site boundary lines were questioned by Mr. Draper while he was the property owner, surveyed by HM Land Registry, and their findings accepted by him in 1999 with subsequent revisions to their drawings.

The 1933 Deed plans again show the footpath as a "flowing" route with no dog-legs or major changes in direction, the boundary and footpath are again "coincidental" along the side of the plot which was to become No.2 High Street. The written details also confirm that this footpath is entirely within the boundary line of the property.

The Ordnance Survey map of the area, although not a legal document and relatively small in scale, also shows the footpath in question as being a continuous "flowing" route with no major directional changes.

Drawing 1563/12/1 (Doc. 7) submitted with the planning application would appear to agree with all the documentation above in position of both boundary and footpath routes. The footpath/boundary and fence lines at the junction of the SW corner and The Mixes gardens form a continuous line with no major change of direction obvious?

It would seem that only from Doc.8 to Doc.10 was the decision taken to presume the "true line" of the boundary should be a "straight line" alignment using the wall of the Methodist Chapel property as a reference point? This change creates the rapid change in direction (dog-leg) not apparent on any other plans? This wall itself is, in truth, not straight so only an approximation could be made in surveying the area.

#### **In planning terms**

The present route of this (lit) footpath affords visibility from one end to the other along the section to the side of No. 2 High Street and the Council buildings which affords some degree of security for pedestrians from assault of any kind, particularly at night time.

The proposed realignment would create a "dog-leg" in its route and destroy this visibility which no amount of additional lighting would resolve.

It would be a very detrimental step in terms of safety and perception of safety by the public.

#### **Conclusion**

A possible error of judgement by the design agent of where reference datum points should be taken to set out the property boundary along the western side, discounting other documentary evidence and the history of the site, could lead to an injustice regarding development on land not under the ownership of the client and create a safety hazard to all future users of the footpath if allowed to proceed?



Touthill Close, City Road,  
Peterborough, PE1 1XN  
DX No: 12598 Peterborough (4)  
TEL: 01733 288288  
FAX: 01733 280022  
GTN: 3557

MR M.DRAPER  
2 HIGH STREET  
STOTFOLD  
BEDS

Your ref: none

Our ref: BD294649/COR/05.2

Date: 17 February 1999

Dear Sir,

Proprietor/

Applicant: MARK SHANE DRAPER AND PAULA MARIE DRAPER

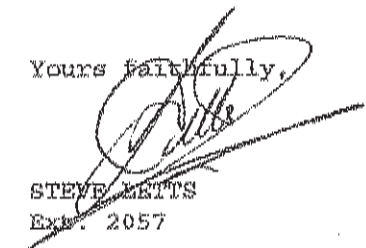
Title No: BD204649

Property: 2, HIGH STREET, STOTFOLD, HITCHIN SG5 4LL

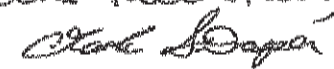
Thankyou for your letter dated 11th February which I received today. It seems what you are saying is that the extent of the land edged red on the filed plan (being the registered title) is not in accordance with the ground features as occupied with the property. The registered title plan has been prepared in accordance with a conveyance dated 26th July 1933 which deed was returned to Brignalls on 12th August 1998.

It should be noted that the title plan is based on a small scale Ordnance Survey map (1/2500 & enlarged to 1/1250) and may be inaccurate in certain respects, due to drawing difficulties at such a small scale. I will arrange a survey of the property to check the ground with the map and in the meantime you should arrange for the title deeds to be relodged.

Yours faithfully,

  
STEVE LETTS  
Ext: 2057

I have reviewed the "updated Plan" BD204649 (drawn up after your survey) and I am in full agreement with this.

Yours faithfully  


Frd 23/4/99.

# R

The Peterborough District Land Registry  
Touthill Close, City Road,  
Peterborough, PE1 1XN  
DX No: 12598 Peterborough (4)  
TEL: 01733 288288  
FAX: 01733 280022  
GTN: 3557

MR & MRS M.S.DRAPER  
2 HIGH STREET  
STOTFOLD, BEDS

*SG5 4LL*

Your ref: .

Our ref: BD204649/SML/COR

Date: 8 March 1999

Dear Sir and Madam,

Proprietor/

Applicant: MARK SHANE DRAPER AND PAULA MARIE DRAPER

Title No: BD204649

Property: 2, HIGH STREET, STOTFOLD, HITCHIN SG5 4LL

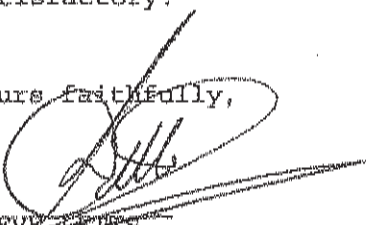
The result of the survey carried out on the 3rd March reveals that, as I suggested in my letter of the 17th February, the mapping of the Ordnance Map was found to be inaccurate, and has therefore been amended.

I enclose an extract copy of the Ordnance Survey map and propose to prepare a new filed plan as edged red to replace the original plan.

Our surveyor reported that the fencing on the ground appeared to have been in place for at least 15 years, and I am confident that the position of the boundary is unlikely to have changed since original construction.

It is not necessary to arrange for the charge certificate (currently with the Halifax) to be lodged for amendment since the plan will be automatically updated when next lodged. Please let me know that this is satisfactory.

Yours faithfully,

  
STEVE LEWIS  
Ext. 2057



MR M DRAPER  
2 HIGH STREET  
STOTFOLD  
SG5 4LL

Your ref: BD 204649

Our ref: BD204649/COR/05-02

Date: 23 April 1999

Dear Mr Draper,

Proprietor/  
Applicant: -

Title No: - 2057

Property: -

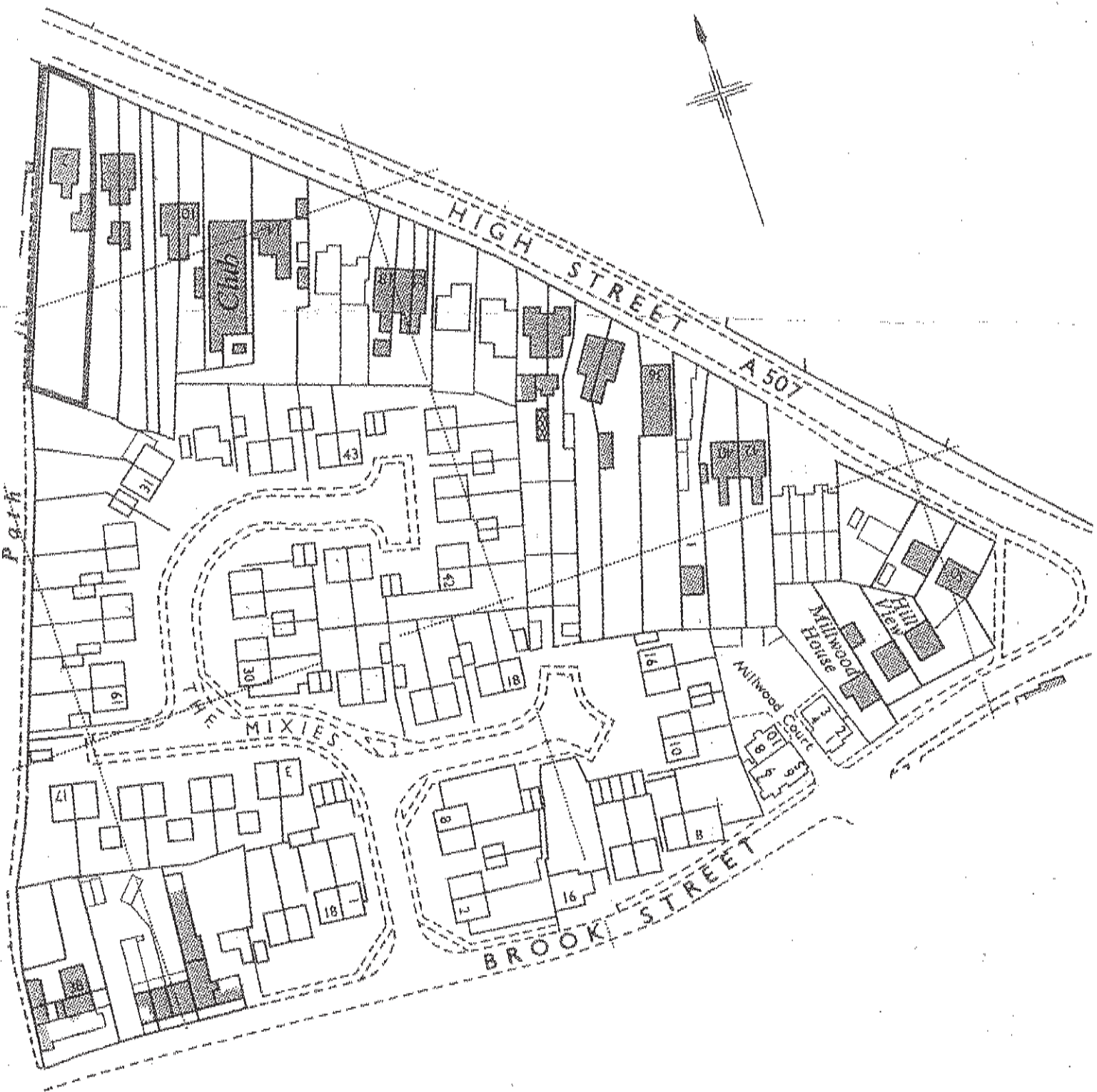
With regard to your telephone call of today and our earlier correspondence. Please find enclosed the deeds which you sent to us on the 5 March.

I acknowledge receipt of your fax and the confirmation that you are agree to the amending of the filed plan of your property as indicated by the plan sent to you by my colleague Mr Letts. The filed plan has been substituted with a new plan based on the latest survey detail.

Yours sincerely,

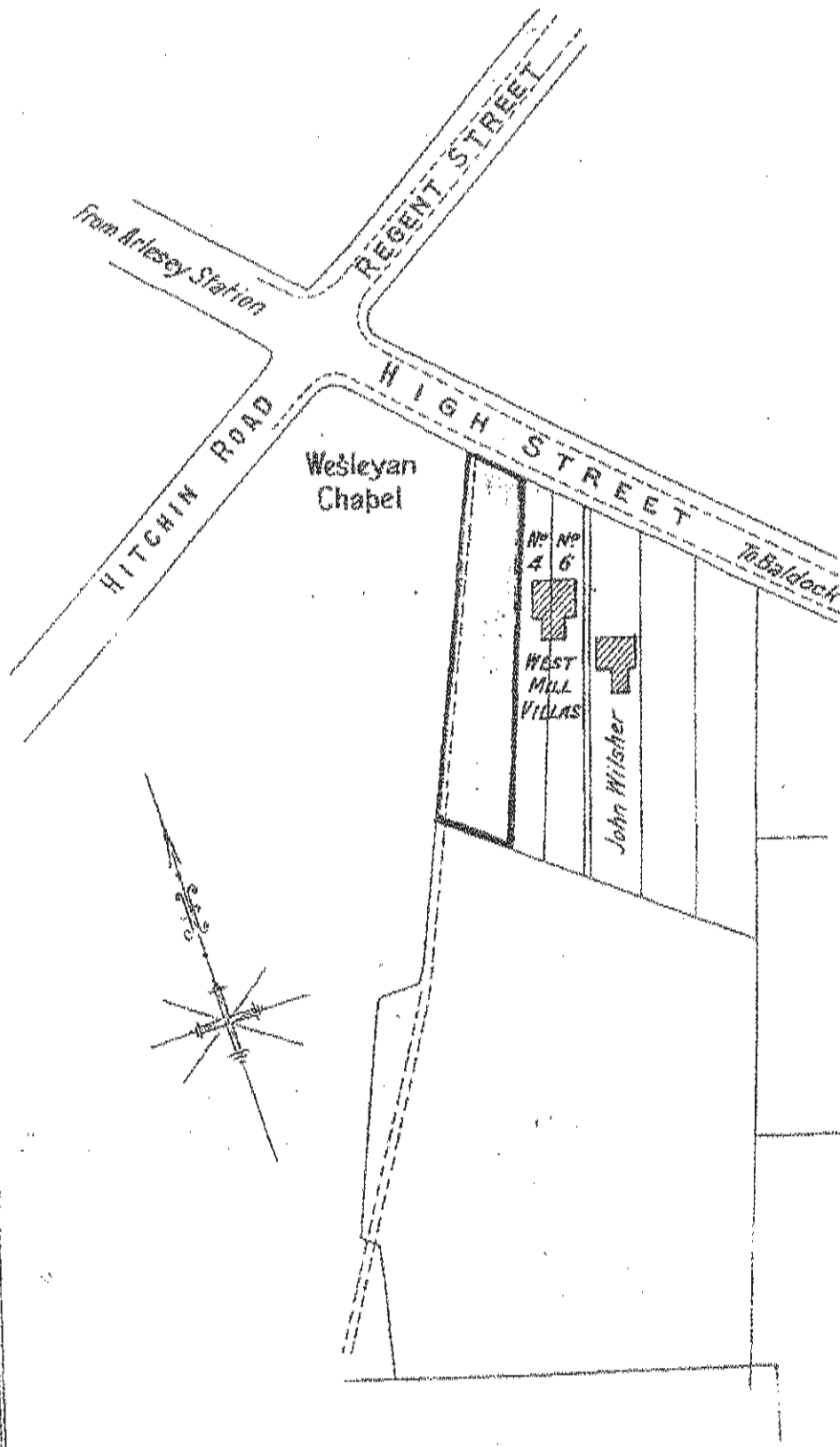
CAROL PARKER  
Ext. 2057





ABSTRACT of  
property know

PLAN REFERRED TO.



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SAUNDERSON of 3 Kitchin

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ppty of the Wesleyan Chapel Trustees and in or pt by ppty now



Revised September 1967  
Levelled 1957, 58, 64

The West half of this sheet is Plan TL 2036  
The East half of this sheet is Plan TL 2136





0m 10m 20m 30m 40m 50m

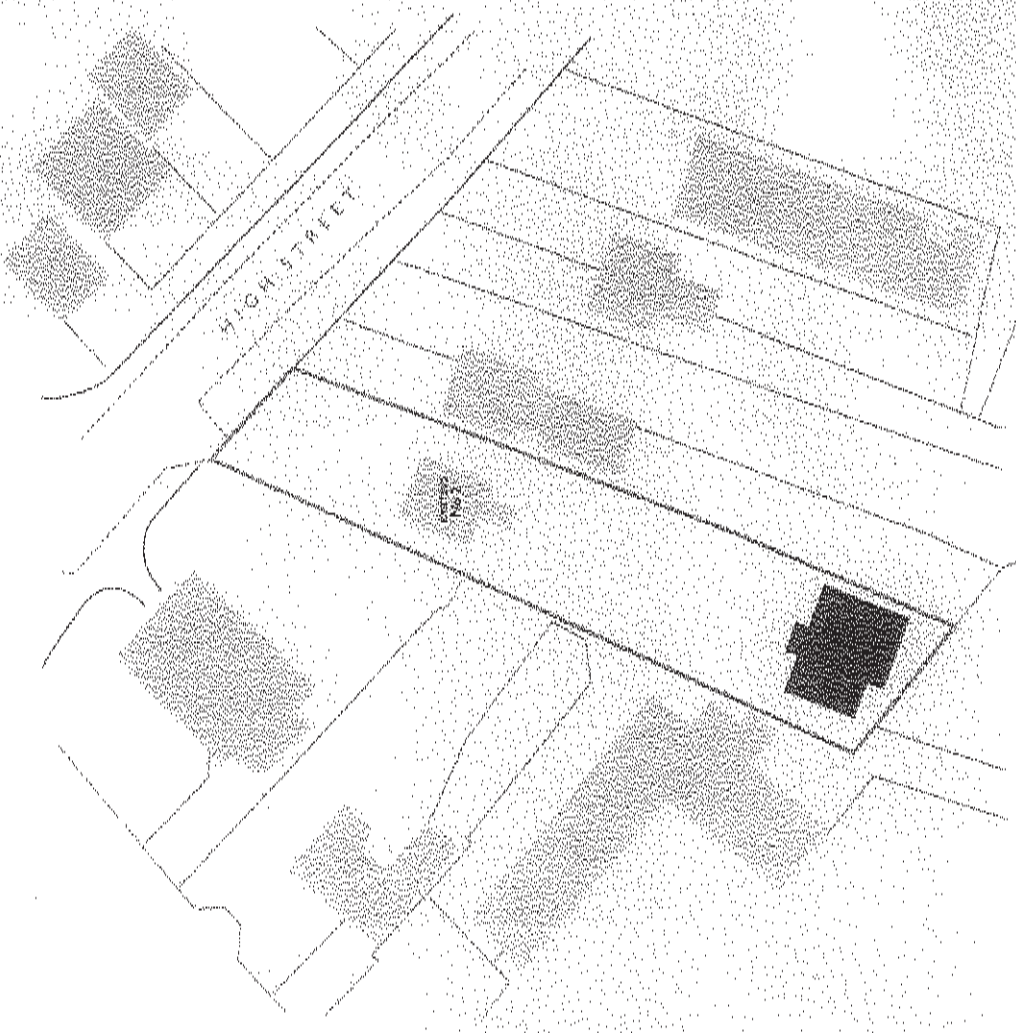
These drawings are intended for Planning purposes only  
All measurements and dimensions should be verified  
before construction.  
All drawings and images under the copyright of  
Atagon Land & Planning, 2011

Ref:	Site Location
Site:	Land to the rear of No 2 High Street Stotfold, Hitchin, SG5 4LT
Date:	January 2013
Scale:	1:1250 @ A4
Drawn by:	1363 / 12 / 1
Checked by:	1363 / 12 / 1
Drawn by:	1363 / 12 / 1









13-00892

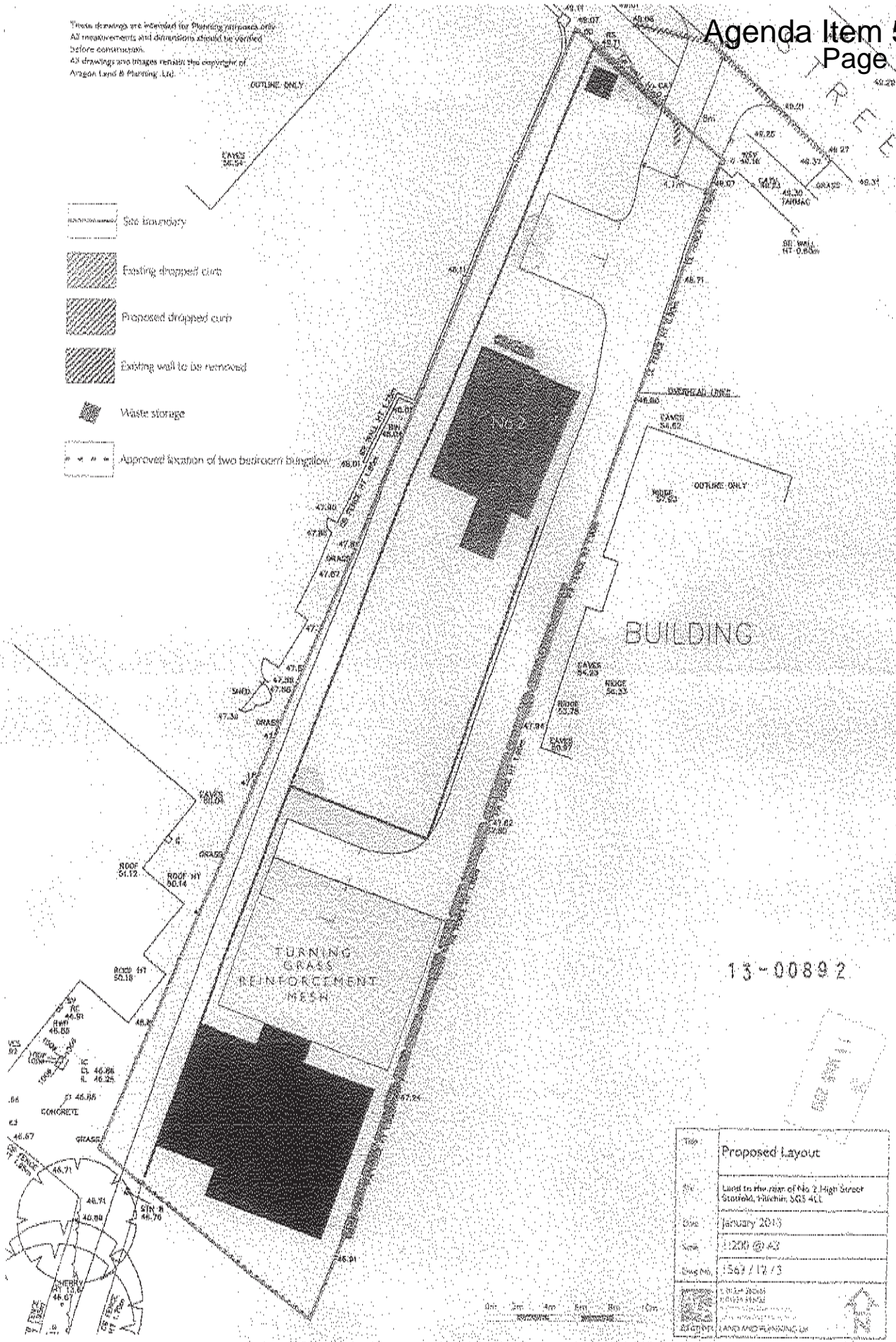
Block/Plan	
Use	MS-3 (MS-3) Block Stock/Plan, 411
Site	10/17/2013
Area	1,000 (S) sq
Block	10/17/2013
Plan	10/17/2013
Notes	10/17/2013
Comments	10/17/2013



0m 5m 10m 20m 40m  
 These drawings are provided for planning purposes only.  
 All measurements and dimensions should be verified.  
 All drawings and images remain the copyright of  
 August Land & Planning Ltd

These drawings are intended for planning purposes only.  
All measurements and dimensions should be verified  
before construction.  
All drawings are images remain the copyright of  
Argon Land & Planning, Ltd.

-  Site boundary
-  Existing dropped curb
-  Proposed dropped curb
-  Existing wall to be removed
-  Waste storage
-  Approved location of two bedroom bungalow



13-00892

11 JAN 2013

Title:	Proposed Layout
Site:	Land to the rear of No 2 High Street Sturton, Micklethorp, SG5 4LL
Date:	January 2013
Scale:	1:250 @ A3
Dwg No.:	1567 / 12 / 3
Prepared by:	J. St. L. Jones
Checked by:	P. Jones
Drawn by:	P. Jones
Approved by:	J. St. L. Jones
Company:	ARGON LAND & PLANNING LTD



DATE: 11 JAN 2013

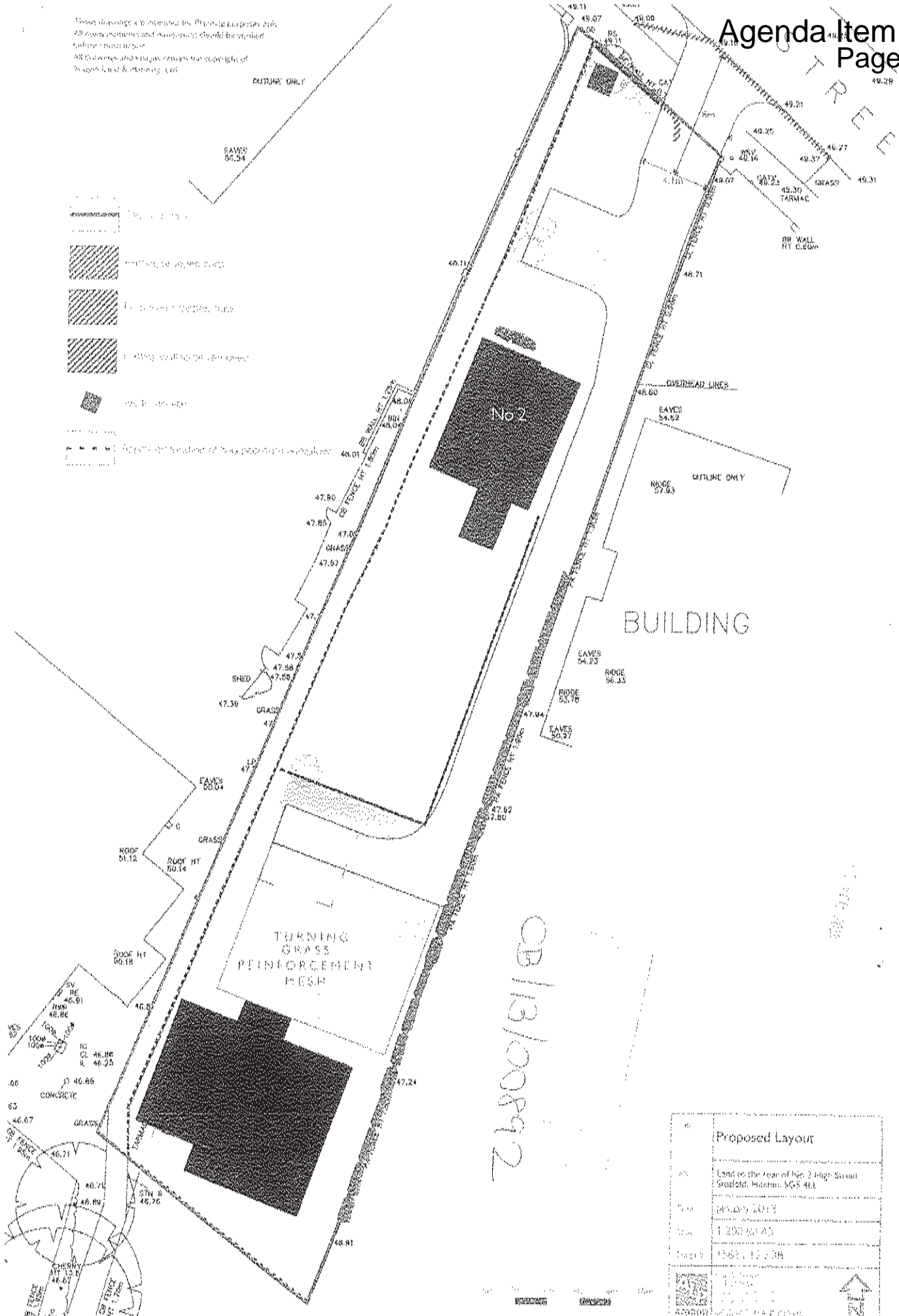


Drawings are prepared by Physical Layout Staff.  
All dimensions and measurements should be verified  
before construction.  
All drawings and specifications are subject to  
change without notice.

OUTLINE ONLY

EAVES  
55.34

- CONCRETE
- ASPHALT
- GRAVEL
- GRASS
- DIRT
- UTILITY
- FENCE
- BUILDING



BUILDING

TURNING  
GRASS  
REINFORCEMENT  
MESH

CB/13/00892

1	Proposed Layout
2	Land to the rear of No. 2 High Street Sunderland, Durham, NG5 4LJ
3	January 2013
4	1:200 (A3)
5	1503 / 12 / 208
6	
7	

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