

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

**This meeting  
will be filmed.\***



**Central  
Bedfordshire**

**please ask for** Helen Bell  
**direct line** 0300 300 4040  
**date** 05 January 2015 (including the late sheet)

## **NOTICE OF MEETING**

### **DEVELOPMENT MANAGEMENT COMMITTEE**

Date & Time

**Wednesday, 6 January 2016 10.00 a.m.**

Venue at

**Council Chamber, Priory House, Monks Walk, Shefford**

Richard Carr  
**Chief Executive**

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT COMMITTEE:

Cllrs K C Matthews (Chairman), (Vice-Chairman), R D Berry, M C Blair, Mrs S Clark, K M Collins, S Dixon, F Firth, E Ghent, C C Gomm, K Janes, T Nicols, I Shingler and J N Young

[Named Substitutes:

Mrs C F Chapman MBE, Ms C Maudlin, P Smith, B J Spurr and T Swain]

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS  
MEETING***

**N.B. The running order of this agenda can change at the Chairman's discretion. Items may not, therefore, be considered in the order listed.**

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# AGENDA

1. **Welcome**

2. **Apologies for Absence**

Apologies for absence and notification of substitute members

3. **Chairman's Announcements**

If any

4. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 9 December 2015.

(previously circulated)

5. **Members' Interests**

To receive from Members any declarations of interest including membership of Parish/Town Council consulted upon during the application process and the way in which any Member has cast his/her vote.

## REPORT

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
6	<b>Planning Enforcement Cases Where Formal Action Has Been Taken</b>	7 - 16

To consider the report of the Director of Regeneration and Business providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.

## Planning and Related Applications

To consider the planning applications contained in the following schedules:

**Planning & Related Applications - to consider  
the planning applications contained in the  
following schedules:**

Item	Subject	Page Nos.
7	<p><b>Planning Application No. CB/15/03078/REG3</b></p> <p><b>Address:</b> Stratton Business Park, Pegasus Drive,n Biggleswade</p> <p>Outline: B1, B2 &amp; B8 use employment development with associated infrastructure and ancillary works; all matters reserved except means of access.</p> <p><b>Applicant:</b> CBC Assets &amp; Denison Investments Ltd</p>	17 - 56
8	<p><b>Planning Application No. CB/15/03250/FULL</b></p> <p><b>Address:</b> Land adjacent to 28 Ivel Road, Sandy SG19 1AX</p> <p>Erection of detached dwelling with garage.</p> <p><b>Applicant:</b> Central Bedfordshire Council</p>	57 - 72
9	<p><b>Planning Application No. CB/15/04612/VOC</b></p> <p><b>Address:</b> Plot 2, Woodside Caravan Park, Thorncote Road, Northhill, Biggleswade SG19 1PT</p> <p>Variation of Condition 3 of planning permission CB/11/01301/FULL (Change of use of land comprising of 10 caravans and associated ancillary development). To allow a further two static caravans, space for touring caravans to park and additional hardstanding within site area of plot two.</p> <p><b>Applicant:</b> Mr A Howard</p>	73 - 86
10	<p><b>Planning Application No. CB/15/04370/FULL</b></p> <p><b>Address:</b> 150 Biggleswade Road, Upper Caldecote, Biggleswade SG18 9BJ</p> <p>Demolition of two barns and replacement with two dwelling-houses.</p> <p><b>Applicant:</b> Mr White</p>	87 - 96

- 11      **Planning Application No. CB/14/04463/VOC**      97 - 114
- Address:**      Double Arches Quarry, Eastern Way, Heath and Reach, Leighton Buzzard LU7 9LF
- Table 1 and Table 2 of existing Condition 10 of application reference 13/02037/FULL to be amended to add derived noise limits for Mileway House, Checkley wood Bungalow and Sandhouse Cottages.
- Applicant:**      AWE Renewables Ltd
- 12      **Planning Application No. CB/15/04252/FULL**      115 - 134
- Address:**      Mentmore, 4 Greenfield Road, Pulloxhill, Bedford MK45 5EZ
- Erection of detached bungalow, proposed turning and parking area. Three dormer windows in rear of existing dwelling.
- Applicant:**      Mr P Freeman
- 13      **Planning Application No. CB/15/04547/FULL**      135 - 150
- Address:**      Fourwinds Farm, Leighton Road, Stanbridge, Leighton Buzzard LU7 9HW
- Erection of agricultural building to replace buildings destroyed by fire and provision of hardstanding and fencing (Retrospective) (Resubmission of CB/15/02271)
- Applicant:**      Mr G McDaid
- 14      **Planning Application No. CB/15/02419/FULL**      151 - 178
- Address:**      Land North of Flexmore Way, Station Road, Langford
- Residential development of 42 dwellings, vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works.
- Applicant:**      David Wilson Homes (South Midlands)

- 15     **Planning Application No. CB/15/02258/FULL**     179 - 216
- Address:**     Land off Marston Road, Lidlington, Bedford  
MK43 0UQ
- Residential development of 31 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works.
- Applicant:**     BDW Trading Ltd and Henry H. Bletsoe & Son LLP
- 16     **Planning Application No. CB/15/03665/FULL**     217 - 232
- Address:**     6 Periwinkle Lane, Dunstable LU6 3NP
- Demolition of existing bungalow and erection of two x three bedrooled semi-detached houses.
- Applicant:**     Mr Alexander
- 17     **Update on Maulden Footpath No. 28**
- To receive an update Maulden Footpath No.28.
- 18     **Site Inspection Appoinment(s)**
- Under the provisions of the Members Planning Code of Good Practice, Members are requested to note that Site Inspections will be undertaken on Monday 1 February 2016.
- 19     **Late Sheet**     233 - 268

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**Meeting:** Development Management Committee  
**Date:** 6<sup>th</sup> January 2016  
**Subject:** Planning Enforcement cases where formal action has been taken  
**Report of:** Director of Regeneration and Business  
**Summary:** The report provides a monthly update of planning enforcement cases where formal action has been taken.

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**Advising Officer:** Director of Regeneration and Business  
**Contact Officer:** Sue Cawthra Planning Enforcement and Appeals Team Leader  
(Tel: 0300 300 4369)  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

This is a report for noting ongoing planning enforcement action.

##### **Financial:**

1. None

##### **Legal:**

2. None.

##### **Risk Management:**

3. None

##### **Staffing (including Trades Unions):**

4. Not Applicable.

##### **Equalities/Human Rights:**

5. None

##### **Public Health**

6. None

##### **Community Safety:**

7. Not Applicable.

**Sustainability:**

8. Not Applicable.

**Procurement:**

9. Not applicable.

**RECOMMENDATION(S):**

**The Committee is asked to:**

- 1. To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**

**Background**

10. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For details of Minerals and Waste cases please contact Roy Romans on 0300 300 6039.

**Appendices:**

Appendix A – Planning Enforcement Formal Action Spreadsheet



## Planning Enforcement formal action (DM Committee 6th January 2016)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
CB/ENC/11/0402	Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - unauthorised encroachment onto field 2 - unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12			Not complied	Officer working group reconvened 11/09/15 to tackle all issues (fly-tipping, anti-social behaviour, etc) as well as breaches of planning control.
CB/ENC/11/0499	Land at Erin House, 171 Dunstable Road, Caddington, Luton. LU1 4AN	Enforcement Notice - unauthorised erection of a double garage.	03-Sep-13	01-Oct-13	01-Dec-13	Appeal dismissed - high court challenge submitted	27-Sep-14	Not complied	Garage remains. Abuse of Process appeal considered at 18/19 Nov 2015 hearing. Prosecution case anticipated to return to Luton Magistrates in February 2016
CB/ENC/12/0174	Land at 15 St Andrews Close, Slip End, Luton, LU1 4DE	Enforcement notice - unauthorised change of use of dwelling house to four separate self-contained units	29-Oct-14	29-Oct-14	28-May-15	Appeal dismissed	09-Apr-16		Clarification received with regard to internal room arrangements and facilities to be provided in association with single dwelling occupation. Alteration works required to be completed by 9 April 2016.
CB/ENC/12/0199	Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12				Kingswood Nursery appeal allowed and unauthorised occupier of The Stables dealing with pre-occupation conditions.
CB/ENC/12/0508	Land at Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH	Enforcement Notice- Unauthorised creation of new access and erection of gates.	17-Nov-14	15-Dec-14	15-Mar-15 & 15-June-15				Unauthorised gates erected on adjacent plot preventing use of authorised access route needs to be removed.
CB/ENC/12/0521	Random, Private Road, Barton Le Clay, MK45 4LE	Enforcement Notice 2 - Without planning permission the extension and alteration of the existing dwelling on the land.	24-Aug-15	24-Sep-15	24-Mar-16 & 24-June-16	Appeal received 18/09/15			Await outcome of appeal. Planning application CB/15/04328/FULL submitted.

NOT PROTECTED - general data

## Planning Enforcement formal action (DM Committee 6th January 2016)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Listed Building Enforcement Notice - Unauthorised works to a listed building.	07-Jul-15	07-Aug-15	07-Sep-15	Appeal received 05/08/15			Appeal against Enforcement Notice received 5/8/15, await outcome of appeal.
CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Breach of Condition Notice - Condition 6 attached to Planning permission MB/06/00408/LB - external finishes	07-Jul-15	07-Jul-15	07-Aug-15				Seeking confirmation of full compliance with breach of condition notice
CB/ENC/12/0599	Millside Nursery, Harling Road, Eaton Bray, Dunstable, LU6 1QZ	Enforcement Notice - change of use to a mixed use for horticulture and a for a ground works contractors business	01-Sep-14	02-Oct-14	02-Jan-15				Notice partially complied with. Awaiting outcome of planning application.
CB/ENC/12/0633	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hard standing.	17-Jan-13	14-Feb-13	14-Mar-13			Not complied	Officer working group reconvened 11/09/15 to tackle all issues (fly-tipping, anti-social behaviour, etc) as well as breaches of planning control.

## Planning Enforcement formal action (DM Committee 6th January 2016)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
CB/ENC/13/0083	Land Adjacent to, Magpie Farm, Hill Lane, Upper Caldecote	Breach of Condition Notice - Condition 1 Boundary wall, Condition 2 Septic tank, outflows and soakaways	30-Jan-15	30-Jan-15	01-Mar-15		08-Dec-15		Planning application ref: CB/15/03057/FULL to retain the walls, gates & piers granted permission on 08/10/2015 with a condition that within 2 months of the date of the decision the boundary wall, piers, and gates shall all be reduced according to the detail shown on the approved revised drawing. Seeking confirmation that contractors have been instructed to carry out the required works
CB/ENC/13/0336	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - Change of use from agriculture to a mixed use of agriculture, residential and retail sales and building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Appeals dismissed	Aug-15		Retail use ceased. Legal determination application for retention of residential use submitted CB/15/04424 pending determination..

## Planning Enforcement formal action (DM Committee 6th January 2016)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
CB/ENC/13/0452	Long Yard, Dunstable Road, Studham, Dunstable, LU6 2QL	3 X Enforcement Notices - 1 -Erection of timber building 2 - Material change of use from agriculture to storage of motor vehicles 3 - Material change of use of the land from agriculture to a mixed use for agriculture and the storage of motor vehicles, a touring caravan and building and hardore materials.	12-Aug-15	12-Sep-15	12-Nov-15				The Notice relating to the land at the front has been complied with in full. The Notice relating to the land to the rear has been partially complied with, in that the vehicles have been removed along with the caravan and trailer, as well as building materials. However, there is still storage of some vehicles and hardcore condensed into the small rear compound at the site. The timber building is also in place still.  Negotiations are continuing to see if compliance can be realistically achieved. Further notice to be considered for the rear compound.
CB/ENC/13/0607	Clements End Farm. Clements End Road, Studham, LU6 2NG	Enforcement Notice - Change of use from vehicle repairs to a mixed use for vehicle repairs and vehicle sales.	05-Jun-15	03-Jul-15	03-Sep-15	Appeal received 30/6/15			Await outcome of appeal.
CB/ENC/14/0004	The Coach Yard, Streatley Road, Sundon, LU3 3PQ	Enforcement Notice - Change of use of the land for the siting of a mobile home for residential purposes	15-Dec-15	13-Jan-16	13-Mar-16				Check compliance 13/03/16

## Planning Enforcement formal action (DM Committee 6th January 2016)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
CB/ENC/14/0360	Land at Glebeland, Sharpenhoe Road, Streatley, Luton, LU3 3PS	Tree replacement notice - Felling of a sycamore tree	03-Oct-14	03-Nov-14	03-Mar-15	Appeal dismissed	08-Nov-15		To make a site visit on 17/12/2015 to confirm that the tree has been planted in the correct position and that the Tree Replacement Notice has been complied with.
CB/ENC/14/0361	The Old Rose, 16 Blunham Road, Moggerhanger, MK44 3RA	Section 215 notice - untidy land and buildings	29-Apr-15	30-May-15	30-Aug-15				Site visit confirms that the notice has not been complied with & the agent & owner have been informed. The agent has now stated that contractors will be instructed to carry out the required work when funds are released as the owner lives in China. Waiting confirmation that contractors have been instructed. Agreed to wait until the new year to see if any progress made.
CB/ENC/14/0376	6 Denbigh Close, Marston Moretaine, Bedford, MK43 0JY	Enforcement Notice - change of use of the Land from a residential dwelling to a mixed use of office and residential	13-Aug-14	12-Sep-14	12-Dec-14	Appeal dismissed	27-Oct-15		Internal site inspection carried out on 4/12/15. Office use had ceased. Notice complied with.
CB/ENC/14/0414	Land at Asda Store, Church Street, Biggleswade, SG18 0JS	Breach of condition notice - Hours of delivery	10-Oct-14	10-Oct-14	10-Nov-14				Asda have accepted an official caution & the enforcement case will now be closed.

## Planning Enforcement formal action (DM Committee 6th January 2016)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
CB/ENC/14/0485	Clifton House and outbuildings, Church Street, Clifton, Sheffield, SG17 5ET	Repairs Notice - Listed Building in state of disrepair	08-Jan-15	08-Jan-15	08-Mar-15		08/04/2015		Meeting to be arranged for the New Year with Assets, Enforcement, Conservation and Legal to discuss the best way to approach this and what is the best course of action for all parties concerned.
CB/ENC/14/0539	6 Bedford Road, Moggerhanger, MK44 3RR	Enforcement Notice - Materials used affecting the appearance of the dwelling	10-Nov-14	10-Dec-14	10-Jan-2015 & 10-Feb-205	Appeal decision 23/7/15.	23/01/2016	Complied	Notice complied with re timber cladding. Certain extension works still in progress.
CB/ENC/15/0046	Running Water Farm, Langford Road, Biggleswade, SG18 9RA	Enforcement Notice - Siting of a mobile home	13-Aug-15	14-Sep-15	14-Dec-15				Enforcement Notice was due to be complied with on 14/12/2015. A site visit on the 15/12/2015 confirmed that the mobile home is still in position and so the Enforcement Notice has not been complied with. Prosecution will be considered in the New Year.
CB/ENC/15/0140	Springbank, Bottom Drive, Eaton Bray, LU6 2JS	Enforcement Notice - Unauthorised wall	09-Nov-15	08-Dec-15	08-Feb-16	Appeal received 7/12/15			Appeal submitted 7/12/15, await outcome of appeal.
CB/ENC/15/0184	Land at New Road, Clifton	Breach of Condition Notice - Condition 13 attached to CB/13/01208/Full, Ground and tree protection	19-Oct-15	19-Oct-15	18-Nov-15				Breach of condition notice served on 19th October 2015 in relation to non compliance with condition 13 attached to the planning permission ref: CB/13/01208/FULL. Notice being complied with.

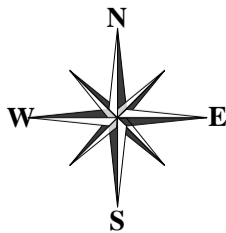
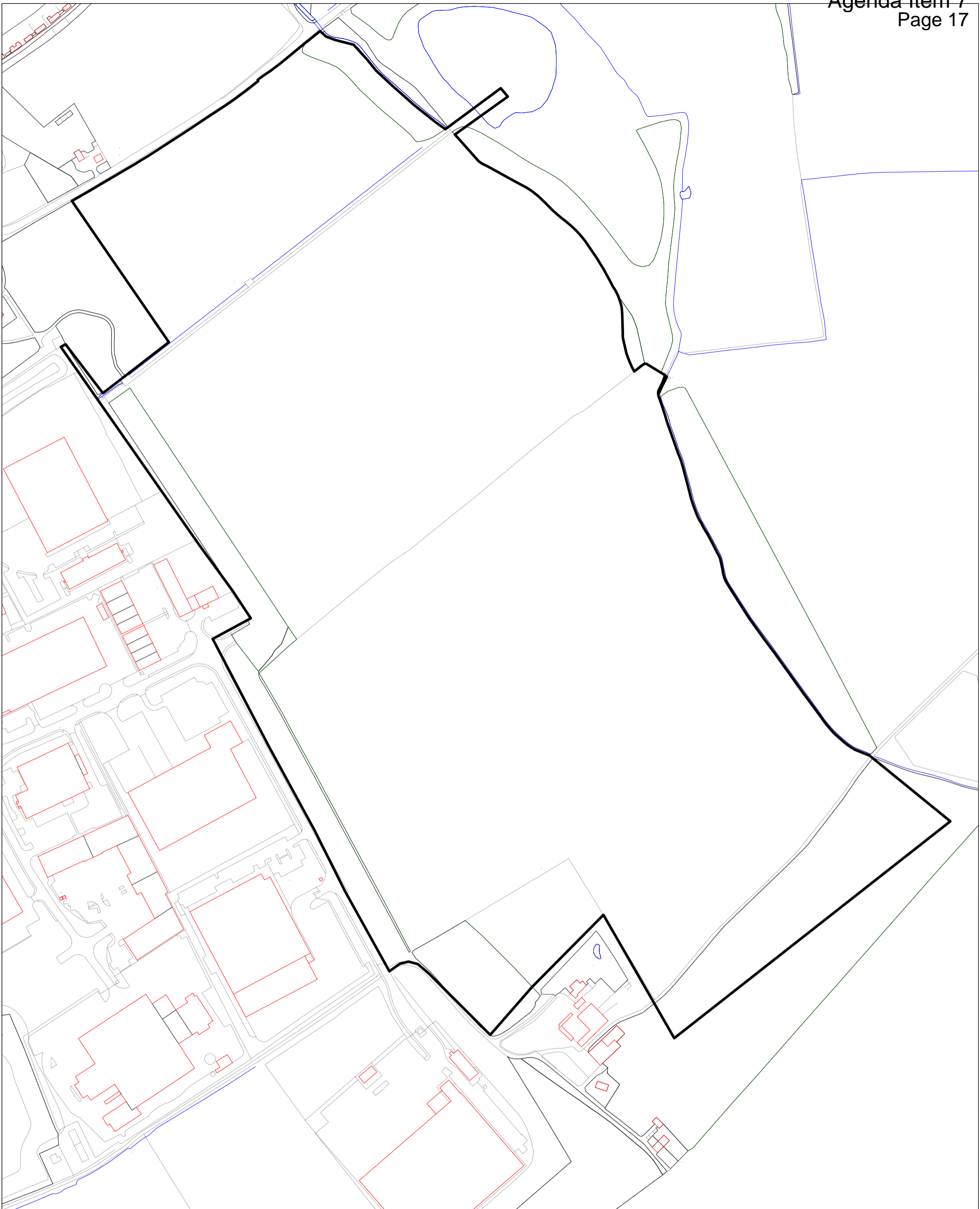
NOT PROTECTED - general data

## Planning Enforcement formal action (DM Committee 6th January 2016)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
CB/ENC/15/0423	Land at, Astwick Road, Stotfold	Injunction served 22nd September 2015, continuation injunction served 5th October 2015 for unauthorised development for Gypsy and Traveller site. Enforcement Notice served 11/12/15	11-Dec-15	11-Jan-15	11-Jul-16 11-Oct-16				Continuation of Injunction granted 5/10/15 to prevent further unlawful development. Planning application refused. Enforcement Notice served 11th December.
CB/ENC/15/0554	The Old Chapel, Watling Street, Hockliffe, Leighton Buzzard, LU7 9NB	Temporary Stop Notice - Breach of pre commencement conditions attached to planning permissions CB/14/02382/Full and CB/14/04839/LB	27-Nov-15	27-Nov-15					The notice will cease to have effect on the 25th December 2015.

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Date: 15:December:2015

Map Sheet No.

Application No.  
CB/15/03078/REG3

Scale: 1:3500

**Stratton Business Park, Pegagus Drive, Biggleswade**

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<b>Item No. 7</b>
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<b>APPLICATION NUMBER</b>	<b>CB/15/03078/REG3</b>
<b>LOCATION</b>	<b>Stratton Business Park, Pegasus Drive, Biggleswade</b>
<b>PROPOSAL</b>	<b>Outline: B1, B2 &amp; B8 use employment development with associated infrastructure and ancillary works; all matters reserved except means of access</b>
<b>PARISH</b>	<b>Biggleswade</b>
<b>WARD</b>	<b>Biggleswade South</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Lawrence &amp; Woodward</b>
<b>CASE OFFICER</b>	<b>Alex Harrison</b>
<b>DATE REGISTERED</b>	<b>17 August 2015</b>
<b>EXPIRY DATE</b>	<b>16 November 2015</b>
<b>APPLICANT</b>	<b>CBC Assets &amp; Denison Investments Ltd</b>
<b>AGENT</b>	<b>Woods Hardwick Planning</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Part of the application site is unallocated and in the open countryside and is therefore a departure from the development plan.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Granted</b>

**Reasons for recommendation**

The proposed expansion of Stratton Business Park would amount to development to secure sustainable economic growth in what is considered to be a sustainable location partly within an allocation and partly in an intended allocation. The scheme has been amended since its original submission to proactively address objections raised by Historic England over the impact on the setting of the nearby Scheduled Ancient Monument. The amended access and landscape arrangements are considered to address these objections and improve the scheme in a highways context, ensuring all traffic resultant for the scheme would flow through the existing business park, which has capacity to accommodate it. The location of existing dwellings in the area are such that there will not be harm to neighbouring amenity. The proposal is considered to incorporate sustainable drainage measures and will deliver a net gain in Green Infrastructure through new landscaping and facilitating an amended rights of way network.

**Site Location:**

The application site forms just under 42ha of predominantly arable farmland. It sits adjacent to the existing Stratton Business Park and is adjacent to the established settlement limits at its south-eastern extent. The site is therefore within open countryside. To the north of the site runs Dunton Lane with a Scheduled Ancient Monument beyond. A number of residential dwellings lie to the north east, beyond an existing area of open space. To the west lies the existing business park. The south and eastern boundaries abut further open countryside. To the southeast lies

Stratton Farmhouse. Landscape planting has recently taken place adjacent the southern boundary.

There are a number of public rights of way that run through and adjacent to the site and these are subject to separate consents to divert and stop up where relevant.

### **The Application:**

Outline planning permission is sought for the development of the site as an expansion to Stratton Business Park. Development would comprise B1 (business), B2 (general industrial) and B8 (storage and distribution) employment development.

All matters are reserved aside from the access arrangement. The application has been amended since its original submission to change the access arrangements. The original submission shows access primarily gained through the existing road network within the business park (principally from Pegasus Drive, secondarily from Market Garden Way) and also through an access proposed off Dunton Lane to the north. The amended plans have removed the Dunton Lane access and the proposal now shows access solely gained through the existing business park.

The site is split into two parcels, the Council owns what is regarded as Phase 5 (approx. 16ha) and Dennison Investments, acting on behalf of their landowner client, occupy what is regarded as Phase 6 (approx. 23ha). Drainage proposals include utilising an existing balancing pond adjacent the northeast of the site and the land adjacent the eastern and southern boundaries have been subject to advanced landscaping.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (NPPF) (March 2012)**

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

CS1	Development Strategy
CS9	Providing Jobs
CS10	Location of Employment Sites
CS14	High Quality Development
CS15	Heritage
CS16	Landscape and Woodland
CS17	Green Infrastructure
CS18	Biodiversity and Geological Conservation
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM13	Heritage in Development
DM14	Landscape and Woodland
DM15	Biodiversity
DM16	Green Infrastructure

#### **Site Allocations 2011**

EA1	Land East of Stratton Business Park, Biggleswade
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## Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

## Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Central Bedfordshire Sustainable Drainage Guidance (April 2014)

Biggleswade Green Wheel Masterplan

## Relevant Planning History:

Application Number	CB/15/03226/REG3
Description	Infrastructure works associated with expansion of Business Park, including service roads, surface water and foul water sewers.
Decision	Under consideration
Decision Date	-

Application Number	CB/15/04111/FULL
Description	Infrastructure works associated with expansion of Business Park, including service roads, surface water and foul water sewers.
Decision	Under consideration
Decision Date	-

## Consultees:

Biggleswade Town Council	Raised no objections
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Highways	As you are aware highways have been party to a number of pre-application meetings and discussions to advise and guide the content of the transport assessment. I am happy to confirm that, now the vehicle access onto Dunton Lane has been removed from the scope of the proposals scheme there is no highways reason why the overall scheme should not be considered for approval.
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I am satisfied that the Transport Assessment is a robust analysis of the likely traffic generation and distribution and am content that the level of traffic can be adequately accommodated on the surrounding highway network without detriment to highway safety or capacity. With regard to sustainable transport I am content with the level of provision for foot and cycle, particularly with the provision of the new signalized crossing of London Road

between Normandy Lane and Pegasus Drive. Within the site there will be segregated footways together with a carriageway capable of accommodating a bus service.

In addition I would expect any subsequent reserved matters application for development to be supported by individual or an overarching side wide Travel Plan to encourage travel by sustainable modes.

Highways England

No comments received to date.

Rights Of Way Officer

After pre-application discussions with the applicant and Central Bedfordshire Council Assets, Countryside Access service propose the following changes to the rights of way network in and around Stratton Business Park in relation to this planning application. The main issue is to resolve the future proposed severance of Public Footpath No.39 which runs from the Dunton Rd roundabout, west of point A, north to south through Stratton Business Park to meet the recently diverted Public Bridleway No.58 at the southern boundary of the application site.

Please refer to attached plan in relation to the Countryside Access response.

1. Footpath (Fp) 62 to be extinguished on its present line (between Fp 39 and Bridleway (Bw) 57.

-- In compensation for this extinguishment a new bridleway link between Fp39 (point A), via point E to Bw 57 (point B), along the northern boundary of the site will be created. The legal width will be 4 metres and alignment as per the attached plan. The surface will be recycled plantings blinded with limestone 10mm to dust and edged with plastic edging material.

-- In addition a new footpath link will be created on the north side of the ditch from point C to the junction with the internal estate road network at point D. The legal width will be 2 metres and will be surfaced according to Countryside Access Service (CAS) specifications in a metalled or blinded gravel surface.

2. Fp 39 from point C to point G will be extinguished. In compensation for this break in the length of Fp39, a route that CAS intended to upgrade to cycleway, a new footpath (with cycleway provision) link will be created from point E, via points D, F, G, H to I. This new link will be separated from the vehicular traffic, be surfaced with a metalled finish and have a legal width of 3 metres. The status of the link will be a footpath with cycle access there over.

-- The length point H to I will be diverted from its present legal line (eastern edge of the wood shelter belt) to a

position within the shelter tree belt. The present width of the shelter belt is 20 - 25 metres. With development the shelter belt must retain a width of 12 metres and have the re-aligned length of Fp39 running through the centre. The legal width of this section of footpath will be 3 metres and the surface metalled.

3. The short length of Fp 64 to be extinguished. The hatched area to the north of Fp 64 should be retained as an existing shelter belt even if the width is reduced.

Further compensatory works regarding the surfacing of rights of way links to the public highway will also be supported by the applicant, i.e. northern length of Fp39 from point C to the Dunton Rd roundabout.

Anywhere the cycleway, footpath or bridleway crosses the estate roads will require dropped kerbs and signage reflecting cycle and pedestrian usage.

Environment Agency

The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

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). We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G1. In addition, they must not be constructed in ground affected by contamination.

Sustainable Urban  
Drainage Officer

We consider that outline planning permission could be granted to the proposed development and the final design, sizing and maintenance of the surface water system agreed at the detailed design stage; subject to an appropriate Detailed Surface Water Drainage Strategy and finalised Maintenance and Management Plan being provided to ensure compliance with the Level 1 FRA and to ensure there will be no increase to flood risk as a result

of the proposed development going ahead.

Conditions have therefore been recommended below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

To satisfy the overall detailed design of the proposal

The capacity of the Indicative Drainage Strategy Plan has been shown to be sufficient to accommodate a 1 in 100 year (+20%) storm and it must be demonstrated that this capacity will not be adversely impacted upon by any changes to this proposed layout as per the final detailed design. Final details of flow control chambers, attenuation basin invert levels etc. will also need to be provided with the associated calculations. We therefore ask that the final detailed design of the surface water drainage system, in addition to details of its construction, implementation, maintenance and long term operation, be submitted at the detailed design stage.

To satisfy drainage provision on individual reserved matters plot

It is understood from the submitted 'Level 1 Flood Risk Assessment and Surface Water Drainage Strategy' (Woods Hardwick, August 2015) that to facilitate the proposed development, 38171m<sup>3</sup> storage is required to accommodate surface water run off (based on the 1:100 storm event +20% for climate change). However the existing attenuation basin, originally designed to accommodate flows from the entire phased development, is insufficient given changes in climate, policy requirements etc. since the time this scheme was first put forward.

Therefore, there is a deficit of surface water run off to accommodate outside of the pre-existing basin.

The deficit is proposed to be accommodated in the individual development parcels, with a flow restriction be imposed on each plot. It is noted that plot sizes may differ in the future to those shown on the indicative layout submitted.

We therefore have significant concerns regarding the statement that *"given that the plot sizes, the site occupiers and their requirements are unknown it is also not possible at this stage to advise as to the nature of the on plot attenuation provision."*

It is therefore essential that on plot attenuation be a requirement of all of the future site occupiers, the



volumes of storage required on each plot should be assigned on a pro-rata basis and that the planning authority secure the necessary conditions to deliver this. The nature of the on-plot attenuation, treatment and conveyance must be determined in line with the approved overall drainage strategy, incorporating the principles and techniques contained within CBC's Sustainable Drainage Supplementary planning guidance document (SPD) and industry best practise.

The outfall from each of the development parcels and the attenuation basin must not exceed the allowable maximum rate of 2l/s/ha and must provide attenuation in accordance with this restriction. This rate has been stipulated by the Bedford Group of Internal Drainage Boards and provides betterment of the calculated greenfield runoff rate.

Given that on plot attenuation "*will be managed by the individual site owners unless they wish to pursue an alternative arrangement such as a management company*", we will expect a maintenance and management plan, in addition to a detailed surface water drainage strategy, to be provided prior to any development taking place on a plot. This is to the surface water drainage system serving the site will be operationally ready at all times and functions within the performance requirements outlined in the Level 1 Flood Risk Assessment and Surface Water Drainage Strategy, and that as far as possible the failure of one section of a sewer system will not adversely affect the performance of the other parts.

Incorporation of sustainable principles in the detailed design and reserved matters applications

As an aside to the above, during meetings and correspondence with Woods Hardwick on the preparation of an appropriate Flood Risk Assessment and Surface Water Drainage Strategy, it was agreed that:

*"A Flood Risk Assessment and Surface Water Drainage Strategy will be prepared and submitted in support of the forthcoming outline planning application for employment on Phases 5 and 6 of Stratton Business Park. As far as is practicable at the outline stage the Surface Water Drainage Strategy will be prepared in accordance with the principles set out in the 'Central Bedfordshire Sustainable Drainage Guidance' (April 2014)."*

In light of this correspondence (see email dated 21/07/20215) we dispute that the submitted scheme is in-keeping with the principles of the adopted SuDS SPD, in

that a conventional piped proposal has been presented. We therefore expect the detailed design to review policy compliance with the adopted SuDS SPD to integrate landscaped approaches to SuDS as well as the provision of interception of the first 5mm and adequate number of treatment stages for surface water based on the nature and scale of the proposed development (min. 2 stages ideally) prior to the surface water run off out falling from the site.

Green Infrastructure  
Officer

The evaluation of the SuDS options discounts green roofs as an option for on plot attenuation. The claim made in the Surface Water Drainage Strategy is that they would be likely to adversely affect the scheme's viability. However, this assumption is not tested or evidenced. Given the multiple benefits that could be delivered by a green roof, and the need for on plot attenuation, green roofs should be included within the proposals unless they can be ruled out on viability evidence. They offer a range of sustainability benefits (including insulation, water treatment, attenuation, and visual benefit. All of these factors should be included in an assessment of viability.

Given that the surface water will discharge to the existing pond, which is designated as a County Wildlife Site, treatment of surface water, to ensure it does not damage the ecology of the County Wildlife Site is required. This could be addressed through conditions, requiring the satisfactory demonstration of surface water treatment measures, as well as attenuation measures.

The Surface Water Drainage Strategy also indicates that retaining the existing ditch would lead to surface water flooding, but that replacing the ditch with a sewer would avoid flooding. This assertion is counter-intuitive. Furthermore, replacing the ditch with a sewer would be contrary to the local requirements set out in CBC's Surface Water Drainage SPD, which requires surface conveyance over pipes, and that natural drainage patterns are replicated. Culverting the existing ditch would have a negative impact, as opposed to maximising multiple benefits delivered by SuDS through enhancing biodiversity and amenity. Retention of the existing ditch (while permitting any necessary modifications to increase its capacity / biodiversity / amenity value) should be required by condition.

Bedfordshire Rural  
Communities Charity  
(extracted as relevant to  
this application)

As a lead partner in the development of the Biggleswade Green Wheel, we are pleased to see reference to the Green Wheel in the Design & Access Statement

We welcome the provision of a new 'track' parallel to

Dunton Lane; and the new 'track' to the south of the site, linking the existing Right of Way and watercourse in the east, to the A1 in the west.

To deliver maximum public (and employee) benefit, we would ask that these new routes are:

A) Designated as permanent Public Rights of Way, with rights to walk and cycle as a minimum – ideally for horse riding also.

B) Created to a specification which meets, at least, the minimum Green Wheel Standards and Specifications as detailed in the Biggleswade Green Wheel Masterplan

We are also very keen that any developments which relate to the route of the Green Wheel are future-proofed. As stated above, the proposals to provide the east-west 'track' to the south of the development site are welcomed, but we have concerns regarding the virtual 'dead end' that will be created at the western end of this track, as we are not able to encourage users to cross the A1.

Our preference, as per the Masterplan, is for a pedestrian & cycle bridge to be provided over the A1, and we would seek that this development contributes to such a crossing. Failing the provision of a bridge, there will be a need to provide a link from the western end of the track at the A1 back to the existing route of the Green Wheel where it crosses London Road to the south of the Dunton Lane / London Road/ Holmecourt Avenue roundabout. Existing routes facilitate the northern part of this link, but a link would be required in the southern area.

Landscape Officer

The development will form an abrupt change in land-use from the farmland to the east, but it is relatively well contained by the existing balancing pond environmental area, the existing spinney at the north-east corner and the road alignment and hedgerows which restrict views.

I have not found a Landscape Masterplan - but indicative proposals on the Layout Drawings indicate additional planting which would help to limit intrusion into the countryside.

The existing development has benefitted from screening provided by a now semi -mature woodland belt planted along the eastern boundary, planted to form a rural buffer and which is still subject to a Woodland Grant Scheme . This woodland effectively links with the linear wood planted to create a rural edge to the housing development to the north. The concept for a comprehensive woodland edge for Biggleswade was forward thinking in its scale. The woodland has formed a valuable visual, ecological and recreational feature, contributing to the Biggleswade Green Wheel and is likely to increase in importance as it receives further

management and matures. The woodland has the potential to provide amenity for those working on both the existing and future industrial units and should be retained wherever possible to help screen and subdivide the development.

The Application is Outline , so that the building layout is indicative at this stage . The development will also take place over time, depending on the market. As such, I would like to make the following comments -

1.It is extremely disappointing to see the scale of clearance of the linear wood proposed. In my view this is unacceptable and is contrary to Policy 16. I accept that there may need to be a higher degree of clearance to facilitate the Liebher development in Phase 5 as this unit would be an extension of the current site. However, I still think the removal indicated is overly severe- it is important to try to retain the habitat link.

Elsewhere, and especially for Phase 6, I can see no reason why the majority of the woodland cannot be retained as an enhancement to the estate. This may mean a slight reduction in floor space but the plots could be marketed as being within a mature setting.

2. The indicative plan needs to be enhanced to show a stronger landscape framework - e.g. avenue planting, more use of shrubs and trees within car parking to create a greener estate. Hedgerow and native planting should be used to help enclose areas of storage and lorry parking, particularly on the eastern edge.

3. - SUDS - as I understand it the drainage ditch will be culverted. The eventual Masterplan should design more varied SUDS features within the landscaped areas, as this would not only help to delay flow into the balancing reservoir, but also create habitat and visual interest in the open space. The development will result in extensive roof areas - green roofs should be an integral part of the design.

4. Phased development - it is expected that many of the plots will not be built out for many years. Advanced woodland planting has been stated as an expectation, but it would also be beneficial to create natural grasslands on vacant plots to benefit ecology.

5 Topsoil - development will result in high quantities of quality topsoil. I do not want this to be used for mounding, apart from limited low mounds to help aid screening of car or lorry areas. This soil is a valuable asset and needs

to be used sustainably for land restoration or landscape projects.

6 Landscape specification and management plan - as a Condition - we need a detailed landscape and ecology management plan, which would cover a design typology for the development and proposals for long-term management. This would also include the management of vacant plots.

To Conclude - at present I consider the proposals unacceptable as it will result in extensive removal of a valuable woodland feature. There is scope to vary the proposal to moderate the losses to the woodland and create a more sustainable solution. The new mitigation proposals are welcomed, but are at the scale expected and do not compensate for the losses proposed.

The authority needs to take a holistic approach to the development, recognising the benefits of the woodland for our green infrastructure policies, green travel and recreation and ecology.

Detailed drawings need to be prepared to set a framework for the delivery of the Estate, which need to include a greater proportion of the woodland for this Application to be acceptable in landscape terms.

I would be grateful if 'access' is being considered that the character and landscape of 'access' is also considered to ensure connectivity, promoting sense of place and quality in design and layout of development.

The application refers to 'avenues' and 'park character' in the Design & Access Statement but to achieve these images and effects adequate space has to be allocated to enable a landscape setting to be established and detail in design considered at an early stage. 'Landscape' is needed to assist in integrating development including access roads / routes and be multi functional hosting visual amenity, access including footpaths and cycle ways, SuDS and habitat connectivity - but necessary space needs to be allocated. Existing landscape and planting structures can also be integrated.

Access and associated landscaping can form the setting of business developments / business parks, establish the quality of development and be an attractor for potential developers and employers.

Pollution Team

I have no objections to this outline application in principle but would advise that there are a significant number of

different types of business that potential have the ability to operate from this location. At this stage the application is for the business park area and it is unknown what business types are proposed to operate from the site. Proposed conditions which are broad in nature to ensure that they can potential cover all eventualities and therefore controlling noise, odour and light from their use are recommended.

Historic England

#### Summary

Thank you for the consultation with regards to the above outline application. Immediately adjacent to the North western boundary of the application boundary is the Stratton Park moated enclosure, which is designated as a scheduled monument. This is a heritage asset of national importance. We are aware of the history of this application and in particular, we (then known as English Heritage) objected to the allocation of the land for employment use (see below). The site was accepted at the planning hearing and in the subsequent report the inspector made reference to the council's policies in relation to the monument and noted that appropriate mitigation and planning controls could be used to reduce the impact of the development on the setting of the monument. We do not consider that this application has taken these points into consideration and we would therefore wish to formally object to it. We would recommend the application is withdrawn pending further discussions with regards to appropriate mitigation on the setting of the monument. Please find further advice below.

#### Historic England Advice

Our main interest in this application is the potential impact of the development on the medieval scheduled monument to the north of the business park, known as Stratton Park Moated Enclosure and Associated Manorial Earthworks. The monument is a well preserved example of a Bedfordshire moated enclosure, associated with a contemporary manorial out-works and building platforms. As a designated heritage asset it has the highest level of protection is of national importance. It has a high

historic evidential and communal value and the monument currently enjoys an open and rural setting to the north, south and east that helps to retain its significance and appreciation despite the expansion of Biggleswade. The new development would at its closest point be 8 metres from the edge of the scheduled monument. As discussed in our previous advice (see Hearing Statement 2010), we consider that the significance and setting of this monument would be

harm by the allocation of the land to the east for business use, in particular that the proximity, scale and permanence of the employment allocation along with the implications of noise, movement, light and other factors would bring permanent and lasting change to this area. We consider that the harm would be of a high magnitude, and this would be higher than is acknowledged in the application (see paragraph 6.41. of the Planning Supporting Statement).

In policy terms the site was allocated under the previous Planning and Policy Statements (PPS) which have now been over written by the national Planning and Policy Framework (NPPF). We would therefore recommend that this application is determined in accordance with the core planning principle observed in paragraph 14 and 17 of the National Planning Policy Framework (NPPF) which explains the presumption in favour of sustainable development, but also the need to *'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations'* (para 17). Also of relevance here is NPPF paragraph 128, which requires the applicant to describe the significance of any heritage assets affected and that the level of detail should be sufficient to understand the potential impact of the proposal on their significance.

paragraph 131, also says that when determining planning applications, account should be taken of *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'* and, *' the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.* The NPPF paragraph 132 requires planning authorities to place great weight on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be.

It also recognises that significance can be harmed by development within the setting of an asset. This paragraph also recognises that *"any harm or loss should require clear and convincing justification"*. It is also recognised in the NPPF (paragraph 134) that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The NPPF (Paragraph 137) highlights the opportunity for Local planning authorities to look for new development within the setting of heritage assets that will enhance or better reveal their significance. Proposals that

preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

We would also wish draw your attention to PolicyEA1 of the Central Bedfordshire (North): Site Allocations DPD, which was adopted in April 2011 which says that '*in addition to general policy requirements in the Core Strategy and Development Management Policies DPD and appropriate contributions to infrastructure provision in the Planning Obligations SPD, development on this site will be subject to the following...*'

and it goes on to say that this should include

*'...appropriate mitigation against the impact on the Stratton Park Scheduled Ancient Monument.'*

We also would draw your attention to paragraphs 84 and 85 of the Inspectors report on the examination into the Central Bedfordshire (north) site allocations development plan document (Yuille, R. 2011) and in particular paragraph 85 which says '*Policy EA1 specifies that the development of this site would depend, amongst other things, on the appropriate mitigation measures being carried out to reduce its impact on the monument. Such measures could include archaeological investigations on the proposed site and the provision of screening. While any screening would not render development invisible in views to and from the monument it could, in conjunction with careful control over the design and height of buildings, soften its impact considerably...*'

It is clear and widely acknowledged that this development would be harmful to the significance of the adjacent scheduled monument, and although we accept the inspector's decision that the land be allocated, and that the harm would not be 'significant', it is important to recognise that a development on this scale, which is 8m from a scheduled monument, would cause a high magnitude of harm. The path to ameliorating this harm was considered in the inspectors report and the need to undertake mitigation clearly signposted in the council planning policy for this allocation Although the Planning Supporting Statement (July 2015) notes the EA1 policies (See paragraph 5.26) it only pays passing reference to the setting of the schedule monument under paragraph 6.41. No mitigation is proposed. We therefore find that this application fails the council policy and has not heeded the inspector's advice in relation to the setting of monument. We also find that it fails the policy tests in the NPPF as set out above, particularly paragraphs 128, 131,



132, and 134. In fact the development also appears to contradict the developers own planning statement which notes in appendix three paragraph 121 that *'If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'*

Although this is noted for wildlife, the same can be said for heritage assets. In order to mitigate the impact of the development on the scheduled monument our advice is that the masterplan would need to include a substantial and wide vegetation screen/planting buffer between the monument and the nearest new building. This would need to run the entire length of the north western boundary of the development and would need to be implemented at the earliest opportunity, and in the earliest phase of development. This is to ensure the maximum time for the screening to become established. We would recommend that it should consist only of native species, and would need to be in accordance with local planting guidelines. We also recommend that the planting include some semi-mature species to ensure the screen is effective at an early stage. The buffer and planting programme would need to be reinforced by condition on the planning permission.

We also consider that that it is imperative that access/egress to the development from Dunton Lane is removed from the master plan. In our view there should be no access to the development from this side. We are concerned about the impact of a new road junction on the setting of the scheduled monument, as well as the impact of road improvements and likely need for new lighting in this area. The use of new lighting would have a harmful impact upon the monument in its own right. Strict policies also need to be developed on the size, scale mass and design of the building nearest to the monument. In particular we suggest that these should be single story with a height restriction which is clearly defined in any design code and again this should be enforced by condition on the planning permission.

There is little or no information about non-designated heritage assets within the outline application. This will need to be clarified prior to any new outline application being brought forward and a heritage statement will need to be produced before the application is re-submitted.

#### Recommendation

We therefore have no choice but to object to this outline application in principle. We would recommend that the application is withdrawn pending revisions of the masterplan that would satisfy the NPPF, the councils own development policies for the site and the points that we have raised above. We are looking to ensure that the applicant has given due regard to setting of the scheduled monument. We would also expect to see the submission of a full heritage statement that sets out the response to non-designated heritage assets within the development area, provides full justification for the harm caused and explains the extent of the mitigation and how the development will seek to comply with the inspector report, the NPPF and the councils polices.

Conservation Officer

The designated heritage asset setting that would be affected by the proposed large scale B1, B2 & B8 use employment development is the Scheduled Ancient Monument. I assume that our Archaeologists will advise & comment in detail concerning any impacts or possible harm to the SAM context. Therefore, no other impact on designated heritage assets.

Archaeology

The proposed development site is known to contain a ring ditch, the remains of a Bronze Age funerary monument, (HER 16159) at the northern end of the site and a evidence of Iron Age settlement at its southern end (HER 16157); these are heritage assets with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*. Immediately to the north of Dunton Lane is Stratton Park Moat and associated earthworks (HER 520). This site is a Scheduled Monument (Heritage List Number 1012161) and a designated heritage asset of the highest significance (*NPPF*). The setting of a designated heritage asset forms part of its significance and any development within that setting will have an impact on the asset.

The site is also located in an extensive archaeological landscape containing sites and features dating from the prehistoric to post-medieval periods. This landscape includes evidence of later prehistoric and Roman settlement and field systems (HERs 13956, 15327, 16158, 16823, 16824 and 18284), remains of Saxon and medieval settlement (HERs 518 and 17738) and field systems (HER 17786) and post-medieval activity (HER 16162). The proposed development site has the potential to contain previously unidentified archaeological remains relating to the identified in the surrounding area.

The development will have an impact the archaeological remains within the site and on the setting of the Stratton

Park Scheduled Monument. The application includes a *Heritage Statement* (Albion Archaeology Document 2015/26, Version 1.1, 5th August 2015) which comprises the results of an archaeological field evaluation of the application site and a consideration of the impact of the proposal on the setting of the Stratton Park Moat designated heritage asset. On the basis of the information contained in the *Heritage Statement* it is clear that the site contains extensive buried archaeological remains dating from the prehistoric to medieval periods. Development of the site will have a negative and irreversible impact on buried archaeological remains and on the significance of the heritage assets with archaeological interest they represent. It is more difficult to assess the impact of development on the setting of the Scheduled Monument as this is an outline application with all matters reserved. While the application contains indicative plans of the proposed development these cannot not represent what the final form and scale development will be. Therefore, it is only possible to consider the impact of the development on the Scheduled Monument in general terms and whether, within certain parameters, the principle of developing the site could be acceptable within the context of paragraphs 132 and 133 of the *NPPF*. In order to do this I will need to undertake further analysis of the proposed development and its impact on heritage assets in particular the setting of the Scheduled Monument. When I have done this I will send you further more detailed comments.

#### Ecology

Having read through the submitted documentation I have the following comments;

- Stratton Park Balancing Pond CWS lies adjacent to the site and is designated for rare breeding birds but also valuable for habitat mosaic of district importance for birds with 43 species recorded breeding on site, given its sensitive nature to fluctuations in water levels the flood mitigation proposals for the development need to be carefully considered. Of particular importance, is the swamp vegetation – Phase 1 Habitat; F2.2, which supports many species of dragonflies and damselflies, breeding migrant warblers, Water Rail, Common Snipe and Jack Snipe during the winter. The potential for the site to support breeding waders – Lapwing, Ringed Plover and Little Ringed Plover – would also be lost.
- The future design and management of the balancing pond is critical in delivering this. Key issues that need to be addressed include; rise in water levels (cm) in the balancing pond, for each month of the year, how

to store the increased water levels without drowning the existing WS habitats, how to create suitable habitats for winter Snipe species that would not be inundated with flood water during the winter months, the creation of a raised island for summer breeding plovers; Lapwing, Ringed and Little Ringed Plover.

- Models have been proposed to ensure discharge rates are kept to allowable levels leaving the balancing pond but there will be an impact on the water levels experienced by the pond and hence potentially an impact to breeding birds using it. In order to ensure water storage capacity additional attenuation is to be accommodated within Phases 5 and 6, the form this attenuation takes would ideally reflect SUDs objectives as detailed in the CBC SUDS Guide, the use of green roofs would also be welcomed.
- The existing shelterbelt to the west of new development *has now developed into an important feature and substantial wildlife corridor* and greater consideration should be given to its retention where possible. It is accepted that there will be a necessity to breach this at access points but the aim should be to retain it rather than blanket clearance. 2.4.2 of D&A states 'The existing hedgerows and trees that form the field boundaries are to be retained where possible and enhanced with further planting subject to separate reserved matters applications'. *The removal indicated is overly severe, it is important to try to retain the habitat link. My pre-application comments recommended retention of this feature.*
- The existing open ditch which crosses the site towards the balancing pond represents wildlife habitat and serves as a multifunctional drainage resource which should be retained in its current state rather than become a piped culvert devoid of wildlife.
- The site needs to demonstrate net gain for biodiversity in line with the NPPF, considerable additional planting proposed which is welcomed and there is a need to ensure the appropriate continued management of this resource. Given the associated wetland site opportunity for other wetland habitats should be explored, for example wet woodland in north eastern corner of the site.
- From the arboricultural drawings it is not completely clear which trees are to be retained in the central E/W hedgerow as it is too hard to read, this existing hedge

in centre of site is known to have bat interest and a Kestrel nest in an oak tree. 4.4.2 of the Ecological Impact Assessment, (EIA), states EW tree line to be retained but I note the tree officers' concerns that *'Looking at the plans it would appear that the intention is to remove a large part of this and the remainder is it would appear going to be hard to retain without encroachment into the root protection areas of these trees'*. I of course would echo his concerns and support the proposal *'to improve the layout to improve the chances of these trees being retained into the future in good order.'*

- The overall development of the site as a whole needs to be on a phase basis, therefore no need for blanket clearance. A **conditioned** site wide LEMP would look at habitat opportunities and the incorporation of SUDs and their multi-functional benefit, then individual method statements for phases as they come forward should feed into the overall scheme masterplan. This should include elements identified in the EIA including, in 4.3.6 15m of buffer planting between the business park and CWS boundary. 4.3.7 discusses the attenuation basis to be lined with stone, a very basic plan demonstrates this but specifications are needed against changes in water levels, I couldn't find further reference to stone lining in documents. I agree with the landscape officers' comments regarding taking a *holistic approach to the development , recognising the benefits of the woodland for our green infrastructure policies, green travel and recreation and ecology.*
- The Ecological Impact Assessment provides the principles for ecology avoidance, mitigation and enhancement at a strategic level. The assessment concludes that mitigation and enhancement measures are secured by using standard a condition used previously by the Council 'for schemes of a similar scale and nature'. BS42020 contains model conditions for which one requiring a method statement
- It should be noted that ecological mitigation has been included within the 'proposed Site Layout Drawing No 17377-SK1010E but this does not appear with the documents so I am unable to comment on it.
- Whilst extensive surveys have been undertaken to inform the outline application any RM decision should be informed by updated surveys should applications arrive more than 2 years post survey date. A condition would take account of this

- Due to the presence of grass snakes on site a detailed reptile mitigation strategy should be required via condition, this would then inform the LEMP.

#### Trees and Landscape

There are a number of Rights of Way through and around this site which I understand are to be diverted and changed.

Looking at the site boundaries clockwise from the north boundary with Dunton Lane. In the far north corner and part of the east boundary and seeming to be within the site boundary there is an area of fairly recently planted native trees that are just starting to establish and mature, they should be retained within the development as an important screening feature of the future. Continuing down the east boundary to the point where the field boundary line crosses from east to west, this area has a combination of recent planting along with older mature hedgeline trees, this combined with the continuation of the east boundary contribute towards making this an important wildlife corridor. The east/west field dividing hedgeline across the site consists of a mix of old over-mature Oak with considerable ecology interest and a mix of early mature more recent planting. Looking at the plans it would appear that the intention is to remove a large part of this and the remainder is it would appear going to be hard to retain without encroachment into the root protection areas of these trees. At this stage of the proposals it would seem to be that it should be possible to improve the layout to improve the chances of these trees being retained into the future in good order, e.g. removing areas of parking from beneath the trees and repositioning the access road that run east/west in this vicinity. I understand that according to the tree survey information/method statement/AIA the intention is for no dig construction methods to be used but I am aware that in the real world of development sites the damage may well be done prior to the development reaching that point. As such I would like to see clear tree protection areas utilising the maximum of root protection area (RPA) available.

On the south west corner of the site there is an area of hybrid Poplar that is outside the red line site boundary but at some point it will be harvested.

On the west boundary of the site and running the entire length of the site is a 20 metre wide planting strip that has been established as part of the landscape scheme for the existing Business Park. This has now developed into an

important feature and substantial wildlife corridor. On site and talking to one of the business owners on the existing park, he was keen to emphasise the large number of bats that emerged from these trees in the evening. Looking at the plans supplied it would appear that the intention is to remove a large part if not all of this, although with the tree survey plans provided being so small this is not clear. Pre application advice suggested that retention of this important feature or sections of this feature would be looked for. Again looking at the plans there would appear to be ample opportunity to move building footprints to the east to allow this to work. Speaking to Rights of Way Officer the existing footpath along this boundary would be moved further to the west and would require the removal of a maximum of 4 metres strip of this woodland area.

If the intention is to remove this planting strip consisting of hundreds of maturing native trees along with their established ecology and biodiversity that forms a substantial landscape feature, then I would consider that it is not acceptable.

Looking at the plans and visiting the site it would seem to me that there is ample opportunity to retain and manage a large part of this feature. It would also appear that with a little consideration to moving the building footprints to the east, then once again there is ample opportunity and space for this.

I would ask that the site plan is reconsidered to include large parts of this established landscape feature.

Full landscape and boundary treatment detail will be required.

Sustainable Growth  
Officer

The proposed development should as far as practicable comply with the requirements of the development management policies DM1: Renewable Energy and DM2: Resource Efficiency.

Policy DM1 requires all new non-domestic development with a floor space of 1000m<sup>2</sup> or above to meet the development's 10% energy demand from renewable or low carbon sources. The developer is free to choose the most suitable technology to their or their tenants' specific operation.

Policy DM2 encourages all new non-domestic development with a floor space of 1000m<sup>2</sup> or above to meet BREEAM Excellent rating.

I recognise that this is outline planning application and

there may not be sufficient design details for the scheme to consider sustainability measures in depth. However it is disappointing that proposed sustainability measures for the scheme are primarily driven by the regulatory requirements.

The proposed development is located within Stratton Business Park for which a Local Development Order is currently being consulted on. The LDO provides provision for a number of renewable and low carbon technologies to be allowed within the Park as permitted development. The LDO clearly demonstrates the Council's ambition to develop sustainable and low carbon businesses.

Government's policy on renewables makes it clear that the future intention is for national policy to encourage greater use large roofs space for PV installations as opposed to solar farm developments taking up agricultural land. Although the Council's renewable energy policy is technology neutral I will strongly encouraged that the proposed buildings are at least PV ready allowing future occupants to install PV panels. In addition, energy needs of potential occupants should be analysed to make provisions for best suited renewable technologies to be installed now by the developer or in the future by the occupants.

I strongly encourage using BREEAM or equivalent methodology to inform design choices and deliver a highly sustainable scheme. I suggest that core elements assessed under BREEAM, such as materials, energy and water are explored in greater detail with an emphasis on scoring more 'BREEAM points' in relation to these aspects.

I would expect a Sustainability Report addressing sustainability issues outlined above should to be submitted with the full planning application.

In summary:

- I would expect the scheme to deliver 10% of the energy demand from renewable or low carbon sources;
- The design of the scheme should allow for installation of roof mounted solar PV panels and/or any other technologies deemed to be best suited for future occupants
- The scheme should aspire to achieve BREEAM excellent or equivalent standard.
- A Sustainability Report to be submitted with the full planning application.



## Other Representations:

### Neighbours

Two letters have been received raising the following relevant comments/objections:

- Concerned over loss of greenbelt area (area is not greenbelt but is greenfield)
- Concern over the height of proposed buildings.
- Dunton Lane access would be dangerous as it is narrow with blind bends and not suitable for HGVs.
- Wildlife habitats will be lost as a result of rising water levels in the balancing pond. Development should show how water can be accommodated without causing this harm and how habitats can be created that would not be harmed by winter flooding.

## Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. The Historic Environment
4. Neighbouring Amenity
5. Highway Considerations
6. Impact on Public Rights of Way
7. Drainage
8. Conditions
9. Other Considerations

## Considerations

### 1. The Principle of Development

- 1.1 The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. As one of its core planning principles (NPPF para 17) it states that planning should be proactively driving and supporting sustainable economic development to deliver homes, businesses and industrial units that the country needs and that (NPPF para 19) there is a commitment to ensure the planning system supports sustainable economic growth. The national policy context is therefore broadly positive for economic development. At the edge of a Major Service Centre, adjacent the existing business park and close to the A1 trunk road, the site is considered to be a sustainable location as a matter of principle.
- 1.2 At the local policy context the site lies outside the settlement limits of Biggleswade and is therefore within the open countryside. Generally there is a presumption against development outside of settlement limits however in this instance there are additional policies to consider. Most notably is that the area identified as Phase 5 is allocated as site EA1 in the adopted Site Allocation document 2011. For completeness this policy reads:

1.3 *'In addition to general policy requirements in the Core Strategy and Development Management Policies DPD and appropriate contributions to infrastructure provision in the Planning Obligations SPD, development on this site will be subject to the following:*

- *Provision of adequate access;*
- *Satisfactory resolution of the impact of additional traffic on the A1 roundabout south of Biggleswade;*
- *Provision of a satisfactory cycleway, footpath and public transport network links to the Town Centre to be determined through a Transport Assessment;*
- *Provision of flexible employment units to meet changing future requirements;*
- *The provision of sufficient capacity at the waste water treatment works to meet the needs of the development;*
- *Appropriate mitigation against the impact on the Stratton Park Scheduled Ancient Monument; and*
- *Provision of appropriate financial contributions towards improvements to the A1 southern junction and works required to increase the capacity of London Road. Contributions may be sought towards the construction of the Biggleswade Eastern relief Road, if appropriate.'*

1.4 The Site Allocations document is part of the adopted Local Development Framework and should be given significant weight when considering the principle of development. It is therefore considered that the area of the site identified as Phase 5 is allocated for the development proposed and therefore is acceptable in principle.

1.5 The remaining area (Phase 6) of the site does not form part of this allocation. It therefore amounts to development in the open countryside. It should be noted that the area identified as Phase 6 was included for development in the Council's previous draft Development Strategy (DS). Policy 2 of the DS identified a need to deliver a total of 27,000 new jobs for the period between 2011 and 2031. The land was included as one of the areas that would accommodate new development. While the intention is clear in this policy, the status of the DS as given above means that it is considered no weight can be applied to this policy and document.

1.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states and, in determining planning application, decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In considering Phase 6 the policy basis is principally the NPPF (para 1.1). As stated it can be considered that the site is in a sustainable location and this should be given weight when considering the presumption in favour of sustainable development. As a sustainable location the expansion the business park can therefore be regarded as development that would seek to contribute to sustainable economic growth by creating jobs and reducing the reliance on out-commuting. It is therefore considered as a result that the area regarded as Phase 6 can be considered acceptable as a matter of principle as there are material considerations that indicate such a decision can be reached. Regardless of the intentions of the Council this part of the site is not subject to any designation under the adopted development plan and is therefore

considered to be a departure from the plan. Given the scale of development, if Members resolve to approve the application it will need to be referred to the Secretary of State to consider whether or not to call in the application.

- 1.7 It is therefore considered that the principle of development is considered to be acceptable. However, a sustainable location does not necessarily amount to sustainable development. The NPPF requires that in determining planning applications, the benefits are balanced against the impacts which would inform the recommendation. In order to do this, assessments need to be made on subject specific considerations and the remainder of the report will consider these.

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

- 2.1 The development will result in the loss of open countryside and the impact on the character of the area will be significant as a result. The character of the site itself is currently one that is arable in nature and this will be permanently lost. Specific impacts cannot be assessed at this outline stage as design proposal would form part of reserved matters applications however the application has been submitted and subsequently amended with proposals that consider the impact on the character of the area.
- 2.2 Areas adjacent to the southern and eastern boundaries of the site have been subject to advanced landscaping works which are currently establishing. The landscaping will partly serve to screen the visual impact of the development. The revised indicative layout has also amended the northern arrangement of the site and created a minimum 10 metre wide planting belt adjacent to Dunton Lane. This will be specifically addressed later as it relates to the impact on the setting of the nearby scheduled Ancient Monument. The proposal will seek the retention of part of the existing linear woodland landscape belt that sits on the western boundary although it is acknowledged that significant amounts are to be removed as part of the scheme. Where retained landscape works will be carried out to improve the planting in the interests of vitality of specific species.
- 2.3 A number of comments from consultees have raised concerns relating to the impact on the character and appearance of the area largely on the basis of landscape matters. A number of points appear to have been made on the basis of the submitted indicative layout for the scheme. It should be noted that landscaping is a reserved matter and not for detailed consideration at this outline application and that the indicative layout would not form a determined plan on the application. Landscape matters would form part of the conditions proposed on the application and would seek to address matters of proposed landscaping and retention of features where possible.
- 2.4 However there are some elements that have some certainty. The linear landscaped wood that currently sits on the western boundary is to be subject to large scale removal at its northern extent and maintenance at the southern extent. The full extent of works are not shown on the plans and the comments that have been made in this respect appear to place a reliance on the indicative layout which depicts almost wholesale removal. However, this is not the scheme proposed and it is possible to control these works through condition. It is understood that the applicants have no intention of removing the entire landscape area and will look to utilise the southern extent within the scheme to

help with connectivity between the existing and application sites. The loss/maintenance of some of this linear landscape is considered to be acceptable in the interests of deliverability of the expansion area. The works should also be considered in light of the wider landscape works that have already been undertaken adjacent the southern and eastern boundaries of the site and the proposed benefits of additional landscaping that will take place within the site, notably at the northern end. When considering landscape holistically it is considered that the development will result in a net gain in landscaping.

- 2.5 The concerns of technical consultees are noted however the bringing forward of the expansion area will not be possible without the removal of existing landscape specimens. It is acknowledged that there would be a significant impact on the landscape as a result of this development and the existing arable character would be permanently lost. However, the removal of landscaping contributes to the delivery of sustainable economic growth and allows for a scheme that results in landscape gains in the area. A number of these gains provide screening of the edges of the application site and as a result it is considered that, on balance, while there is a significant impact, it will be mitigated by the advanced planting already undertaken and future landscaping forming part of this proposal.
- 2.6 In terms of individual design this cannot be considered at this time as the application is in outline form with access being the matter for consideration. The approach to delivery is detailed in Section 8 of this report however it can be noted that reserved matters proposal would be considered in light of development plan policy and the Council's adopted Design Guide and future proposals would be expected to be designed taking account of the recommendations of this document.

### **3. The Historic Environment**

- 3.1 The original scheme resulted in objection being raised by Historic England on the grounds that the indicative development at the northern extent of the site (within Phase 5) would detrimentally impact on the setting of the nearby Scheduled Ancient Monument and its significance as a designated heritage asset as a result. Historic England acknowledge that the site is allocated for the development proposed however also advised they previously objected at the time the allocation was made. At that time it was acknowledged that an application to bring forward this allocation could include appropriate mitigation within it minimise the impact on the setting of the Scheduled Ancient Monument and therefore the allocation was made.
- 3.2 In response to the objection raised the applicant has amended to scheme to remove the proposed access from Dunton Lane and establish a minimum 10 metre width planting belt at the boundary. This would run the full width of the northern boundary and create a screened enclosure. The indicative layout also suggests that the built form could be set back to a certain building line to further reduce any potential impact. This plan is only indicative but such a distance could be secured by condition. Finally, the proposed right of way that previously ran along the northern boundary is now proposed to divert within the site and run behind the screen.

- 3.3 At the time of drafting this report the revised plans are out for consultation and no comments have been received from either Historic England or the Archaeologist. Members will be updated through the late sheet once comments are received. Subject to receiving these comments it is considered that the applicant has proactively sought to address the concerns of Historic England and has amended the scheme having taken account of the conclusions previously made in the original allocation of the site. The revised details show a deep landscape belt that will serve as a screen between the proposal and the setting of the ancient monument. A minimum depth of 10 metres provides acceptable depth and it is noted that the majority of this area is significantly larger than the 10 metres set aside.
- 3.4 It is considered that this would provide for a landscape screen that would address the concerns raised by Historic England. The applicant has therefore acted pro-actively in addressing the concerns raised on what is an allocated site. In addressing the impact on the significance of the Scheduled Ancient Monument it is acknowledged that the setting will materially change. Currently the site is open and arable and even with the landscape screen the impact would be one of enclosure when making a comparison to the existing. However the change to the character itself does not result in the conclusion of a harmful impact. In this instance the development will have an impact on the setting of the Scheduled Ancient Monument. Given the response to the objection from Historic England it is considered that the impact can be concluded as having 'less than significant harm' in the eyes of the NPPF. Under paragraph 134 of the NPPF the harm should be weighed against the public benefits of the proposal. In this instance the benefits of the revised landscape proposal, the removal of the access point from Dunton Lane and the material considerations highlighted in paragraph 1.6 of this report, demonstrate that the public benefits in this instance outweigh the 'less than substantial harm' caused to the setting of the monument. As a result it is considered that the proposal can be considered acceptable in respect of this impact.
- 3.5 In terms of archaeology, comments received advised that further analysis was to be done but at the time of drafting this report, no additional comments are made. It is considered that matters of archaeological importance can be managed and recorded if necessary through condition on the decision notice and, subject to comments received and included on the late sheet, no objection is raised on the grounds of archaeological harm.

#### **4. Neighbouring Amenity**

- 4.1 The site is an expansion of an existing business park however there are a number of residential properties in the area. At the southern extent lies Stratton Farm, this would sit adjacent the site. It currently already sits adjacent the existing business park and while there would be an impact in amenity terms it would be a similar impact to that currently experienced. The impact is therefore considered to be acceptable in principle. Conditions can mitigate the impacts which will be addressed later in this section.
- 4.2 There are residential properties close by northwest of the site. They are not adjacent the site and currently sit closer to the existing business park. An existing area of open space (to be retained) acts as a buffer between these properties and Phase 5. The impact is therefore not considered to be significant

and would not cause detrimental harm.

- 4.3 Other dwellings in the locality such as Stratton Park, Park Corner Farm and those within urban Biggleswade itself are considered to be sufficient distance from the site and therefore would not be subject to harmful impacts on amenity.
- 4.4 The Pollution Team have provided comments raising no objections subject to conditions that would mitigate against amenity impacts. These conditions address noise output and external lighting and are considered to be appropriate planning considerations. The inclusion of these would ensure the development of the phases would take account of amenity impacts and as a result there is no objection on the grounds of neighbouring amenity.

## **5. Highway Considerations**

- 5.1 The amended proposal has removed the previously proposed access onto Dunton Lane. While that was done for reasons previously addressed it has also affected the nature of vehicle movements associated with the development. Now the development will be accessed solely through the existing business park, principally off Pegasus Drive with a secondary route into Phase 6 to the south. The Highways Officer has considered the details in the revised Transport Assessment and raises no objections. Initially the intention to provide access from Dunton Lane gave some cause for concern but its removal from the application addresses these. The revised information concludes that the existing road network is able to accommodate the anticipated traffic flows from the development. In principle it is considered that removing transport pressure from Dunton Lane is a positive step in highway terms and the routing of traffic through the existing park is considered acceptable. No comments have been received from either CBC's Officers or the Highways England.
- 5.2 Within the site the development will be served by a number of spine roads. The Council is currently considering two applications for the internal road layout at phase five. The scheme essentially proposed two options in how it links to Phase 6, either by priority junction or roundabout. The spine road layout in these applications would facilitate the development of the expansion area in a flexible manner and is of technical specification that it would accommodate the anticipated traffic levels. There are no specific proposals for the spine roads in Phase 6 but the indicative layout suggests how these could be proposed.
- 5.3 Specific consideration has to be given to the impact on the traffic levels anticipated with the proposal and the existing movements of both pedestrians and vehicles associated with the nearby retail units.
- 5.4 Parking provision will be assessed as part of the detailed reserved matters application. The Design guide sets out the parking standards for the use classes proposed. The standards are based on floor areas of proposed units and as the application is in outline form it is not possible to determine numbers at this stage. However the intended nature of delivery of the expansion, through detailed reserved matters proposals as demand requires, means that the Council will be able to ensure adequate parking number for each occupier. The same can be said for vehicle manoeuvring space within individual plots as well.
- 5.5 Subject to any alternative view arising from the assessment of the Transport

Assessment the access arrangement and scale of development proposed are considered to be acceptable in terms of their impact on the existing highway network. The location of the expansion area adjacent the existing business park and its close relationship to the A1 Trunk road (the junction of which has been recently upgraded) means that the development can be considered sustainable in this respect in that it secures economic growth in a well connected area in terms of transport.

## **6. Impact on Public Rights of Way**

6.1 The application site has public rights of way that run both through and adjacent to it. The rights of way network in this area have been subject to a number of formal proposals to stop up existing routes and the creation of new routes. These have been done in part to accommodate this proposal and also Phase 4 which is currently undeveloped but will potentially come forward in the near future. The changes are specified in detail in the consultee section but are difficult to illustrate in this report. A map base will be shown at the meeting as part of the introduction. The changes can be itemised in four parts as follows:

- Currently, Footpath 62 runs across Phase 5 and there is a proposal to extinguish this. As compensation a new bridleway link is proposed at the northern part of the site which would link to existing bridleway 57 to the east. This is considered to contribute to establishing the Biggleswade Green Wheel.
- Part of Footpath 39, within Phase 5, will be extinguished with a new route proposed within the site that would join the bridleway link referred to above.
- Additionally another part of Footpath 39 (within phase 6) will be realigned to run through the linear wooded area (referred to in paragraph 2.4 of this report) before re-joining the original route.
- A short length of Footpath 64 adjacent the primary access as proposed is to be extinguished.

The proposed changes to the right of way network is proposed taking account of the aspirations of the Biggleswade Green Wheel which seeks to create a rim of paths and corridors out to the open countryside. The new route would wrap around the application site and route through the proposed landscape areas and the areas of advanced planting.

6.2 The proposed right of way network would provide a better walking environment for users when compared to a scenario of crossing the entire expansion area and would give the character of rural walking adjacent a major conurbation. The route would be better integrated and would be compatible with the aspirations of the Biggleswade Green Wheel. It is therefore acknowledged that the expansion of the business park is affected by the proposal but to the extent that it can be considered a benefit of the development.

## **7. Drainage**

7.1 The scheme proposes a sustainable urban drainage solution. Surface water is proposed to run off to an existing balancing pond to the northeast of the application site. The pond itself is considered to be of suitable size to accommodate the impact of development. The pond itself does not form part of the surface water drainage strategy for the existing business park. The ability of

the proposal to accommodate drainage has been considered by the Sustainable Urban Drainage Officer who has raised no objections subject to conditions.

- 7.2 However the Officer is one of a number who have raised concerns over part of the proposal that shows an existing open drainage ditch replaced with a pipe installation. The use of the ditch aligns more to the principles of Sustainable Urban Drainage and therefore the view from the Officers is that the ditch should be retained. The applicant has responded and advised that from the outset the intention was to retain the ditch and enlarge it to accommodate flows. However the modelling undertaken in preparation of this application concluded that the ditch arrangement would be susceptible to flooding. As a result the pipe proposal is proposed to address this as, when modelled, did not result in these concerns. The Environment Agency and Internal Drainage Board raise no objections. The inclusion of the pipe is, in accordance with the information submitted, considered to contribute to a functional drainage scheme and in the absence of any details to contradict the concerns of flooding via the ditch arrangement, no objection is raised.
- 7.3 Sustainable Urban Drainage schemes can, in accordance with the Council's adopted guidance, take a number of forms. Consultation responses have resulted in disappointment/concerns expressed by the Green Infrastructure Officer, Ecologist and Landscape Officer due to the proposal not incorporating green roofs into the scheme. The inclusion of green roofs is part of the guidance but their lack of inclusion does not equate to a failure to provide a sustainable strategy. The agent has advised that, given that the end users of the development are not yet identified and therefore their building requirements are not known, it is not possible to advise as to whether the nature of the buildings that will be provided on the site will be conducive to the provision of green roofs, although given the likely size of the buildings it is quite possible that the weight loadings will not be feasible. It is also not possible to confirm the impact that such provision would have on the viability of the scheme, although the cost implications are inherent. This provision will however be considered at such time as reserved matters applications are prepared in relation to the site.
- 7.4 There is acknowledgement that, as the detailed design proposals come forward, they would need to include, plot-specific attenuation measures. This can be secured by condition and form part of reserved matters applications.
- 7.5 The concerns regarding the drainage proposals are acknowledged however it is considered that the proposal does provide a drainage scheme that accords with sustainable urban drainage principles and is therefore acceptable. The individual design schemes to be considered under reserved matters provide further opportunities for inclusion of sustainable schemes and there is no objection on drainage terms as a result.

## **8. Conditions**

- 8.1 As the application is in outline form the recommendation will need to include numerous conditions. The intention for the delivery of both Phases 5 and 6 is to consider reserved matters application as and when an occupier for a site/plot comes forward and the specific requirement of that operator are confirmed. While sounding like a piecemeal approach it serves to ensure that the units that are developed on the site are done to cater for the needs of the occupier and



would therefore aid the long term vitality of interested businesses. It also gives the flexibility for the expansion areas to accommodate smaller businesses if the demand becomes apparent. The implication this has on conditions is that there needs to be a phased approach so that the necessary details apply to each plot but not across the site as a whole which could compromise the potential for a future occupier. Therefore where relevant the conditions are worded so that they are phased for as and when a requirement comes forward. This is considered to be an acceptable approach and an aid to the deliverability of the site.

## **9. Other Considerations**

### **9.1 Ecology**

The proposal has been considered by the Council Ecologist and no objections have been raised. There has also been a third party letter received that goes into explicit ecological detail and is summarised in the report. The latter raises concerns over the development resulting in the loss of existing habitats and affecting new habitats as well. The Council Ecologist will have considered the scheme in light of biodiversity impacts and while a number of points have been made, raised no objection on the basis that outstanding matters could be covered by conditions.

### Local Development Order

Stratton Business Park benefits from a Local Development Order which gives businesses 'relaxed' permitted development rights allowing for certain development to take place without requiring planning permission where it normally would. The Order states that Phases 5 and 6 will benefit from the Order when built out. This allows the Council to regulate the initial development of the site but give the added benefit of giving new occupiers the ability to develop their enterprise under the Order. This is considered to be a further benefit towards achieving sustainable economic growth.

### Human Rights issues

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

### **Recommendation:**

That Outline Planning Permission be granted subject to referral to the Secretary of State and subject to the following:

## **RECOMMENDED CONDITIONS / REASONS**

- 1 No development pursuant to this outline permission shall commence on any part of the site until the approval of the details of the appearance, landscaping, layout and scale of the buildings (hereinafter called the "Reserved Matters") has on that part of the site been obtained in writing from the Local Planning Authority. The**

development shall be carried out strictly in accordance with the approved details.

**Reason: To comply with Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.**

- 2 Applications for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission. The development shall begin no later than 5 years from the approval of the final reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 **No development pursuant to this outline permission shall commence on any part of the site until a Construction Environmental Management Plan (CEMP) for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the details approved.**

**Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with the NPPF. Details must be approved prior to the commencement of development to mitigate nuisance and potential damage which could occur in connection with the development.**

- 4 **No development pursuant to this outline permission shall commence on any part of the site until a scheme of heritage asset resource management for that part of the site has been submitted to and approved in writing by the Local Planning Authority.**

**The scheme of heritage asset resource management shall include the following components:**

- **A method statement for investigation of any archaeological remains present at the site;**
- **An outline strategy for post-excavation assessment, analysis and publication.**

**Development on any part of the site shall only be implemented in full accordance with the approved heritage asset resource management scheme for that part of the site and this condition shall only be fully discharged in respect of a part of the site when the following components have been completed to the satisfaction of the Local Planning Authority:**

**The completion of all elements of the archaeological fieldwork, which**

shall be monitored by the Archaeology Advisors to the Local Planning Authority;

- The submission within nine months of the completion of the archaeological fieldwork (unless otherwise agreed in advance in writing by the Local Planning Authority) of a Post Excavation Assessment and an Updated Project Design, which shall be approved in writing by the Local Planning Authority.
- The completion within two years of the conclusion of the archaeological fieldwork (unless otherwise agreed in advance in writing by the Local Planning Authority) of the post-excavation analysis as specified in the approved Updated Project Design; preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report.

**Reason:** To record and advance understanding of heritage asset resource and to secure the protection and management of archaeological remains preserved within the development in accordance with the NPPF. This condition is a pre-commencement requirement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the NPPF that requires the recording and advancement of understanding of the significance of any heritage assets to be lost (wholly or in part).

- 5 Any reserved matters application submitted pursuant to this outline permission shall include a detailed surface water drainage strategy for the reserved matters development for which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved Flood Risk Assessment (FRA) and Drainage Strategy for this planning permission and shall maximise the use of sustainable drainage measures to control water at source as far as practicable to limit the rate and quantity of run-off, incorporating the principles and techniques contained within the CBC Sustainable Drainage Guidance, to improve the quality of any run-off before it leaves the site or joins any water body.

**Reason:** To prevent the increased risk of flooding, both on and off site in accordance with Policy DM2 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies DPD (2009) and the NPPF.

- 6 The development pursuant to this outline planning permission shall be carried out in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement dated July 2015 and drawing nos. 602.1, 602.2, 602.3 and 602.4 unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure the successful protection the existing trees indicated for retention on these plans.

- 7 **No development pursuant to this outline planning permission shall**

**commence on any part of the site until a Biodiversity Mitigation Strategy & Management Plan for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The development of each part of the site shall only be carried out in accordance with the approved Mitigation Strategy & Management Strategy for that part of the site. The scheme shall include details of ecological surveys and suitable habitat mitigation and monitoring including details, extent and type of new planting and new habitat created on site.**

**Reason: To protect wildlife and supporting habitat and in accordance with the NPPF. Details must be approved prior to the commencement of development to protect wildlife and supporting habitat from potential impact which could occur in connection with development.**

- 8 No development pursuant to this outline permission shall commence on any part of the site until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing measures to control noise from all plant machinery and equipment (including fans, ducting and external openings) to be used by virtue of the development permitted for that part of the site and shall be so enclosed, installed maintained and operated as to prevent transmission of noise and vibration into any premises either attached to or in the vicinity of the premises that the application relates. Before the use commences, the above scheme shall be implemented in accordance with the approved details and shown to be effective, and it shall be retained in accordance with those details thereafter.**

**Reason: To protect the future neighbouring occupiers from noise associated with the use of the development.**

- 9 No external lighting shall be erected or installed on any part of the site until details of a suitable lighting design scheme and impact assessment devised to eliminate any detrimental effect caused by obtrusive light from the development on neighbouring land use for that part of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be prepared by a suitably qualified lighting engineer in accordance with relevant publications and standards. Only the details thereby approved for that part of the site shall be implemented.**

**If within a period of 12 months following the first use of the lighting columns the planning authority required the alignment of the light to be adjusted and or hoods or shields to be fitted, this shall be carried out in accordance with the agreed scheme within 7 days of official notification. The means of illumination shall thereafter be implemented only in accordance with the agreed scheme.**

**Reason: To protect the future neighbouring occupiers from light pollution associated with the use of the business park**

- 10 **No development pursuant to this outline planning permission shall commence on any part of the site until a scheme for that part of the site has been submitted to and approved in writing by the Local Planning Authority detailing how odours produced by cooking and food preparation are to be controlled. The approved equipment by reason of the granting of this permission shall be so enclosed installed, maintained and operated as to prevent transmission of odours into any premises either attached to or in the vicinity of the premises that the application relates.**

**Before the use commences, the above scheme shall be implemented in accordance with the approved details and shown to be effective, and it shall be retained in accordance with those details thereafter**

**Reason: To protect the future neighbouring occupiers from odour associated with the uses of the business park**

- 11 **No development pursuant to this outline planning permission on any part of the site shall be brought into use until a detailed waste audit scheme for the development of that part of the site has been submitted to and approved in writing by the Local Planning Authority. The waste audit scheme shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.**

**Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with the NPPF.**

- 12 **No development pursuant to this outline planning permission on any part of the site shall be brought into use until a Travel Plan relating to the development of that part of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.**

**Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with the NPPF.**

- 13 **No development shall take place until details of hard and soft strategic landscaping (including details of any amenity open space, public circulation spaces, both vehicular and pedestrian and footpaths/cycleways) together with a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.**

**The soft landscaping scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes at the time of their planting, and proposed numbers/densities where appropriate; and details of a scheme of management/maintenance of the soft landscaping areas. The soft**

**landscaping areas shall be managed thereafter in accordance with the approved management/maintenance details.**

**The scheme shall also include an up to date survey of all existing trees and hedgerows on the land, with details of any to be retained (which shall include details of species and canopy spread). Notwithstanding the details contained in the Tree Survey and Constraints to BS5837 dated 20 February 2014 the measures for their protection during the course of development should also be included. Such agreed measures shall be implemented in accordance with a timetable to be agreed as part of the landscaping scheme.**

**Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009**

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 17377-SK1000C, 17377-SK1001B, B15003.401 and 17073-SBP5-5-501 D (as taken from Transport Assessment Revision B, Appendix B)

Reason: To identify the approved plan/s and to avoid doubt.

#### **INFORMATIVE NOTES TO APPLICANT**

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant is advised that in order to comply with this permission it may be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
3. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the

Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . If applicable, no development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

4. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

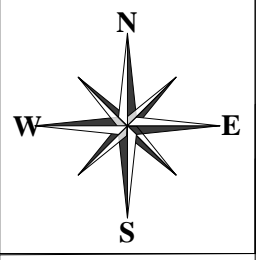
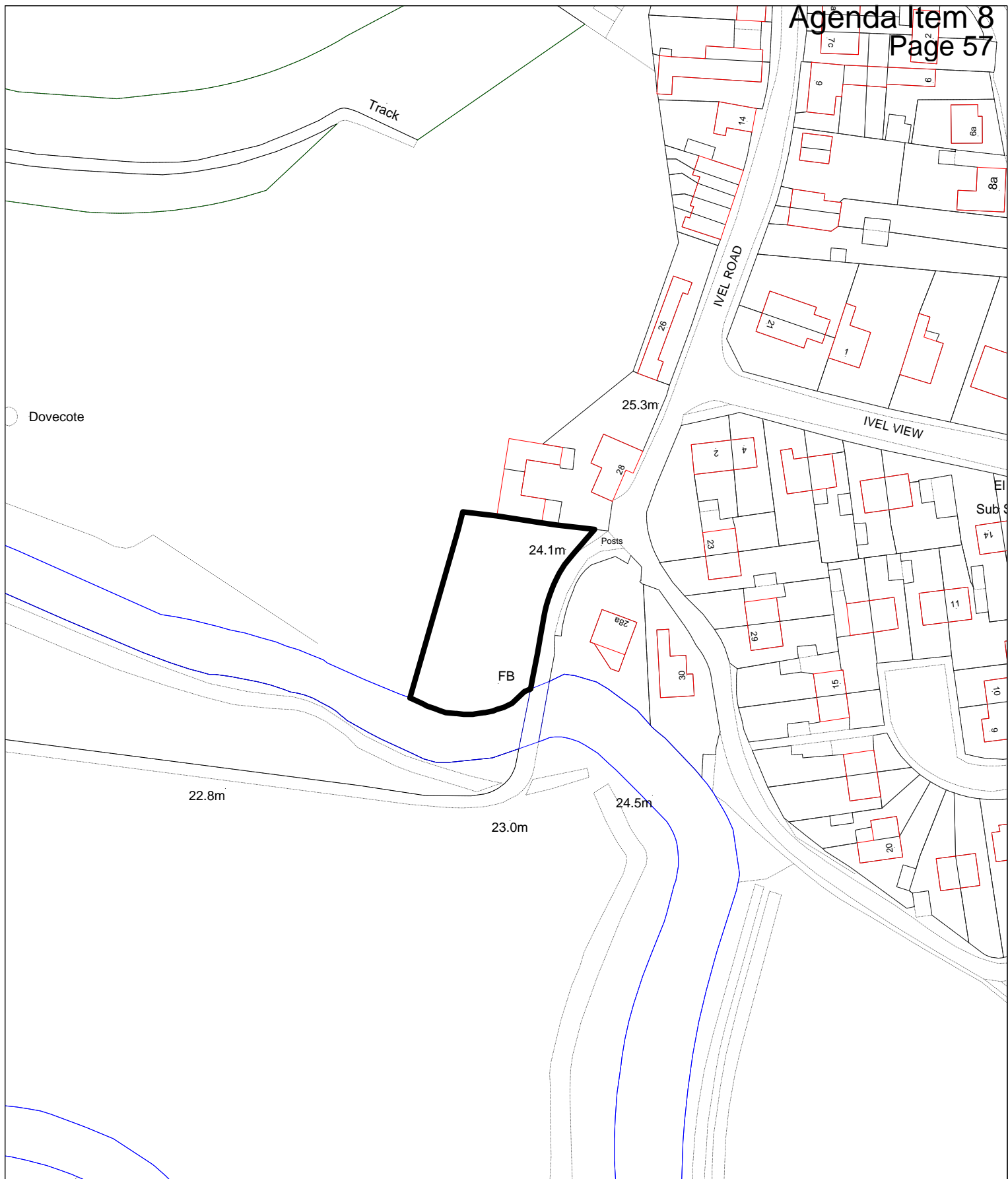
Outline permission approval is recommended for this proposal. Discussion with the applicant to seek an acceptable solution regarding heritage impacts and access concerns took place resulting in the submission of amended details. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) Order 2015.

**DECISION**

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Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 15:December:2015  
Map Sheet No

Application No.  
**CB/15/03250/FULL**

Scale: 1:1250

Land adjacent to 28 Ivel Road, Sandy, SG19 1AX

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<b>Item No. 8</b>
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<b>APPLICATION NUMBER</b>	<b>CB/15/03250/FULL</b>
<b>LOCATION</b>	<b>Land adjacent to 28 Ivel Road, Sandy, SG19 1AX</b>
<b>PROPOSAL</b>	<b>Erection of detached dwelling with garage</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Maudlin, Smith &amp; Stock</b>
<b>CASE OFFICER</b>	<b>Alex Harrison</b>
<b>DATE REGISTERED</b>	<b>28 August 2015</b>
<b>EXPIRY DATE</b>	<b>23 October 2015</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council</b>
<b>AGENT</b>	<b>Barford + Co.</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Council's own application with outstanding objections</b>

<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>
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**Reason for Recommendation:**

The proposed development is noted as being prominent in the streetscene however is not considered to be so prominent as to result in a harmful impact on the character of the area. The proposal has been designed to ensure there is no harm to the significance of the conservation area and retains views through from the bridleway to the listed dovecote within Sandy Place Academy. The parking provision is compliant with the recommendations of the Design Guide and the access proposal is considered to be safe. The development is therefore considered to be acceptable in light of development plan policy and is recommended for approval.

**Site Location:**

The site is located within the settlement envelope of Sandy. It is an undeveloped site which is partly planted/landscaped and partly hardstanding. The site sits adjacent to the Sandy Place Academy (west) and existing dwellings (north and nearby to the east). Immediately east of the site there is a bridleway running north to south, over the River Ivel which runs south of the site. There is no vehicle access to the site.

The site lies within the conservation area and is within the setting of a Grade II listed Dovecote sited in the grounds of the academy.

**The Application:**

Planning permission is sought for the construction of a single dwelling on the site. The dwelling will provide accommodation over 2 floors and have 4 bedrooms. It will be located at the northern extent of the site adjacent the ancillary barn associated

with 28 Ivel Road.

Vehicular access is proposed to the site by creating a new access point directly onto the bridleway close to the point it meets Ivel Road. Residential curtilage will be defined by appropriate boundary treatment with a grassland area close to the River Ivel left as such.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (NPPF) (March 2012)**

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

CS1 Development Strategy

CS14 High Quality Development

CS15 Heritage

DM2 Sustainable Construction of New Buildings

DM3 High Quality Development

DM4 Development within and Beyond Settlement Envelopes.

DM13 Heritage in Development

### **Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

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

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

None

### **Consultees:**

Sandy Town Council

Following lengthy debate members resolved unanimously to object to this application on the grounds that the applicant had failed to demonstrate any adequate plans by which traffic to and from the proposed new house could and would be safely separated from all persons and horses using Bridleway 8. Members believed the applicants have failed to show what arrangements were to be made to both maintain the minimum required width of the bridleway combined with providing proper safe vehicular access to and egress from the proposed new property onto Ivel Road. Members were also concerned with the potential risks attached generally with the movement of additional

traffic to and from the proposed new house with restricted lines of sight when both entering and leaving the new property along the bridleway and Ivel Road. Members were also sympathetic to the views expressed by one of the near neighbours believing that the presence of the property would have a detrimental effect on the area and detract from the enjoyment of all of the very many persons using the bridleway.

#### Highways

In a highway context the proposed plans indicate an acceptable scheme and as such I am content with just the standard '...carried out in accordance with the approved plan' condition rather than requiring numerous highway conditions. However I would request inclusion of the following advice note.

Advice Note 1/. The applicant is advised that no works associated with the reconstruction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

AN 2/. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

#### Conservation Officer

Seems acceptable in principle so long as you are satisfied with the wider planning policy position. The proposed dwelling is quite large-long and relatively tall for a 1 & a half storey dwelling but relates reasonably comfortably with the site and context.

The D&AS/ Heritage Statement is comprehensive and explains the justification for the proposals in some detail. With suitable conservation area high quality materials and close attention to architectural detailing this design is considered to be acceptable.

#### Ecology

Having read through the submitted ecological report I am satisfied that there no evidence of protected species was found on the site. However, as it lies adjacent to the River Ivel CWS and also within the Greensand Ridge Nature Improvement Area there is every reason to expect any development of the site to deliver a net gain for biodiversity in line with NPPF requirements. The design and access statement refers to the new neighbouring house at number 30 Ivel road which is in a similar location in relation to biodiversity.

Planning permission granted for this new dwelling required the provision of a scheme of ecological enhancement measures. Such a requirement should form a condition for this application, enhancements should include details of works to the river bank to improve habitat opportunities for water voles and otter, of which there are many records in the immediate vicinity. I would also like to see an integral bird / bat box be provided on the main house on southern elevation above 4m.

Additional planting should also use locally native, nectar and berry rich species.

#### Trees and Landscape

Proposal is for the development of this area of land to allow the construction of one detached dwelling.

Pre application advice asked for a tree survey and arboricultural impact assessment to identify trees on site, condition and tree protection details. Looking at the documents scanned in there does not appear to be a tree survey plan, just two copies of the tree survey. As such I cannot identify which trees in the survey are to be removed although I would assume that it is the trees on the north edge closest to the proposed building. The survey refers to a drawing number TIP 15 178 which I suspect is the missing survey plan.

We do need to find this plan just to confirm that it includes tree protection fence distance and detail and that it is acceptable. We also need to confirm the trees to be removed. Until then I cannot complete my comments, but provided that all details are acceptable then there should be no objections just landscape and boundary treatment details.

Updated

Details regarding tree protection fencing during development of this site. The indicated location of the tree protection fencing is to be as shown on the supplied drawing number TIP 15 178.

Environment agency

No comments received.

Internal Drainage Board

Had no comments to make

Sustainable Urban  
Drainage Officer

The application and associate documents submitted with CB/15/03250/FULL does not provide sufficient details on the proposed mitigation for the management of surface water implications associated with the proposed development.

The 'Planning, Design & Access Statement' (August 2015, C-694/P) which has been submitted does not acknowledge under 'relevant policies' the requirement under section 103 of the National Planning Policy Framework (NPPF) that:

(103). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment (see footnote) following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems (see footnote).

•

Paragraph 103 of the NPPF should also be read in conjunction with the 'Sustainable drainage systems: Written statement - HCWS161', which outlines:

*"...Government's expectation is that sustainable drainage systems will be provided in new developments wherever this is appropriate".*

Further to the above policy requirements, the emerging Development Strategy for Central Bedfordshire has two

main objectives for surface water management. As per Policy 48: Adaptation, it is important to first focus on using sustainable drainage systems as a means to prevent surface water flooding, and second on the use of sustainable drainage systems to deliver benefits beyond flood risk. See also the Mid-Bedfordshire policy CS13; and South Bedfordshire policy CS12.

Sustainable drainage systems can also satisfy other local policies within the emerging Development Strategy, such as: protect and enhance existing open space (Policies 39 – 41); contribute to the requirement for all developments to be designed to a high quality (Policy 43); improve water quality and protect health (Policy 44); sequester carbon and mitigate climate change impacts (Policy 47); and maintain Central Bedfordshire's rural character (Policy 50).

We therefore do not support the comment made in para 6.1 of the 'Planning, Design & Access Statement' that the proposed development will "...be consistent with national and development plan policy promoting housing development in accessible and sustainable locations".

We note that the 'Application for Planning Permission Town and Country Planning Act 1990' form submitted with the application states that surface water will be discharged via a soakaway, however details regarding the proposed standard of operation and design criteria of this approach have not been provided, and it is therefore not possible to determine whether the storage/disposal of surface water from the site is satisfactory and that this will prevent flooding on site and manage the risk of flooding to others downstream of the site.

In order to demonstrate compliance with section 103 of the NPPF and associated policies outlined above, we ask that details be provided to demonstrate that surface water implications and flood risk to and from the site will be mitigated, where possible using sustainable drainage systems, with details of the design measures proposed to attenuate to greenfield runoff and the associated long term operation and maintenance requirements of the drainage system for the lifetime of the proposed development.

**Other Representations:**

Neighbours

2 letters of objection received raising the following objections:



- Access proposed over the bridleway which is well used by horses and pedestrians and causes a safety risk.
- Access enters Ivel road in an unsafe location.
- Would harm the outlook from 29 Ivel Road.

### **Determining Issues:**

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. The Historic Environment
4. Neighbouring Amenity
5. Highway Considerations
6. Other Considerations

### **Considerations**

#### **1. The Principle Of Development**

- 1.1 The National Planning Policy Framework (NPPF) paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. In the local context, the site falls within the Settlement Envelope of Sandy which is designated as a Major Service Centre under Policy CS1 of the Core Strategy, wherein the principle of new development is considered acceptable.
- 1.2 Policy DM4 (Development within Settlement Envelopes) of the Core Strategy and Development Management Policies (CSDMP) states that the Council will approve housing development within Major Service Centres, subject to compliance with any other relevant policies. Most relevant is Policy DM3 (High Quality Development) which seeks to ensure new development is well designed and complements the character of the area in which it is located, respects the amenity of neighbouring properties and provides adequate access and parking arrangements.
- 1.3 The development of this site with housing is therefore generally supported in principle by both the NPPF and Policy DM4 of the CSDMP. However any proposal submitted will need to complement the surrounding pattern of development, particularly in terms of scale, massing and plot coverage, and design. These issues will be an important consideration in the determination of any planning application in accordance with Policy DM3 and are discussed below. Development will also need to be acceptable in terms of its impact on the historic environment and the existing right of way/highway network which are also considered below.

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

- 2.1 There will be a notable change in the character of the site as currently it is undeveloped. The proposed dwelling will not occupy the full extent of the site and will sit adjacent the existing built form in the area, albeit set back from the front line of adjacent dwelling, No. 28 Ivel Road. From Ivel Road the development will be visible but not overly prominent in the streetscene.

- 2.2 The dwelling is proposed to provide accommodation over two floors but it would sit as a subservient building to the more established and prominent dwelling at No 28 but larger than the ancillary barns associated with the same adjacent site. The scale represents a good transition between the undeveloped area south and the existing urban form to the north. It will not sit as a cramped and overdeveloped addition to the area and is therefore not considered to have a detrimental impact on the character and appearance of the area in this respect.
- 2.3 The proposal does not state the external materials to be used on the building and this can be reserved for approval by condition. The character of the immediate area sees a mixture of brick faced, painted brick and rendered dwellings so there is scope for differing finishes and it would be possible to ensure this does not harm the character of the area.

### **3. The Historic Environment**

- 3.1 The site is located within the conservation area and is considered to be within the setting of a Grade II listed Dovecote sits west of the site within the grounds of Sandy Place Academy. Consideration into the impact on the character and appearance of the area therefore goes beyond the previous section and considers the impact on designated heritage assets as well.
- 3.2 In terms of the Conservation Area the proposal has been considered by the Conservation Officer who has raised no objection. As previously stated the development proposed is subservient to neighbouring dwellings and this results in a proposal that would not prominently impact on the character and appearance of the Conservation Area. It is noted that this area has a number of modern dwellings and these, while outside of the designation are within its immediate setting. The proposal is considered to have a more positive impact on the character and appearance of the Conservation Area and, subject to detail conditions such as external materials and landscaping, is not considered to have such an impact that it would be regarded as detrimentally harmful to its significance.
- 3.3 In terms of the setting of the listed Dovecote the heritage asset itself is not immediately adjacent the application site. However there are long views afforded to it from the public realm of the adjacent bridleway which would be affect in principle by developing this site. The view itself is highlighted in the Sandy Conservation Area appraisal 2003 as one of the... *'Important views into and out of the Conservation Area'*. It is highlighted as such due to the view of this Dovecote from the location. The development will affect this view by virtue of constructing a building on the site. However, the built form will not occupy the majority of the site and views across it to the Dovecote from the bridleway are retained for a significant part. The development has taken account of this view and retained it to the extent that it is considered the impact is not harmful and the impact on the setting of the listed dovecote can be regarded as negligible. A site wide landscaping scheme can ensure that appropriate species are planting to preserve these views.
- 3.4 As a result the proposal is considered to have an impact on designated heritage assets in the area but not to the extent that it is considered to be harmful to their significance.

#### **4. Neighbouring Amenity**

- 4.1 The dwelling is proposed in a set back location and will have a direct outlook onto the adjacent bridleway and the extremities of the playing fields at the Academy. There are no first floor side windows proposed and as a result there is no direct overlooking to neighbouring residents.
- 4.2 The dwelling is located adjacent to ancillary neighbouring barns and the location of these reduces the prominence when viewed from the rear of No 28 Ivel Road, which is the only residential property abutting the site. This reduced prominence means that the proposal will not be considered overbearing and would not have a detrimental impact in terms of loss of light and overshadowing.
- 4.3 The objection from the occupier of No. 29 is noted in terms of their outlook. The site is located approximately 45 metres from this dwelling. While the proposal will be visible from the outlook of this property it is not considered to do so to the extent that there is a detrimental impact on the amenity of its occupiers.
- 4.4 It is considered that there would be no detrimental harm to neighbouring amenity as a result of this scheme.

#### **5. Highway Considerations**

- 5.1 The access as proposed is considered to be acceptable in highway terms. That is to the extent that it accommodates the traffic associated with a single dwelling. Within the site sufficient space is provided for parking and manoeuvring and no objection is raised from the Highways Officer as a result.
- 5.2 Objection has been raised by neighbouring residents with regards to safety concerns over the access and on street parking. At the point vehicles would leave the site it is considered that there would be suitable visibility to manoeuvre safely and this is also considered to be the case when joining Ivel Road. It was noted on site that there are vehicles parked on the street in this area but it is not considered to have such a detrimental impact that highway safety is compromised from the access formation required to accommodate this single dwelling. As a result there are no objections from a highway point of view.
- 5.3 The application site limit ends adjacent the recently upgraded bridleway. In order to get to and from Ivel Road the access will need to cross the bridleway. Currently this is a hard surfaced right of way that is capable of accommodating the access however there will be a requirement to relocate existing bollards to allow vehicles to pass and to restrict further progression along the bridleway beyond what is necessary. Delineation will also be required to raise awareness of the multipole use of this short extent of bridleway. The area for these works lies outside of the red line area and will require completion before development begins in order to allow access to the site. Therefore a specification of works (and implementation) will need to be secured through a Grampian style condition on the decision. This is considered reasonable in this respect as the bridleway is owned by the Council and therefore works can be carried out in this way.

#### **6. Other Considerations**

6.1 Human Rights/Equality issues

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

6.2 Ecology

The application was accompanied with an ecological survey. The Ecologist has acknowledged its findings and the location of the site adjacent the river and its potential for biodiversity enhancements. An adjacent dwelling (28a Ivel Road) was granted permission under ref CB/11/04140/FULL and included a condition for enhancements. This site is comparable in location and scale of development and the area of grassland left as part of the proposal means there is potential to provide biodiversity gains with this scheme. As a result a condition requiring approval of such enhancements is considered reasonable and will be included. The ecologist has also requested that a bat/bird brick is included in the dwelling. It is considered that if this is a proposed enhancement it can be included within the plan as put forward by the applicant and should not be requested separately.

**Recommendation:**

That Planning Permission be granted subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building in the interests of the visual amenities of the locality.  
(Section 7, NPPF)**

- 3 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the**

**development (a full planting season means the period from October to March). The trees, shrubs and grass 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.  
(Sections 7 & 11, NPPF)**

- 4 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme [before the use hereby permitted is commenced / before the building(s) is/are occupied] and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.  
(Section 7, NPPF)

- 5 No development shall take place on site until a detailed scheme for the provision and future management and maintenance of surface water drainage, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the approved details and timetable and shall be retained thereafter.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity, and to ensure future maintenance of the surface water drainage system in accordance with policy CS13 of Central Bedfordshire Council's Core Strategy and Development Management Policies.

- 6 No equipment, machinery or materials shall be brought on to the site for the purposes of development until protective fencing for the protection of retained tree(s) has been erected in the positions shown on Drawing No. TIP15 178. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended. (Sections 7 & 11, NPPF)

- 7 **No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of proposed works to the bridleway to create vehicular access to the site. The details shall include a specification of works, wayfinding and safety measures for users and the relocation of bollards. The works shall then be carried out in accordance with the approved details prior to the commencement of development and thereafter be retained.**

**Reason: To ensure vehicular access is provided cohesively and access to and through the existing right of way is not detrimentally affected in the interests of highway safety and accessibility in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.**

- 8 **No development shall take place until a scheme outlining measures for ecological enhancements on the site through the development, has been submitted to and approved by the Local Planning Authority. The scheme shall include the provision of bird and bat boxes and works to the river bank to improve the vegetation and riparian habitat for the benefit of otters and water vole known to be in the area.**

**Reason: To ensure that the development does not have an adverse impact and supports the ecology and biodiversity on the site, in accordance with Policies CS18 and DM15 of the Adopted Core Strategy.**

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers C-694P/1, 1543/02A, 1543/03A, 1543/04A, ASC.14.101 and TIP15 178.

Reason: To identify the approved plan/s and to avoid doubt.

## **INFORMATIVE NOTES TO APPLICANT**

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant is advised that no works associated with the reconstruction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
3. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on

03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

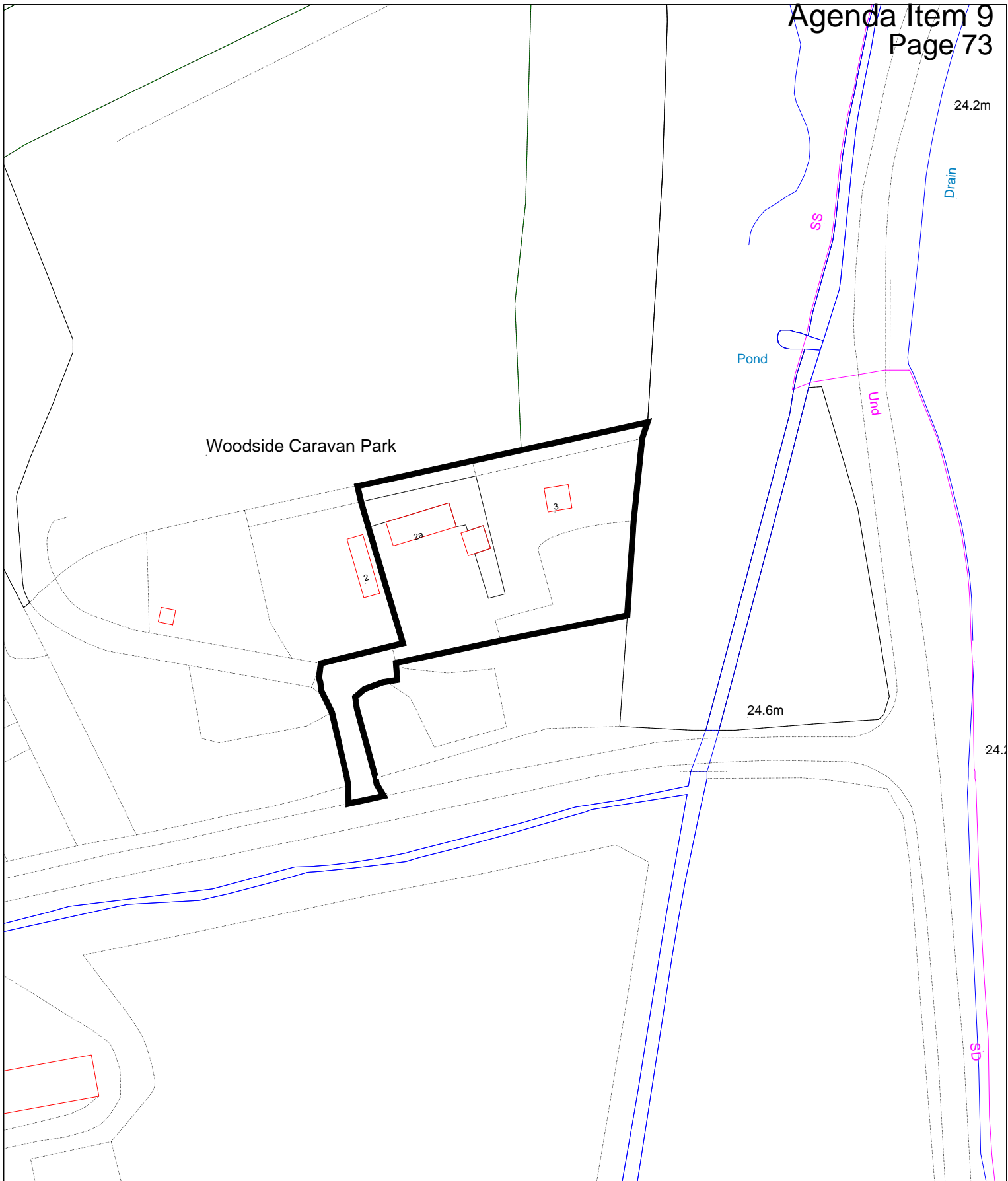
Planning permission is recommended for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) Order 2015.

**DECISION**

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Woodside Caravan Park

Pond

Drain

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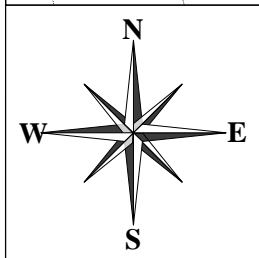
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Date: 15:December:2015

Map Sheet No

Application No.  
CB/15/04612/VOC

Scale: 1:1250

Plot 2 Woodside Caravan Park, Thorncote Road, Northill, Biggleswade, SG19 9BJ

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**Item No. 9**

<b>APPLICATION NUMBER</b>	<b>CB/15/04612/VOC</b>
<b>LOCATION</b>	<b>Plot 2, Woodside Caravan Park, Thorncote Road, Northill, Biggleswade, SG19 1PT</b>
<b>PROPOSAL</b>	<b>Variation of Condition 3 of planning permission CB/11/01301/FULL (Change of use of land comprising of 10 caravans and associated ancillary development). To allow a further two static caravans, space for touring caravans to park and additional hardstanding within site area of plot two.</b>
<b>PARISH</b>	<b>Northill</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mr Firth</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>26 November 2015</b>
<b>EXPIRY DATE</b>	<b>21 January 2016</b>
<b>APPLICANT</b>	<b>Mr A Howard</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr call in: Councillor Firth, for the following reason:  Contrary to the Planning Inspectors report APP/P0240/A/11/2156395/NWF dated 16 Nov 2011, against appeal APP/P0240/A/11/2156395.</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Approval recommended</b>

**Reason for recommendation:**

Planning permission was granted on appeal in 2011 for use of the site for Gypsy and Traveller pitches. This proposal for more accommodation on Plot 2 would allow the applicants own family and their dependents to stay on the site. The additional pitches would also contribute towards the Councils 5 year supply of sites in accordance with the National Planning Policy Framework and Planning Policy for Traveller Sites. The proposed development not result in unacceptable harm to the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety. It is therefore considered to be in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, Planning Policy for Traveller Sites and Saved Policy HO12 of the Mid Beds Local Plan Review.

**Site Location:**

Located on the edge of the hamlet of Hatch, the site currently comprises an approved Gypsy and Traveller site with access off Thorncote Road allowed on appeal in 2011.

The 2011 appeal was granted subject to a number of conditions including:

1. Restricting the use to gypsies and travellers only.
2. Restricting the use to named residents and their dependents.
3. Restricted the number of caravans to 10 (with a maximum of 3 were to be static).  
The condition also restricted the number of caravans on plot 2 to 4 (with a maximum of 1 static).

The site currently has permission for a total of 5 pitches/static caravans, each with associated touring caravans. Plot 2, the subject of this application currently has consent for 3 caravans, one being a static, occupied by the applicant and his family.

### **The Application:**

This application seeks a variation of condition 3 of planning permission CB/11/01301 to allow two further static caravans, and additional gravel/hardstanding for the parking of 6 touring caravans, within the area of plot 2.

Condition 3 stated that:

*"The scheme hereby permitted shall allow no more than 10 caravans (of which no more than 3 shall be static caravans) to be stationed on the site at any one time. Of these no more than 4 caravans (of which no more than 1 shall be a static caravan) shall be parked or stored on plot 2A (the north westerly one), and no more than 3 caravans (of which no more than 1 shall be a static caravan) shall be parked or stored on plots 2 and 3 (respectively the south western plot and the north eastern plot). For the avoidance of doubt it should be noted that Plot 1 is not part of the appeal site and is not part of thi permission".*

The submitted supporting statement explains that the additional pitches and touring caravans are required to accommodate Mr Howard's extended family, so that they can continue to live together on the site.

One daughter and her family would occupy 1 static and have 2 tourers. His grandson and family would occupy another static and also have two tourers, whilst his other daughter and family would occupy two tourers.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (NPPF) (March 2012)**

Planning Policy for Traveller Sites (August 2015)

#### **Mid Bedfordshire Local Plan Review December (2005)**

HO12 - Gypsies

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

CS14 (High Quality Development)

DM3 (High Quality Development)

DM4 (Development within and beyond Settlement Envelopes)

CS16 (Landscape and Woodland)

### **Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

### **Draft Gypsy and Traveller Plan**

In June 2014, Central Bedfordshire Council submitted the Gypsy and Traveller Plan to the Planning Inspectorate for Examination after a long process of preparation and consultation.

In August 2014, the issues and matters that the Inspector wished to discuss were received. In doing so, he raised significant issues on a substantial number of matters and asked the Council to undertake a considerable amount of additional work prior to the commencement of the Examination hearings.

Following considerations of these matters Officers concluded that it was unrealistic for the Council to respond within the proposed timescale and recommended to Members (via Executive on 19th August and subsequently at Council on 11th September) that the plan was withdrawn. This document therefore carries little weight in the determination of this application. However for the purpose of assessing a planning application for the suitability of a proposed site, the policies contained within the document are considered to be useful guidelines as to whether a proposal is considered to be acceptable for its intended purpose.

Those policies thought to be relevant are:

GT5 (Assessing planning applications for Gypsy and Traveller sites)

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

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

Application Number	15/01847/FULL
Description	Plot 1. Change of use to land for 2 gypsy and traveller pitches, comprising one static caravan, two touring caravans and associated development.
Decision	Approved
Decision Date	28/09/2015

Application Number	11/01301/FULL
Description	Plots 2, 2A, 3. Change of use of land to use as a private gypsy site for 3 families comprising 10 caravans.

Decision Appeal allowed  
Decision Date 16/11/2011

**Consultees:**

Northhill Parish Council	No comments received to date.
Highways Officer	No objection.
Tree Officer	No comments received to date.
Private Sector Housing	No objection subject to condition regarding spacing of caravans.
Internal Drainage Board	No comments received to date
Environment Agency	No comments received to date

**Other Representations:**

Neighbours	No comments received to date.
Councillor Firth	Makes the following additional comments:

Ref: A: Planning Application CB/15/04612/VOC  
B: Planning Application CB/11/0131/Full  
C: Planning Application CB/15/01847

The planning application at Ref A is seeking a variation of conditions as imposed under Ref B, namely that of an additional two static vans, space for touring, plus addition hard standings within the site of plot 2. Ref B, being granted on appeal, allowed for no more ten caravans of which no more than three shall be static. In addition it was stated that only named residents and their dependents shall occupy those caravans. Under Ref C application was granted for the change of use of land for an additional two gypsy and traveller pitches, namely one static and two touring pitches.

It is clearly seen that Ref C was not in accordance, and contrary to the ruling of the Planning Inspectorate. Unfortunately despite local objections we cannot change was has been granted.

It is of my opinion that the this new application (Ref A) should NOT be granted. It is contrary to Ref B, moreover it is again seeking to increase the size of the Woodside Caravan Park by a further 25%, it already having expanded by 33% from its original approval. Sight should not be lost that Hatch is a small hamlet, with only a few properties. The addition of further caravans would only serve to upset the current balance of travelling to the static community.

**Determining Issues:**

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

**Considerations**

**1. Principle**

- 1.1 Planning Policy for Traveller Sites (PPTS, August 2015) sets out the Government's policy for planning and managing the development of accommodation for Gypsy and Travellers and Travelling Showpeople. It provides specific guidance on determining planning applications for traveller sites in a way that facilitates their traditional, nomadic habit of life whilst respecting the interests of the settled community. The policy document requires that Local Planning Authorities (LPAs) carry out a full assessment of the accommodation needs of Gypsies and Travellers in their area, in liaison with neighbouring authorities. In particular it states that LPAs should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years worth of sites against their locally set targets.
- 1.2 PPTS further states that if a local authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. This application seeks permission for further pitches through removal of a condition.
- 1.3 PPTS Policy C relates to sites in rural areas and the countryside and seeks to ensure that the scale of such sites does not dominate the nearest settled community.

**Gypsy and Traveller Pitch Provision**

- 1.4 A Central Bedfordshire-wide Gypsy and Traveller Local Plan was prepared to deliver the assessed pitch and plot requirement for the period to 2031 and was subject to public consultation following approval at full Council in February 2014. However as the plan was subsequently withdrawn it carries little weight in the determination of this application.
- 1.5 In preparation of the Gypsy and Traveller Local Plan the Council undertook a Gypsy, Traveller and Showperson Accommodation Assessment (GTAA, January 2014). The GTAA identified a backlog of 35 pitches in November 2013 and estimated a total requirement of 54 pitches for 2014- 2019 and 30 pitches for 2020-2024. Therefore on this basis the current requirement over the next 5 years (to 2020) would be 60 pitches. Recent planning permissions and appeal decisions have granted consent for a number of additional pitches and current site provision in Central Bedfordshire is continually being reviewed. However it is accepted that there is currently still an unmet need against that identified in

that GTAA.

- 1.6 As the Gypsy and Traveller Local Plan has been withdrawn there are currently no allocated sites. Additional pitches on existing sites such as those being proposed contribute to the number of windfall pitches provided and therefore make an important contribution to the delivery of the required number of Gypsy and Traveller pitches and therefore the proposal is acceptable in principle.

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

- 2.1 Planning policy for Traveller Sites allows for sites to be in rural or semi-rural settings whilst seeking to protect amenity and the environment.
- 2.2 The application site is part of an existing approved Gypsy and Traveller site where a number of pitches have been granted planning permission therefore the proposal for two additional pitches would not be completely at odds with the immediate area.
- 2.3 The proposed additional static caravans and tourers would be on land in the north east corner of the existing site behind the existing hedge along the frontage of the site, furthest from the road and behind existing screening. Given the screening from Hatch Road it is considered that the proposed development within the boundaries of the existing site would not be significantly visible from the surrounding countryside and be appropriate in scale. It is considered that the proposal accords with Policies DM3 and CS14 of the Core Strategy and Development Management Policies Document.

## **3. Neighbouring Amenity**

- 3.1 The proposed application site is located some 100m away from neighbouring properties in Hatch. It is part of an existing Gypsy and Traveller site and separated from the neighbouring dwellings by the existing plots on the site. Additional comings and goings to the site is unlikely to result in a material increase in noise and disturbance to the existing nearby residents due to the scale and location of the proposal.
- 3.2 As a result, it is not considered that the additional impact on living conditions as a result of the development would reach harmful levels that would justify the refusal of this planning application.

## **4. Other Considerations**

### **4.1 Assessment against Policy HO12**

Policy HO12 is a criteria-based policy for assessing planning applications and is the relevant adopted policy for the determination of this application. The previous application was assessed against this criteria and found to be acceptable however for clarity each part of the policy is addressed in turn below:

Proposals for the development of new gypsy sites will be expected to conform with the following criteria:



(i) That the proposal is not detrimental to the character and appearance of the surrounding countryside and that adequate landscaping measures to mitigate any adverse visual impact of the proposed use are capable of being carried out;

As outlined above it is not considered that there would be any significant additional harm resulting from the additional caravans within this existing site.

(ii) Development must incorporate a safe, convenient and adequate standard of access, including provision for pedestrians and cyclists;

The Highways Officer has raised no objection.

(iii) The amenities of neighbouring or nearby residential property are not unacceptably harmed;

Due to the distance between the proposed site and other residential dwellings it is not considered that the amenities of nearby properties would be unacceptably harmed.

(iv) Appropriate safeguards are put in place to prevent pollution of surface water and groundwater;

The comments of the Environment Agency and the Internal Drainage Board are awaited, however previous applications have raised no fundamental objections.

(v) There is no unacceptable adverse impact on nature conservation interests; and

Whilst the site is in the open countryside where nature conservation is important the site is not within an area designated of particular conservation importance. Large parts of the application site and other land owned by the applicant would remain undeveloped.

(vi) There is no unacceptable adverse impact on the historic environment.

The site is not within the vicinity of any other designated heritage asset.

Sites should relate well to existing built development, although a location within a defined settlement envelope will not be deemed essential. Sites which are poorly located in relation to community facilities and public transport will not be permitted.

The site has already been considered by the Inspector in 2011 to be an appropriate base for the family "giving them the best chance to facilitate their peaceful integration into the local community". They already use local facilities including local healthcare practices.

### **Assessment against Policy GT5**

Policy GT5 which is a criteria-based policy for assessing planning applications

and still considered to be relevant in the assessment of planning applications however as notes above the draft Gypsy and Traveller Plan carries little weight.

Justification of local need for the scale and nature of development proposed

Development such as that proposed will help contribute towards the identified need.

The scale of the site and number of pitches would not dominate the nearest settled community and would not place undue pressure on infrastructure.

Planning Policy for Traveller Sites (PPTS) states that in rural and semi-rural settings, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community. It is not considered that the aim of the PPTS is to prevent there being more Gypsies and Travellers than members of the settled community within an area. Due to the limited scale of the proposed site it is not considered that the site would dominate the settled community.

The site would not be located in an area of high risk of flooding, including functional floodplain.

The application site is within Flood Zone 2. During consideration of previous applications neither the Internal Drainage Board or Environment Agency have raised objections subject to all caravans having floor levels above the predicted flood levels.

Site design demonstrates that the pitches are of sufficient size.

Whilst there is no defined size for a Gypsy and Traveller pitch, they are normally of sufficient size to accommodate a static caravan, touring caravan, parking spaces and amenity space. Providing that the licensing requirements for the separation between the caravans can be met it is considered that the proposal is acceptable in this regard.

Landscaping

The site contains adequate levels of boundary landscaping. which would be retained.

The amenity of nearby occupiers would not be unduly harmed by the development.

As addressed above there would be no unacceptable impact on neighbouring properties.

Pollution from light and noise sources should be minimised.

A condition restricting commercial use of the site has been included should permission be granted.

Adequate schools, shops, healthcare and other community facilities are within a

reasonable travelling distance.

As highlighted above the location for such a Gypsy and Traveller site has already been accepted.

Suitable arrangements can be made for drainage, sanitation and access to utilities.

Sewerage would be dealt with by way of two existing septic tanks and the site is already served by water and electricity. There is a regular refuse collection service to the site.

Highway safety

The application site is accessed off Thorncote Road. The existing access is considered acceptable by the Highways Officer for the minimal additional use generated by the proposal.

Sustainability

In terms of sustainability of the site, the original appeal decision considered the location of the site as being acceptable for the purpose of the Gypsy and Traveller site.

**Human Rights issues:** No implications.

**5.2 Equality Act 2010:** No implications.

**Recommendation:**

That Planning Permission be granted subject to the following:

## **RECOMMENDED CONDITIONS / REASONS**

- 1 No caravan located on the Site shall be occupied for residential purposes by persons other than Gypsies and Travellers, as defined by the Planning Policy for Traveller Sites 2015.

Reason: To ensure that the occupation of the residential caravans on the site is restricted to Gypsies and Travellers.

- 2 The occupation of the caravan site hereby permitted shall be only by the following residents and their dependants, namely; Abraham Howard, Pamela Howard, Donna Marie Howard, Jason Draper, Michelle Draper, Sinead Draper, Isaac Abraham Draper, Pamela Cooper, Joe Cooper, Lenny Smith (aka John Alfred Smith), Joseph Smith, Ellen Louise Smith, James Smith, Lisa Smith, Leonard Smith, Marie Smith, Billy Price and Laura Price. When the land ceases to be occupied by those named above the use hereby

permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason: In recognition of the location of the site in the open countryside and having regard to the provisions of the National Planning Policy Framework and Policy DM3 of the Core Strategy and Development Management Policies (2009)

- 3 The scheme hereby permitted shall allow (plots 2, 2a and 3) no more than 18 caravans (of which no more than 5 shall be static caravans) to be stationed on the site at any one time. Of these no more than 4 caravans (of which no more than 1 shall be a static caravan) shall be parked or stored on plot 2a, and no more than 3 caravans (of which no more than 1 shall be a static caravan) shall be parked or stored on plot 3 and no more than 11 caravans (of which no more than 3 shall be static caravans) shall be parked on plot 2.

Reason: In recognition of the location of the site in the open countryside and having regard to the provisions of the National Planning Policy Framework and Policy DM3 of the Core Strategy and Development Management Policies (2009)

- 4 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site

Reason: In order to protect the amenities of local residents

- 5 No commercial activities shall take place on the land, including the storage of materials.

- 6 All on-site parking and turning areas shown on drawing CBC01 shall be retained for such purposes.

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC01, CBC02.

Reason: To identify the approved plan/s and to avoid doubt.

#### **INFORMATIVE NOTES TO APPLICANT**

1. The tourer units should be at least 3m from any adjacent tourer and ideally 6m from a static.
2. The applicant is advised that any future need for a day room would need to be the subject of a formal planning application.

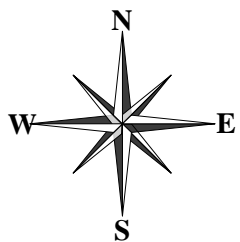
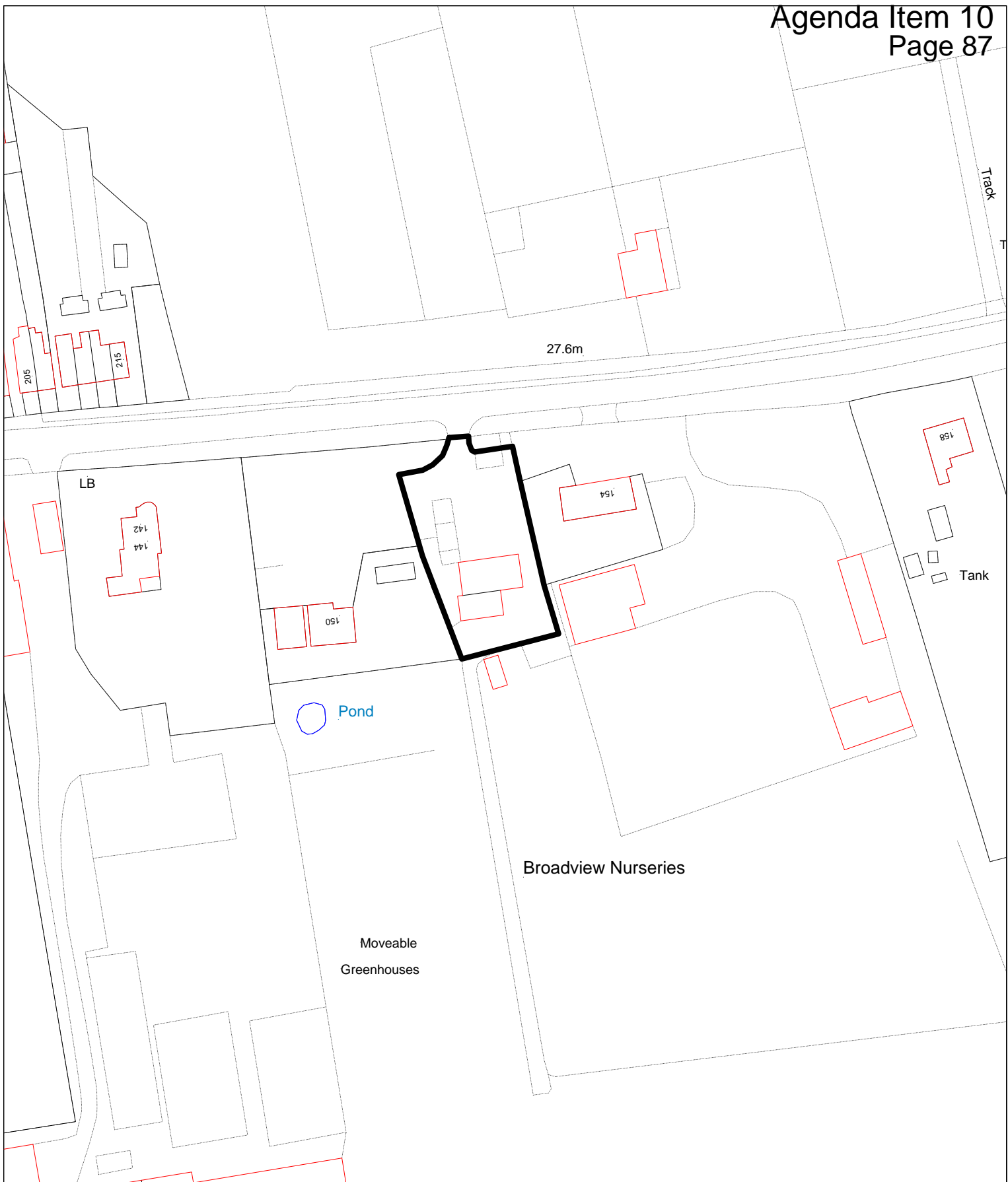
**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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Date: 15:December:2015

Map Sheet No

Application No.  
CB/15/04370

Scale: 1:1250

150 Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BJ.

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**Item No. 10**

<b>APPLICATION NUMBER</b>	<b>CB/15/04370/FULL</b>
<b>LOCATION</b>	<b>150 Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BJ</b>
<b>PROPOSAL</b>	<b>Demolition of two barns and replacement with two dwelling-houses</b>
<b>PARISH</b>	<b>Northill</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mr Firth</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>13 November 2015</b>
<b>EXPIRY DATE</b>	<b>08 January 2016</b>
<b>APPLICANT</b>	<b>c/o Agent</b>
<b>AGENT</b>	<b>GC Planning Partnership Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Call in by Cllr Firth for the following reasons:</b>  - Government policy allows for conversion of barns, yet there appears to be no policy for the demolition and replacement. - The site has permission to convert the buildings into 2 units. This proposal is to re-build like for like, hence no overall harm to the character and appearance of the area or neighbours.
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommend Refusal</b>

**Site Location:**

The site lies approximately 250m beyond the eastern Settlement boundary of Upper Caldecote, in open countryside.

It comprises two timber clad barns which are sited in an L shape footprint, with the foremost barn projecting to within approximately 13m of Biggleswade Road and the existing access to the site, which is currently shared with No 150 a dwelling under the ownership of the applicant. The barns are attached by a flat roof section, with a single storey lean addition attached to the back of the rear barn.

The buildings lie between No.s 150 and 154 Biggleswade Road and were previously used as part of the horticultural nursery associated with No. 150. On the opposite side of Biggleswade Road are fields, whilst across the road and to the west are a number of terraced properties. A horticultural business surrounds the site to the rear.

**The Application:**

Planning permission is sought to demolish the existing derelict and redundant former horticultural barns and to replace them with two dwellings (1 No.3 bed and 1 No. 2 bed).

The accompanying Design and Access Statement states that the replacement buildings would be a "like for like replacement" of the existing barns, however the application drawings indicate otherwise as various external changes would be required. The new dwellings would however replicate the barns (as shown to be converted, and extended with a raised roof, in planning permission 15/01879/FULL). That consent was granted following a prior notification approval for a conversion (14/03042/PAAD).

As amended, parking is shown for 5 cars and two separate amenity areas indicated.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (March 2012)**

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

CS1 Development Strategy  
DM3 High Quality Development  
DM4 Development within and Beyond Settlement Envelopes

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

**Relevant Planning History:**

Application Number	CB/15/03409/FULL
Description	Demolition of 2 barns and replacement with two dwelling houses.
Decision	Approved
Decision Date	09/11/2015
Application Number	CB/15/01878/FULL
Description	Conversion of agricultural building in 1 bed dwelling including increase in height of roof to create additional floor.
Decision	Approved
Decision Date	30/07/2015
Application Number	CB/14/02033/PAAD
Description	Prior Notification change of use from 3 agricultural buildings to three dwellings
Decision	Withdrawn
Application Number	CB/14/03042/PAAD
Description	Prior Notification change of use from an agricultural building to two dwellings
Decision	Prior Approval Approved
Decision Date	30/09/14
Application Number	CB/11/03614/Full

Description	Erection of three dwellings to replace existing dwelling and barn. (150 and land adj)
Decision	Refused 25/11/12
Appeal Decision	Dismissed at appeal 29/11/12

**Consultees:**

Northhill Parish Council      No comments received to date.

**Other Representations:**

Neighbours      No comments received to date.

Highways      No objection subject to conditions

Internal Drainage Board      No objection subject to surface water disposal being agreed prior to commencement.

Ecologist      Request condition requiring an assessment of bat and bird interest prior to demolition.

Public Protection      No objection subject to conditions relating to possible contamination.

**Determining Issues:**

1. The principle of development
2. The effect upon the character and appearance of the area
3. Neighbouring amenity and amenity provision for future occupiers
4. Any other considerations

**Considerations**

**1. The principle of development**

- 1.1 The site is located outside of any defined Settlement Envelope (approximately 250m beyond the village of Upper Caldecote). It therefore lies within open countryside with fields separating it from the village.
- 1.2 There is no provision within the Councils Adopted Core Strategy for the replacement of agricultural buildings with residential dwellings in the open countryside.
- 1.3 The NPPF states that Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. It is not considered that the site is adjacent to the settlement envelope and there is a significant gap between the site and the built up area.
- 1.4 An appeal (11/03614) was dismissed in 2012 for the erection of 3 dwellings following demolition of the existing house (No.150) and the barn the subject of this application. The Inspector considered that whilst the principle of a

replacement of the existing house was acceptable the development would comprise more than that, by replacing the barns with houses and therefore did not meet the objectives of Policy CS1 to restrict development to settlement envelopes.

- 1.5 The changes made to the General Permitted Development Order Class Q currently allows the change of use of agricultural buildings to residential use through the prior notification process. The 2015 Planning Practice Guidance makes clear what works are permitted:

"such building operations allows for the installation of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house, and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right".

- 1.6 Under that notification process a proposal to convert the building was submitted (14/03042/PAAD). It was confirmed on the basis of the information provided, that the change of use of the two barns was permitted development. A schedule of works submitted with the notification set out the extent of works required:

- Roof structure to be retained.
- Roof slates to be removed, repaired, reconditioned and then reinstated
- Loadbearing timber frame to support outer wall.
- New black painted timber edge boarding

- 1.7 A subsequent planning permission (15/01858/FULL) allowed a 1.5m increase to the roof height of one barn to create a first floor, and for the insertion of additional windows. That consent was only granted on the basis of the prior approval to convert the building and because the changes to the existing building would not result in a significant extension. It is important to note that this permission was still for a conversion of the existing building and **not** a replacement.

- 1.8 Whilst the special circumstances set out in the NPPF (para 55) relate to the re-use of redundant or disused buildings it provides no justification for the replacement of agricultural buildings with new dwellings (unless it is essential for a rural worker). This proposal does not relate to the provision of a dwelling for a rural worker.

- 1.9 The Design and Access Statement makes reference to the fact that the Council cannot demonstrate a 5 year supply of deliverable housing. However, the Council does at the time of determining this application, have a 5 year supply of housing and in any case the site already benefits from permission for a conversion to two dwellings. Therefore this proposal would not result in a net gain, and even if was considered that it did, the contribution of two houses towards the supply of housing within the District would be so minimal as to be

insignificant.

1.10 Notwithstanding the above, were it necessary to consider the application in the context of a presumption in favour of sustainable development the following considerations would apply:

- Social: The development would result in an additional use of local community facilities but would also put additional pressure on facilities without any infrastructure contributions to mitigate the additional pressure from the increased use. It is concluded that the development would have a neutral benefit socially.

- Economic: The development would involve the loss of existing buildings which could be utilised for commercial use, although it is accepted that they could be converted into residential use by virtue of the prior approval. As such it is considered that the economic benefits would be neutral.

- Environmental: The existing buildings are in a poor state of repair but as confirmed by the applicant in applying for the prior notification are capable of being converted with works reasonably necessary to allow residential use. The applicant has not provided any justification as to why they cannot be converted. It is considered that demolition of the existing agricultural barns and replacement with new residential buildings would neither protect nor enhance the rural environment. They would instead introduce a domesticated appearance to the site which would be harmful to the rural character of the site which is clearly detached by a significant distance from the built up settlement (matters that could not be considered as part of the prior approval process).

1.11 The fact that a prior approval for a conversion exists, does not provide any justification for a replacement building. That is apparent by the clear criteria set out in the General Permitted Development Order. To accept that a replacement building is no different would be contrary to the objectives of the government and clear policies within the NPPF. It would set an unfortunate precedent where applicants would seek to obtain consent via the prior approval process where otherwise planning permission would be refused and then seek to demolish those buildings and replace with new buildings as is the intention of the applicant in this case.

1.12 The principle of the development therefore is unacceptable, contrary to both the NPPF and the Councils Core Strategy (policies CS1 and DM4).

## **2. The impact on the character and appearance of the area**

2.1 The application site is screened from Biggleswade Road by the existing hedgerow and mature trees along the boundary. While the existing landscaping screens the buildings, the boundary frontage is not included in the red line of the application site and does not appear to be within the applicants ownership. It therefore cannot be relied upon as permanent screening and the new dwellings would be visible from outside the site.

2.2 The proposed building would be the same as that for which approval for conversion and a change to the roof was granted, solely on the basis that it

could be converted to a dwelling without requiring planning permission. The merits of such a conversion in terms of the impact on the character of the area were not able to be considered in determining the notification application and the merits. The subsequent application was approved as it would enhance the building.

- 2.3 However, should it be the case that a conversion is not practically possible then a replacement building should be considered on its own merits without having regard to the notification. To do otherwise would be to set a precedent for accepting replacement buildings for residential use where the conversion of the buildings is not possible in the first case, not the governments intention. This would be at odds with the government objective of encouraging conversion of buildings rather than stating that applicants may demolish those buildings and replace.
- 2.4 The addition of a dwelling within a site isolated from the main settlement would result in a domestication which would be harmful to the rural character of the area.

### **3. Neighbouring amenity and amenity provision for future occupiers**

- 3.1 The proposal is sufficiently separated from the adjacent property, 150 Biggleswade Road so as to avoid any impact on amenity.
- 3.2 No other neighbouring properties are affected by the proposal.
- 3.3 The Councils Design Guide suggests a minimum garden area of 60sqm for a 3 bed property and 50m for a 2 bed property. Whilst the previously refused application did not indicate any private amenity areas this proposal as amended now includes individual adequately sized private amenity areas, with the parking also relocated to the front part of the site to avoid conflicting with the amenity space.

### **4. Other Considerations**

#### Highways

- 4.1 As amended, parking is shown for 5 cars which is considered an acceptable level of provision to serve the two dwellings, in accordance with the Councils current parking requirements.
- 4.2 There are no objections to the proposal from a highway safety point of view subject to conditions.

#### Infrastructure

- 4.3 Due to recent government guidance it is not considered appropriate to require infrastructure contributions in respect of this current proposal.

#### 4.4 Human Rights/Equalities Act

Based on the information submitted there are no known issues raised in the

context of the Human Rights and the Equalities Act and as such there would be no relevant implications.

**Recommendation:**

That Planning Permission be Refused for the following reason:

**RECOMMENDED CONDITIONS / REASONS**

- 1 The proposed development would, by reason of its location outside any designated Settlement Envelope, introduce a residential use into the open countryside. Notwithstanding the extant approved conversion of the existing barns (granted on the basis of a previous prior notification approval), the proposal to demolish the existing buildings and replace with two new dwellings would be contrary to the governments objectives to avoid new homes in the open countryside, other than where there are special circumstances. There are not considered to be any special circumstances in this case.

The intention of the government in giving greater flexibility to the reuse of redundant agricultural buildings does not support the demolition of such buildings to create dwellings.

Therefore the proposed residential development, by nature of its location well beyond any defined Settlement Envelope, would represent a new isolated home in the countryside, harmful to the rural character of the area. As such the proposal is contrary to policies CS1 and DM4 of the Central Bedfordshire Core Strategy and Development Management Policies, and the National Planning Policy Framework.

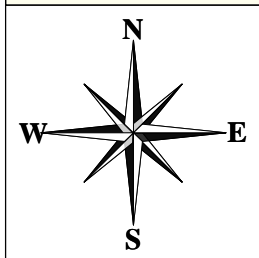
**INFORMATIVE NOTES TO APPLICANT**

**DECISION**

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Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 15:December:2015  
Grid Ref: 493781; 228764

Application No.  
CB/14/04463/VOC

Scale: 1:10000

Double Arches Quarry, Eastern Way, Heath & Reach,  
Leighton Buzzard, LU7 9LF.

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**Item No. 11**

<b>APPLICATION NUMBER</b>	<b>CB/14/04463/VOC</b>
<b>LOCATION</b>	<b>Double Arches Quarry, Eastern Way, Heath And Reach, Leighton Buzzard, LU7 9LF</b>
<b>PROPOSAL</b>	<b>Table 1 and Table 2 of existing Condition 10 of application reference 13/02037/FULL to be amended to add derived noise limits for Mileway House, Checkley Wood Bungalow and Sandhouse Cottages.</b>
<b>PARISH</b>	<b>Heath &amp; Reach</b>
<b>WARD</b>	<b>Heath &amp; Reach</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Versallion</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>14 November 2014</b>
<b>EXPIRY DATE</b>	<b>13 February 2015</b>
<b>APPLICANT</b>	<b>AWE Renewables Ltd</b>
<b>AGENT</b>	<b>Engena Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major application which is a departure from the Development Plan</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Recommended for approval</b>

**Reasons for Granting**

The principle of the development on this site is established following the grant of planning permission, reference **CB/10/03034/FULL** and the subsequent installation of the wind turbine which has been in operation for about a year. The change in circumstances in the intervening period relating mainly to the withdrawal of the emerging Development Strategy for Central Bedfordshire does not change this established principle. Having regard to the noise assessment carried out on the closest properties to the wind turbine, the proposed variation of Condition 10 attached to planning permission reference **CB/13/02037/VOC** would not result in adverse harm to residential amenity thereby conforming to the development plan comprising Policies BE8 and SD1, of the South Bedfordshire Local Plan Review and national advice contained in the National Planning Policy Framework and the Central Bedfordshire Renewable Energy Guidance (2013).

**Site Location:**

The application site lies within the boundaries of Double Arches Quarry, an active sand processing plant that comprises part of a larger operational minerals extraction area. The site lies to the north-east of Leighton Linslade, on Eastern Way, within the

Parish of Heath and Reach.

The site is a raised area of land located in the north eastern part of the quarry, adjacent to the settling ponds. Although, it is within the existing boundary of the quarry, it lies outside of the permitted and future working area of the quarry.

The quarry sits within a larger complex of sand quarries, which alongside Nine Acres and Churchways Quarries, is identified as a County Wildlife Site (CWS) and includes a number of waterbodies. These include settlement ponds, which vary in size and location as working patterns dictate, there are also larger lakes which are used by a local angling club.

Approximately 0.2km to the west of the site is Double Arches Pit Site of Special Scientific Interest (SSSI), which is designated as such for its geological importance. The King's and Baker's Wood and Heaths SSSI is located approximately 0.7km northwest of the proposed location, with part of the SSSI being designated as a National Nature Reserve. This SSSI/NNR is separated from the proposed turbine location by the remainder of the site, Woburn Road, Stone Lane Quarry and Churchways Quarry.

The settlements of Heath and Reach and Leighton Linlade are located to the south-west of the application site. Further beyond to the south-east is the conurbation of Luton, Dunstable and Houghton Regis. There are also a number of smaller settlements in the locality including Overend Green, Potsgrove and Battlesden, and further afield, Woburn, Milton Bryan, Hockliffe, Eggington, Stanbridge, Billington, Soulbury, Stoke Hammond and Great Brickhill.

### **The Application:**

seeks planning permission to vary Condition 10 attached to planning permission reference **CB/13/02037** in respect of noise limits at the nearest dwellings to the site. The dwellings affected are:

- 6 properties at Overend Green located approximately 610 metres to the south west of the installed wind turbine. Condition 10 provides noise limits for these properties in accordance with ETSU R-97. However, noise limits are not set for the other dwellings close to the site so the lower fixed limit of 35db(A) applies;
- Sandhouse Cottages, located approximately 837 metres to the north of the turbine and to the south west of the A5 Trunk Road;
- Mileway House, situated approximately 770 metres south east of the turbine and Eastern Way; and
- Checkleywood Farm, approximately 952 east of the turbine and situated to the south west of the A5 Trunk Road.

### Purpose of application

To standardise the noise limits based on ETSU- R-97 for all the properties. The applicant considers that the lower fixed limit applied to Sandhouse Cottages, Mileway House and Checkleywood Farm are too restrictive based on existing background noise. In order to derive noise limits at these three properties, noise

measurements were carried out by Hayes Mckenzie Partnership Limited and the results submitted with this application. The application therefore seeks to amend Tables 1 and 2 of Condition 10 to reflect the results of the noise measurements. It is however not proposed to amend the explanatory text preceding these tables.

## **RELEVANT POLICIES:**

### **The National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and

replaced most of the previous national planning policy documents, PPGs and PPSs. The following sections are considered directly relevant :

Section 1 : Building a strong, competitive economy

Section 3 ; Supporting a prosperous rural economy

Section 7 : Requiring good design

Section 8 : Promoting healthy communities

Section 9 : Protecting Green Belt Land

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the historic environment

### **South Bedfordshire Local Plan Review**

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the Framework and significant weight should be attached to them.

SD1 Keynote Policy

BE7 Conservation and Enhancement of Historic Parks and Gardens;

BE8 Design Considerations

NE3 Control of Development in the AGLV

R15 Retention of Rights of Way Network

### **Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

### **Minerals and Waste Local Plan: Strategic Sites and Policies (Jan 2014)**

M4: Protection of Mineral resources within mineral consultation areas;

G3: Proposals within the Greensand Trust area to support the aims and objectives of the Greensand Trust;

GE26: Restoration of Mineral sites.

### Supplementary Planning Guidance

- South Bedfordshire Landscape Character Assessment
- Central Bedfordshire and Luton Borough Councils Joint Committee Sustainable Development and Adaptation and Mitigation of Climate
- Change Study (Parsons Brinckerhoff, 2010)
- Central Bedfordshire Renewable Energy Guidance (2013).

### Planning History

- CB/14/00556/FULL Permission. Construction of additional access road from the A5 to the Double Arches wind turbine including improvements to existing farm access on the A5.
- CB/13/02037/VOC Permission. Removal of Condition 11 of planning permission **CB/10/03034** - The wind turbine shall not emit greater than expected amplitude modulation the level of broadband noise emitted by a turbine at blade passing frequency.
- CB/10/03034/FULL Permission. Erection of a 2.3 MW wind turbine (108m high to top of hub, 149m high to tip of rotor) including access and associated infrastructure.
- SB/08/01073/SCO Request for scoping opinion of the Local Planning Authority – regulation 5 of the Environmental Impact Assessment Regulations for the installation of two wind turbines.

### Representations: (Parish & Neighbours)

Parish Council

The technical details of this application are such that it is not possible for this Parish Council to give its considered opinion within the time constraints. The Parish Council, therefore, objects to the application on these grounds.

Neighbours

59 Linslade Road, 5  
Sandhouse Cottages,  
Kingsway Bungalow,  
Miletree Road

- The turbine was commissioned on Thursday 18th. December 2014 and ever since Freeview digital television and radio reception is appalling. Pixelation and audio disruption make viewing impossible; in fact it causes our equipment to crash, which could cause hardware damage. The turbine is in direct line of sight between our aerial and Sandy Heath transmitter. We are not the only affected household in the village. The problem has been reported to the BBC.
- The turbine needs be shut down until such time the electromagnetic noise is eliminated.
- The original application stated that the decibel level

should not exceed 35db. It is obviously higher and with the amendment to add derived noise limits, this will significantly increase the original approved noise limits.

- Since the turbine has been running, apart from the ugly site, it has not been too much of a nuisance. However, there have been occasions when the wind has been in a certain direction when the noise of the turning blades does cause a very noticeable thump thump sound. This is always at night when the ambient noise has been at its lowest. It appears to be when the wind is coming from the north west and the turbine has rotated so that the blades are nearest to Kingsway Bungalow. Bearing this in mind, the amendment to the condition which would allow a greater noise level is strongly objected to.

### Consultations/Publicity responses

#### Public Protection

With respect to the information from MAS consultants, I do not believe that there is a reasonable chance of defending any further action despite risks remaining. Likewise I also believe that given the history it would be impossible to seek an appropriate condition on Amplitude Modulation (AM) and therefore the application to discharge the condition is supported.

The response from MAS Consultants is included below:

The response provided by Engena Limited ("Engena"), dated 23rd October 2015, (**Included as an appendix**) has now addressed the majority of issues raised by MAS and the information requested has been provided.

There are comments in the Engena response that MAS disagree with; however, in the interest of resolving the noise issues with the application, in this response I have focused only on the issues pertinent to approval or refusal of the application.

#### **Background noise level data.**

There are no outstanding issues with the noise monitoring location at Sandhouse Cottages. The use of measured noise levels, and associated noise limits, at Checkleywood Bungalow only for this location and as a proxy location for Checkleywood Farm, as proposed by Hayes McKenzie Partnership Limited (HMP), is agreed. MAS uphold concerns raised with background noise levels measured at Mileway House. However, with reference to figures 17 and 18 appended to the 23rd October Engena response the predicted turbine noise is 6dB or more below the derived noise limit. As such it is

likely that predicted turbine noise would meet ETSU-R-97 limits at this location if slightly lower limits were derived. The potential noise impact at this location is discussed further below.

**Missing information.**

The majority of these issues have now been addressed. The Engena response confirms that road traffic noise has been filtered from the data during peak hour morning traffic periods. However, the concern arises with wind direction filtering as in the prevailing wind direction the locations at Sandhouse Cottages and Checkleywood Bungalow are located downwind of the turbine whilst upwind of road traffic noise. If directional filtering did show an impact on measured noise levels the worst case situation, in terms of adverse turbine noise impact, would relate to a comparison of the predicted turbine noise against the lower range of measured background noise levels.

At Checkleywood Bungalow measured background noise levels during daytime are significantly higher in the majority of cases than the turbine noise and as such there is unlikely to be any impact from directional filtering. At night, turbine noise could be in the region of 5-10dB above the background noise environment for some periods. However, it is likely that ETSU-R-97 limits would still be met. At Sandhouse Cottages, again it is likely that ETSU-R-97 noise limits would be met. However, during night time turbine noise could be in the region of 5-10dB above the existing noise environment.

**Amplitude modulation (AM).**

MAS consider that AM remains an issue for consideration and a likely adverse impact if the development is approved.

**Summary.**

The majority of outstanding issues raised regarding missing information and assessment of noise impact have now been addressed. There is the potential for adverse impact and this is a relevant consideration for determining the acceptability of the application. Turbine noise is predicted in the region of 5-10dB above the background noise environment in some locations at night time.

This level of impact combined with the character of AM is likely to cause a level of adverse impact. It is further noted that the predicted noise at H18 meets the derived noise limit at 3-4m/s during daytime hours. This leaves no headroom and as such presents a level of uncertainty for



compliance with the noise limit. However, notwithstanding the issues raised above regarding adverse noise impact, the applicant's assessment does indicate that ETSU-R-97 limits are likely to be met by the development.

## Determining Issues

The main considerations of the application are;

1. Principle of the development
2. Impact on residential amenity
3. Other matters

## Considerations

### 1.0 Principle of the development

- 1.1 The principle of erecting a wind turbine on the application site was established with the grant of planning permission, reference **CB/10/03034** and subsequently with the removal of Condition 11 which sought to regulate amplitude modulation through application reference, **CB/13/02037/VOC**. The wind turbine has since been installed and has been in operation for about a year. Section 73 of the Town and Country Planning Act provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. In determining such an application under section 73, the decision maker should take into account any changes in circumstances since the parent permission was issued. In this case, the withdrawal of the emerging Development Strategy for Central Bedfordshire on the 19th November 2015 is a material change in circumstances. However, there has not been any change in the relevant policies of the South Bedfordshire Local Plan Review and the National Planning Policy Framework in the same period such that the principle of the development is still acceptable.
- 1.2 Advice within the National Planning Practice Guidance states that the original planning permission will continue to exist whatever the outcome of the application under section 73 and to assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application, (paragraph 031). The Local Planning Authority can grant permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue. In this case, given that the wind turbine is already in operation, it is recommended that the conditions from the previous permission be amended accordingly.

1.3 Having regard to the established principle of the development, consideration of the application therefore turns on to examining the impact of the proposed variation of Condition 10 of permission reference **CB/13/02037/FULL** on residential amenity.

## **2.0 Impact on residential amenity**

2.1 As detailed in the MAS report regarding adverse noise impact, the applicant's assessment does indicate that ETSU-R-97 limits are likely to be met by the development notwithstanding some variations especially at night. It is therefore considered that the proposed variation of Condition 10 in order to adopt the derived noise limits at the Sandhouse Cottages, Checkleywood Bungalow and Mileway House would not result in adverse harm to residential amenity. Furthermore, for the period that the turbine has been in operation, there are no recorded complaints regarding noise at the closest residential properties and the Public Protection Officer raises no objections to the application. The proposal would therefore not conflict with Policy BE8 of the South Bedfordshire Local Plan Review and national advice within the NPPF.

## **3.0 Other Matters**

### **3.1 Representations**

The objection raised on the basis of interference with telecommunications apparatus is noted. However, a condition is already in place from the original permission which requires such matters to be investigated and resolved. It is our understanding that the developer is complying with that requirement.

With regards the increase in noise limits, this underlines the essence of this application and the matter is addressed above at paragraph 2.1.

### **3.2 Human Rights issues**

No human rights concerns are raised.

### **3.3 Equality Act 2010**

The application raises no equality issues.

## **Recommendation**

That Planning Permission be **GRANTED** subject to the following:

## **RECOMMENDED CONDITIONS**

- 1 The maximum height of the turbine hereby permitted, when measured from the turbine base to the blade tip in the vertical position, shall be no greater than 149 metres.

Reason: For the avoidance of doubt and in the interest of visual amenity.  
(Policy BE8 S.B.L.P.R & NPPF section 7)

- 2 The details of the installed wind turbine relating to the make, model, design, power rating, sound power levels and tonal assessment shall not be changed without the prior express permission of the Local Planning Authority.

Reason: To protect the amenities of the neighbouring residential properties.  
(Policy BE8 S.B.L.P.R & NPPF section 7)

- 3 The approved details of the external appearance and colour finishes of the wind turbine shall be permanently retained as such and no alterations shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To protect the visual amenities of the area.  
(Policy BE8 S.B.L.P.R & NPPF section 7)

- 4 The development shall be operated in accordance with the approved scheme of foul drainage and no variation shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure appropriate drainage.  
(Policy BE8 S.B.L.P.R )

- 5 The development shall only be carried out in accordance with the approved scheme of ecological mitigation which includes :
- i) Details of the management programme controlling the habitats and vegetation in the immediate vicinity of the turbine;
  - ii) The position of 20 Schwegler 1FF bat boxes to be agreed in consultation with the Bedfordshire Bat Group;
  - iii) A scheme of post-implementation monitoring to be agreed with Natural England;
  - iv) Techniques such as Anabat recording at turbine height, bat transects on site and corpse searches, as well as monitoring bird strike mortality.

Reason: To ensure that biodiversity interests are protected.  
(Policy BE8 S.B.L.P.R and section 11, NPPF)

- 6 Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling which relates to amplitude modulation, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess whether there is greater than expected amplitude modulation from the wind farm at the complainant's property. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this condition, the wind farm operator shall provide the information logged in accordance with this condition to the Local Planning Authority in the format set out in Guidance Note 1(e).
- i) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with this condition, the wind farm operator shall submit to the Local Planning Authority for written

approval the proposed measurement location identified. Measurements to assess compliance with the noise limit of condition 2 shall be undertaken at the measurement location or locations approved in writing by the Local Planning Authority.

- ii) Prior to the submission of the independent consultant's assessment of the level of amplitude modulation in accordance with the requirements of this condition, the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of the amplitude modulation.
- iii) The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, or are identified as causing greater than expected amplitude modulation, having regard to the written request of the Local Planning Authority, and such other conditions as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.
- iv) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of greater than expected amplitude modulation within 2 months of the date of the written request of the Local Planning Authority unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the amplitude modulation noise immissions.
- v) The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine all in accordance with Guidance Note 1(d). 10m height wind speeds averaged over 10 minute periods shall be measured at a location approved by the local planning authority for comparison with noise levels, for the duration of the noise level compliance check survey. Rainfall shall also be measured during any measurement regime at a location approved by the local authority in writing. These data obtained shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- vi) Once the Local Planning Authority has received the independent consultant's noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning Authority is satisfied of an established breach of condition 2, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 14 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future

recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.

(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 7 Mitigation measures to alleviate the interference to telecommunication links caused by the wind turbine shall be implemented during the operational period of the turbine following investigation through consultation with the appropriate telecommunication providers and the affected properties.

Reason: To ensure that the impact of the turbine on telecommunications links is adequately mitigated.

(Policy BE8 S.B.L.P.R and section 5, NPPF)

- 8 During the operational life of the wind turbine on site, any reported shadow flicker effects shall be investigated and resolved within a reasonable period of time agreed in writing with the Local Planning Authority.

Reason: To ensure shadow flicker is adequately mitigated.

(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 9 The planning permission is for a period from the date of the installation until the date occurring 25 years after the date of Commissioning of the Development. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

Reason: In the interests of visual amenity and landscape protection.

(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 10 The rating level of noise immissions from the wind turbine, (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed 35dB LA90 at any dwelling except those identified in the table below for any relevant 10m height 10 minute mean above ground level measured integer wind speed between 1-10m/s. In the case of the six dwellings identified in the tables attached to this condition, the rating level of noise immissions from the wind turbine, (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed the decibel value identified for the relevant integer 10m measured wind speed set out in the tables and:

A. Prior to the First Export Date the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

- B. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this paragraph (B), the wind farm operator shall provide the information logged in accordance with paragraph (G) to the Local Planning Authority in the format set out in Guidance Note 1(e).
- C. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limit of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.
- D. Prior to the submission of the independent consultant's assessment of the rating level of noise immissions in accordance with paragraph (E), the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the following:
- i. the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions; and
  - ii. a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (B), and such others as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.
- E. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local

Planning Authority with the independent consultant’s assessment of the rating level of noise immissions.

- F. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant’s assessment pursuant to paragraph (E) above unless the time limit has been extended in writing by the Local Planning Authority.
- G. The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine all in accordance with Guidance Note 1(d). 10m height wind speeds averaged over 10 minute periods shall be measured at a location approved by the local planning authority for comparison with noise levels, for the duration of the noise level compliance check survey. Rainfall shall also be measured during any measurement regime at a location approved by the local authority in writing. These data obtained shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- H. Once the Local Planning Authority has received the independent consultant’s noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limit, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 14 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed with the Local Planning Authority.

For the purposes of this condition, a “dwelling” is a building which is lawfully used as a dwelling house and which exists or had planning permission at the date of this consent.

Table 1 - Between 07:00 and 23:00 - Noise level dB LA90, 10-minute

Location	Measured wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
The dwellings identified as H14-H19, Overend Green as specified in the Double Arches Wind Turbine Environmental Statement Volume 1: Main text July 2010 paragraph 7.3.3	35	35	37	39	41	43	45	47	49	51	53	55

National Grid Ref H14-H17 = 493263 228805 H18 = 493357 228735 H19 = 493365 228682													
Mileway House	43.6	43.6	43.6	44.0	44.9	45.9	46.8	46.8	46.8	46.8	46.8	46.8	46.8
Checkley Wood Bungalow	50.0	50.0	50.0	50.6	51.3	51.7	51.5	51.5	51.5	51.5	51.5	51.5	51.5
Sandhouse Cottages	46.4	46.4	46.4	47.5	48.8	49.8	49.8	49.8	49.8	49.8	49.8	49.8	49.8

Table 2 - Between 23:00 and 07:00 - Noise level dB LA90, 10-minute

Location	Measured wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods												
	1	2	3	4	5	6	7	8	9	10	11	12	
The dwellings identified as H14-H19, Overend Green as specified in the Double Arches Wind Turbine Environmental Statement Volume 1: Main text July 2010 paragraph 7.3.3	43	43	43	43	43	43	44	45	47	49	50	52	
National Grid Ref H14-H17 = 493263 228805 H18 = 493357 228735 H19 = 493365 228682													
Mileway House	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Checkley Wood Bungalow	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Sandhouse Cottages	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0

Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.

(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 11 Not later than 3 months from the date that the planning permission hereby granted expires, or if the turbine ceases to operate for a continuous period of 6 months then, unless otherwise agreed in writing with the Local Planning Authority, it shall be dismantled and removed from the site and the land reinstated to its former condition.

Reason: To ensure that the turbine is removed at the end of its operational life and to safeguard the character of the locality.

(Policy BE8 S.B.L.P.R and section 7, NPPF)



- 12 All electrical cabling on site shall be buried underground unless otherwise approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of visual amenity.  
(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 13 Piling or any other foundations designs using penetrative methods shall not be 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 ground water. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying principal aquifer and EU Water Framework Directive drinking water protected area) 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.

- 14 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 approved details.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying principal aquifer and EU Water Framework Directive drinking water protected area) 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.

- 15 The turbine shall be fitted with 25 candela omni-directional red lighting at the highest practicable point and this shall be retained for the lifetime of the turbine.

Reason: In the interests of air safety.  
(Policy BE8 S.B.L.P.R and section 5, NPPF)

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details contained in the Background Noise Measurements and Derivation of Noise Limits Report HM:2865/R01 dated 08 October 2014 and on the submitted plans, numbers 3100.013; Technical Information contained within Environmental Statement dated July 2010 Volumes 1-4 (inclusive) and Transport Assessment dated July 2010 submitted with application reference CB/10/03034/FULL.

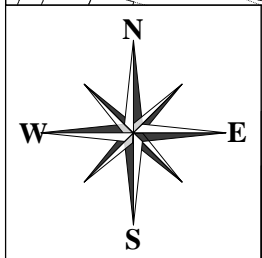
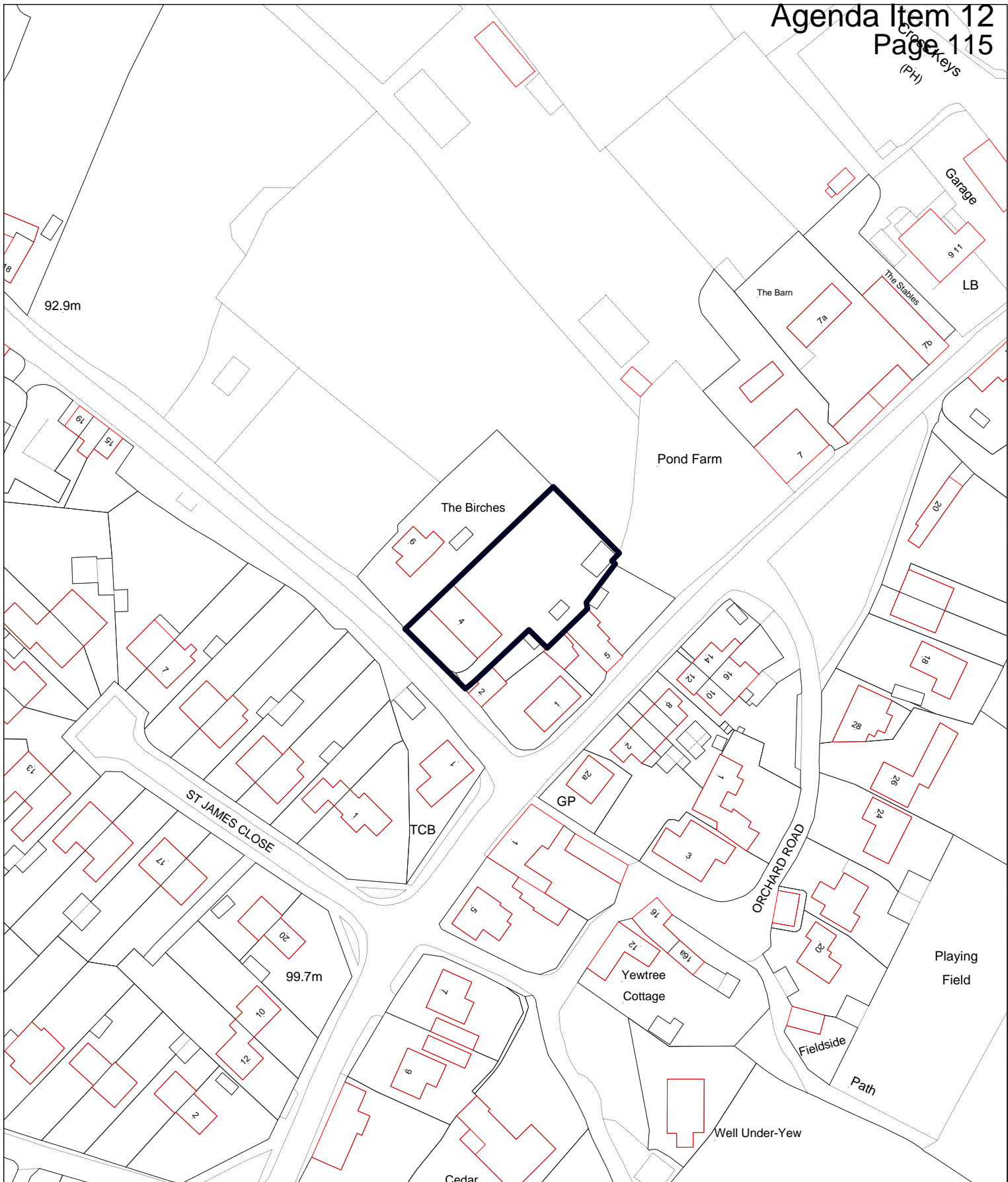
Reason: For the avoidance of doubt.

### **INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



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 Central Bedfordshire Council  
 Licence No. 100049029 (2009)  
 Date: 14:December:2015  
 Map Sheet No

Application No.  
 CB/15/04252/FULL

Scale: 1:1250

Mentmore, 4 Greenfield Road, Pulloxhill, Bedford, MK45 5EZ

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**Item No. 12**

<b>APPLICATION NUMBER</b>	<b>CB/15/04252/FULL</b>
<b>LOCATION</b>	<b>Mentmore, 4 Greenfield Road, Pulloxhill, Bedford, MK45 5EZ</b>
<b>PROPOSAL</b>	<b>Erection of detached bungalow, proposed turning and parking area. Three dormer windows in rear of existing dwelling.</b>
<b>PARISH</b>	<b>Pulloxhill</b>
<b>WARD</b>	<b>Westoning, Flitton &amp; Greenfield</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Jamieson</b>
<b>CASE OFFICER</b>	<b>Judy Self</b>
<b>DATE REGISTERED</b>	<b>09 November 2015</b>
<b>EXPIRY DATE</b>	<b>04 January 2016</b>
<b>APPLICANT</b>	<b>Mr P Freeman</b>
<b>AGENT</b>	<b>Aragon Land and Planning UK LLP</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Submitted to the Development Management Committee by the Development Infrastructure Group Manager having regard to the previous reasons for refusal and in the public interest</b>
<b>RECOMMENDED DECISION</b>	<b>Application recommended for approval</b>

**Summary of Recommendation:**

The proposed development would be situated within the village settlement envelope and would provide a dwellinghouse with a suitable level of amenity for future occupiers without adverse impact on the local residential amenity or prejudicial impact on highway safety or the character and appearance of the conservation area or the site and setting of the listed buildings. It is therefore in accordance with Central Bedfordshire Core Strategy and Development Management Policies DM3, DM4, DM13, CS14, CB15 and Emerging Development Management Strategy Policies 1, 43, 38, 45; the Central Bedfordshire Design Guide (2014) and the National Planning Policy Framework (2012).

**Site Location:**

The application site is located to the northeast of Greenfield Road and comprises a three bedroom bungalow with a detached double garage located to the rear of the site. Access to the east of the dwelling serves the garage and parking area. The access runs adjacent and along the length of no. 2 Greenfield Road. The site falls within the settlement envelope for Pulloxhill and is within the conservation area.

Application CB/15/02539/Full was previously refused at Development Management Committee on the 14<sup>th</sup> October 2015 for the following reasons:

*The proposed dwelling by nature of its siting, excessive size and unsatisfactory design would be harmful to the character and appearance of*

*the conservation area . As such the proposal is contrary to the provisions of the National Planning Policy Framework (NPPF) and Policies DM3, DM13, CS14 and CS15 of the Core Strategy and Development Management Policies (2009).*

*The proposal by reason of its layout, excessive size, design and siting would result in an undesirable and unacceptable form of development such that it would have an adverse overbearing impact and undue loss of privacy to the occupiers of nearby residential properties. The proposal would therefore be harmful to their residential amenity. As such the proposal is contrary to Policy DM3 of the Core Strategy and Development Management Policies (2009).*

*The proposal would result in the intensified use of a substandard access which has inadequate visibility. The development would therefore give rise to danger and inconvenience to users of the adjoining highway.*

The application varies from the previously refused scheme in as much as the height of the development has been reduced by 1.9m; the dormer window has been removed and the dwelling is now single storey in nature.

The applicant has drawn attention to a number of recent applications in Pulloxhill which include a single and two storey extension at the neighbouring property 6 Greenfield Rd (The Birches) which they feel demonstrate that the conservation area can accept change without the character being harmed.

### **The Application:**

Following the removal of the garage planning permission is being sought for the following:

- Erection of a two bedroom bungalow (footprint of approximately 85sqm) with associated parking provision. The dwelling measures 13.3m x 6.4m x 4.5m in height;
- New off-road parking area in front of the property known as Mentmore (4 Greenfield Road in Pulloxhill); and
- 3 x dormer windows to the rear of Mentmore

*(The previous application CB/15/02539/FULL had a footprint of some 102.9sqm and measured 10.3m x 7m x 6.4m in height with 3 x dormer windows one side and 3 x velux windows in the other).*

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (NPPF) (March 2012)**

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

Policy DM3: High Quality Development

Policy DM4: Development Within and Beyond Settlement Envelopes

Policy DM13: Heritage in Development

Policy CS14: High Quality Development

Policy CS15: Heritage

**Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

**Planning History**

<b>Case Reference</b>	<b>CB/15/02539/FULL</b>
Location	Mentmore, 4 Greenfield Road, Pulloxhill, Bedford, MK45 5EZ
Proposal	Erection of detached chalet bungalow, proposed turning and parking area. Dormer windows to rear of Mentmore with parking area to front of property.
Decision	Full Application - Refused
Decision Date	03/11/2015

**Consultees:**

Parish Council

This response is made on behalf of Pulloxhill Parish Council and represents the unanimous view of all Councillors. Pulloxhill Parish Council note the differences between this application and the previous application CB/15/02539/FULL which was rejected. The Parish Councillors unanimously agree that the lowering of the roof height whilst welcome does not fully address our concerns and therefore we continue to object to this proposed development for the following reasons:

1) Detrimental effect to the street scene on the High Street - The proposed new dwelling will be clearly visible from the High Street beyond the walled garden of 5 High Street. The Parish Council welcomes the developer's attempt to amend the design of the building to be in keeping with the surroundings, particularly the lowering of the roof line; however, this does not reduce the detrimental impact of any building taller than the existing garage on the important open aspect of the location. Furthermore, the addition of dormer windows in Mentmore will urbanise what is currently an important rural view from the village green of a plain slate roof against the skyline.

2) Detrimental effect to the conservation area - The proposed dwelling will be clearly visible from the High Street conservation area. The proposed development is within the important open area between No 5 High Street

and Pond Farm both listed buildings and detrimentally impacts the character of the open rural view from the High Street, the Old Smithy (Grade II listed) and from the village green. Second line development is not in character with the conservation area.

The Parish Council is seeking to work with the Conservation Officer to update the Pulloxhill Conservation Area document, however, on review of the existing 1996 document, we agree with its fundamental assertions that the special character of the village builds from the main thoroughfare, the High Street, its listed buildings and the positioning of other buildings in relation to the road layout giving areas of enclosure and open areas. The 1996 document further states that the open areas are key to the character of the village and should be retained so there is limited opportunity for sensitive in-fill development. We therefore assert that, rather than the impact on views from Greenfield Road, the Conservation Officer's comments should predominantly address the impact on the key views from the High Street. The Conservation Officer has failed to identify this location as part of a key open space which should be retained according to the conservation area appraisal document despite the designation of this area as a key open space which is to be retained being upheld by the planning inspectorate on appeal of a previous application to build in this area.

In refusing the previous application for development on this site, the planning committee considered that second line development was not appropriate in this location. Whilst CBC has a neutral stance on the appropriateness of second line development, the Pulloxill Conservation Area appraisal document provides support for this importance of the layout of roads and the positioning of buildings in relation to the roads being important to the character of the village. The introduction of a second line of development would therefore be a detriment change to the character of the village and set a precedent for further second line development.

3) Impact upon highway safety – The Highways Officer's opinion from the previous application has been referenced in support of this application. The opinion is that the access is inappropriate, but acceptable based on the assumption that there will be no increase in traffic movements from this inappropriate access onto the highway. The application does not clearly state how



many additional bedrooms in total will be provided by the new development and additional storey development of the existing bungalow. The application does not clearly differentiate between the number of traffic movements within the site to the proposed new building at the rear of the existing bungalow, the certain increase in traffic movements from the expansion of the existing property and therefore the increase in the overall total number of traffic movements onto the highway. It is the Parish Councils view that the proposed development will increase traffic movements onto the highway and that any increase in traffic movements from this inappropriate access to the highway perilously close to the already dangerous blind 90<sup>o</sup> bend presents an unacceptable danger to road users and pedestrians, so the Planning Committee Members should be personally assured that, as stated by the Highway Officer, there will be no increase in traffic movements onto the highway before considering approval of this application.

4) Detrimental effect to neighbouring properties – The proposed dwelling will have a negative impact on the amenity of the surrounding properties, namely 2 and 4 Greenfield Road and 1 and 5 The High Street. This is not replacing a flat roof garage with a similar sized structure but with a residential building with pitched roof. The impact on the character and amenity of the gardens of 5 High Street and 4 Greenfield Road should be seriously considered.

The Parish Council consider this application glosses over key aspects which make this development wholly unacceptable

The Parish Council would also like to highlight some inaccuracies and deficiencies in the application, particularly the Design and Access Statement.

The design and access statement section 3.3 says Highways and Conservation Officers spoke very favourably for approval – our representatives present at the Planning Committee Meeting did not find this to be the case, the officers present found it difficult to find reasons to object, but, whilst this is a subjective matter, were certainly not speaking strongly in favour. Section 3.4 sites the Conservation Officer's comments as being strong support, however the comments are only relevant to the view from Greenfield Road. The Conservation Officer refused to elaborate or comment further on the

written statement that the impact on the view from the High Street “is also not considered to be negative” thus allowing the committee members to draw their own conclusions following their site visit. There is a body of evidence showing that the Parish Council and other Pulloxhill residents differ in their assessment of the nature of the detrimental impact as did the members of the planning committee who rejected the original application and the planning inspector who upheld the refusal to allow development of a neighbouring plot.

Section 5.9 highlights the need to protect conserve and enhance the quality of the open green spaces considered to be of special local interest – this has not been considered. The Design and Access Statement does not directly address the issue of a new build in an open green space, but relies on the Conservation Officer’s written submission in relation to the previous application on this site. We would like to re-iterate that that Conservation Officer’s positive opinion was not upheld by the planning committee who rejected the previous application. Whilst the new design is smaller and could be described as recessive in design compared to the surrounding buildings, the proposed development is in an important open area meaning that the description recessive is not appropriately used in the context of the open view from the High Street.

Furthermore the application does not address the presence of trees on the site and the possible presence of protected wildlife. For example, bats are known to roost in the area and the existing dilapidated garages could be an important habitat for the bats.

As Chair of the Parish Council, I also personally ask the planning committee to help preserve the rural character of the Pulloxhill whilst encouraging appropriate development. Our village Neighbourhood Plan is currently under development, but this will take time for us to complete. As the importance of the openness of this site has been recognised in the past, it would be a real travesty if this “openness” was compromised by allowing this development to go ahead whilst the Neighbourhood Plan is being developed.

CBC Conservation  
Officer  
CBC Archaeology  
Officer

No objection

No objection subject to the specified condition

CBC Highways Officer      No objection subject to the specified conditions

**Other Representations:** comments have been summarised as following:

**Other Representations:**

Neighbours

1. The Red House, 1  
High Street,  
Pulloxhill

8 x objections

- The reduction in height has been noted and the scaffold which has been erected on site is very useful in assessing the impact. We object for the following reasons:
- Harmful impact on the setting of neighbouring listed buildings, and the character and appearance of the Pulloxhill conservation area.
- Inadequate/misleading information submitted with regards to existing trees and hedges on and adjacent to the proposed development and the presence of bats roosting in other outbuildings.
- Harmful impact upon the amenity of neighbouring occupiers at 2,4 and 6 Greenfield Road, and 1 & 5 High Street.
- The boundary fence between my house and no. 2 Greenfield Road is not as shown on the submitted plans and views into my garden can be achieved.

2. 5 High Street,  
Pulloxhill

- The proposed dwelling will harm the setting of my listed thatched cottage and the character of the conservation area.
- overbearing to my garden with a sense of enclosure.
- Loss of outlook and light from kitchen window.
- Impact upon highway safety.
- An alien form with a negative impact on the conservation area.

3. No. 6 Greenfield  
Road (The Birches),  
Pulloxhill

- Amenity: impact upon neighbours (1 High Street, 5 High Street, 2 Greenfield Road, 6 Greenfield Road) by way of overlooking, overbearing impact.
- As part of building regulations inspections we have been forced to remove the conifer hedge that shielded the lower floor of the new development from my property resulting in a loss of privacy.
- Highways: suitability of access, parking, manoeuvring space.
- Design: impact on building, site, street scene and visual impact.

4. 2 Greenfield Road,  
Pulloxhill (tenants)
  - History of a refusal and subsequent appeal decision (APP/J0215/A/07/0239443) on a neighbouring site.
  - Presence of bats in the discussed garage.
  - Impact upon highway safety and substandard nature of the access.
  - When the scaffolding structure to demonstrate the impact on the local area was being delivered the truck on which this was delivered caused cosmetic damage to the garden wall of no. 2 due to the very tight access between the two properties
5. Harbledown,  
Westland Green,  
Little Haddam, Herts  
(owner of no. 2  
Greenfield Road)
  - Our property is currently let by a local agent and they have informed us that if this development goes ahead it will not be able for us to find tenants for our property.
  - The access to the proposed dwelling is over our drive. The driveway is only 2.3m wide between the walls of the two existing properties. No. 4 Greenfield Road has a right of way over this driveway only. No legal right of way will be given to the new development. It will increase the traffic within inches of our lounge and kitchen windows.
  - This development would be detrimental to the enjoyment of our property due to its close proximity to our rear garden and the extra traffic movements engendered.
  - Construction disruption.
6. 11 Flitton Road,  
Pulloxhill
  - I believe that all properties have to be built with a chimney and this would add considerable height to the premises and cause the corruption of the view of the High Street which is a conservation area. I must object more strenuously against the development.
7. 22 High Street,  
Pulloxhill
  - Inappropriate development in a sensitive location in the heart of our village.
  - The site is at a much higher level than the village green with regards to the potential impact.
  - The openness of the rural view from the village green and space between no. 5 High Street and Pond Farm should be protected.
  - Impact upon the special character of the village.
  - Highway safety.
  - The addition of dormers into Mentmore provides the potential for up to 3 additional bedrooms in the loft space – ie overdevelopment of the site.
  - With regards to the introduction of dormers the

- planning committee should refresh their memory of enforcement action take to force removal of dormer windows and reinstatement of the “rural” roofline only a few years ago.
- I am not against development within the village and within the conservation area but this particular development is completely inappropriate.
  - The revisions do not address my concerns.
  - The development does impact the conservation area at the heart of the village. The scaffolding currently in place to show the height is clearly visible from the ground floor of my property.
  - Impact on highway safety.
8. The Old Smithy,  
Pulloxhill

## Considerations

### 1. Principle

- 1.1 The proposal is a two bed detached chalet bungalow which would be located within the rear garden of the existing property (Mentmore). This property benefits from a large/long garden and the proposed dwelling would be constructed to the rear of the site.

The rear boundary of this garden represents the edge of the settlement envelope for this part of Pulloxhill. Within the defined settlement the principle of new residential development will be found acceptable, subject to normal planning considerations. Policy CS1 defines Pulloxhill as a small village and Policy DM4 states that within small villages’ development will be limited to infill residential development.

It is acknowledged that the new dwelling would not have its own frontage and as such represents a form of backland development. However in this particular location the proposed development would not be seen to extend beyond the existing built environment as the curtilage of the new dwelling would abut the side curtilage of no. 5 The High Street. It is considered that this situation is quite particular to the site and is not a form of development that could be easily replicated elsewhere within the village. This would be a small scale development utilising a plot of land, which would continue to complement the surrounding pattern of development.

It is therefore considered that the principle of development is acceptable, subject to an acceptably designed scheme. This will be assessed below.

### 2. Affect on the site and setting of the listed building and upon the character and appearance of the conservation area

#### 2.1 Proposed detached bungalow

The appearance of the proposed dwelling has been revised and is of a contemporary timber (dark stained) barn design under a slate roof.

A number of the objections received from neighbours relate to the impact upon

the listed buildings and upon the conservation area.

The Conservation Officer makes comment that the character of the conservation area is of "buildings which are situated at fairly regular intervals with a few spaces between"- "set close to the road giving a sense of enclosure".

The site is located on the edge of the conservation area and recessed from the street view when viewed from Greenfield Road and therefore considered not to have a negative impact on that part of the conservation area. There are already distant views of rooftops of varying heights.

The impact the new dwelling will have on the conservation area when viewed from the High Street is also considered not to be negative. This part of the High Street has several traditional houses and cottages grouped near the junction with Greenfield Road with No 5 High Street set with its gable wall adjoining pavement is listed. The proximity of the new development is some 7 metres from the rear of 5 High Street and will replace an existing and unattractive single storey modern double garage. It will be some 17 metres back from the high Street. It is considered not to have a harmful impact on the setting of the listed building at no 5 High Street or no. 7 High Street which is located some 50m from the proposed dwelling.

Given the eclectic mix of built form, age, design and their relationship to open spaces, the proposed new dwelling is not considered to make a negative impact. Walking down the High Street from Greenfield Road rooftops are visible in distant views and from those properties fronting the public highway e.g. the High Street. The rooftop of the proposed new dwelling will therefore not introduce an alien form nor have a negative impact on the conservation area.

In conclusion; no objection has been raised by the Conservation Officer and the proposal is considered to preserve both the site and setting of the listed buildings and the character and appearance of the conservation area.

#### Proposed dormers to rear of Mentmore

A number of the objections received from neighbours relate to the impact of the dormer windows in the rear roofslope of the existing property on the character and appearance of the conservation area. Whilst the comments have been noted the dormers are to the rear of the property and no objection has been raised by the Conservation officer. As such the proposal is considered to preserve the character and appearance of the conservation area.

### **3. Neighbouring amenity**

- 3.1 The proposed dwelling would be located to the rear of the site in a position currently occupied by a dual pitched concrete double garage. The impact of the development on the adjoining neighbouring properties is assessed below. All other properties in the vicinity are considered to be adequately removed as to be unaffected by the development.

#### No. 1 High Street (The Red House)

An objection has been raised by the occupiers of this property (harmful impact

upon residential amenity) and this has been noted.

This property occupies a corner location with Pulloxhill Road and the High Street and does not directly adjoin onto the site. The proposed dwelling would be some 23m from this property and is not considered to be directly affected by the development (by way of overbearing impact, loss of light or loss of privacy).

#### No. 5 High Street

An objection has been raised by the occupiers of this property (overbearing impact; loss of outlook and light and sense of enclosure) and this has been noted.

This Grade II listed thatched cottage and the proposed dwelling are formed at right angles with a corner to corner separation of some 7m. A number of modern brick built outbuildings and brick walling form the boundary between the two properties. This mix of modern brick structures provide a degree of separation. Whilst there might be some visual impact as a result of the proposal given the orientation of the two dwellings and the height of the proposed development no significant harm (by way of overbearing impact, loss of light or loss of privacy) is considered to arise.

#### No. 2 Greenfield Road

This Victorian cottage occupies a corner location with Greenfield Road and the shared driveway into the site. This access is used by the occupiers of no. 2 Greenfield Road to access their garage and by the occupiers of Mentmore to access their detached garage and rear parking area.

An objection has been raised by the owners of this property and the current tenants of this property (disruption/disturbance/noise resulting from the shared access) and this has been noted. However as part of the proposed development additional parking will be provided to the front of Mentmore and it is therefore envisaged that this will help mitigate any additional traffic resulting from the new dwelling. In addition any concerns regarding land ownership is a matter for the landowners involved. The granting of planning approval would not override any civil property rights which exist. No objection has been raised by the Highways Officer and as such the proposal is acceptable in this regard.

An objection has been raised by the owners of this property (overlooking of the garden). The proposed dwelling would be located some 30m from the rear elevation of this property and some 18m from the end of the garden/brick built garage. Given the degree of separation no significant impact (by way of overbearing impact, loss of light or loss of privacy) would arise.

#### No. 6 Greenfield Road (The Birches)

An objection has been raised by the occupiers of this property (loss of privacy/loss of view) and this has been noted. This detached property is located within a fairly large plot and has been recently granted permission for a 2 storey side extension which includes a bedroom window and french doors in the bedroom closest to no. 4.. The proposed dwelling would be some 25m from the rear elevation of this property and given the orientation of the two sites and the degree of separation no significant impact (by way of overbearing impact, loss of

light or loss of privacy) would arise. A loss of view is not a material consideration for planning consent.

No. 4 Greenfield Road

A rear garden of approximately 10m in depth would remain for the existing property which is acceptable as it accords with the Councils design guidance.

**4. Highway Considerations**

- 4.1 The existing property is a three bedroom dwelling with access to the east, between the buildings of no. 2 and no.4, serving a double garage and hardstanding area to the rear of the site. The proposal is to demolish the garage and replace this with a two bedroom dwelling and associated parking, the parking provision for no. 4, consisting of two spaces, will be replaced by a new access at the frontage of no. 4.

The existing access has no driver and pedestrian inter-visibility to the east because the dwelling for no. 2 abuts the public highway. To the west pedestrian and driver inter-visibility is adequate as the boundary for no. 4 is a low wall. However, whilst it is acknowledged that the wall is existing the Highways Officer recommends a condition to include a visibility splay in this direction to protect the visibility from the existing access.

The new access has indicated a pedestrian visibility splay and it is considered by the Highways Officer that this and the location of the new access provides adequate driver visibility.

The proposal removes the traffic generated by the existing dwelling no. 4 from the existing access with no visibility to the east. The new two bedroom dwelling which takes access from the existing access will generate similar traffic movements and even though the access is substandard the use will be 'like for like' and therefore a refusal for a substandard access can not be justified by intensification of use.

The vehicle indicated as being able to manoeuvre into/from the parking spaces measures only 3.6m x 1.4m which is below an average size vehicle and I am discounting the tracking diagrams. I would expect 6.0m clear in front of the parking bays to allow vehicles to access/egress from the bays, without having to drive through the adjoining bay. There is also no intervisibility between the bay immediately behind the rear boundary of no. 2 and the access. Both these issues can be dealt with by a condition.

In summary; whilst the objections have been noted no objection is raised by the Highways Officer subject to the specified conditions.

**5. Other Considerations**

**5.1 Archaeology:**

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the



archaeological heritage assets. This can be achieved (via condition) by the investigation and recording of any archaeological deposits that may be affected by the development; the post-excavation analysis of any archive material generated and the publication of a report on the works. As such no objection has been raised by the Archaeology Officer subject to the specified condition.

**5.2 Other issues (objections) raised not covered above**

Re: the omission of the boundary fence between no. 1 High Street and no. 2 Greenfield Road: *any concerns regarding land ownership is a matter for the landowners involved. The granting of planning approval would not override any civil property rights which exist.*

In comments received from the occupiers of The Red House states that: *“the proposed building has been increased by 4m to 14m”*. However plan 15-030-202C confirms the depth as 6.4m

Reference has been made to a refused planning application at 7 High Street (MB/06/02027/Full). However it must be noted that there is no planning history for the current site and that the refused scheme is different in size, height and location and is not readily comparable to the current application.

Bats: the comments received have been noted and the Council’s Ecology Officer has been consulted. Any comments received will be reported at committee.

**5.3 Human Rights issues:** There are no known Human Rights issues.

**5.4 Equality Act 2010:** There are no known issues under the Equality Act.

**Recommendation:**

That Planning Permission be approved subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place until a written scheme of archaeological investigation; that includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.”**

**Reason: (1) In accordance with paragraph 141 of the *NPPF*; to record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available.**

**(2) This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework (NPPF)* that requires the recording and advancement of understanding of the significance of any heritage assets to be lost (wholly or in part).**

- 3 Before development commences a triangular vision splay shall be provided on the west side of the existing access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The triangular vision splays shown either side of the new access for no. 4 shall be constructed in accordance with the approved drawing no. 15-030-100C, prior to the new access being brought into use. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.**

**Reason: To provide adequate visibility between the existing highway and the proposed/existing accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.**

**This pre-commencement condition is necessary in order to ensure that no unnecessary harm is caused by the commencement of development works.**

- 4 The proposed new replacement parking and access for no. 4 shall be constructed prior to the development of the new dwelling and shall be surfaced in bituminous or other similar durable material as may be approved in writing by the Local Planning Authority for a distance of 5.0m 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.**

**Reason: To replace the parking provision for the existing dwelling and 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 highway safety.**

- 5 No works for the new dwelling hereby approved shall take place until details of the on site vehicle parking provision for the new dwelling of no less than**

two spaces and one visitor space, measuring 2.5m x 5.0m each, inclusive of a 6.0m forecourt fronting the parking spaces have been submitted to and approved in writing by the local planning authority and the dwelling shall not be occupied until the parking spaces and forecourt have been constructed in accordance with the approved plans

Reason: To provide adequate on site parking and manoeuvring

- 6 Details of a refuse collection point located at the site frontage and outside of the public highway shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall be fully implemented prior to occupation of any dwelling and shall be retained thereafter.

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 7 No works for the new dwelling hereby approved shall take place until details of a pedestrian visibility splay between the rear boundary of no. 2 and the parking provision for the new dwelling shall be submitted to and approved in writing by the local planning authority and the dwelling shall not be occupied until the visibility splay has been constructed in accordance with the approved details. The vision splay so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining access level.

Reason: To provide adequate visibility between the existing access and the proposed parking area, and to make the access safe and convenient for the traffic which is likely to use it.

- 8 Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building(s) hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance of the building/s in the interests of the amenities of the conservation area.  
(Section 7, NPPF)

- 9 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development in the interests of the visual amenity of

the conservation area.  
(Section 7, NPPF)

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 15-030-100C; 15-030-202C; 15-030-303C; 15-030-104C.

Reason: To identify the approved plan/s and to avoid doubt.

## INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2.
  - The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
  - The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ
  - The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
  - The applicant is advised that the storage of materials associated with this

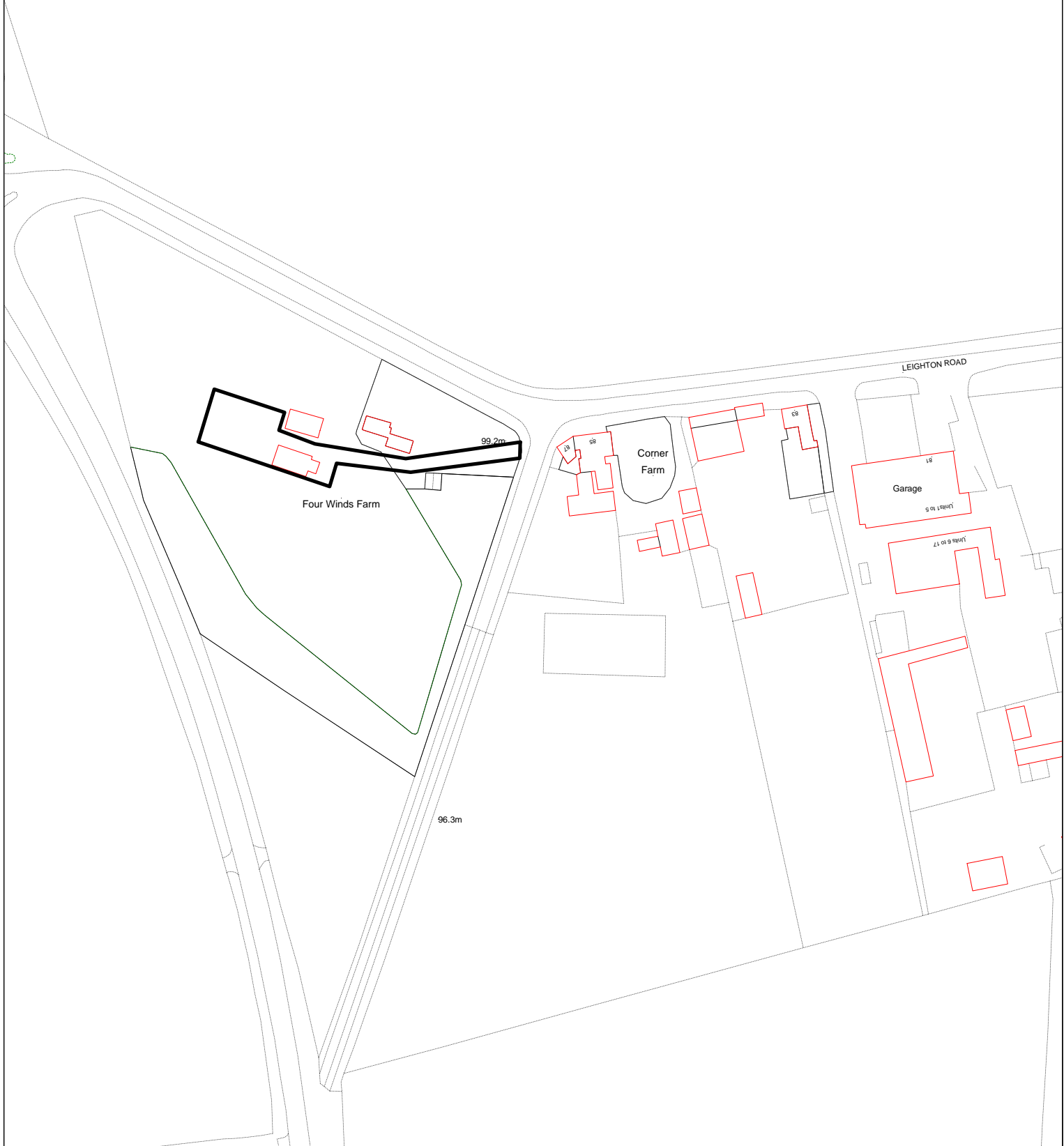
development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary further details can be obtained from Bedfordshire Highways (Amey), District Manager (for the relevant area) via the Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049.

- The contractor and / or client are to ensure that any building material debris such as sand, cement or concrete that is left on the public highway, or any mud arising from construction vehicular movement, shall be removed immediately and in the case of concrete, cement, mud or mortar not allowed to dry on the highway

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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	Date: 15:December:2015	
	Grid Ref: 495553; 223989	

Scale: 1:2000	<b>Fourwinds Farm, Leighton Road, Stanbridge, Leighton Buzzard, LU7 9HW</b>
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**Item No. 13**

<b>APPLICATION NUMBER</b>	<b>CB/15/04547/FULL</b>
<b>LOCATION</b>	<b>Fourwinds Farm, Leighton Road, Stanbridge, Leighton Buzzard, LU7 9HW</b>
<b>PROPOSAL</b>	<b>Erection of agricultural building to replace buildings destroyed by fire and provision of hardstanding and fencing (Retrospective) (Resubmission of CB/15/02271)</b>
<b>PARISH</b>	<b>Stanbridge</b>
<b>WARD</b>	<b>Heath &amp; Reach</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Versallion</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>23 November 2015</b>
<b>EXPIRY DATE</b>	<b>18 January 2016</b>
<b>APPLICANT</b>	<b>Mr G McDaid</b>
<b>AGENT</b>	<b>Wilbraham Associates Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called-in by Councillor Versallion on the following grounds:</b> <ul style="list-style-type: none"><li>• <b>Loss of amenity</b></li><li>• <b>Impact on landscape</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval</b>

**Summary of Recommendation**

The application is for agricultural development and thus the principle of development is considered to be acceptable. Subject to conditions controlling screening and materials, the proposed barn, reduced hardstanding and fence would not unacceptably harm the openness of the Green Belt or the character and appearance of the area and would not have an unacceptable, detrimental impact on the amenity of the occupiers of neighbouring dwellings. It is not considered that the proposal would have a detrimental impact on highway safety. The proposal is therefore considered to be in accordance with the National Planning Policy Framework, policies BE8, NE13 and T10 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

**Site Location:**

The application site comprises an agricultural holding located on the south side of Leighton Road on the outskirts of the village of Stanbridge.

The application site is washed over by the South Bedfordshire Green Belt.

**The Application:**

The application seeks planning permission to erect an agricultural building to measure 23.2m wide by 11m deep. It would have an eaves height of 4m and a shallow pitched roof with a ridge height of 5.2m.

The application also includes retrospective planning permission for an area of hardstanding outside of the barn to measure 20m deep by 18m wide. This is smaller than the existing area of hardstanding, some of which will be removed should planning permission be granted.

The application also includes a proposed 2m high fence around the area of

hardstanding.

**RELEVANT POLICIES:**

**National Planning Policy Framework (2012)**

Section 3: Supporting a Prosperous Rural Economy

Section 9: Protecting Green Belt Land

**South Bedfordshire Local Plan Review Policies**

BE8 Design Considerations

NE13 Control of Agricultural and Forestry Development in the Countryside

T10 Parking - New Development

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 & NE13 are still given significant weight. Policy T10 is afforded less weight).*

**Development Strategy for Central Bedfordshire (June 2014)**

*At the meeting of Full Council on 19th November it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our web site as material considerations which may inform further development management decisions.*

**Supplementary Planning Guidance**

Central Bedfordshire Design Guide: A Guide for Development (2014)

**Relevant Planning History:**

Application Number      CB/15/02771/FULL

Description                Erection of agricultural building to replace buildings destroyed by fire and provision of hardstanding and fencing (Retrospective)

Decision                    Invalid - Not proceeded with

Decision Date             Withdrawn 26/11/2015

**Consultees:**

Stanbridge Parish  
Council

OBJECTION on the grounds that this application is flawed and cannot be taken as truth. The applicant has already broken enforcement notices and the basis for his request is not based on the truth. The report carried out for the council also calls into question the applicants true nature of business and reason for the development and size. Four Winds Farm is now up for sale and can be seen on Right Move so all talk of the business planned for this site are not true. The applicant has not bought the 11 acres they say they have as it is not for sale and the owner can confirm this as they have to the parish council. We cannot agree to the application until we know for sure what it will be used for.

Agricultural Consultant

**9. Conclusions**

9.1 I am reasonably satisfied that there is a small scale agricultural operation recently based at Four Winds site, however, I am sceptical that other land or a contracting

operation is genuinely run from this site. Land stated to be in the ownership or control of the applicant has not been adequately confirmed.

9.2 There is clear local and national planning policy for the principle of new agricultural buildings where there is a genuine need. On balance and considering that this building replaces two other structures of a similar footprint, that it is required for reasonable storage purposes. The reduced area of hardstanding is more acceptable given the likely scale of farming likely to occur.

9.3 The Greenbelt location does, I consider, mean that screening and landscaping need to be considered and at present there is a considerable amount of excavated soil dumped on the site which your Authority may consider appropriate for landscaping or removal, were they to approve this application. I consider the larger area of hardstanding should be returned to grass or agricultural use, unless your authority considers it not to be appropriate.

9.4 Whilst still sceptical about the likely size and scale of farming operation practised and proposed from this location, some outdoor storage for agricultural use only may be acceptable, particularly if other land is to be included within the farming operation.

Highways Officer

The applicant wishes to replace the two former agricultural buildings for a single slightly larger unit, with an associated hardstanding.

The agricultural use already exists at this location and the proposal is considered just to be a continuation of this use.

On this basis I would not raise any highway objection to the application.

As this is a retrospective application it seems pointless imposing conditions for such things like a wheelwash etc, however I would suggest you consider removing permitted development rights to control its future use.

Pollution Team

No comments.

**Other Representations:**

Neighbours  
(37 Orchard Way, 54  
Tilsworth Road & 85  
Leighton Road,  
Stanbridge)

Object to the proposal for the following reasons:

- Concerns with what the ultimate purpose of these buildings are intended for and the attendant dangers of frequent noisy vehicles entering and leaving at all hours;
- The development seeks to convert a family home into

- an industrial yard;
- Can access be obtained from the other side of the property?;
- The design of the proposal is industrial and an eyesore;
- So far the development has brought with it the destruction of a landscaped garden, unpermitted laying of hardcore and unrelenting noise from machinery extending into the late evenings and weekends;
- There are discrepancies between the application form and the submitted plans;
- The hardstanding as existing exceeds the amount of hardstanding shown on the plans;
- No information has been given regarding highway impacts, the access is on a bend and the proposal would increase vehicle movements of heavy vehicles, which would negatively impact on highway safety;
- The development includes the movement and storage of vehicles, plant and machinery, but does not include measures to prevent contamination of the land;
- The application form states there are no trees or hedges on the site, but the application relies on there being an existing tree and hedgerow screen along Leighton Road;
- The covering letter states that the agricultural land and house are not visible from outside the site but this is not true and the site is becoming more visible from Leighton Road and Billington Road as the boundary planting is thinned out;
- The letter states that the two buildings were destroyed by fire, but a Freedom of Information Act request was made to Bedfordshire Fire and Rescue and they advised that only 2 incidents were recorded at the site in the last 10 years, the most recent one being in 2015 and involving only one building, a private garage. The other was a false alarm in 2009;
- The applicant has installed commercial CCTV within the site and along the boundaries. This is not included within the application;
- The proposed hardstanding is extensive and is being used not just for the storage/parking of agricultural machinery and plant but also for industrial equipment and for the stockpiling of material that exceeds the requirements for an agricultural holding;
- The previous agricultural report indicates that the applicant has a contract providing services at the Luton Hoo estate and that this is commercial, not agricultural enterprise;
- The access as shown on the plans differs in reality. As the intention is to store agricultural machinery and plant at the site, one would expect the Council would want to be assured that there is adequate access, egress and visibility to allow vehicles to manoeuvre in and out of the site safely;

- The application does not include sufficient details of the proposed materials of the barn, surfacing of the hardstanding or materials of the proposed fence to meet the requirements of the Development Management Procedure Order, which requires that applications be submitted by plans, drawings and information necessary to describe the subject of the application;
- On 31st August 2015 the government issued new planning policy in respect to Green Belt protection and unauthorised development within the Green Belt. The hardstanding was laid without planning permission in May 2015;
- The enforcement report includes a paragraph that states that the landowner explained that the intention was to create a yard area related to his agricultural business which would specialise in the storage and hire of agricultural machinery;
- The applicant did not submit the planning application by the end of June 2015 as required by the Council's enforcement team;
- The NPPF states (in para 89) that agricultural and forestry buildings are not inappropriate within the Green Belt, however, it does not state that engineering operations for the needs of agriculture are not inappropriate. Engineering operations within the Green Belt are only not inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The hardstanding fails to preserve the openness of the Green Belt;
- The supporting material states that the building is required to serve the proposed use of the site as an agricultural holding, not an existing agricultural use and thus cannot depend on Para 89 of the NPPF;
- The site is not subject to a tenancy and thus is not the subject of an agricultural holding;
- The previous buildings (whether fire damaged or not) have been removed and the courts have ruled there is no legal right to a replacement. The previous existence of the buildings therefore should not be a material consideration in the determination of the application;
- The application does not include sufficient information to establish need for the building. No business case has been presented to establish the financial viability of the proposed agricultural business.
- The application does not include evidence regarding the need for the hardstanding; the existing hardstanding is excessive and the fact that there is equipment on the hardstanding indicates that there is no intention to reduce it in size;
- The fence would be inappropriate in the Green Belt as it would be a steel fence more appropriate in an

- industrial estate;
- The establishment of a depot or storage area to service a commercial contract to the Luton Hoo estate does not meet the agricultural needs test and would constitute inappropriate development within the Green Belt;
- The courts require that the Council properly assess the reports of specialist consultants;

### **Determining Issues:**

The main considerations of the application are;

1. Background
2. Principle of Development
3. Affect on the Character and Appearance of the Area
4. Neighbouring Amenity
5. Highway Considerations
6. Other Considerations

### **Considerations**

#### **1. Background**

- 1.1 The application site comprises a parcel of land of approximately 4 acres. Aerial imagery indicates in 2010 it comprised a dwelling, two agricultural buildings, and a curtilage to the dwelling of landscaped garden, with the remainder (some two thirds of the site) comprising a field.
- 1.2 In May 2015 an enforcement complaint was received that a large area of hardstanding had been laid on the site. A meeting was held on the site and the land owner explained that the intention was to create a yard area related to his agricultural business which was to specialise in the storage/hire of agricultural machinery. At this time the base of the hardstanding area extended close to the highway hedge and the posts for the yard enclosure had already been installed. The land owner claimed that the base area excavated was in excess of what he required. Agreement was reached that in the excess area (closest to the front boundary hedge) the soils that had been removed and stockpiled on the adjoining land would be returned and this part of the field would be re-instated. Agreement was also reached that no further work would be carried out related to the creation of an agricultural machinery yard until the anticipated planning application had been considered. The Council confirmed these matters in an email sent to the land owner on 5 June 2015. A period of three weeks (21 days) was given for the planning application to be submitted.
- 1.3 The Planning Enforcement Officer made a further visit to the site on 10 June 2015 and observed that the land owner had co-operated and re-instated part of the field, as requested.
- 1.4 As no planning application had been received by the end of June 2015 a letter to the land owner at Fourwinds Farm was sent on 13 July 2015. This set out that formal enforcement action would be taken in 28 days time (after 10 August 2015) if the land was not re-instated to its former condition by this date.

- 1.5 A planning application (reference no. CB/15/02771/FULL) was submitted on 24 July 2015. Additional information was requested and received and the application was validated on 5th August 2015. However, this application was subsequently found to be invalid as the wrong Certificate had been signed. The application was therefore not proceeded with. A correct Certificate was signed and the original submission transferred to this current application.
- 1.6 The application was accompanied by a letter which stated that the applicant was in the process of purchasing a further 11 acres on the western side of Billington Road. It stated that the two agricultural buildings previously on the site had been destroyed by fire earlier in 2015. The letter states that the applicant intends to carry out sheep and cattle fattening on the land.
- 1.7 A subsequent email from the agent stated that the purpose of the barn would be for smaller items of farm machinery, fodder, fertiliser and a workbench. The hardstanding would provide storage for the tractor, trailer, baler and mower and would also be used to store hay under a tarpaulin.
- 1.8 As part of the previous application, the Council commissioned Landscape Land and Property, an agricultural consultant to assess the proposals. The consultant was advised by the applicant (Mr Gerry McDaid) that the applicant operates a contracting agreement with Luton Hoo taking straw and hay from the estate. Subsequent investigation revealed that the contracting agreement with Luton Hoo is with a Mr Felix McDaid, based in Slip End. The relationship between these two is unclear.
- 1.9 The report concluded that the proposed barn would be of an appropriate scale for the existing landholding at Fourwinds Farm, but the area of hardstanding that formed the subject of the application was overlarge without evidence of the purchase of the 11 additional acres. This was communicated to the agent and he responded to the effect that the purchase had been delayed and may not be able to take place. The proposal was amended and the area of hardstanding was reduced. The application was reconsulted on and this was the point when it became apparent that the application was invalid.
- 1.10 This application is therefore for the barn and the reduced area of hardstanding. The Council has consulted the same agricultural consultant on the revised scheme and the conclusions to the report are reproduced above. This report states that the agricultural holding number is currently unregistered. It contains much of the same information, including doubts about the likely size and scale of the farming operation practised and proposed from this location, nevertheless, it determines that, in a policy context the proposed building and reduced hardstanding are acceptable for a farming unit of the size of Fourwinds Farm, although it indicates that screening and landscaping would be required.

## **2. Principle of Development**

- 2.1 The application seeks planning permission for three elements, which are the proposed erection of an agricultural barn, the retrospective installation of a hardstanding and the erection of a 2m high fence.
- 2.2 The proposed fence would be located more than 2m away from the highway. It should be noted that permitted development rights exist for the erection of a fence no higher than 2m, provided that it is located more than 2m from the

highway, no matter what the appearance or materials of the fence. As such, it would not be appropriate to refuse planning permission for the fence and it should not form a material consideration in regards to the other aspects of the planning application.

- 2.3 The application site is located within the South Bedfordshire Green Belt and thus Section 9 of the National Planning Policy Framework is the key policy consideration in the determination of this planning application. The protection of Green Belts is an important part of national and local planning policy. Section 9 states that the essential characteristics of Green Belts are their openness and their permanence.
- 2.4 Paragraph 89 states that the construction of new buildings is inappropriate within the Green Belt, unless the development falls within the list of provided developments. One of these exceptions is the construction of buildings for agriculture and forestry and this is unqualified. There is no indication that the agricultural enterprise must be existing.
- 2.5 It is acknowledged that there is some confusion over the likely future use of the site, whether that is to be pure agriculture or associated with an agricultural contracting company (which would be a commercial rather than agricultural use). However, the application that is in front of us must be that which is considered and this is for the erection of an agricultural building and associated hardstanding for the purposes of agriculture. The use of the site can be controlled by condition, both to ensure it is used solely for agricultural purposes and to prevent changes of use of the barn from taking place at a later date under permitted development rights for the change of use of agricultural buildings.
- 2.6 The agricultural consultant has stated that, in his professional opinion, the proposed size of the building is appropriate to an agricultural enterprise of the size of Fourwinds Farm. The applicant has stated an intention to use the barn for agricultural purposes. Therefore, the proposed barn would not represent inappropriate development within the Green Belt and, subject to a condition stating that it must be used solely for agricultural purposes, the barn would be acceptable in principle.
- 2.7 The application includes a 360 square metre area of hardstanding, which forms part of the unauthorised hardstanding currently on the site. The laying of hardstanding is an engineering operation and paragraph 90 of the NPPF states that engineering operations are not inappropriate development providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The hardstanding does not conflict with the purposes of including land within the Green Belt, however, it does not preserve the openness of the Green Belt. The hardstanding therefore constitutes inappropriate development within the Green Belt and should therefore only be approved if very special circumstances can be established which clearly outweigh the harm that would be caused to the Green Belt by the hardstanding both by reason of inappropriateness and any other harm.
- 2.8 When considering whether or not very special circumstances exist, consideration should be given to the likely use of the hardstanding, the existence of agricultural permitted development rights, central government



policy on the encouragement of rural enterprise and level of impact that the hardstanding has had on the Green Belt.

- 2.9 The application states that the proposed use of the hardstanding is to function as a curtilage and turning area to the proposed barn (which is, as established above, appropriate and acceptable) and to provide further storage for agricultural machinery and hay. The report from the agricultural consultant concludes that the revised area of hardstanding is more realistic than the previous area in scale for an agricultural enterprise of the size of Fourwinds Farm. The stated proposed use (which can also be controlled by condition) and proposed scale of the hardstanding is therefore considered appropriate to a farm the size of Fourwinds Farm and this is a material consideration that weighs in favour of the proposed hardstanding.
- 2.10 Also weighing in favour of the hardstanding is Section 3 of the National Planning Policy Framework, which states that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas and promote the development and diversification of agricultural and other land-based rural businesses.
- 2.11 It is also noted that the provision of a hard surface on agricultural land for the purposes of agriculture is permitted development under Class B of Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 provided that it would be located more than 25m away from the metalled part of a classified road and would not materially affect the external appearance of the premises. The existing hardstanding is within 25m of a classified road, however, the proposed hardstanding would not be. Subject to the applicant implementing screening around the site to prevent the hardstanding from being visible outside the boundaries of the application site, the hardstanding would constitute permitted development. This should be given significant weight during the consideration of the application.
- 2.12 Furthermore, while the proposed hardstanding does have a detrimental impact on the openness of the Green Belt, by its nature the impact is not significant as it is restricted to ground level. Subject to the provision of appropriate screening around the site, which could be controlled by condition, the impact of the proposed hardstanding on the openness of the Green Belt could be limited to a level that would be outweighed by the considerations stated above.
- 2.13 Weighing against the proposed hardstanding is the fact that it is retrospective, and therefore the Ministerial Statement of 31 August 2015 is applicable. This states that the carrying out of intentional unauthorised development within the Green Belt is a material consideration in the determination of any subsequent application and provides weight towards a refusal of the planning application.
- 2.14 The acceptability of the proposed hardstanding is finely balanced, however, it is considered that, on balance, subject to a condition requiring the provision of an appropriate landscape screen around the site, the national policy contained within Section 3 of the NPPF, the advice of the agricultural consultant and the existence of permitted development rights for hardstanding on small agricultural units outweighs the harm that the reduced area of hardstanding would have on the openness of the Green Belt. The principle of the application is therefore considered to be acceptable.

**3. Affect on the Character and Appearance of the Area**

- 3.1 It is noted that site clearance and boundary tree thinning has been carried out. It is noted that planning permission was not required for these works, however, it does mean that the interior of the site is more visible. It is considered vital that, should planning permission be granted, that a condition is imposed requiring the submission and implementation of a landscaping scheme detailing the enhancement of the remaining boundary screening.
- 3.2 The proposed building itself would be relatively modest in height at 5.2m and would be appropriate in design to its function. It would be sited quite centrally within the site on the footprint of one of the previous buildings. It is noted that neighbouring occupiers have raised concern about the lack of detail in regards to proposed materials, however, these matters are commonly dealt with by condition, and this is considered to be appropriate in this case.
- 3.3 The agricultural consultant has assessed the proposal against policy NE13 of the South Bedfordshire Local Plan Review, which controls the provision of agricultural development. He concludes that the building proposed is a modern replacement for the original pair of sheds on the site and could be argued to be a modest improvement in the situation, as the previous barns were somewhat dilapidated. The area of proposed hardstanding can only be justified if the area is used for farming purposes and the earlier area is restored and made good.
- 3.4 Again, it is noted that the use of the hardstanding and the wider site can be controlled by condition. It is considered that, subject to the imposition of conditions that (i) control the use of the site, (ii) control the materials of the proposed barn and fence, (iii) require the removal of the additional hardstanding and its replacement with planting and (iv) the implementation of additional boundary screening, the impact of the proposed development on the character and appearance of the application site and the wider open countryside would be acceptable. As such, the proposal is considered to be in accordance with policies BE8 and NE13 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

**4. Neighbouring Amenity**

- 4.1 The proposed barn and hardstanding area would be located over 70m from the closest residential properties and thus would not have any impact on the amenity of neighbouring occupiers in regards to light, outlook or privacy.
- 4.2 Neighbouring occupiers have raised concerns in regards to noise levels at the site since its purchase by the applicant, however, these are either connected to the existing agricultural use of the site or to a commercial use of the site. Either way they are not connected to the application before us, which does not include a change of use. The existing use of the site is agriculture and the proposed use is agriculture. Any other use of the site requires a further planning application, during which time the impact of a change of use of the site on the amenity of neighbouring occupiers would be considered.
- 4.3 The increased noise levels could be attributed to the formation of the hard surfaced area, however, it is again noted that, on its own, the proposed area of hard surfacing comprises permitted development. Insufficient weight can therefore be attached to the reported increase in noise levels to justify a

refusal for the application.

**5. Highways Considerations**

5.1 Neighbouring occupiers have raised concerns about the impact of the proposal on the highway network. However, it is noted that the application site already has an agricultural use that would be likely to generate a certain amount of vehicle movements of a certain size and nature of vehicle. The Highways Officer has not raised an objection to the application and it is not considered that it is likely to have a significant detrimental impact on highway safety and capacity.

**6. Other Considerations**

6.1 Neighbouring occupiers have raised some other points which should also be addressed:

**6.2 Discrepancies between the plans and the application form:**

It is noted that there are some minor discrepancies between the application form and the submitted plans, however, these are not considered to be material to the determination of the application and therefore are insufficient to form a basis for refusal. The description of the application and the submitted plans are the important considerations and form the basis on which this report has been written.

**6.3 No measures to protect the contamination of land**

Given the scale of the proposed development and the proposed use of the land it is not considered likely that the proposal would contaminate the land and therefore it would not be proportionate to require measures to prevent land contamination.

**6.4 Doubts raised in regards to the fire that destroyed the buildings**

Neighbours have queried the veracity of the claims regarding the fire damage of the previous buildings. Insufficient evidence exists either way to indicate what happened to the buildings, however, this does not have a material impact on the determination of the application as the assessment does not rely on the buildings being accidentally damaged by fire to justify the acceptability of the proposal.

**6.5 Installation of CCTV at the site**

Planning permission is required for the installation of CCTV at the site and this does not form part of the application. The agent was invited to include the CCTV within this application but has chosen not to do so. This, however, is unrelated to the determination of the current application and is a separate matter for the Council's Enforcement Team.

**6.6 Use of the Site for Industrial Purposes**

The current application claims to be for a building and hardstanding for agricultural use and should be considered as such. Should the site be in use for industrial purposes, this should again be investigated separately by the Council's Enforcement Team and should not form a material consideration in the determination of this application.

**6.7 Agricultural Holding**

The report of the agricultural consultant has indicated that the supplied agricultural holding number is incorrect. This has been queried with the agent

and the results will be reported on the Late Sheet.

**6.8 Human Rights issues:**

The proposal raises no Human Rights issues.

**6.9 Equality Act 2010:**

The proposal raises no issues under the Equality Act 2010.

**Recommendation:**

That Planning Permission be APPROVED subject to the following:

**RECOMMENDED CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No construction shall take place on the construction of the agricultural building hereby approved, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The fence shall not be erected until details of the materials of the fence have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To control the appearance of the building and the fence in the interests of the visual amenities of the locality.  
(Policies BE8 & NE13, SBLPR and Section 7, NPPF)

- 3 **Within three calendar months of the date of this permission, a landscaping scheme to include the removal of the unauthorised hardstanding and its replacement with planting and the enhancement of landscape screening around the boundaries of the site; and a scheme for maintenance of the landscaping scheme for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full by the end of March 2017. The trees, shrubs and other planting 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 limit and mitigate the impact of the scheme on the openness of the Green Belt and the character and appearance of the surrounding countryside.  
(Policies BE8 & NE13, SBLPR and Sections 7, 9 & 11, NPPF)**

- 4 Notwithstanding the changes of use permitted within Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the development hereby approved shall only be used for agricultural uses and for no other purpose whatsoever.

Reason: To exclude the provisions of the said General Permitted Development Order and thereby ensure the Local Planning Authority retains full control of the future use of the land and building in view of the location of the site within the Green Belt and within close proximity to residential properties.

(Policies BE8 & NE13, SBLPR and Sections 7 & 9, NPPF)

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers WA/GM/01, CBC/001.

Reason: To identify the approved plans and to avoid doubt.

**INFORMATIVE NOTES TO APPLICANT**

- 1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
- 2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

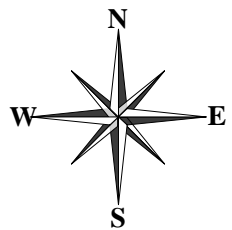
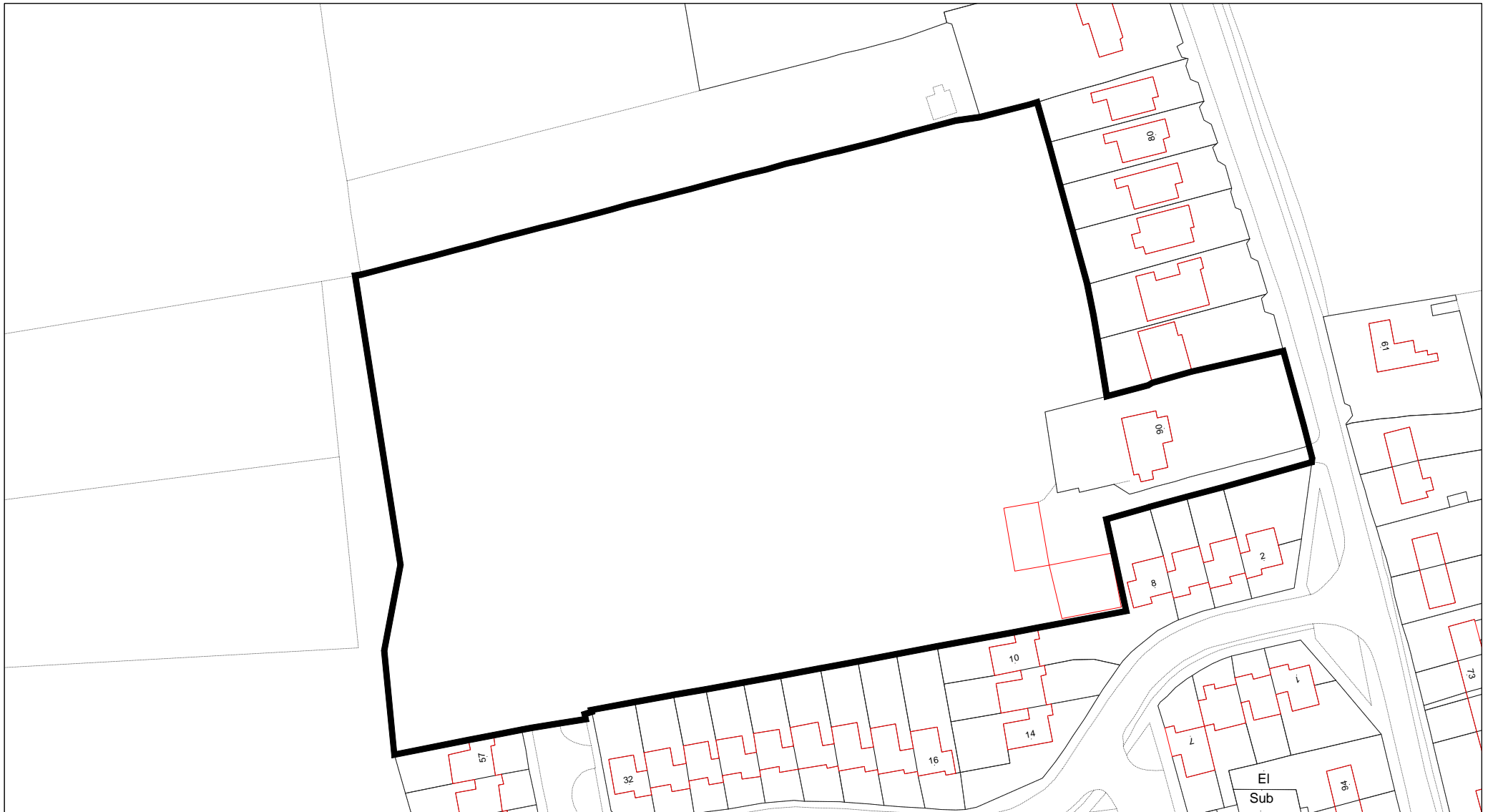
**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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Date: 15:December:2015

Map Sheet No

Scale: 1:1250

Application No. CB/15/02419

Land North of Flexmore Way, Station Road, Langford

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**Item No. 14**

<b>APPLICATION NUMBER</b>	<b>CB/15/02419/FULL</b>
<b>LOCATION</b>	<b>Land North of Flexmore Way, Station Road, Langford</b>
<b>PROPOSAL</b>	<b>Residential development of 42 dwellings, vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works.</b>
<b>PARISH</b>	<b>Langford</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dixon, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Alex Harrison</b>
<b>DATE REGISTERED</b>	<b>07 July 2015</b>
<b>EXPIRY DATE</b>	<b>06 October 2015</b>
<b>APPLICANT</b>	<b>David Wilson Homes (South Midlands)</b>
<b>AGENT</b>	<b>Bidwells</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major development - contrary to Policy and Parish Council objection</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval recommended subject to completion of S106 Agreement</b>

**Reason for Recommendation**

The proposal for 42 dwellings is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document, however the application site is adjacent to the existing settlement boundary in Langford and centrally located within the village, it is therefore considered to be a sustainable location. The proposal would have an impact on the character and appearance of the area however this impact is considered to be limited given the location of the site. The proposal is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014). The proposal would provide affordable housing and would add to the Council's 5 year housing supply, these benefits are considered to add significant weight in favour of the development and therefore the proposal is considered to be acceptable.

**Site Location:**

The application site is located to the north of Flexmore Way and west of Station Road in Langford. The site is approximately 1.86 hectares and includes No 90 Station Road, which is to be demolished to provide the access route into the site.

The area of land comprises 90 Station Road and its curtilage together with the land to the rear that is currently paddock land with fencing and stables. There are mature trees surrounding the site on the northern and western boundaries and to the east there are existing dwellings in Station Road. The south the site is bound by the rear gardens of the properties in Flexmore Way.

The site is partly in the Settlement Envelope for Langford (the existing dwelling to be demolished and its curtilage is within the envelope boundary). The remainder of the site forms part of the Langford 'triangle', an area of land centrally located with the village and surrounded by development, but is not included within the Settlement Envelope. The site is not within Green Belt or any other land designation.

### **The Application:**

Full planning permission is sought for a residential development of 42 dwellings, vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works.

During the application process revised plans have been received making alterations to the site layout, parking provision and visitor parking. The revisions lead to a reduction in the original number of dwelling proposed (43 to 42), the amendment of some house types to a bungalow and a pair of semi detached one and a half storey dwellings in place of two storey dwellings, relocation of the dwellings with dormers (rooms in the roof space) from the edge of the site to within the site, an increase in parking spaces to comply with the Design Guide and an increase and relocation of the Visitor parking spaces to comply with the Design Guide.

35% of the proposed dwellings are to be Affordable Housing and the approximate overall density of the site is 23 dwellings per hectare.

A further consultation based on the revisions has been undertaken therefore the assessment below is based on the revisions received on 19 October 2015.

At its meeting on the 9th December, the Committee deferred the determination of the application in order for clarification to be sought on the Council's supply of housing land. That clarification has been provided by the Strategic Planning and Housing Team at paragraph 18 in the consultation section of this report.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (NPPF) (March 2012)**

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

CS1 Development Strategy  
CS5 Providing Homes  
DM1 Renewable Energy  
DM2 Sustainable Construction of New Buildings  
DM10 Housing Mix  
DM4 Development Within & Beyond the Settlement Envelopes  
CS14 High Quality Development  
DM3 High Quality Development  
CS7 Affordable Housing  
CS2 Developer Contributions

## Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

## Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

### Relevant Planning History:

There is no history relevant to this application

### Consultees:

1. Langford Parish Council **Summary**

Langford Parish Council has carefully considered this application and has consulted on it widely throughout the village culminating in a public display of the planning documents attended by over 100 residents.

It is our view and that of our residents that this application is not in the best interests of our village and should be refused, it is poorly designed, totally unsustainable and will bring unnecessary pressures to bear on those living nearby who in many cases purchased their property on the basis of the published development strategies 2008-2011.

The proposed site is outside the agreed settlement envelope and is part of the "Green Triangle" which is the last green space of the old village it has stood the test of time and should remain so. We do understand the impact of the recent appeal judgement regarding the local authorities issues around demonstrating land supply for housing but given that Langford is already contributing to this issue with circa 200 houses approved we believe totally the flawed Flexmore proposal is a step too far and should be categorically rejected.

### Our specific grounds for opposition follow

#### Site Design

1 Has centred on maximisation and has not considered at all the impact on the residents of Flexmore Way a cul de sac adjoining the proposal. Three storey properties are proposed which are totally out of keeping with the area and will create an imposing claustrophobic situation for those properties (even numbers) to the right

of Flexmore Way and this is not acceptable. Privacy is being encroached upon in certain instances which are unacceptable; Residents have documented their specific concerns as it relates to their own properties which the Parish Council totally supports. It should also be recognised that certain PROPERTY boundaries are being breached by the plan without the permission of the land owners, we do understand that planning consents do not necessarily require land ownership but in this situation where circa 35% of the site is impacted it needs to be publicly recognised that the developer has no solid remit.

- A pedestrian walk way is proposed between the new site and Flexmore Way; this is not acceptable as it will end up becoming an alternative entry to the new site with cars being parked across its entrance in Flexmore Way and its owners walking through to the new site.

3 The Parish Council and residents have grave concerns over the so called green space and balancing ponds(the site is on a hill so difficult to see how water will flow successfully)being at the rear of the site, it is too dark and remote from most of the properties and could unfortunately become an area attracting the wrong type of visitor.

The Parish Council in conjunction with the police are trying hard to ensure our leisure areas remain safe and secure for everyone especially our children who are naturally drawn towards such places. In our experience you avoid such eventualities by good design which this proposal is not.

4 Car Parking layouts do not look adequate given cars per household, visitors and delivery traffic, all spare space is allocated as visitor parking ( max 11),the spaces quoted overall probably meet the designated requirement but will result in a crowded and polluted environment with residents looking elsewhere to park.

5 Site Access onto Station Road is of great concern to us given the potential risks that are being created, the distances between the proposed entry point, Flexmore Way and the two others proposed off Station Road (Planning Consent given to a 110 dwelling estate with in and out entry roads ) appear insufficient from both a visual and practical perspective. Currently the bus stop at the Flexmore Way junction is used by both school transport and local services, the projected growth from the sites that already have planning consent will require dedicated pull offs for the increased services that

will be needed. Given the multiplicity of roads being proposed it is difficult to see how this can be achieved safely

Station Road and its environs are probably the poorest of our roads despite being weight restricted, and there is nothing in the forward plans to undertake any major work that we can see to cope with what will be a very significant increase in traffic volume.

There is an additional impact on those residents who live in Station Road with insufficient parking capability, with the restrictions that will be required with the multiplicity of all new accesses they will be unfairly compromised and this cannot be allowed

**In summary the proposal is of poor design, fails to consider the wider community and will create risk through the additional traffic navigations.**

#### Sustainability

We are very concerned regarding sewerage disposal given the proposal under consideration together with those developments already approved, Anglian Water have been moving waste via tankers for some time now without any obvious improvement to the basic infrastructure. We suggest the Council seeks a formal response from the utility company for them to confirm both current and future capacity levels for Langford .If this is not forthcoming we are prepared to issue an FOI request for it to be made publicly available

We would draw the council's attention to the Flood Statement that accompanies the proposal which fails to acknowledge past flood events in the immediate area and we would request these (which will be logged on the council's incidence systems) are urgently considered.

The Village Academy has confirmed they have 35 places in their forward plans which are clearly insufficient given those proposals that have already achieved planning consent. The proposal under consideration fails to acknowledge this situation.

The Pre-school capability within the village resides with The Owlets preschool group who are unable to meet any further demand, this is a key service.

The Travel plan within the proposal is not a plan at all but a series of politically correct statements, the fact of the matter is that the local bus network cannot support families most of whom will be commuting and returning home after the service has closed for the evening

We take great exception to the flawed conclusions “Housing needs in CBeds and Langford” which we trust the council will put aside. The statistics used to form its conclusions fail to take into account the progress the village has made in its planned housing capacity and just repeats again the discrepancies within the local authorities land supply to gain some misguided support for the proposal.

In many of the supporting documents the developer makes reference to the Councils “Emerging Strategy” further supporting their proposals, as a Parish Council we are unaware of this strategy and in our view no credence can be assigned and it should be put aside.

In summary the proposal is totally unsustainable from several aspects and should be refused.

#### **Other Representations:**

2. Neighbours -  
61 responses received  
from the local  
community.

Comments summarised below:

- loss of privacy to back of house (2 Flexmore Way)
- already experience problems with bus stop,
- 43 houses will bring extra children.
- increase in transport
- schools are already at capacity
- out of character with area
- extends into the Langford Triangle which is protected
- not enough parking places for proposed houses
- will set a precedent to develop triangle
- access onto Station Road inadequate
- lack of infrastructure to cope with new development
- Langford is a village and should remain so
- archaeological impacts from the development
- outside settlement envelope
- 3 storey houses not in keeping with area
- will reduce light to Flexmore Way
- poor layout
- has not been designated for housing by Parish Council
- consent already granted for new dwellings would push Langford over the edge.
- Consideration should be given to the approved developments
- Lower School and Nursery at capacity
- Langford is a Large Village: only small scale development is appropriate
- there is no benefit for the village from this development
- Station Road unable to cope with flow of additional

traffic

- Utilities unable to cope with new development
- footpath from new development to Flexmore Way will attract crime
- clear intention of further development due to road layout
- brought property because it looked onto fields
- impact will be severe on existing properties
- current views will be lost
- will be overlooked by large properties and will lose daylight
- safety of children in terms of balancing pond
- Parking on Flexmore WAY is already difficult - footpath will allow new residents to park in Flexmore and walk through.
- Overdevelopment
- development should be on the village outskirts
- possibility of flooding
- local amenities are at limits.
- land ownership/boundary issues.

### 3. SuDS team

Following detailed correspondence with the applicant and case officer regarding CB/15/02419/FULL Land North of Flexmore Way, Station Road, Langford, we would like to remove our previous objection dated the 27th July 2015 subject to this being addressed through the detail submitted with the technical note ref: E3420/TN1/tjw/25082015 (August 2015).

We would still like to request that details of the final detailed design, construction, and maintenance and management of the surface water drainage system proposed for the site be provided and therefore recommend the following conditions are applied to any planning permission. These are proposed in line with the following policy areas:

- Climate Change mitigation and adaptation: CBC draft development strategy Policy 48; Mid-Bedfordshire policy CS13; South Bedfordshire policy CS12.
- Green infrastructure and ecological enhancements: CBC draft development policies 56 and 57; Mid Bedfordshire CS18, CS17; South Bedfordshire policy CS10.
- Managing water quality and flood risk: CBC draft development strategy policy 49; South Bedfordshire policy CS12; Landscape character: CBC draft development strategy policy 58; Mid Bedfordshire policy CS16.

- Open space for healthy and sustainable communities: CBC draft development strategy policies 22 and 41; Mid Bedfordshire policy CS3; South Bedfordshire policy CS7.

4. Tree and Landscape  
Officer

The site at present is an area of grass pasture land. There are existing dwellings to the east and south, to the north the site boundary consists of mature hedging largely consisting of Hazel which is unusual and to the west the boundary consists of a ditch and early mature native planting in the form of a shelterbelt.

Supplied with the application is a tree survey and tree constraints plan which indicates the trees and boundary features on site along with the root protection areas. All trees on site have been categorised as C2 classification, although I would suggest that G27 would be considered a B2 category feature.

It is obvious looking at the Proposed Site Layout plan that a large number of the features/trees will be removed to allow the development which would be acceptable as the majority are of little significance. Of importance on the Landscape and Green Infrastructure Strategy plan (LGIS) is the retention of G27 which is to be protected throughout development with tree protection fencing in line with the Tree Constraints Plan. This feature is on the north boundary and indicative plan shows that only plot 23 is really likely to have any major encroachment issues. Is this hedgeline to be incorporated into the rear gardens of plots 23 to 34, if so is the intention to provide boundary fencing to these plots as to do so will require the hedgeline to be cut back.

The LGIS shows a reasonable area of public open space and a balancing pond, landscaping for this area should aim to be native species based making best use of potential wetland planting in the balancing pond area.

Plan is also included with Soft Landscape Proposals, the details of which would appear to be acceptable.

5. Landscape Officer

**Landscape Character/ Visual Impact** - this site forms part of the "Langford Triangle" - mixed agricultural land enclosed by residential streets, an enclave which I think is unique in Central Bedfordshire and which is important in terms of local distinctiveness and sense of place. This agricultural land has a valuable role in maintaining the quality of a village, so I regret the loss of land to residential development. However, I do not object to the



development as aspects of the design, such as the setback of the housing from the boundary to the west helps to limit the urban influence, particularly night time lighting.

6. Sustainable Building Officer

The proposed development should meet policy DM1 and DM2 requirements in regard to renewable energy and water efficiency standard.

7. Green Infrastructure Officer

The Parish Green Infrastructure Plan identifies this area as a priority for open public access, and creating community allotment space / play area with suitable access. In this context, the access to the open space from Flexmore Way is welcomed, to ensure that the open space is accessible to the existing community. The amounts of open space available should be assessed in line with Leisure Strategy requirements, and, if possible, space for community allotments and play should be incorporated into the design of the public open space.

8. Housing Officer

I support this application as it provides for 15 affordable homes which reflects the current affordable housing policy requirement of 35%. The Strategic Housing Market Assessment (SHMA) indicates a required tenure split for sites meeting the affordable threshold as being 63% affordable rent and 37% intermediate tenure. From this proposed scheme that would make a requirement of 9 affordable rent units and 6 intermediate tenure units. I would like to see the units well dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect all units to meet all HCA Design and Quality Standards.

9. Highways Officer

The revised proposal comprises a mix of a 2 bed bungalow, 4 x 3 bed houses, 13 x 4 bed houses and 9 x 5 bed houses for the open market together with 8 x 1 bed houses, 5 x 2 bed houses and 2 x 3 bed houses described as affordable.

The proposed vehicular access to the site is from Station Road which in the vicinity of the site access is subject to a 30mph speed limit. The access is laid out in the form of a priority "T" junction and is sited some 50m north of the junction with Flexmore Way.

The location of the proposed access can be considered acceptable in highway terms and the requisite visibility splays of 2.4 x 43m can be achieved in either direction.

If permission is granted to this proposal, the existing access on the site frontage will be redundant and will need to be formally "stopped up". This matter can be dealt with

by condition.

The development access road will be 5.5m in width with 2.0m wide footways on either side. A minor access road will serve Plots 18 to 41 and this will be 4.8m in width with 2.0m wide footways on either side.

There are turning areas close to the ends of both the major and the minor access roads which are large enough to accommodate the refuse vehicle, a fire appliance and a delivery vehicle.

The on-plot parking provision has been assessed against the Council's parking standards. Each dwelling is provided with at least the minimum number of spaces for the size of dwelling and the garages are considered large enough to be considered usable. Some 12 visitor parking spaces are distributed throughout the development, thus ensuring compliance with the provision of 0.25 spaces per unit.

The application is accompanied by a Transport Statement and a Framework Travel Plan. I assume that colleagues in Sustainable Transport will comment on the details of the Travel Plan and therefore I only comment in detail on the Transport Statement.

The trip rates for the proposed development site are based on traffic surveys undertaken at the junction of Flexmore Way and Station Road. i.e. the peak hour observed traffic flows have been divided by the number of dwellings served by Flexmore Way to produce the peak hour trip rates. It is noted that the derived rates differ marginally from those traditionally obtained from the TRICS database.

The base traffic flows obtained from the junction survey counts have been "growthed" using TEMPRO to both 2015 (the base year) and to 2025 the Design Year. The "committed development" of 110 dwellings further along Station Road has been included in the traffic analysis and the development traffic has been assigned and distributed on the local road network using the existing turning proportions derived from the traffic counts.

The methodology used can be considered acceptable for the scale of development proposed.

The impact of the new development on the local road network has been assessed at the junctions of Church Street/High Street/Station Road and Cambridge Road/Station Road using the TRL program ARCADY in

the "without" development scenarios for the base year (2014) and for 2015 and the "with" development scenarios for 2015 and 2025.

A similar exercise has been undertaken at the site access junction with Station Road using the TRL program PICADY.

The results of the operational assessment demonstrate that all three junctions will operate well within their theoretical capacity in both the morning and evening peak periods throughout the assessment years.

The Transport Statement also advises that the Council's consultant, Amey, provided the Personal Injury Accident Data for the area surrounding the development site for the period 1st April 2009 to 31st March 2014. These records indicate that there have been no collisions resulting in personal injury reported to the Police during that period.

Given that the proposed development site will be laid out and constructed in accordance with the Council's requisite standards and that the development traffic can be satisfactorily accommodated on the local road network, it is considered that the proposed development will not result in a detrimental impact in terms of highway safety.

10. Archaeology  
Officer

No objection subject to conditions

11. Adult Social Care  
(MANOP)

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

12. Environment  
Agency

We have no objection to this application.

13. Anglian Water

Informative note to be included. Foul drainage from this development is in the catchment for Poppy Hill Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows. Notice should be served if the developer wishes to connect to sewerage network.

Should surface water drainage include interaction with Anglian Water assets we should be consulted to ensure an effective surface water drainage strategy is prepared

and implemented.

- |  |   |
|--|---|
| 14. Internal Drainage Board                                      | Storm water disposal is to an AWSL sewer. Confirmation should be sought from Anglian Water that a suitable surface water sewer exists and can accommodate the additional flows. Surface waster disposal should be agreed prior to commencement of the main works.   |
| 15. Education Officer  | No objections - comments relate to developer contributions towards school expansion within the area.  |
| 16. Pollution  | On the basis of the findings, conclusions and assumptions of the September 2014 Hydrock Ground Investigation, potential contamination concerns in terms of suitability for use and the health of future site users can be considered satisfied. Responsibility for reporting and resolving any unexpected contamination and related risks that may arise remains with the developer and site owner.   |
| 17. Public Protection<br>18. Strategic Planning and Housing Team | No objections to raise<br>The current position is that the Council believes that we have a 5 year supply of housing sites with marginal headroom. However we only have a very small margin and the number can be volatile. Indeed it is important to stress that the housing land supply is not static, since permissions can lapse, or sites can fall out of the 5 year supply period due to slippages in delivery rates etc. Therefore whilst the Council maintains that it has a 5 year supply, and defended this position at a recent s.78 appeal, the inspector has yet to publish her findings and may come to a different conclusion. Therefore permission should be granted for sustainable and deliverable sites unless significant and demonstrable harm can be demonstrated when assessed against the relevant policies of the Core Strategy for North Central Bedfordshire (2009), the Site Allocations DPD for North Central Bedfordshire (2011) and the NPPF. |

**Determining Issues:**

The main considerations of the application are;

1. Principle
2. Affect on the character and appearance of the area
3. Neighbouring amenity
5. Highway considerations
6. Other considerations

**Considerations**

**1. Principle**

- 1.1 The site lies for the most part outside of the settlement envelope of Langford and is therefore located in land regarded as open countryside. The adopted

policies within the Core strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Langford is designated as a large village where Policy DM4 limits new housing development to small scale development. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non compliance with Policy.

- 1.2 At the time of writing this report the Council can demonstrate a five year housing supply, therefore in accordance with Paragraph 49 of the NPPF, land supply policies within the Core Strategy and Development Management Policies Document are not out of date. However, as advised by the Strategic Planning and Housing Team, the Council only have a very small margin above 5 years supply and the number can be volatile. Indeed it is important to stress that the housing land supply is not static, since permissions can lapse, or sites can fall out of the 5 year supply period due to slippages in delivery rates etc. Therefore whilst the Council maintains that it has a 5 year supply, and defended this position at a recent s.78 appeal, the inspector has yet to publish her findings and may come to a different conclusion. This currently means therefore that permission should be granted for sustainable and deliverable sites unless significant and demonstrable harm can be demonstrated when assessed against the relevant planning policies.
- 1.3 The site is adjacent to and partly within the Settlement Envelope. To the east and south the site directly adjoins existing residential development. Given the layout of the Langford 'triangle', the application site does not extend outwards into the surrounding countryside. It does extend the built form into the triangle however this area of land is surrounded by development and as such the application site would not be visible from the wider landscape surrounding Langford. The site appears closely related to Flexmore Way which extends inwards within the 'triangle', and along Station Road. Nevertheless the whole of the triangle area is unique in that it is central to the village but outside the settlement envelope.
- 1.4 Concern has been raised relating to the infilling of the 'triangle' and the harm this would have on the village and the precedent it would set. The proposal would not infill the whole of the triangle, but would extend the built form in an already built up area but the development would extend no further to the west than Flexmore Way (to the south). The views of the development would be somewhat limited from the main areas of the village therefore harm to the open countryside would be to a lesser degree than an application site on the edge of the village. Concerns regarding precedent are not considered to be substantiated as each application should be dealt with on its own merits.
- 1.5 Affordable Housing  
The proposal would provide 35 % Affordable Housing in accordance with Policy CS7. Of the 15 homes 63% would be for affordable rent and 37% intermediate tenure secured via a S106 Agreement. The proposal is therefore considered acceptable in this respect.
- 1.6 Sustainability

Concern has been raised regarding the sustainability of the proposal. Langford is categorised as a Large Village under Policy CS1 of the Core Strategy. There are various community facilities in Langford including shops, pubs, lower school, pre-school facilities, Church, Village Hall, doctors surgery and community clubs. There is also a regular bus service through the village to Biggleswade and Hitchin.

- 1.7 It is acknowledged that Langford has seen a number of proposals for additional residential properties, most recently the outline consent for 110 dwellings in Station Road on land almost opposite the site (ref: APP/P0240/A/14/2228154). In the Appeal for Station Road, while the site was also outside the settlement envelope, in allowing the scheme the Inspector felt that Langford was a sustainable location where new development could be accommodated without resulting in significant harm to the character and appearance of the area, the highway network and the community infrastructure. The Inspector noted "*I therefore conclude that the appeal proposal would amount to sustainable development in the terms of the Framework.*"
- 1.8 As advised above, Langford is classified as a Large Village where small scale housing and employment uses will be permitted together with new facilities to serve the village. Although small scale development is not defined, the scale of the proposed development should reflect the scale of the settlement in which it is to be located. Langford is one of the larger villages within the district where there are a number of existing facilities and services, therefore the scale of the proposal is considered to be appropriate.
- 1.9 Concerns have been raised regarding the capacity of the School in the village however there have been no objections to the scheme from the Education team in terms of school places. Developer contributions are sought towards expansion of the existing school sites.
- 1.10 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (and Section 70 (2) of the Town and Country Planning Act 1990) requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.11 Given the location of the site, there is a general presumption against new development, however the site is immediately adjacent to the Settlement Envelope and bound by existing housing on 2 sides of the site, therefore any harm to the open countryside would be limited. The extension of the village into the 'triangle' would result in some harm to the character of the village, however the harm would be limited to a small section of the triangle adjacent to existing development in Flexmore Way.
- 1.12 In this case, the additional housing and the provision of the affordable housing units would be a benefit by adding to the 5 year supply and this would outweigh any adverse affects from the development. The proposal is therefore acceptable in principle as it would meet the sustainable development tests as set out in the NPPF.

## **2. Affect on the character and appearance of the area**

- 2.1 It is proposed to demolish No 90 Station Road to create access to the application site. Station Road is of mixed character with bungalows and two storey dwellings of varying age and design. There is no particular architectural style that would inform the design of the proposed development however the immediate surroundings are shallow pitch late 1960's semi detached dwellings in Flexmore Way and semi detached hipped roof dwellings opposite in Station Road.
- 2.3 The site adjoins Flexmore Way on the southern boundary and fills a square of land up to no 78 Station Road. To the north of the site there is development which extends beyond the Station Road building line namely Mager Way and Bentley Close however they do not extend back as far as the development proposal.
- 2.4 The site comprises 42 dwellings of predominately detached two storey dwellings, some with rooms in the roof and dormer windows. Plot 42 is a detached bungalow and located to the rear of 88 Station Road. Plots 3 and 4 are semi detached one and a half storey dwellings. There are 8 one bedroom units, 5 two bedroom units and 2 three bed units which are proposed to be affordable housing units. All other dwelling are a mix of 3, 4 and 5 bedroom detached dwellings.
- 2.5 The Landscape Officer has raised concern regarding the loss of the triangle, however there are no objections to the design and layout of the development as the dwellings are set back from the land within the triangle and separated by a balancing pond and landscaped public open space.
- 2.6 Concern has been raised regarding the overdevelopment of the site and that the dwellings, particularly those with rooms in the roofspace, are out of character with the surrounding area. In terms of density, the site has an approximate density of 23 dwellings per ha which is acceptable in villages or towards the edge of settlements and in accordance with the Councils Design Guide. Whilst the design of the dwellings is not similar to the adjacent development, this in itself is not a reason to refuse proposals for new residential estates. Nine of the proposed dwellings have room in the roof however they are of two storey design with dormer windows in the roof space. This type of housing is not uncommon in new development.
- 2.7 Generally the layout of the development is considered acceptable. There are focal points and buildings that turn corners. Each property is provided with a garden area approximately 80-90 sq m, except for the one bed units which have an area of communal amenity space and this accords with the Councils Design Guide. Garages and parking are also compliant with the Design Guide, however tandem parking has been provided which should generally avoided as set out in the Design Guide. Although this may be the case, tandem parking is not considered to be a sufficient refusal reason where the layout would be acceptable in all other respects.
- 2.8 The application site is enclosed on three sides, east and south by existing residential development and north by a densely landscaped field boundary. While the site is partly within the 'triangle' the immediate surroundings are residential in character therefore the development would be closely related to

existing housing.

2.9 It is accepted that there would be an impact on the character of the area, however given the location of the site the harm to the environment would be limited and therefore the proposal would comply with the environmental strand of NPPF.

2.10 Given the limited harm to the character and appearance of the area the proposal would not conflict with Policy DM3 of the Core Strategy and Development Management Policies Document and is therefore acceptable in this respect.

### **3. Neighbouring amenity**

3.1 The application site extends along the rear boundaries of the existing properties in Flexmore Way. The development would be to the rear of No.s 2 - 8, to the side of No's 10 and 14 and then to the rear of 16 - 32. No 57 Flexmore Way lies at the end of the hammer head in Flexmore Way; the site adjoins the side boundary of this property. In Station Road, the site is to the rear of No's 76 - 88.

3.2 The proposed layout of the site has been amended to reduce the impact on neighbouring amenity. Clearly there would be an impact on the amenities of the above properties as they currently enjoy views of open fields and this would be lost should the development proceed. In terms of the view, the right to a view over third party land is not a planning consideration.

3.3 Plot 1 and 2 would be to the rear of No 2 - 8 Flexmore Way. They would be separated by gardens and are around 12-13m from the rear of the existing dwellings. Revised plans have removed a first floor window facing onto the garden of No 2, as such no windows are proposed that would directly look into the gardens and result in loss of privacy.

3.4 There would be an impact on 8 Flexmore Way due to the location of Plot 2 and Plot 3 which are to the rear and side of the existing dwelling. However Plot 2 would be sited around 2m from the rear garden fence of No 8 and its narrow two storey gable some 13m from the rear elevation. Plot 3 would be immediately to the west of No 8 but separated by the parking spaces and single garage. Plot 3 has been reduced in height to a one and a half storey semi detached dwelling to reduce the impact on No 8. It is also noted from site visit that there is an existing brick building of large footprint sited up against the boundary of No 8. While Plots 2 and 3 would have an impact on No 8 Flexmore Way, the impact is not considered to be so significant that it would warrant refusal.

3.5 Plots 5 and 6 are located to the side of No. 10 Flexmore Way. Given their siting, there would be some overlooking from first floor windows particularly to the garden area of No 10, however the proposed garage serving plot 5 would act as a screen therefore the overlooking is not considered to be to an unacceptable level.

3.6 The proposed dwellings located to the rear of No 16 to 32 Flexmore Way are



sited 21m from the rear elevations of the properties in Flexmore Way. this distance accords with the Design Guide in terms of an acceptable relationship to reduce adverse overlooking. There are detached garages located close to the rear boundaries of 16 -32 , however given the scale and location of the garages, while they will be visible, they would not result in a loss of light or overbearing impact.

- 3.7 Plot 10 is positioned site on to the rear of No 32 and separated by the parking spaces and double garage. Plot 10 has rooms in the roof however no windows are directly facing the rear elevation of No 32 therefore no adverse loss of privacy would occur.
- 3.8 Plot 10 and 11 are sited to the side of No 57 Flexmore Way and have no first floor windows facing the rear garden area of 57. Therefore no adverse loss of amenity would occur given the relationship between the existing and proposed dwellings.
- 3.9 No 88 Station Road is a bungalow with a shallow garden. Plot 43 is located to the rear of this property, however it has been reduced in scale to a bungalow and therefore would not significantly impact on No 88. The roof area would be visible however there would be around 11m between the properties and given the height of the proposed bungalow, this is not an unacceptable relationship.
- 3.10 No's 78 - 86 Station Road back onto the proposed two storey dwellings and the one bedroom affordable housing units. There would be 21m back to back window separation which is considered to be an appropriate relationship. The one bedroom apartments would be closer to the existing dwellings however they are designed with a narrow windowless gable that is located between No 82 and 82 Station Road as such the impact is limited.
- 3.11 Within the site layout itself, the dwellings are typically designed and are provided with adequate amenity space and parking provision.
- 3.12 Concerns have been raised regarding the proposed footpath link between the new development at the western end of Flexmore Way. The link provides connectivity but can be restricted to pedestrian use only to prevent vehicles using the access.
- 3.13 While it is accepted that there would be a visual impact on the existing residents in both Station Road and Flexmore Way, the proposal is designed to meet the requirements and spacings set out in the Councils Design Guidance. It is therefore considered that the proposal would not adversely affect the amenities of the existing adjacent occupiers to a to such a degree that would be considered unacceptable and a reason for refusal. The proposal is considered to comply with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

#### **4. Highway considerations**

- 4.1 There are no objections to the development from a Highway safety point of view. Adequate visibility can be achieved at the access point and the proposal has provided parking and visitor parking in accordance with the

standards set out in the Councils Design Guide.

- 4.2 Given that the proposed development site will be laid out and constructed in accordance with the Council's requisite standards and that the development traffic can be satisfactorily accommodated on the local road network, it is considered that the proposed development will not result in a detrimental impact in terms of highway safety.

## 5. Other Considerations

### 5.1 Archaeology

An ongoing archaeological field evaluation on land to the west of Station Road has identified archaeological features which on morphological grounds could represent later prehistoric, Roman or Saxon and medieval settlement. Therefore, the application site should be considered to have high potential to contain remains relating to the archaeological landscapes that have been identified in the Ivel Valley system.

- 5.2 The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the archaeological heritage assets.

- 5.3 Paragraph 141 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets. The planning application includes a *Heritage Statement* (CgMs May 2015) supported by the results of a geophysical survey (Stratascan August 2105) and a trial trench evaluation (Albion Archaeology June 2015) in conformity with the requirements of paragraph 128 of the *NPPF*. There are no objections to the development however further investigation should take place prior to any work commencing on site. In order to secure this a condition can be attached to any permission granted in respect of this application.

### 5.4 Drainage

The Sustainable Drainage Team have withdrawn their original objection to the proposal following negotiations with the developer and amendments to the proposed surface water drainage strategy. There are no objections to the scheme subject to details being approved and implemented as a condition.

- 5.5 This response is echoed by the Internal Drainage Board and the Environment Agency.

- 5.6 Following concerns relating to the capacity of the existing sewerage and water services, Anglian Water have been consulted on the proposal and have no objections to the development in terms of network capacity.

### 5.7 Ecology

The site is currently used as a paddock with fencing and stables. It is not considered that the land would have high ecological value, however bird and

bat boxes would provide a net gain for Biodiversity in accordance with the NPPF.

Agricultural land

- 5.8 Concerns have been raised regarding the loss of good grade agricultural land. The application site is defined as Grade 3 Agricultural Land on the agricultural land classification maps which is classed as being ' Good'. (Grade 1 being the best and most versatile). Paragraph 112 of the NPPF advises:

*“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

- 5.9 While the loss of the agricultural land is a material consideration, in this case the land is not being used for agricultural purposes, as such the development would not result in an unacceptable loss of agricultural land such that the proposal would be considered unacceptable.

5.10 S106 contributions

The Education Officer has confirmed there are no objections to the development however contributions are required to help towards funding expansion projects.

5.11 Education

- Middle School Contribution – Henlow VC Middle School expansion - £99,707.71
- Upper School Contribution – Samuel Whitbread and Etonbury Upper School expansion - £122,268.06
- Early years - £27,726.76

5.12 Waste Management Contribution

£46 per dwelling towards equipping all new residential properties with kerbside and domestic waste/recycling containers.

- 5.13 As well as financial contributions the S106 agreement seeks to secure other pertinent issues. In this instance the S106 would seek to secure the provision of the to secure the affordable housing particulars including numbers and tenure. The contributions towards Education are considered to be a benefit of the scheme and would off set the impact of the development on the education service.

- 5.14 Concern has been raised regarding the ownership of the site and the true boundaries. The applicant has served notice on 90 Station Road. While the comments regarding boundary issues are noted, land ownership and boundary disputes are not a material planning consideration.

**Recommendation:**

That Planning Permission be granted subject to the following conditions and the completion of a S106 Agreement securing financial contributions and Affordable Housing.

### **RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No construction of the development shall commence, notwithstanding the details submitted with the application, until details of all external materials to be used in the construction of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To control the appearance of the buildings in the interests of the visual amenities of the locality in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)**

- 3 **No development shall take place until details of the existing and final ground and slab levels of the buildings 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. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)**

- 4 **No development shall commence until a scheme detailing the final design, construction and associated management and maintenance for the proposed surface water drainage system for the site, based on the agreed Flood Risk Assessment (FRA), technical note (ref E3420/TN1/tjw/25082015), correspondence with Anglian Water, and the principles and techniques contained within the CBC Sustainable Drainage Guidance; has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

**Reason: Required prior to the commencement of the development to prevent the increased risk of flooding, to improve and protect water**

**quality, and improve habitat and amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)**

- 5 **Prior to the commencement of any construction works of the development hereby approved a landscaping scheme, to include all hard and soft landscaping and boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following completion and/or first use of any building (a full planting season means the period from October to March). 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 with others of a similar size and species.**

**Reason: To ensure an acceptable standard of landscaping in the interests of visual amenity and biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)**

- 6 Prior to the commencement of any construction works on the site a scheme detailing on-site equipped play provision and details of the arrangements for the future maintenance of the play equipment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory provision for play facilities to serve the development in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 7 **Prior to the commencement of construction work hereby approved details of any external lighting to be installed, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall have been submitted to approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.**

**Reason: To protect the visual amenity of the site and in the interests of biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).**

- 8 No part of the development shall be occupied until a site wide travel plan has been submitted to and approved in writing by the council, such a travel plan to include details of:

- Baseline survey of site occupants in relation to these current/proposed travel patterns;
- Predicted travel to and from the site and targets to reduce car use.

- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Detailed 'Action Plan' to include specific timetabled measures designed to promote travel choice and who will be responsible
- Plans for monitoring and review, annually for a period of 5 years.
- Details of provision of cycle parking in accordance with Central Bedfordshire Council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome pack to include:
  - a) site specific travel and transport information,
  - b) details of sustainable incentives (e.g. travel vouchers)
  - c) maps showing the location of shops, recreational facilities, employment and educational facilities
  - d) details of relevant pedestrian, cycle and public transport routes to/ from and within the site.
  - e) copies of relevant bus and rail timetables together with discount vouchers for public transport and cycle purchase.
  - f) details of the appointment of a travel plan co-ordinator.

No part of the development shall be occupied prior to implementation of those parts identified in the travel plan [or implementation of those parts identified in the travel plan as capable of being implemented prior to occupation]. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network in accordance with Policy DM3.

- 9 **No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs, together with on-site parking and turning of delivery vehicles and wheel wash facilities. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.**

**Reason: Details are required prior to work commencing on site in order to minimise danger, obstruction and inconvenience to users of the highway and the site.**

- 10 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 11 **No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The written scheme shall include details of the following components:**

- **A method statement for the investigation of any archaeological remains present at the site;**
- **A outline strategy for post-excavation assessment, analysis and publication;**
- **A programme of community engagement**

**The said development shall only be implemented in full accordance with the approved archaeological scheme and this condition shall only be fully discharged when the following components have been completed to the satisfaction of the Local Planning Authority:**

- **The completion of the archaeological investigation, which shall be monitored by the Local Planning Authority;**
- **The submission within six months of the completion of the archaeological investigation (unless otherwise agreed in advance in writing by the Local Planning Authority) of a Post Excavation Assessment and an Updated Project Design, which shall be approved in writing by the Local Planning Authority.**
- **The completion within two years of the approval of the Updated Project Design (unless otherwise agreed in advance in writing by the Planning Authority) of the post-excavation analysis as specified in the approved Updated Project Design; preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report;**
- **The completion of the approved programme of**

**community engagement.**

**Reason: (1) In accordance with paragraph 141 of the NPPF; to record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available.**

**(2) This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework* (NPPF)**

- 12 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority details that the approved scheme has been checked by them and that the entire surface water drainage system has been correctly and fully installed as per the approved scheme.

Reason: To ensure that the entire system will be operationally ready at all times and functions within the performance requirements; that the operation of the system is safe, environmentally acceptable, and economically efficient; that as far as possible the failure of one section of a drainage system will not adversely affect the performance of the other parts.

- 13 No development shall begin until details of the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.

- 14 No dwelling shall be occupied until visibility splays have been provided on each side of the junction of the access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

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

- 15 No development shall begin until the detailed plans and sections of the proposed access road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access



has been constructed (apart from final surfacing) in accordance with the approved details.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

- 16 Before the new access is first 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 a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 17 No works to the construction of the dwellings hereby approved shall take place until details have been submitted to and approved in writing by the Local Planning Authority of proposals to integrate a minimum total of 10 integral bat and bird boxes into the elevations of the buildings hereby approved and construction of the dwellings shall be carried out in accordance with the approved details.

Reason: To ensure the development provides an enhancement and net gain to biodiversity in the interests of the policies within the National Planning Policy Framework.

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbered S247\_110, S100\_131, S247\_211, S3694/01, S247\_100 C, S100\_130 B, S247\_200 C, S247\_210 C, S247\_101 C, GL0409 01B, BWB2 2--5, P382-EB5, P341-WD5 sheet 1, P341- WD5 sheet 2, H336--5 sheet 1, H336--5 sheet 2, DWB4 6--5 sheet 1, DWB4 6--5 sheet 2, H421--5 sheet 1, H421--5 sheet 2, H485--5 sheet 1, H485--5 sheet 2, H469--X5 sheet 1, H469--X5 (2013) sheet 2, H536--Y5 sheet 1, H536--Y5 sheet 2, H597--5 sheet 1, H597--5 sheet 2, SH11, SH11 PLANNING GF PLAN, SH11 PLANNING FF PLAN, SH27--X5, SH39--X5, XSG1F, LDG1A, XDG2S, XTG2S, Landscape and Visual Impact Assessment ref BIR.4840 REv A dated Nov 2015, Tree constraints plan D14-3125, Hydrock Desk Study and Ground Investigation ref R/14689/001 Sept 2014, Transport Statement June 2015 E3315-langford-ajr-tsreport-0615 rev3, Utilities Report E3315-SRL-njb-utilities rev1 May 2015, Travel Plan E3315-langford-ajr-travelplan-0615 rev3, Flood Risk Assessment E3315-SRL-mjl-frareport-rev2, Geophysical Survey Report ref J7239 Aug 2014, Heritage Statement May 2015, Archaeological Evaluation ref 2015/74 Version 1.0, Sustainability Statement Issue 04 Sept 2015, Technical Note 1\_Langford Suds 25082015.

Reason: To identify the approved plan/s and to avoid doubt.

## INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the Core Strategy and Development Management Policies Document (2009)

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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**Item No. 15**

<b>APPLICATION NUMBER</b>	<b>CB/15/02258/FULL</b>
<b>LOCATION</b>	<b>Land off Marston Road, Lidlington, Bedford, MK43 0UQ</b>
<b>PROPOSAL</b>	<b>Residential development of 31 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works.</b>
<b>PARISH</b>	<b>Lidlington</b>
<b>WARD</b>	<b>Cranfield &amp; Marston Moretaine</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Morris, Matthews &amp; Mrs Clark</b>
<b>CASE OFFICER</b>	<b>Lisa Newlands</b>
<b>DATE REGISTERED</b>	<b>18 June 2015</b>
<b>EXPIRY DATE</b>	<b>17 September 2015</b>
<b>APPLICANT</b>	<b>BDW Trading Ltd and Henry H. Bletsoe &amp; Son LLP</b>
<b>AGENT</b>	<b>Bidwells</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Deferred from December Committee to discuss East - West rail representation.</b>
	<b>Previously Called in by Cllr Clark on the grounds it is outside the settlement envelope and potential impact on East-West rail improvements to the Marston Road crossing.</b>
	<b>Major development which is a departure from policy.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval subject to completion of S106 agreement</b>

**Summary of recommendation:**

The application was deferred from the Development Management Committee in December, due to concerns regarding the impact of the scheme on the delivery of the East-West Rail Scheme. The report has been updated to reflect that given additional information received from Network Rail and the lack of an objection that the proposal can be delivered alongside the East-West Rail scheme. The proposal is considered to be a sustainable form of development that would be commensurate with the scale of Lidlington as a small village. Whilst it is considered that the Council can demonstrate a 5 year housing supply, this proposal would add to this and assist in the future safeguarding of this position. The re-development of the employment allocation is supported in the National Planning Policy Framework and it is considered that the site has been marketed for a suitable period of time.

On balance, it is therefore considered that the proposal presents a sustainable form of development that would assist in our continued delivery of a 5 year supply of housing land and would be in conformity with the National Planning Policy Framework (2012).

**Site Location:**

The site is located to the east of Lidlington, north west of Marston Road and north east of The Lane. The site measures 1.77 hectares and is located in open countryside adjacent to but outside of the settlement envelope for Lidlington.

The site is currently used for rough grazing. Residential dwellings are situated to the south west of the site, open countryside to the north, east and south of the site. A public footpath is located immediately to the north of the site, beyond this is the railway line.

A portion of the site, close to the roundabout and adjacent to the existing residential properties is allocated as employment for B1 use.

**The Application:**

Full planning permission is sought for the erection of 31 dwellings, an area of public open space, 35% affordable housing, vehicular access, pedestrian and cycle links, landscaping and drainage.

The scheme has been revised from that original submitted, with a reduction in the number of units from 37 to 31, removal of the access from Marston Road and Riglen Close.

The proposal is to be served from the side street of the existing development with primary access from Marston Road coming via the existing roundabout.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (March 2012)**

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

- CS1 Development Strategy
- CS2 Developer Contributions
- CS3 Healthy and Sustainable Communities
- CS4 Linking Communities - Accessibility and Transport
- CS5 Providing Homes
- CS6 Delivery and Timing of Housing Provision
- CS7 Affordable Housing
- CS13 Climate Change
- CS14 Heritage
- CS16 Landscape and Woodland
- CS17 Green Infrastructure
- CS18 Biodiversity and Geological Conservation

- DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings  
DM3 High Quality Development  
DM4 Development Within and Beyond Settlement Envelopes  
DM9 Providing a Range of Transport  
DM10 Housing Mix  
DM13 Heritage in Development  
DM14 Landscape and Woodland  
DM15 Biodiversity  
DM16 Green Infrastructure  
DM17 Accessible Green Spaces

### **Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

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

Central Bedfordshire Design Guide (March 2014)  
Sustainable Drainage Guidance SPD (April 2014)  
The Leisure Strategy (March 2014)  
The Mid Bedfordshire Landscape Character Assessment (2007)  
Draft Central Bedfordshire Landscape Character Assessment (2015)

### **Relevant Planning History:**

Application Number	CB/14/03130/SCN
Description	Screening opinion residential development
Decision	EIA not required
Decision Date	19/08/14
Application Number	MB/03/00165/OUT
Description	B1(a) office development
Decision	Approved
Decision Date	25th June 2004
Application Number	MB/07/01433/OUT
Description	Class B1(a) office development (all matters reserved)
Decision	Approved
Decision Date	08/10/07
Application Number	CB/10/00036/REN
Description	Extension of time MB/07/01433/OUT
Decision	Approved
Decision Date	15/12/10

### **Consultees:**

Parish/Town Council

Object to the proposal on the following grounds:

- Outside the settlement envelope, so this would set a precedent
- The site is currently designated for commercial buildings, the Parish Council strongly support this use for the area, to attract businesses to the village
- The site given its current commercial use allocation has not been marketed at all for this purpose
- The village now has access to super fast broadband so this would be a suitable time for site to be marketed with commercial use
- The submitted plans show insufficient parking provision, the allocation within this area is lower than the allocation on the nearby estate which already clearly has issues
- The Council is concerned about the developer's inability to take the nearby estate through to adoption
- Concern that the developer has left parts of the nearby estate in poor condition, the management of the play area facility is not being carried out,
- The site includes strategic land earmarked by Network Rail as part of the core scheme for the East - West rail link which will be included in their public consultation from September
- Lidlington is a small village, the nearby estate when it was built meant a 15% increase in number of properties in the village, this proposed development would mean a further 7% increase. The Council object to this inappropriate growth to a small village which does not have any infrastructure.

Additional comments received 30th November 2015:

- The Parish Council are aware this site has planning permission granted for a commercial use, the Parish Council have not sighted a change of use planning permission for this site.
- The additional houses will add more vehicles movements at the A507 junction which is already very dangerous, it is asked that this be considered as safety improvements are needed to this junction, and none are programmed in at present.
- The current development in this locality has a number of vehicles parking constantly around the approach to the roundabout on Marston Road, which is dangerous. Any additional housing would add to this problem. The proposed thoroughfare to the new area of housing would take away the main area that currently being used to cope with the current

inadequate parking provision. Thus leading to further displacement of vehicles that have no where to park.

- The additional housing will bring a great strain on the utilities currently serving the houses off Marston Road, these will be come overloaded. The village regularly suffers from power cuts due to this issue.
- There is a well documented problem with low water pressure as well.
- The Parish Council would like to see the permissive path upgraded to a full public right of way as a condition of this development, if permission is to be granted, as this was a promised planning gain on Phase 1, which to date has never happened.
- The Council question whether plots marked 29 to 31 are compliant with the East West Rail upgrade plans that no new houses are to built within 30metres of the proposed upgrade.
- The Council are disappointed not to see any self build plots available.
- The Council feel the proposals are unsustainable as they have a negative impact on the village, taking away employment opportunity

MANOP The needs of older people should be considered as part of this proposal and, should approval be forthcoming, we would urge that a significant proportion of dwellings in the scheme are designed to be suitable for older people.

Housing Development Officer No objection

IDB No comment to make

Community Safety Officer No comment to make

Countryside Access Do not wish to seek S106 contributions from this development.

Ecology No objection. Integrated bird and bat boxes should be included within the fabric of the buildings on the periphery of the site adjacent to the hedge and ditch features.

Highways No objection

Integrated Transport No objection

Landscape Officer No objection subject to conditions relating to planting

LDF Team At the time of writing it is considered that we can demonstrate a 5 year housing supply.

Economic Development No objection

Network Rail Further comments to follow on the late sheet. Network Rail recommend that the LPA and developer take into consideration the potential for the bridge at Lidlington to impact on the future residents.

East-West Rail Further comments to follow on the late sheet. Whilst the EWR Phase 2 scheme is not yet consented, and therefore no firm objection can be substantiated, the attached drawing shows early design proposals for a new

		bridge over the railway in Lidlington. The proposal may have some impact on planning application CB/15/02258/FUL, land off Marston Road, Lidlington.
Play and Open Space Officer		No objection subject to conditions
Public Protection		No objection subject to noise condition in terms of rail and road traffic noise.
Contaminated Land Officer		No objection
Rights of Way		No objection subject to condition
SuDs		No objection subject to conditions
Transport Strategy		No objection, however, concerns raised regarding the proposed development and the impact it may have on the future delivery of an alternative crossing for Lidlington. The East West Rail project team were consulted but no response received.

**Other Representations:**

Neighbours	36 letters of representation have been received in objection to the proposal.
2, 3, 6, 8, 10 Riglen Close – Objection	<ul style="list-style-type: none"> <li>• Lidlington is classified as a small village and by adding 37 new dwellings the village will grow considerably and lose its feel</li> <li>• Lidlington has had its share of developments and do not need more</li> <li>• Lidlington is very congested</li> <li>• Adjacent site built by the same developer – the roads are very narrow and the houses do not have enough private parking</li> <li>• There is a suggestion to create a new access road to the proposed development off Marston Road – This has now been revised and removed from the proposal.</li> <li>• Movement of the existing playground would be closer to the railway line – security risk for children playing outside</li> <li>• There is only one small village shop available to residents, thereby residents have to travel to nearby towns for their shopping. Since the current public transport system offers limited options residents have to use their cars. Adding more houses would increase the traffic considerably in and through the village.</li> <li>• The developer has marked boundary lines wrong and taken land that doesn't belong to them. This has now been rectified in the revised drawings.</li> <li>• The proposed development includes land that is currently up for sale as B1 commercial development. They have stated that this land is</li> </ul>



unable to sell and would be better used for residential development. It is hard to believe that there is no interest at all to develop any kind of commercial business on that land. The village would benefit far more from a commercial unit that would create local jobs in the area, rather than more houses.

- The local school is already oversubscribed
- The closest doctors surgery is in Marston Moretaine and they are already struggling with the amount of patients registered with them.
- Network Rail are electrifying the train line through the village – a recent consultation meeting suggested that one option involves moving the main road through the village and this would cut through the field where this development is proposed. By building on this site you would be limiting the options for Network Rail. It is felt that the train line is far more important than additional dwellings.
- The developer did not accurately follow plans for the adjacent development and it is feared they will do the same here.
- It has been suggested that the owner of the land has turned down a number of reasonable offers for the land over the years in the hope that they would eventually gain consent for residential development – the village is in dire need of local businesses.
- Access via Riglen Close would be dangerous for all of the current residents and upset current parking arrangements.
- Access via Marston Road would be dangerous as this is the main artery through the village and turning on to and off this road would be dangerous.
- The proposal would add significantly more cars to the village traffic.
- The proposed houses differ aesthetically to the existing adjacent properties
- The layout is bizarre placing roads next to existing roads with a hedge in between.
- Traffic calming measures or urban realm improvement works have been suggested along Marston Road – these should be in place before planning work is approved, it is a dangerous road that has previously had fatalities.
- There is no pavement on the side of Marston Road next to the proposed housing estate therefore pedestrians would therefore have to cross a busy road with a blind corner in order to gain access to the village.

- The increase in visitor parking has been noted, based on 1 visitor per 4 houses. What is this based on? The proposal fails to cater for the 10 parking spaces that would be displaced from the current adjacent estate when the new side street access road is created.
- The transport statement is not appropriate as it is too narrow and does not consider traffic incidents on the junctions from Lidlington onto the A507 Bedford Road. Both of these junctions have been the scene of fatal accidents.
- The transport statement should also consider the planned changes as part of the rail upgrades – this will increase the traffic load on Marston Road and increase risk onto the dangerous junction with the A507.
- Riglen Close is not a standard width, it is very narrow and fire engines or ambulances would find it very hard to access the new properties if they were built using this access
- We already have a problem with parking in the close as many properties are 4/5 bedroom houses with only 1 parking space. The end of the Riglen Close is currently a T junction and is often used for parking. If the development went ahead this would then be a through road, where would these vehicles park? We also have to park cars partly on the pathways otherwise vans/cars are unable to pass
- The whole estate already has problems with parking without any more houses being built to increase this problem.
- There are a number of local residential developments either taking place, approved, or under construction. Recently completed are the former Royal Oak Public House site and the conversion of Lidlington Church into residential accommodation. The Hanson Offices are now sold for development, and there is a substantial new development proposed at Millbrook. The local plan states that 500 new homes should be accommodated by the 50 small villages in the county. Lidlington has already provided over 70 of these in the current estate. On the presentation of the local plan, council representatives informed us that the proposed development was unlikely to be given approval during the term of the current local plan, as Lidlington would have limited infill

development only.

- A few weeks ago the local shop - The Lemon Larder closed down. The village now has no shops and I have to travel outside of the village to do my weekly food shop. Its my understanding that part of the site has been cleared for business use. If this development was to go ahead it would use this land. This land needs to be kept for business use, its is a good size for a metro sized supermarket and this is something the community greatly needs, especially in light of the recent closing of the only shop left in the village.

6, 8 and 18 Kerrison  
Close - Objection

- Developer hasn't completed the existing estate – the estate roads have yet to be adopted by the Council, there is no paved link between Kerrison Close and The Grove footpath and general maintenance is lacking
- Increased traffic on the estate and the village as a whole
- The local school is very small – where would the children go?
- Car parking is already a big problem – this new build will only make it worse
- It will be a safety issue due to blocked roads for larger vehicles and emergency vehicles
- Movement of the play park – add to the already high level of noise experienced, especially with another 31 houses
- Will there be a regular rubbish collection
- Will the roads be cleaned during the building phase
- Does the new fast rail link know about another 31 houses that could use the railway station and plan to have them stop at Lidlington
- Concerns regarding the relocation of the existing childrens play area – it appears to site it significantly closer to our property. This may lead to significant increases in noise disturbance and will impact our privacy. Our lounge window would look directly out to the

2, 4, 11, 37, 39 Butler Drive – objections

area where the new site will be and anyone using the equipment would have a direct view into our lounge.

- David Wilson Homes have not completed the existing development at Butler Drive, no contractors for public spaces are in place and the development is now turning wild, with Children's play areas now no go areas.
- The proposed development will be visually overbearing and have a significant detrimental impact on the verdant landscape. The style and design of the proposed development is not in keeping with existing dwellings thereby reducing the village aesthetics. One of the reasons we bought our house in this area was because of it being in a small village with a rural, country design and feel.
- Safe access and egress to the development will be compromised in an already overpopulated and busy residential area. We already suffer with a lack of suitable parking resulting in residents parking on the main access road (Butler Drive) and pavement leading into the development. With the speed at which cars enter the development the obstructions caused by the overflow parking naturally cause concern for pedestrian safety and roadway preservation. Similarly, people have been observed to cut off the corner into Butler Drive. The increase in traffic flow and parked cars, to an already busy junction, and estate, jeopardises the safety of our children, residents and also the safety of our roadways.
- The development is planned on potential employment land. This area of land has been advertised for employment and therefore contradicts the initial plans for this area, removing the possibility for local employment and income generation.
- The noise levels will be greatly increased in building such an estate around and already established area, for those who do not work 9-5 this would cause a big disruption during the day. equally the road and surrounding areas will be filled with drilling and building noise. once build this will add 35+ peoples daily noise.

- village life as it is at the moment represents all that is good with small rural housing, it allows a sense of security and relaxation as the small area allows the community to be aware of each other, by increasing the number of houses in this village it will alter the quality of the village that we have all come to know and love.
- by removing the marston vale trail this would stop the free roaming of the land (which we believed was protected for 25 years) from the current families in the village from; dog walking, hiking and enjoying the countryside. Additionally the wildlife already on the site (would be destroyed) including rabbits, foxs butterflys birds and a multitude of different smaller creatures which would be eradicated not dissimilar to cutting down the rainforests of south america which i am sure even BDW would agree is not acceptable!
- Finally there is already large en-mass building of estates in bedfordshire; Flitwick, Millenium park and others. furthermore there are houses in Lidlington that have been built that are not yet sold, would it not therefore make sense to optimism the current vacancies before building more housing.
- The transport statement is out of date – incorrect bus timetable information
- Not sufficient parking for existing and future residents
- Network Rail are to upgrade the railway and are planning to close the Church Street/Station Road level crossing. They presented several proposals but their preferred solution was to build a new road with a bridge somewhere between the existing roundabout and Marston Road level crossing. Although this is not forecast to happen until after 2019 would it not be a good idea to look into seeing how this new estate would impact the proposed solution to the level crossing.
- The implementation of this development cannot be allowed to delay the adoption of the Phase 1 roads.
- the proposal to create a side street from the existing access square servicing 90% of the new houses is ill conceived.
- The incorporation of a so called 'private road' from access to the north east provides further annoyance. A second means of access and

egress from the estate generally would be beneficial to the existing and new properties.

- The current proposed new access road from Butler Drive will include a sharp corner with limited sightlines. I believe this will be dangerous and creates a blind spot. Cars already cut the corner from the roundabout, over the square, onto Butler Drive. With the proposed access accidents will occur.
- The straight roads now proposed for phase II, I believe, will cause for heavier traffic to be parked on the roads within these areas.
- Generally it is accepted there is a lack of parking within phase I. No consideration appears to have been made with regard to phase II.
- The house styles that have been proposed for the dwellings do not mirror those of phase I. I do not consider these to be inkeeping with the style or feel of the village or the original phase I development. (An issue I believe Central Bedfordshire Council took great care to ensure in phase I).
- In addition I note within the affordable housing that flats have been proposed. Again I feel that these are not inkeeping with the phase I development or the village as a whole.
- I note that the affordable housing has been crammed into an area directly adjacent to the roundabout. I note that this area has previously been allocated for employment land. Therefore I cannot see why housing is being allowed to be created on this area.
- The affordable housing has been put in a separate area with separate parking area complete. This appears to isolate the affordable housing from all other residents within phase II of the scheme.
- The access routes will create problems, both from the existing road and particularly from Marston road. The road is busy and has a nasty bend near the proposed entrance which has seen previous fatalities.
- There is lack of adequate parking. The existing part of this development is ridiculously overdeveloped and under resourced for parking. Most of the roads are permanently clogged with residents cars.
- Network Rail needs to close the automatic rail crossing close to this development and is on the

40 Whitehall – objection

threshold of applying to build a bridge to do this. This will be impossible if the development is approved and may result in Marston Road being permanently closed. This will be a disaster for the village and will not be popular with Millbrook Proving ground who have permission to build on the opposite side of Marston Rd.

- There is existing planning permission for this site for light industrial development. The developers never wanted this and have not tried to market it. With a recovering economy they now have an opportunity to do so and to provide potential employment in the village which now has superfast broadband.
- The village infrastructure is overstretched already and this development would only exacerbate that.
- There is no land set aside for Self Build.
- There have been 10 new dwellings approved in Lidlington in recent months. Four have been built on the former Royal Oak site, 3 in St Margarets church and there are approved plans for two dwellings adjacent the Green Man pub and one on Station Road, none of which are affordable housing. Lidlington is supposed to be a small village. The previous housing development extended the village by 14%. This is extending the village boundary even further and by another 7%.
- The developer of the existing site has an appalling record of discharging its responsibilities once the houses are built and sold.
- There has been no consideration given to the amount of increased traffic flow, noise and inconvenience to local residents, especially during construction, if the plan is approved.
- The reference made to improved local transport links and facilities is sadly misinformed.
- The local bus service is a once a day bus at best with the nearest regular service some 2 mile walk away in Martson Mortaine.
- There is no longer a village shop, with the proposed building of a new one appearing to falter!
- The present rail service is an hourly one at best (in either direction) and is regularly subject to delays and cancellations, especially in the evening.
- As far as I understand it, the new improved

2, 11 The Lane –  
objection

service will not stop at Lidlington. The future electrification of the line will require substantial construction to improve the level crossing in Marston Road, effectively isolating the eastern end of the village, meaning that the only access will be from the western end, additionally increasing traffic.

- Local building projects (e.g. the conversion of the old church) caused parking issues during construction and some 12 months later the building still remain vacant! The new development in neighbouring Marston Mortaine has provided a significant increase in local housing and the increase in residents is already eroding its village appearance.
  - Whilst understanding the need to increase home building nationally, I can see no benefits to this application to the residents of Lidlington. We are a village and proud of it!
  - This is seen locally as the thin edge of the wedge, with the much opposed plan of linking Bedford and Milton Keynes, through housing developments, as gaining momentum through piecemeal development.
  - The slow but steady erosion of the surrounding countryside, to increase available housing, will only benefit the local authorities through grants and central government handouts, with no visible improvement to our quality of life and for the above reasons I still strongly object to any new proposed developments to our village.
- 20, 21, 22 Greensand Ridge – objection
- This would spoil the landscape and is a perfect dog walking area, it is safe and would spoil the rural scene of Lidlington whilst destroying the newly planted trees.
  - The land is adjacent to nature reserve and would damage natural habitat of animals.
  - the village cannot accommodate any further development.
  - There will be a strain on facilities, increased traffic, increased noise and pollution, local services will be under further strain especially the village school and local doctors surgery.
  - Further development will detract from the rural nature of the village, a characteristic much valued by the current residents.
  - I am concerned about the possible increase in the village school place competition.
  - Lidlington has already provided land for recent development at two brownfield sites, the church



and public house, this is enough.

- Development on the proposed site will result in further loss of countryside bringing this villages merger with Marston Moretaine even closer. I chose to live in Lidlington as it is a village, I want to live in a village not a town.
- There must come a time when building on greenfield sites must stop before the natural landscape of this country is irreversibly damaged. I refute the popular belief that a housing crisis exists in the UK. A population crisis exists in this country. The UK is one of the most densely populated countries in the world. Further development only encourages population increase. To ease overcrowding immigration must be vastly reduced and couples should be encouraged to have no more than two children. A smaller population would result in greater quality of life for everybody and make it more possible to live sustainable lives. I therefore oppose this development as I oppose all greenfield development. I propose this land should instead be used for the production of food or made an addition to the neighbouring woodland reserve.
  - Lidlington is a small village with little infrastructure or schooling. To add an additional 37 homes will create an increase of traffic pollution/vehicle movements. A potential increase of around 80 additional vehicles out on to the Marston Road.
  - Currently there is one access/exit from/to the existing estate which will take the additional homes which is via a roundabout on to the small Marston Road, which would be incapable of taking the increased traffic. The adjacent Land is currently arable land in the green belt, This area is currently used by residents/visitors for walking, dog walking, cycling and general amenities, and we understand we could lose part of this area.
  - There is further the additional East/West Varsity line rail link with possible alterations to the road by closing the level crossing 300 mtrs from the site, so Marston road would again be the popular route out of the village. The level crossing in Lidlington could also be closed. Whilst acknowledging that housing stock is needed a small rural village is not the correct location especially at the moment when so much is still to be decided.
  - There is also the current planning consent to

9 Station Crescent –  
objection

Millbrook Proving Ground for additional business buildings located on land opposite the site again using the Marston Road for access.

- I have concerns over increased traffic in an already congested village, increased traffic especially close to bridleways and on the Lidlington Hill where there is no footway. I am also very concerned about the lack of shops and of facilities such as GP practice - which it is already very difficult to access and get appointments at. The size of Lidlington has already caused infrastructure stress (roads, services) and to increase population again by building more houses will only add to the existing pressure on local amenities. Risk to local walkers, and users of bridleways and cyclists will also increase due to additional traffic.

Hill View, Lodge Road  
Cranfield– Objection

- Its too large, developments in a village the size of Lidlington should be smaller.
- The submitted plans by the developer are inconsistent, each document features a varied layout.
- The size of the proposed development would compromise the small village feel that Lidlington currently has.
- The proposed site would be better used with a business located on it.
- If built, access to the houses on the site would be difficult and dangerous.
- Local facilities are already oversubscribed, increasing the capacity of local schools and doctors surgeries should be first addressed before building new houses.
- The land has also been scoped in the preliminary plans by National Rail to electrify and extend the railway and move the villages level crossings. Using it for a housing development may affect their project and the extension of the railway is a much more worthy project.
- Internet access in Lidlington is slow, the recent network upgrade to fibre has now been fully subscribed and BT can no longer accept any more customers, leaving the majority of the village still on the old slow connection. Adding more houses will make slow Internet even slower.
- Lidlington has been designated as a small village and a development of this size would

threaten that particular classification. The development is set to stretch the village geographically, it is my firm belief that there are many sites closer to the heart of Lidlington that should be first considered for development, before any extension to the village. There has also been a large amount of development in the area recently and Lidlington has taken its fair share of the councils new housing quota.

- I am aware of pre existing planning permission on part of the site. I believe that this should remain classified as B1. To remove or modify this classification would hurt the local community, who could immeasurable benefit from a new local business. As previously mentioned, the anecdotal part of the plans discuss the range of amenities already accessible by the local community, this information is out of date and there are far less facilities than mentioned. If this plot of land is continually reserved for business purposes it will eventually be purchased and developed. From reading the documents it is my understanding that offers have previously been made by prospective businesses but have been rejected by the owner of the land. I assume the owners approach is that the sum of the land is greater than its parts and is biding time until extremely profitable residential planning permission can be obtained for the entire plot of land. It is crucial that the council do not agree to change the type of planning as the residents of Lidlington and the immediate surrounding areas would benefit far more from a new local business than a new housing estate.
- Part of the plans change the planning use of part of the proposed site from business to residential. Lidlington only has one pub, one small local shop, one hairdressers and one church. The local residents would benefit from this land being kept for business use and being sold to a business. Its my understanding that this land has been for sale for some time, but the seller has not sold it even though they have numerous decent offers. I encourage you to refrain from changing its planning from business to residential, this may force the seller to finally accept an offer so that land can be sold to a business and developed, which would greatly benefit the local community.
- Access to the site causes me some concern.

The site is partly accessed from a busy road that has tight and blind corners, this could lead to accidents. Another access point displaces a large parking area on a housing estate, where will these cars park? The only option I can see is that they will start to park on the main roads in the village. This would turn a two way traffic system, into a one way road which would cause delays when travelling through the village.

- My final point is that there has been enough development in the area already, I have seen new houses go up in Lidlington, as well as the major conversion of the local church. There is also a huge development taking place at Milbrook. My worry is, if the proposed plans in Lidlington are allowed to happen, it will expand the size of Lidlington and you will soon get Marston, Lidlington and Millbrook sprawling in to each other forming one large pseudo town. Lidlington is a small village and the council should preserve it, only small developments that fill in empty plots between existing houses should be allowed.
- I lived in Marston and then moved to Cranfield, over the past 65 years of being a resident of both villages I have seen them grow, slowly at first but housing development after housing development have caused each village to become more like a town. Its my belief that the proposed housing development would have the same effect on Lidlington. Its important to retain Lidlington as a village and keep development to a minimum, nothing of this scale should be approved.
- Lidlington is supposed to be a SMALL village. The previous housing development extended the village by 14%.
- This is extending the village by ANOTHER 7%, pushing the village boundary even further.
- The access routes will create problems, both from the existing estate road and from the main road. There is lack of parking.
- Cars in the current estate are parked on the road causing difficult access.
- The access route is very close to existing dwellings and will cause nuisance.
- What happens if the RAIL CROSSINGS CLOSE in future and the road is diverted with a bridge over the Marston Road? It may not leave enough land.

Hurst Grove – 1  
Objection

Millbrook Proving  
Ground - Objection

- What has happened to employment land?
- There is no land set aside for Self Build.
- There have been 10 new dwellings approved in Lidlington in recent months. Four have been built on the former Royal Oak site, 3 in St Margarets church and there are approved plans for two dwellings adjacent the Green Man pub and one on Station Road, none of which are affordable housing.
- The site is not well suited to residential development.
- The development does not provide benefits for the community and will in effect remove an opportunity to provide business accommodation suited to local needs
- Whilst it is acknowledged that they may have been little interest in the area previously designated for employment - the period incorporated the economic recession and further marketing should be considered, in addition the recent approval of employment at Millbrook Proving Ground may well stir further interest in alternative business developments in the area.
- The marketing report suggests that there has been positive interest in the site previously but these have been rejected as either being below market value or at conflict with the local residents.
- the proposal demonstrates an incursion into the open countryside
- The proposed development does not integrate with the existing development.
- The lack of connection between the two sites demonstrates that this proposal does not represent a natural extension to the existing urban fringe.
- The LVIA states that the site has a low landscape value - this is rejected. The site's landscape value is in creating a clear transition between the edge of the settlement and Granary Wood.
- The rough pastureland alongside the woodland creates a valuable wildlife and biodiversity habitat, which would be lost with the development of the site.
- Poor design in terms of elevations and integration.
- The proposal site cannot be considered to be a sustainable development - the premature loss of

a designated employment site, given the recent permission for a new technology park would appear to compromise the economic element of being sustainable development.

- Not considered that the site is appropriate to meet housing need
- It is considered that the proposal would also fail the environmental strand of sustainable development.

#### Petition

A copy of a petition that was sent to the developer in October 2014 was received. This raised a number of concerns about the proposal following a public exhibition and was signed by 41 residents.

It raised the following concerns:

- Traffic and site access
- Current local developments
- Employment permission
- Local amenities
- Playground relocation
- Nearby residents
- Railway line
- Drainage
- Broadband
- Existing responsibilities

#### **Determining Issues:**

The main considerations of the application are;

1. Principle
2. Access and Highway considerations
3. Impact on the character and appearance of the area
4. Neighbouring Amenity
5. Biodiversity
6. Loss of Employment Land
7. Planning Contributions
8. The Planning Balance
9. Other Matters

#### **Considerations**

##### **1. Principle**

- 1.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraph 11 of the National Planning Policy Framework set out that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.2 The Central Bedfordshire Core Strategy and Development Management Policies (2009) forms part of the Local Development Framework for the North Area of

Central Bedfordshire. It sets out the Strategy for providing homes and jobs in Central Bedfordshire. At 3.3.1, it sets out the approach that will be taken to achieve these development requirements. Part of that approach is to control development within the open countryside.

- 1.3 The supporting text to Policy DM4 (Development Within and Beyond Settlement Envelopes) sets out at 11.1.5 that outside settlement envelopes, where the countryside needs to be protected from inappropriate development, only particular types of new development will be permitted in accordance with national guidance.
- 1.4 The application site falls outside of the defined settlement envelope for Lidlington and is therefore considered to be within open countryside. Lidlington is designated as a small village in Policy CS1 (Development Strategy) this states that in the rural part of the district new development will be limited in overall scale. Policy DM4 states that within the settlement envelope of small villages '*development will be limited to infill residential development and small-scale employment uses*'. The proposal would therefore on this basis be considered as inappropriate development in the open countryside and would conflict with the development plan.
- 1.5 However, there are a number of other considerations that need to be taken into account when considering the principle of development. In considering proposals for residential development outside of defined Settlement Envelopes, regard should be had to Paragraph 49 of the NPPF which states that:

*"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Paragraph 14 of the NPPF sets out that, in considering development proposals in circumstances when relevant policies of the development plan are out of date, planning permission should be granted unless:

*"- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in (the) Framework taken as a whole; or  
- specific policies in (the) Framework indicate development should be restricted."*

In a recent appeal decision in relation to Langford Road, Henlow, the Inspector raised a number of concerns about the deliverable supply of housing land and considered that the Council had not demonstrated a deliverable 5 year supply. At the present time, it is considered that there is a five year supply of deliverable housing land for Central Bedfordshire. However, in light of this recent appeal decision, Paragraphs 14 and 49 of the NPPF continue to be a significant material consideration.

- 1.6 It is therefore considered whilst the Council considers it can demonstrate a 5 year supply of deliverable housing land, the proposed development would add to this supply for future safeguarding. Therefore, it is a material consideration in the application.

1.7 Lidlington is classified as a small village with the Core Strategy and Development Management Policies for Central Bedfordshire (North), it has good transport links to the surrounding area and has a number of local facilities. It has been drawn to my attention that since submission of the application, the local shop has closed. However, there is a local school, hairdresser, Post Office/shop (currently closed for refurbishment), Pub and village hall. There is good access to both Marston Moretaine and further afield. It is therefore considered whilst a small village, that it is a sustainable location.

## **2. Access and Highway Considerations**

2.1 Access is to be taken via the existing roundabout from Marston Road and then using Side Street adjacent to the existing development. The Highways Officer is content that this is an acceptable arrangement for serving the development. The removal of the access from Riglen Close and Marston Road have aided the scheme and removed any highway concerns relating to access.

2.2 The proposal is predominantly Design Guide compliant apart from the inclusion of parking court at the front of the site and tandem parking. The parking court at the entrance to the site is seen as acceptable to achieve a more continuous frontage and replicate a similar design to that on the opposite side of the entrance. The use of tandem parking whilst not favoured is considered to provide an appropriate level of parking for the development and the number of visitor spaces within the scheme to compensate.

2.3 Overall, the Highways Officer has raised no objection and is content that the proposal is acceptable in highway terms.

## **3. Impact on the character and appearance of the area**

3.1 The application site is outside of the envelope and is therefore considered to be within the open countryside. The site is currently used for rough grazing. Adjacent to the site is a residential development on one side and open countryside on the other. To the rear of the site is a footpath and beyond that the railway line. Opposite the site on the other side of Marston Road is Millbrook Proving ground.

3.2 The wider context of the site, surrounding the village of Lidlington to the west, is characterised by the transition between the wooded greensand ridge and the relatively open clay vale. To the north of Lidlington the landscape is dominated by low-lying agricultural landscape, a number of water bodies, the settlement of Marston Moretaine and dispersed farmsteads. To the east, the landscape is influenced by the man-made feature of Millbrook vehicle proving ground. To the south, the landform begins to rise and forms a series of low, rounded slopes and hills which are covered extensively by woodland. To the west, the land is mainly occupied by arable fields associated with small scale woodland, village settlements and a distribution centre. The site is covered by the defined area of the Forest of Marston Vale.

3.3 The site is located in the the NCA 90 Bedfordshire Greensand Ridge and at the local level within the settled and farmed clay vale (LT5) and the North Marston Clay Vale (LCA 5D). The landscape character of LCA5D is described as ' a large



scale, flat and open clay vale with distant views to the contrasting landscapes of the Mid Greensand Ridge (6A) and the Cranfield to Stagsden Clay Farmland (1A) - containing the vale and forming a prominent backdrop to the south and west'. Although arable farming remains the predominant land use, the vale has been greatly influenced by industrial development, urban fringe pressures, and primary transport corridors'.

- 3.4 The Landscape Officer has commented on the application and has raised no concerns in terms of the impact on the landscape. They acknowledge that this development is an extension of previous recent residential development and welcome the retention of landscape features on site. This is important as this development extends to the Millbrook Proving Ground boundary, and the existing trees and hedges on the proposal site link with the planting at Millbrook to create a valuable network of planting within the Forest of Marston Vale.
- 3.5 The removal of the second access from Marston Road is welcomed as the native hedging along Marston Road is an important part of local character and should be reinforced as part of any planting proposals.
- 3.6 There would be a loss of rough grazing land and in turn open countryside through the expansion of the built form into the site. It is not considered that this harm would be significant and demonstrable. Given the current permitted use of part of the site as employment allocation and the public open space and the retention of the existing landscape features, it is considered that it would be difficult to sustain an argument that the adverse impact on the landscape would be significant and demonstrable.
- 3.7 The design of the dwellings has been amended since first submission, they are now considered to be acceptable and would complement and be in keeping with the neighbouring development.
- 3.8 The proposal will provide a mix of dwellings, with a mix of designs and roofscapes to add variety and interest. The use of chimneys adds to the interest and hierarchy of dwellings.

#### **4. Neighbouring Amenity**

- 4.1 The development is to be accessed via the existing roundabout and then through an existing side street, which was constructed to serve the employment area. There will be no other access points for vehicles through the existing development. This was amended from the previous scheme, due to concerns raised by residents in terms of access from Riglen Close.
- 4.2 The area at the front of the site, close to the roundabout has been designed to reflect the continuous frontage on the opposite side of the roundabout and will be served by a parking court to the rear.
- 4.3 The residents within Riglen Close would have a change to their current view of open countryside. The proposal has been amended since first submission to reduce the impact of the proposal on these residents, with the scheme being reduced in number and moved further away from these dwellings. The scheme now achieves a front to front distance over some 20m at this point, with only two

properties facing towards the existing development.

- 4.4 It is considered given the design and separation distance that the proposed development would not result in any loss of privacy or overbearing impact on the existing residents neighbouring the site.
- 4.5 Some residents have expressed concern in terms of the repositioning of the LEAP/LAP. The proposed LEAP/LAP is at the closest point some 20 metres from the existing properties and some 20 metres from plots 30-31 of the proposed development. This is considered to be a suitable separation distance from residential properties.
- 4.6 The proposal is considered to be Design Guide compliant in terms of amenity space and would provide a suitable level of amenity for future residents.
- 4.7 It is therefore considered that the proposal would not have a detrimental impact on the residential amenities of neighbouring residential properties.

## **5. Biodiversity**

- 5.1 The existing site is semi improved grassland with hedgerows and a wet ditch being features of greatest ecological interest and could be beneficial to reptiles. It is noted from the proposed site layout that these features are to be retained. However, the NPPF calls for development to deliver a net gain for biodiversity, it is therefore considered that further enhancements should be incorporated into the scheme.
- 5.2 The soft landscaping plan shows EM1 as a seed mix and the revised site layout plan shows this mix to be used across the site in the public open space, pathways can be mown through this and it will help to offset the grassland which will be lost to the development. Given that the site does have potential for reptile interest any existing tussocky grassland should be left in situ rather than reseeding.
- 5.3 The wet ditch to the north west is within the public realm apart from to the rear of plots 29 and 31, at this point a 4m buffer will remain and 1.8m close boarded fence to the delineated the rear gardens will be erected.
- 5.4 The corridor along the southern boundary of Hedge 1 ensures this is protected and enhanced with further planting and this is welcomed.
- 5.5 General good practice should be followed during site clearance and construction works to prevent any risk of harm to wildlife, these are detailed in chapter 4 of the ecological appraisal and are considered acceptable. The Council's Ecologist does not object to the application and is satisfied with the information provided.
- 5.6 In order to deliver a net biodiversity gain it is considered appropriate to condition up to 10 integrated bird and bat boxes be included within the fabric of the buildings on the periphery of the site adjacent to the hedge and ditch features.

## **6. Loss of Employment Land**

- 6.1 The portion at the front of the site close to the existing roundabout would result

in the loss of a designated employment area. A marketing report has been submitted with the application. The report identifies that the employment land has been fully exposed to the market and between late 2008 and 2012 and during the marketing process there has been no firm interest in the land from either property developers, or occupiers, seeking space for a B1(a) scheme.

- 6.2 Despite various approaches based on a change of planning permission, the interest was not continued, or it was deemed that the proposed alternative use would create unacceptable conflict with local residents. The current permission is due to expire in December 2015.
- 6.3 The part of the site subject to the planning consent for employment use is located almost entirely outside the settlement boundary. However, the extant permission shows the principle for built development on this area of land has previously been accepted.
- 6.4 The report concludes that there is insufficient employment demand to bring forward this site for employment. The NPPF makes it clear that if employment sites are not performing then alternative uses should be considered.
- 6.5 The Council's Economic Development Officer has been consulted on the application and whilst they raise concern regarding the loss of local employment sites serving local needs they raise no objection. The marketing report does note available B1 sites a significant distance away in attempting to demonstrate a supply of land. However, given the recent approvals at Millbrook, development that could house B1 uses this would mitigate the potential loss of land. Therefore they would not oppose the application on the grounds of the site not being marketed adequately.
- 6.6 Millbrook Proving Ground have raised objection to the application on a number of grounds, one being that the proposal has not been marketed at the right time and that it should be re-marketed given the recent approvals at Millbrook which may encourage businesses to the area. However, this is considered unreasonable, the site has been marketed for a number of years and nothing has progressed. It is seen that the site is not attractive to businesses and therefore the use of the land for residential would be more appropriate.

## **7. Planning Contributions**

- 7.1 A S106 agreement will be used to secure the relevant contributions required towards local infrastructure. The Heads of Terms are still under discussion at the time of writing and will be finalised on the late sheet prior to the Development Management Committee. The current heads of terms being discussed are as follows:

### Education

- Middle School - £71,882.30 Project to increase the capacity of Marston Vale Middle School through extension or reorganisation.
- Upper School - £88,146.41 Project to build a new 6th form block on land adjacent to the School site, providing additional 6th form space and freeing up space in the existing accommodation to accommodate the additional pupils expected to arise from this development.

Affordable Housing

- 35% affordable housing will be secured across the site.

Other

Provision of open space and future management.

- 7.2 The proposed heads of terms are considered to meet the tests as set out in terms of the Community Infrastructure Levy.

**8. The Planning Balance**

- 8.1 Whilst it is considered that the Council can demonstrate a 5 year supply of deliverable housing, the proposal is considered to represent a sustainable form of development that would add to this supply and assist in safeguarding this position in the future.

- 8.2 The NPPF makes it clear in paragraph 22 that *'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose...Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits...'*

- 8.3 It is considered that the previous land approved for employment has been marketed appropriately over a number of years and is considered to be unattractive to B1(a) development. Given its location within a village and adjacent to an existing residential development it is considered that other commercial uses may not be appropriate, whereas residential is seen as an appropriate alternative use in this area. The proposed development would provide for 12 affordable homes (35%) on the employment site, with the remaining being sited on adjacent land up to the natural boundary of the site along the ditch. It is considered that this additional housing could be accommodated within Lidlington and would be of suitable scale for the village.

- 8.4 The Landscape Officer has raised no objection to the scheme and it is considered that the proposal would not have a detrimental impact on the character of the area or the landscape at this point.

- 8.5 A number of representations have been raised in terms of the East-West rail proposal and the possible impact on the proposed development. At present the options are being consulted on and no firm proposal has been explored, therefore the weight that can be attributed to this is limited. It is considered that both the development and the improvements to the Marston Road crossing can be achieved and that the proposal would not prejudice the East-West Rail link.

- 8.6 The application was deferred from the last committee due to concerns regarding a late representation from East -West Rail. The representation makes it clear that no firm objection can be substantiated, as the East West Rail scheme is not yet consented. However, the plan that they provided with their representation shows a 30m separation distance between the boundary (the ditch) of the application site and the edge of the embankment. This is considered to be an

acceptable separation distance and would ensure that the east-west rail scheme is not compromised. Further comments from Network Rail/ East-West Rail will be updated on the late sheet.

- 8.7 Public Protection have been consulted on the proposed plan submitted by East-West Rail and they are content that it would have no further impact and are satisfied that the imposition of a noise and vibration condition would overcome any concerns by Network Rail in terms of rail/ road noise.
- 8.8 On balance, it is considered that the proposal presents a sustainable form of development that would assist in our continued delivery of a 5 year supply of housing land and would be in conformity with the National Planning Policy Framework (2012).

## 9. Other Considerations

- 9.1 **Human Rights issues:** The development has been assessed in the context of human rights and would have no relevant implications.
- 9.2 **Equality Act 2010:** The development has been assessed in the context of the Equalities Act 2010 and would have no relevant implications.

### Recommendation:

That subject to the completion of a S106 agreement, full planning permission be approved subject to the following:

### RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.
- Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the materials shown on drawing number S242\_200 Rev I unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To control the appearance of the building in the interests of the visual amenities of the locality.  
(Section 7, NPPF)
- 3 The boundary treatment shall be completed in accordance with the approved scheme shown on drawing number S242\_210 Rev I before the buildings are occupied and be thereafter retained.
- Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

(Section 7, NPPF)

- 4 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass 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.  
(Sections 7 & 11, NPPF)**

- 5 Details of the layout and design of the play area shown on the approved drawing, including the equipment, furniture, surfacing and boundary treatment to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented prior to any houses being first occupied and retained thereafter.

Reason: To ensure the provision of adequate play and children's recreation facilities.

(Section 8, NPPF)

- 6 Development above ground level shall not begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from surfacing) in accordance with the approved details.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

- 7 Before first occupation of any dwelling hereby approved all other existing vehicle access points not incorporated in the development hereby permitted shall be stopped up by removing any hardsurfacing, reinstating the verge and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.

Reason: To limit the number of access points onto the highway where vehicular movements can occur for the safety and convenience of the highway user.

- 8 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local

Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 9 No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs, together with on-site parking and turning of delivery vehicles and wheel wash facilities. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.

Reason: In order to minimise danger, obstruction and inconvenience to the users of the highway and the site.

- 10 Development above ground level shall not begin until a scheme for the provision of integrated bat/ bird boxes within the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To increase biodiversity and ensure the provision of appropriate habitats within the development.

- 11 **Prior to the commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the local planning authority a scheme of noise attenuation measures which will ensure that internal noise levels from external rail and road traffic noise sources shall not exceed 35 dB LAeq, 07:00 – 23:00 in any habitable room or 30 dB LAeq 23:00 – 07:00 and 45 dB LAmax 23:00-07:00 inside any bedroom, and that external noise levels from external rail and road traffic noise sources shall not exceed 55 dB LAeq, (1hr) in outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.**

**Reason**

**To protect the amenity of future residential occupiers of the development hereby approved.**

- 12 **No development shall take place until a Surface Water Drainage Strategy with the detailed design and associated management and maintenance plan of surface water drainage for the site, using**

**sustainable drainage methods and site-specific percolation tests, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme and maintenance plan, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.**

**Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to others downstream of the site.**

- 13 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority that the approved scheme has been checked by them and has been correctly and fully installed as per the approved details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the construction of the surface water drainage system is in line with what has been approved and will continue to operate as designed for the lifetime of the proposed development.

- 14 No dwelling hereby permitted shall be occupied until a scheme for the provision of waste receptacles has been submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: To ensure appropriate waste provision on the site.

- 15 **No development shall take place until details of measures to prevent access onto Network Rail land have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason and Justification:**

**In order to protect users of the adjacent public open space and safety of the railway line.**

- 16 **No development shall commence until full details of ground levels, earthworks and excavations to be carried out near to the railway boundary have been submitted to and approved in writing by the Local Planning Authority and Network Rail.**

**Reason: To protect the adjacent railway from de-stabilisation and subsidence.**



- 17 **No development shall commence until details of the disposal of both surface water and foul water drainage directed away from the railway have been submitted to, and approved in writing by the Local Planning Authority and Network Rail.**

**Reason: To protect the adjacent railway from the risk of flooding and pollution.**

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Planning Statement (September 2015); LVIA (November 2015); Design and Access Statement (November 2015); Sustainability Statement; Report on Marketing; Ecological Appraisal; Arboricultural Assessment; Flood Risk Assessment; Utilities Report; Phase II Ground Investigation; Noise Assessment; Transport Assessment; 20282\_02\_010\_01 Rev C; 20282\_01\_230\_001 Rev H; S242\_110 Rev C; S242\_100 Rev I; S242\_101 Rev I; S424\_130 Rev D; S242\_210 Rev I; S242\_200 Rev I; 20282\_06\_170\_01.1; S242\_211; GL0408 01D; GL0408 02A; SH11 (elevations) Rev B; SH11 (plans); SH27 - X5 Rev B; SH35-X5 (2013) Rev B; SH35-X5 Rev B; P332-5 Rev G; P341-WD5 (1 of 2) Rev A; P341-WD5 (1 of 2) Rev F; P341-WD5 (2 of 2) Rev K; H421-5 (1 of 2) Rev G; H421-5 (2 of 2) Rev L; H452-5 (1 of 2) Rev F; H452-5 (2013) (2 of 2); H456-5 (2013) (2 of 2); H456-5 (2013) (1 of 2); H469-X5 (1 of 2) Rev I; H469-X5 (2013) (2 of 2) Rev A; H486-5 (1 of 2) Rev A; H486-5 (2013) (2 of 2); H533-5 (1 of 2) Rev F; H533-5 (1 of 2) Rev F; H533-5 (2 of 2) Rev F; H536-Y5 (2013) (1 of 2) H536-Y5 (2 of 2) Rev M; H585-5 (1 of 2); H585-5 (2 of 2); LDG1H; XTG2S; XSG1F; XDG2S.

Reason: To identify the approved plan/s and to avoid doubt.

## **INFORMATIVE NOTES TO APPLICANT**

1. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
2. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface

water drainage systems may be improved at the developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

3. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
4. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide to Development" and the Department for Transport's "Manual for Streets", or any amendment thereto. Otherwise the applicant is advised that Central Bedfordshire Council as highway authority may not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.
5. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 0300 300 8049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.
6. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
7.
  - Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to Network Rail Asset Protection, once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at [AssetProtectionLNWSouth@networkrail.co.uk](mailto:AssetProtectionLNWSouth@networkrail.co.uk) to discuss the proposal and RAMS requirements in more detail.
  - All surface water is to be directed away from the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property.

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway. Drainage works could also impact upon culverts on developers land. Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment or de-stabilisation of land through water saturation.

- Full details of the drainage plans are to be submitted for approval to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the approval of the Network Rail Asset Protection Engineer.
- No infiltration of surface water drainage into the ground is permitted other than where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

If the developer and the LPA insists on a sustainable drainage and flooding system then the issue and responsibility of flooding and water saturation should not be passed onto Network Rail and our land. The NPPF states that, "103. *When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere,*" We recognise that councils are looking to proposals that are sustainable, however, we would remind the council in regards to this proposal in relation to the flooding, drainage, surface and foul water management risk that it should not increase the risk of flooding, water saturation, pollution and drainage issues 'elsewhere', i.e. on to Network Rail land.

- We would draw the council's and developer's attention to the Department of Transport's 'Transport Resilience Review: A Review of the Resilience of the Transport Network to Extreme Weather Events' July 2014, which states, "*On the railways, trees blown over in the storms caused severe disruption and damage on a number of routes and a number of days, particularly after the St Jude's storm on 28th October, and embankment slips triggered by the intense rainfall resulted in several lines being closed or disrupted for many days..... 6.29 Finally the problem of trees being blown over onto the railway is not confined to those on Network Rail land. Network Rail estimate that over 60% of the trees blown over last winter were from outside Network Rail's boundary. This is a much bigger problem for railways than it is for the strategic highway network, because most railway lines have a narrow footprint as a result of the original constructors wishing to minimise land take and keep the costs of*

*land acquisition at a minimum.”*

In light of the above, Network Rail would request that no trees are planted next to the boundary with our land and the operational railway. Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

- Trees can be blown over in high winds resulting in damage to Network Rail’s boundary treatments / fencing as well as any lineside equipment (e.g. telecoms cabinets, signals) which has both safety and performance issues.
- Trees toppling over onto the operational railway could also bring down 25kv overhead lines, resulting in serious safety issues for any lineside workers or trains.
- Trees toppling over can also destabilise soil on Network Rail land and the applicant’s land which could result in landslides or slippage of soil onto the operational railway.
- Deciduous trees shed their leaves which fall onto the rail track, any passing train therefore loses its grip on the rails due to leaf fall adhering to the rails, and there are issues with trains being unable to break correctly for signals set at danger.

The Network Rail Asset Protection Engineer must approve all landscaping plans.

Network Rail has a duty to provide, as far as is reasonably practical, a railway free from danger or obstruction from fallen trees. Trees growing within the railway corridor (i.e. between the railway boundary fences) are the responsibility of Network Rail. Trees growing alongside the railway boundary on adjacent land are the primary responsibility of the adjoining landowner or occupier.

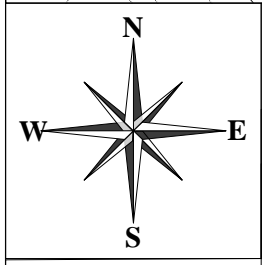
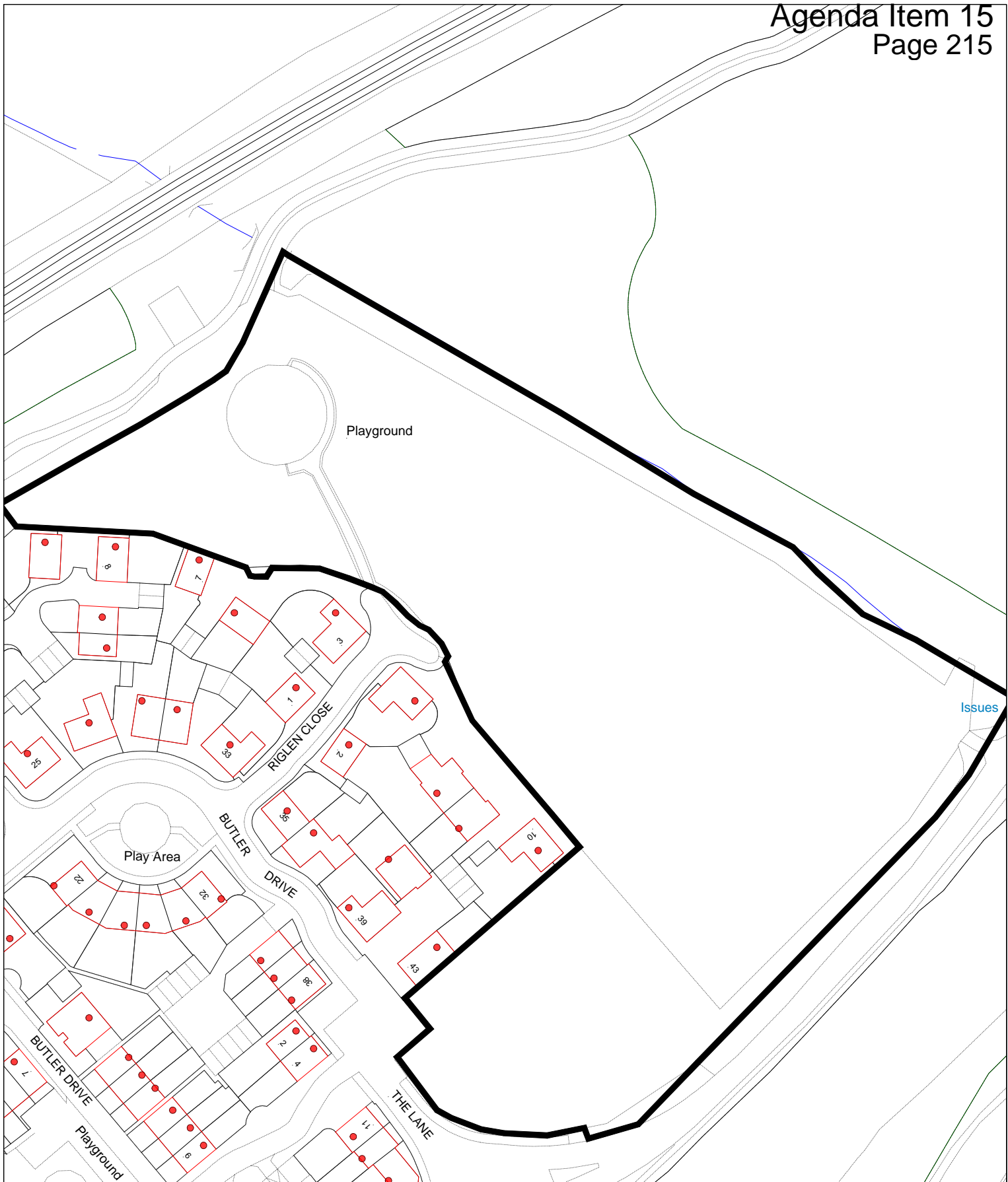
All owners of trees have an obligation in law to manage trees on their property so that they do not cause a danger or a nuisance to their neighbours. This Duty of Care arises from the Occupiers Liability Acts of 1957 and 1984. A landowner or occupier must make sure that their trees are in a safe condition and mitigate any risk to a third party. Larger landowners should also have a tree policy to assess and manage the risk and to mitigate their liability.

**DECISION**

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Date: 23:November:2015  
Map Sheet No

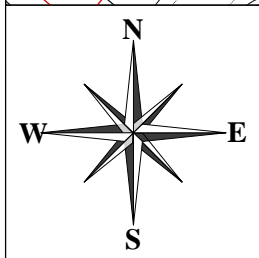
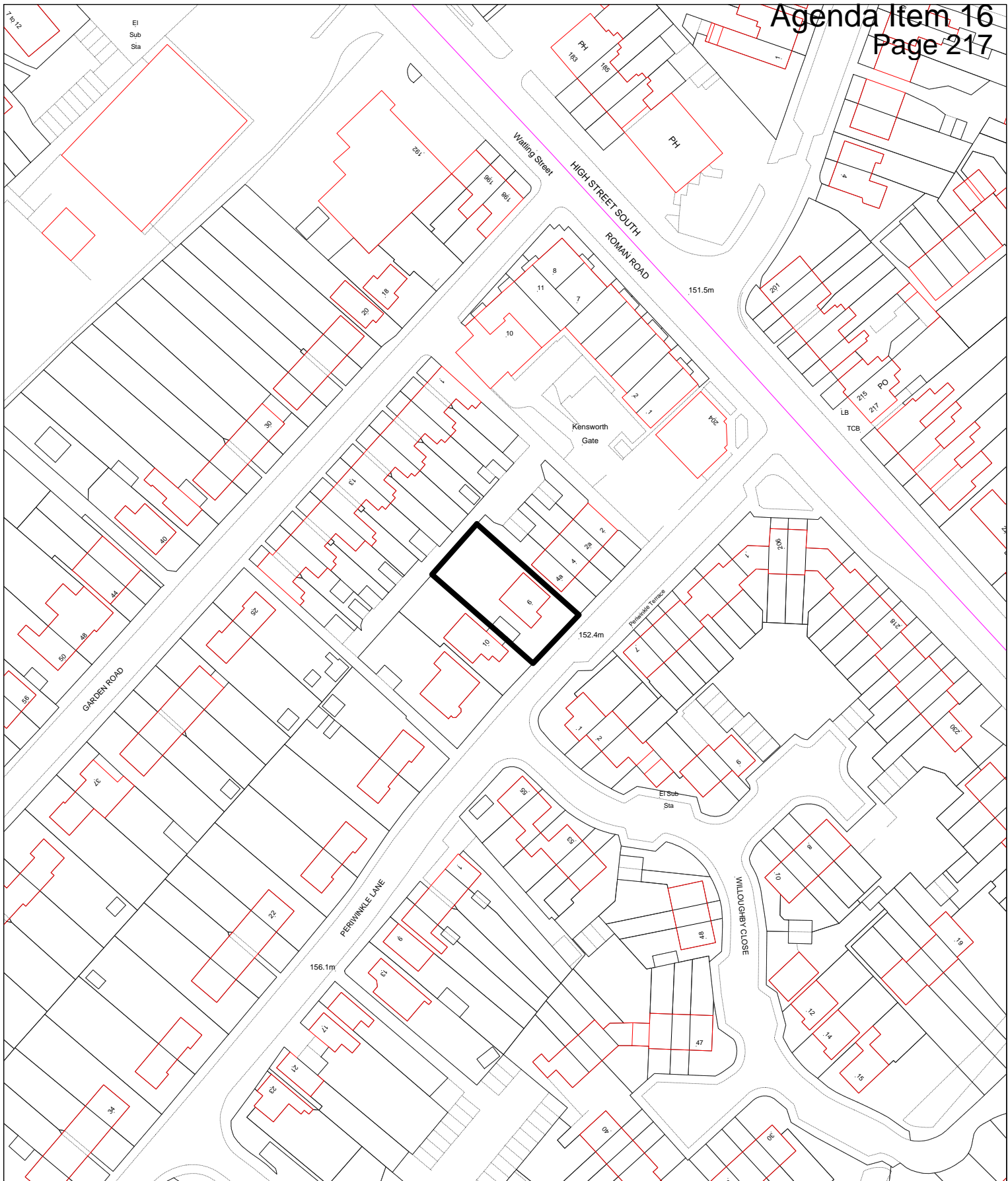
Application No:  
CB/15/02258/Full

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Land Off Marston Road, Lidlington, MK43 0UQ

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Date: 14:December:2015  
Grid Ref: 502350; 221283

Application No.  
CB/15/03665/FULL

Scale: 1:1250

6 Periwinkle Lane, Dunstable, LU6 3NP

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**Item No. 16**

<b>APPLICATION NUMBER</b>	<b>CB/15/03665/FULL</b>
<b>LOCATION</b>	<b>6 Periwinkle Lane, Dunstable, LU6 3NP</b>
<b>PROPOSAL</b>	<b>Demolition of existing bungalow and erection of two x three bedroomed semi-detached houses</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Watling</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Hollick &amp; Young</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>02 October 2015</b>
<b>EXPIRY DATE</b>	<b>27 November 2015</b>
<b>APPLICANT</b>	<b>Mr Alexander</b>
<b>AGENT</b>	<b>John B Lewis</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Councillor Hollick for the following reasons:</b> <ul style="list-style-type: none"><li>• <b>The proposed build would be too close to the boundary abutting the neighbours' lean-to entrance hallway at No. 10;</b></li><li>• <b>From one bungalow to two 3 bed dwellings, albeit on a wider plot, would be overbearing;</b></li><li>• <b>Additional access required to accommodate 4 vehicles onto an already overcrowded highway;</b></li><li>• <b>The proposal would require four spaces which would impinge on available parking on the road, which is already crowded on both sides;</b></li><li>• <b>Reservations as to how the proposed dwelling will sit between a compact row of smaller homes and a bungalow at No. 10;</b></li><li>• <b>Loss of light given the proximity to the boundary and glass framed entrance hallway at No. 10.</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval</b>

**Summary of Recommendation**

The principle of development is considered to be acceptable. The proposed replacement dwellings would relate acceptably to the character and appearance of the area and would not have an unacceptable, detrimental impact on the amenity of the occupiers of neighbouring dwellings. The parking provision is considered to be acceptable and it is not considered that the proposal would have a detrimental impact on highway safety. The proposal is therefore considered to be in accordance with the National Planning Policy Framework, policies BE8, H2 and T10 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

**Site Location:**

The application site comprises the curtilage of a detached, single storey dwelling located on the north west of Periwinkle Lane in Dunstable. The area is predominantly residential, comprising a mix of terraced and detached two storey dwellings and detached single storey dwellings. The application site is relatively

spacious in comparison to some within the area.

**The Application:**

The application seeks planning permission to demolish the existing bungalow and construct two x 3 bedroom dwellings. The dwellings would be linked at ground floor level, but detached at first floor level and would have hipped roofs with ridge heights of 6.8m.

The dwellings would have staggered side building lines, with narrower two storey rear projections, also with hipped roofs. They would each have a porch and front bay window with a canopy linking the two and would be of brick and tile construction. The rear gardens would each have a depth of 10m and an area of 75m - 80m. Two parking spaces for each dwelling would be provided on hardstanding at the front of the site.

**RELEVANT POLICIES:**

**National Planning Policy Framework (2012)**

**South Bedfordshire Local Plan Review Policies**

BE8 Design Considerations

H2 Making Provision for Housing via 'Fall-In' Sites

T10 Parking - New Development

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 & H2 are still given significant weight. Policy T10 is afforded less weight).*

**Development Strategy for Central Bedfordshire (June 2014)**

*At the meeting of Full Council on 19th November it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our web site as material considerations which may inform further development management decisions.*

**Supplementary Planning Guidance**

Central Bedfordshire Design Guide: A Guide for Development:

Design Supplement 1: Placemaking in Central Bedfordshire, 2014

Design Supplement 5: Residential Development, 2014

Design Supplement 7: Residential Alterations and Extensions, 2014

**Relevant Planning History:**

Application Number      CB/15/02358/PAPC

Description              Pre-Application Charging Advice: Demolition of existing bungalow and erection of 2.5 storey block of 8 flats with roof lights to front elevation and dormers to rear elevation. 8 parking spaces, amenity space, bins and bike stores.

Decision                  Advice given that the proposed development would be too high density and would have an unacceptable impact on the character of the street, the amenity of neighbours and the surrounding highway network. A pair of semi-detached dwellings would be more acceptable, dependent on detailed design and adherence to national and local policies and

Decision Date                      design guidance.  
   12/08/2015

**Consultees:**

Dunstable Town Council      The Council objects to this application as it believes the  
(Initial Response)                      development to be inconsistent with the immediate street  
   scene; overdevelopment for this plot of land and there are  
   concerns that the development will exacerbate congested  
   parking issues that already exist in the area.

Dunstable Town Council      We are aware that there are still local objections, as they  
(Response to revised                      feel that anything other than a single dwelling is over  
plans)    development. They are also concerned that 2 dwellings  
   would overload the road where parking is already a  
   considerable problem.

Environment Agency              No response.

Highways Officer                      The proposal is for the introduction of 2 four bedroom  
(Initial Response)                      dwellings with each having a parking bay to the front and  
   a garage measuring 3.1 by 7.0m. The parking bays to  
   the front measure less than 6.0m (fronting a garage door)  
   which is substandard. There is further parking to the rear  
   which is (assumed) accessed by way of an alley which is  
   narrow; and goes through a right hand bend. Further,  
   there are a number of access points where the alley re-  
   joins the public highway but they are all substandard in  
   the way of width and pedestrian to vehicle intervisibility.  
   There does not appear to be a red line and this leads me  
   to be concerned that access to the rear parking bays is  
   not within the ownership of the application site or that  
   they have rights over it. Further, the route to these  
   parking bays appears to be so restricted that I doubt that  
   they would be used.

This is all subject to further information and an adequate  
red line plan. Never-the-less with or without this  
information I would recommend that this application be  
refused.

In a highway context I recommend that planning  
permission be refused for the following reasons:-

The proposed development would make inadequate  
provision for the parking of cars and would lead to an  
increase in on-street parking thereby resulting in  
unacceptable traffic congestion and additional hazards for  
highway users and the local Residents.

and

The means of access to the rear parking area is not  
included within the red line plan; Restricting the ability to

lawfully secure access to part of the site which would have an adverse impact on the public highway.

and

The proposed development makes no provision for adequate pedestrian / driver intervisibility and will lead to condition of danger to pedestrians using the adjoining footway.

and

The proposed development makes inadequate provision for a satisfactory vehicular access to serve the development and is likely to lead to an increase in congestion and additional hazards for highway users.

and

The proposed development fails to make adequate provision for a safe and convenient driveway and if approved would result in obstruction on the public highway, which would create conditions of danger and inconvenience to users of the highway.

Highways Officer  
(Response to revised plans)

I understand that, despite the highway reasons for refusal on the previous scheme, the revised site layout plan has been redesigned to the satisfaction of the highway engineer.

The construction works for the proposed vehicle crossing, within the public highway, shall be undertaken by Bedfordshire Highways at the applicants expense.

I recommend the supplied conditions and informatives be included.

Tree & Landscape  
Officer

I refer to my previous Pre-Application consultation site notes, dated 20th July 2015, in respect of CB/15/02358/PAPC, which have been duplicated below:-

*I have examined the plans and documents associated with this Pre-Application, and viewed the site on aerial photography.*

*The existing site shows a distinct lack of strategically useful landscaping, and given the size of the block of flats, and the need to provide adequate car parking provision, there will be a complete lack of planting space at the sides, and along the frontage of the flats, to provide any degree of effective landscaping, which should be of a quantity, size and stature that would soften the mass of the new building.*

*The end result of this current proposal will therefore be a harsh and stark development, with no form of complementary softening, which suggests that the site is being overdeveloped in terms of trying to maintain a satisfactory balance between new planting, when combined with the scale of built form, and the buildings's associated areas of car parking.*

*This factor should therefore be taken into account when deciding if mitigation measures would be adequate when determining the suitability of this building for this particular locality.*

In view of the above comments, the proposal to now construct two semi-detached houses is more preferable, but I recommend that if you are minded to grant consent, then a standard landscape condition is imposed in order to secure boundary planting such as hedges and shrubs, and for the planting of suitable (eg fastigiate) tree species where appropriate for the site.

Ecologist

No objection. The NPPF calls for development to deliver a net gain for biodiversity and opportunities for enhancement should be considered. The inclusion of integrated bird bricks and use of nectar/ berry rich planting would achieve biodiversity gains.

Pollution Team

No comments

**Other Representations:**

Neighbours:  
(4, 4A & 10 Periwinkle Lane, 6 Periwinkle Terrace, 9, 11 & 13 Garden Road, 1 Willoughby Close)

Object for the following reasons:

- The proposal represents overdevelopment and would be out of character with the streetscene;
- The proposed dwellings would dominate the surrounding dwellings;
- The dwellings are not semi-detached;
- The outer edges of the building are too close to the side boundaries with neighbours;
- The drawings omit the porch to No. 10 to give a misleading, greater impression of spaciousness;
- The proposal would position the boiler flue opposite the kitchen and bathroom windows of No. 10;
- The proposal would block light and appear overbearing to the side windows of No. 10, which serve a kitchen and bathroom. It would also block light to the side porch of No. 10;
- The proposal would block light to Nos. 4 and 4A and would appear overbearing from the gardens of these properties;
- The proposal would block views of the trees from No. 4A;

- The proposal would contravene the Human Rights Act as it would take away the rights of the occupiers of No. 10 to peaceful enjoyment of their home and garden;
- The proposal would exacerbate existing parking problems within Periwinkle Lane;
- The property has not got rights to a vehicular access to the rear of the property and thus the proposed parking spaces at the rear cannot be used;
- The garages are not wide enough to meet the Council's Design Guide requirements;
- Insufficient renewable energy provision;
- There would be insufficient garden space;
- The development would overlook surrounding rear gardens in Periwinkle Lane and Garden Road and would thus result in a loss of privacy to neighbouring occupiers;
- The dwellings would have views into the rear rooms of dwellings in Garden Road, resulting in a loss of privacy;
- The dwellings would be forward of the front building line of dwellings in Periwinkle Lane;
- There are newts in the pond of No. 11 Garden Road;
- Construction work would be disruptive and noisy and this may take place over Christmas;
- Concerns about mud on the road during construction period;

Following a consultation on the revised plans, the same neighbours wrote in and many of the objections were reiterated. The only new objections raised were as follows:

- The proposal would result in the loss of on-street parking spaces;
- The proposal would block direct sunlight to No. 6 Periwinkle Terrace in the summer evenings.

Petition signed by 2, 2A,  
4, 4A, 10 & 14,  
Periwinkle Lane, 6  
Periwinkle Terrace, 1, 4,  
51, 52, 53 & 54  
Willoughby Close and  
11 Garden Close

Object to the proposal for the following reasons:

- It would not be sympathetic of the streetscene;
- It would exacerbate parking problems in the area and have a negative impact upon highway safety;

### **Determining Issues:**

- 1. Principle of Development**
- 2. Impact on the Character and Appearance of the Area**
- 3. Impact on Neighbouring Amenity**
- 4. Highways Considerations**
- 5. Other Considerations**

### **Considerations**



## **1. Principle of Development**

- 1.1 The application site is located within a built-up residential area and is not the subject of any specific planning designations. The principle of efficiently utilising unused or underused brownfield sites within built-up areas to provide additional accommodation is in line with the National Planning Policy Framework (NPPF) and policy H2 of the South Bedfordshire Local Plan Review (SBLPR). It is noted that the application site is twice as wide as the residential plots to the immediate north and east of the application site and therefore a subdivision of the application site into two residential plots would not be out of character with the prevailing pattern of development in the area and would represent an efficient use of the site. It is therefore considered that the principle of replacing the existing bungalow and making more efficient use of the site with two replacement family dwellings would be acceptable, providing that the proposal would be in line with the detail of policies H2 and BE8.
- 1.2 Policy H2 of the South Bedfordshire Local Plan Review states that within built up areas excluded from the Green Belt, provision of new housing by redevelopment will be approved where it would, among other things:
- (i) Make efficient use of the site in terms of density and layout;
  - (ii) Not result in loss of open space of recreational or amenity value or potential;
  - (iii) Respect and enhance the character of the surrounding area;
  - (iv) Provide good quality living conditions for residents;
  - (v) Be readily accessible to public transport and local services;
  - (vi) Be acceptable in terms of highway safety and traffic flow;
- 1.3 Policy BE8 of the South Bedfordshire Local Plan Review requires development proposals to, among other things:
- (i) Any natural and built features which are an attractive aspect of the site are protected and conserved;
  - (ii) take full account of the need for, or opportunities to enhance or reinforce the character and local distinctiveness of the area;
  - (iii) ensure that the size, scale, density, massing, orientation, materials and overall appearance of the development complements and harmonises with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views;
  - (iv) carefully consider the setting of any development. Attention should be paid to its impact on public views into, over and out of the site. Those views should not be harmed and opportunities should be taken to enhance them or open up new views;
  - (vii) the proposed development should have no unacceptable adverse impact upon general or residential amenity and privacy; and
  - (viii) development likely to generate noise disturbance and other pollution emissions does not unacceptably disturb or otherwise affect adjoining properties and uses.
- 1.4 Compliance with the detailed provisions of policies H2 and BE8 will be considered further below.

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

- 2.1 Following the initial consultation period, the proposal has been revised and now

features two x 3 bedroom dwellings instead of two x 4 bedroom dwellings, the proposed dwellings have been reduced in width at the rear.

- 2.2 As previously noted, the prevailing character of the streetscene of Periwinkle Lane is varied, with a mix of single and two storey, detached, semi-detached and terraced dwellings. Materials also vary, including brick, stone, weatherboarding and render. Some plots are very spacious, but in other places there is little space between dwellings. It is considered that the proposed dwellings would sit well within the streetscene, with a building line consistent with the terrace of two storey dwellings to the east. The ridges of the roofs of the proposed dwellings would not exceed the heights of either the two storey dwellings to the east of the site or the chalet bungalow to the west of the site. Each dwelling would be set 1m off the side boundary of the site and the detachment between the dwellings at first floor level would provide a further impression of space within the streetscene. The detailed design and materials are traditional and also would not appear out of character with existing dwellings within the streetscene.
- 2.3 The proposed gardens would meet the Council's minimum depth requirements of 10m and would exceed the minimum area requirements of 60 square metres for family dwellings. They would also not be out of scale with other garden depths or net areas within the vicinity.
- 2.4 The development would not appear cramped or out of character with the streetscene and it is considered that the proposal would complement and harmonise with surrounding development. As such, the proposal is considered to be in accordance with policies BE8 and H2 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

### **3. Impact on Neighbouring Amenity**

- 3.1 As noted above, the proposal has been revised following the initial consultation, with the width of the dwellings being reduced at ground and first floor level at the rear to reduce the impact of the proposal on the amenity of neighbouring occupiers.
- 3.2 It is noted that No. 10 has flank windows that serve a bathroom and a kitchen and a glazed side porch which currently receive a lot of light due to the siting of the existing bungalow. The proposal would result in a loss of light and outlook onto the flank wall for these windows and the porch. The porch and bathroom are not considered to be habitable rooms and therefore very limited weight is given to loss of light and outlook to these rooms. More weight is given to the loss of outlook from the kitchen window and as a result, the proposal was revised to limit the depth of the dwelling adjacent to the boundary of No. 10. However, the direct outlook from the kitchen window would still be of a two storey brick wall and there would still be a significant loss of daylight. It is noted that the kitchen is not a kitchen diner and does not provide a seating area, which would limit the amount of time occupants would be likely to spend within the kitchen. It is also noted that the kitchen faces north east and therefore does not currently receive much direct sunlight and that at only certain times of year. These factors both limit the weight that can be given to the impact of the proposal on the kitchen of No. 10. On balance, it is considered that the level of impact on the occupiers of No. 10 is acceptable.

- 3.3 The comments from the occupiers of No. 10 regarding the omission of their glazed porch from the proposed streetscene drawing are noted. However, the porch is included on the ground floor plan, the location plan and the block plan, suggesting that the omission is not intentional, and this has allowed officers to take full account of the porch when assessing the application, which was also noted and considered during the site visits which took place during the course of the application. The porch is a lightweight, glazed structure, set back from the front building line of No. 10 and it is considered that its existence does not have a material impact on the acceptability or otherwise of the impact of the proposal on the streetscene.
- 3.4 The revised proposal would not block notional 45 degree lines taken from the rear windows of the immediate neighbour at No. 4A or No. 4, located beyond No. 4A. This is established within Design Supplement 7 of the Central Bedfordshire Design Guide as a guide that would prevent development from causing an unacceptable loss of light or appearing unacceptably overbearing. The proposed dwelling would be some way from blocking the notional line from the closest rear window and there are no side windows that would be affected, therefore, it is considered that the impact of the proposal on the occupiers of these properties would be limited and acceptable.
- 3.5 A number of neighbouring occupiers in Periwinkle Lane and Garden Road raised concerns that the proposal would result in a loss of privacy by creating and establishing first floor windows. However, the proposal would provide back to back distances to properties in Garden Road of 27m, which is in excess of the Council's minimum standard of 21m, which is considered adequate to ensure an acceptable level of privacy. It is also noted that both neighbouring properties have first floor front and rear windows and the proposed first floor windows would not provide greater views of rear gardens than the windows of the neighbouring properties.
- 3.6 6 Periwinkle Terrace is located on the opposite side of Periwinkle Lane from the application site and the new dwellings would be located over 20m away from the frontage of the terrace in a north westerly direction. As a result, the loss of sunlight resulting from the proposal would be limited and acceptable.
- 3.7 Concerns were raised by neighbours about a potential loss of view; however, this is not a material planning consideration and cannot form part of the determination of this application.
- 3.8 Concerns were raised about the impact of construction activities on the amenity of neighbouring occupiers. These concerns are noted, however, this would be a temporary impact and thus extremely limited weight can be given to these concerns.
- 3.9 The kitchens and bathrooms of the proposed dwellings have been relocated as part of the revisions to the proposal and the boiler flues are now unlikely to be positioned adjacent to the flank boundaries of neighbouring properties.
- 3.10 To conclude, the only harm identified to neighbouring amenity would be the impact on the kitchen of No. 10 Periwinkle Lane, to which only limited weight has been given. Given the benefits of the scheme and the presumption in favour of sustainable development, on balance, it is considered that the level of

impact of the proposed scheme on the amenity of neighbouring occupiers would be within acceptable limits. However, it is considered necessary to remove permitted development rights for extensions to the proposed dwellings by condition, to protect the occupiers of neighbouring properties from further loss of light. Subject to this condition, the proposal is not considered to conflict with policies BE8 and H2 of the South Bedfordshire Local Plan Review.

#### **4. Highways Considerations**

- 4.1 The revisions to the scheme have reduced the number of bedrooms at the properties, removed the proposed parking spaces at the rear of the application site and removed the garages. The proposal now includes two parking spaces on the frontage of the site for each three bedroom dwelling, which is sufficient to meet the Council's parking standards.
- 4.2 The Highways Officer has supplied conditions which he considers sufficient to make the development acceptable in terms of the impact it would have on the safety and capacity of Periwinkle Lane and the wider highway network.

#### **5. Other Considerations**

##### **5.1 Ecology**

The comments of the Ecologist are noted and it is considered appropriate to impose a condition requiring the installation of integrated bird bricks to ensure a net gain for biodiversity. It is not considered that the presence of newts within the pond at No. 11 Garden Road would indicate that newts are likely to be found on site.

##### **5.2 Human Rights issues:**

The neighbouring occupier suggested that the proposal would violate his Human Rights under Protocol 1, Article 1 of the Human Rights Act to peaceful enjoyment of his property. However, it is not considered that the proposal would result in a loss of enjoyment of the property that would be at a sufficient level to constitute a breach of Human Rights.

##### **5.3 Equality Act 2010**

The proposal raises no issues under the Equality Act 2010.

#### **Recommendation:**

That Planning Permission be APPROVED subject to the following:

#### **RECOMMENDED CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Work shall not take place on the construction of the walls and roof of the dwellings hereby approved 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. The development shall thereafter be carried out in accordance with the approved details.

Reason: To control the appearance of the buildings in the interests of the visual amenities of the locality.

(Policies BE8 & H2, SBLPR and Section 7, NPPF)

- 3 The dwellings shall not be occupied until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion of the development (a full planting season means the period from October to March). The trees, shrubs and grass 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.

(Policies BE8 & H2, SBLPR and Sections 7 & 11, NPPF)

- 4 Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwellings hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the depth, bulk and mass of the dwellings in the interests of the amenities of neighbouring occupiers.

(Policies BE8 & H2, SBLPR and Section 7, NPPF)

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the flank elevations of the proposed dwellings, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents.

(Policies BE8 & H2, SBLPR and Section 7, NPPF)

- 6 No work shall take place on the construction of the walls of the dwellings hereby permitted until details of the type and location of bird bricks for each property have been submitted to and approved in writing by the Local Planning Authority. The bird bricks shall be carried out in accordance with the approved scheme.

Reason: To ensure an enhancement in opportunities for biodiversity on the site.

(Section 11, NPPF)

- 7 Each dwelling shall not be occupied until details of the junction of the proposed vehicular access with the highway have been submitted to and

approved in writing by the Local Planning Authority and the junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.  
(Policies BE8 & H2, SBLPR and Section 4, NPPF)

- 8 Before each access is first brought into use, a triangular vision splay shall be provided on each side of the new access and shall measure 2.8m along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splays so described shall be maintained thereafter free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.  
(Policies BE8 & H2, SBLPR and Section 4, NPPF)

- 9 The maximum gradient of each vehicular access shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.  
(Policies BE8 & H2, SBLPR and Section 4, NPPF)

- 10 Each dwelling shall not be occupied until details of the construction and surfacing of the on site vehicular areas have been submitted to and approved in writing by the Local Planning Authority. These details shall include arrangements 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. The vehicular areas shall be constructed and surfaced in accordance with the approved details before the premises are first occupied.

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 acceptable parking of vehicles outside highway limits .  
(Policies BE8 & H2, SBLPR and Section 4, NPPF)

- 11 No development shall commence until details of a method statement to prevent and deal with site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction works and until the completion of the development.

Reason: In the interests of highway safety and to prevent the deposit of mud or other extraneous material on the highway during the construction period.  
(Policies BE8 & H2, SBLPR and Section 4, NPPF)

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number 398-02-02 Rev A.

Reason: To identify the approved plan and to avoid doubt.

### **INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The Council does not accept materials at their offices. Where there is a requirement for materials to be submitted to and approved in writing by the Local Planning Authority, please contact the Case Officer to arrange for them to be viewed, usually this will be on site.
4. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 7. Upon formal approval of details, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration. To fully discharge condition 7 the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction in accordance with the approved plan, before the development is brought into use.
5. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from The Street Works Co-ordinator, Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8049.
6. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is

drawn to Section 59 of the Highways Act 1980 in this respect.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....  
  
.....



**LATE SHEET**

**DEVELOPMENT MANAGEMENT COMMITTEE – 6 JANUARY 2016**

***Item 7 (Pages 17-56) – CB/15/03078/REG3 – Stratton Business Park***

**Additional Consultation/Publicity Responses**

Biggleswade Town Council

Please be advised this Planning Application went to Council on the 15<sup>th</sup> December 2015 and no objection was raised. Therefore there will be no requirement for us to address the Committee on 6<sup>th</sup> January 2016.

Landscape Officer

Thank you for the opportunity to comment regarding landscape; I have no objection to revised Dunton access - the proposed native woodland belt along the site boundary with Dunton Lane is a real positive landscape feature and will assist in mitigating future development and enhance biodiversity connectivity, the inclusion of similar treed and landscape structures across the wider development site would also be welcomed.

Sustainable Urban Drainage Officer

Raised no objections

Internal Drainage Board

Initial

A drainage Strategy for this development has already been agreed as referenced in the Flood Risk assessment submitted with this application. Provided the developer adheres to the requirements of the strategy, the Board have no further comments.

As an observation, it is stated in the FRA that the site is Flood Zone 21 according to the Environment agency flood maps. This is incorrect as the site lies beyond the upstream extent of the modelled flood outline for this watercourse.

Please also note that the watercourse on the boundary of, or passing through this site is under the statutory control of the Board. In accordance with the Board's byelaws, no development should take place within 9 metres of bank top, without the Board's prior consent, this includes any planting fencing or other landscaping.

Additional comments

The revised FRA explains how the drainage strategy will work and states that improvements will be made to the existing attenuation pond so that it will be able to store water surface water from the whole development. However there is still no reference to modelling of the watercourse upstream from where the EA modelling ends or on the impacts of the proposed ground raising to the rear of Phases 5 and 6. Until these matters have been resolved I will have to object to the application.

Green Infrastructure

In relation to the revised access, the proposed woodland belt is welcome, providing

landscape benefits and ecological connectivity.

However, in respect of previously raised concerns over the culverting of a ditch, the covering email with these amendments notes that 'the ditch is not of significant ecological value, and there would be no harm to biodiversity from its loss as a result.', and that flood modelling has indicated that retaining the ditch would increase flood risk.

My ecologist colleague has noted that the ditch represents a wildlife habitat and a multifunctional drainage resource. Central Bedfordshire Council seeks a net green infrastructure gain through policy CS17 of the Central Bedfordshire (north) Core Strategy, and the NPPF requires a demonstrated net gain for biodiversity.

Therefore the removal of existing ecological and green infrastructure corridors makes this net gain more difficult to achieve. Design modifications, enabling the retention of the existing ditch as part of the drainage scheme should be considered and demonstrated.

If it is demonstrated that it is not possible to use the existing ditch without increasing flood risk, this does not mean that it has to be culverted; the existing ditch should be retained and utilised to the maximum possible extent for managing surface water alongside an alternative drainage network, with the existing ditch enhanced for biodiversity.

The ditch should therefore be retained and enhanced in any case. Its use as part of the drainage network (with design modifications) should be considered, and even if it is not appropriate to use it as the sole conveyance feature, it should be retained and integrated into the drainage infrastructure, and enhanced alongside any other necessary features for conveying surface water, and in line with CBC's adopted Sustainable Drainage SPD.

#### Ecologist

Commenting on the revised Dunton Lane access only I have no objection and welcome the inclusion of the native woodland landscape belt which provides an enhanced ecological corridor on this side of the development.

#### Sustainable Growth Officer

It is disappointing that the current submission does not acknowledge comments made at the outline planning application stage and does not provide any information how the requirement of the policy DM1 to deliver 10% energy demand from renewable sources will be met.

To ensure that the requirement of policy DM1 is met, I request the following planning condition to be attached:

- 10% energy demand of the development to be delivered from renewable or low carbon sources.

#### Rights Of Way Officer

No further comments. An Illustrated plan will be included in the slide presentation to show proposed/required changes to the Right of Way network.

Neighbour letter (*comments made are done so in a position that is neither for nor against the application*)

My interest in the proposed development is purely personal. I am an Ecologist by profession; now retired and I was instrumental in getting Stratton Park Balancing Pond designated as a county Wildlife Site. The site supports important habitats and species – biodiversity.

I neither support nor object to the proposed development. My principle points and concerns are as follows:

1. Stratton Park Balancing Pond is designated as a county Wildlife Site because it supports important habitats and species – biodiversity. It is situated adjacent to the proposed extension to the Business Park.
2. The Local Authority has a statutory Biodiversity Duty; this must be met.
3. The proposed development threatens the habitats and species in the WS because it will result in increased levels of run-off water entering the WS.
4. Therefore, the threats to the WS must be addressed and mitigated for.
5. The WS must be managed in the future and funding needs to be found to do this vital work.
6. The WS must be monitored (surveyed) in the future and a strategy must be set up for surveys to be conducted.

#### **Additional Comments**

None

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

##### Additional schedule

1. No development pursuant to this outlined permission shall commence on any part of the site until the approval of the details of the appearance, landscaping, layout and scale of the buildings (hereinafter called the “Reserved Matters”) on that part of the site has been obtained in writing from the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To comply with Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. Applications for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission. The development shall begin no later than 5 years from the approval of the final reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. No development pursuant to this outline permission shall commence on any part of the site until a Construction Environmental Management Plan (CEMP) for that part of the site has been submitted to and approved in writing by the

Local Planning Authority. The works shall then be implemented in accordance with the details approved.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with the NPPF. Details must be approved prior to the commencement of development to mitigate nuisance and potential damage which could occur in connection with the development.

4. No development shall take place within each phase of the development until a written scheme of archaeological resource management has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved scheme of archaeological resource management.

This written scheme of investigation will include the following components, completion of each of which will trigger the phased discharging of the condition:

1. A method statement for the investigation in stages as development extends across each phase and recording of archaeological remains present in that phase;
2. A method statement for preservation in situ and management of archaeological sites and features that have been identified for protection;
3. A post-excavation assessment and updated project design (to be submitted within six months of the completion of fieldwork at (1), unless otherwise agreed in writing by the Local Planning Authority);
4. Completion of post-excavation analysis, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive, and submission of a publication report (to be completed within two years of completion of fieldwork at (1), unless otherwise agreed in advance in writing by the Local Planning Authority);
5. A Programme of interpretation, public outreach and community engagement.

Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development in accordance with Chapter 12 of the *National Planning Policy Framework*.

5. Any reserved matters application submitted pursuant to this outline permission shall include a detailed surface water drainage strategy for the reserved matters development for which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved Flood Risk Assessment (FRA) and Drainage Strategy for this planning permission

and shall maximise the use of sustainable drainage measures to control water at source as far as practicable to limit the rate and quantity of run-off, incorporating the principles and techniques contained within the CBC Sustainable Drainage Guidance, to improve the quality of any run-off before it leaves the site or joins any water body.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy DM2 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies DPD (2009) and the NPPF.

6. Prior to the commencement of development upon Phase 5 a method statement, including timetable for the culverting including the outfall pipe to the existing attenuation basin of the existing open water course crossing Phase 5 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and timetable.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy DM2 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies DPD (2009) and the NPPF.

7. The development pursuant to this outline planning permission shall be carried out in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement dated July 2015 and drawing nos. 602.1, 602.2, 602.3 and 602.4 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the successful protection the existing trees indicated for retention on these plans.

8. No development on a phase of the scheme pursuant to this outline planning permission shall commence until a Landscape & Biodiversity Mitigation Strategy & Management Plan in respect of that phase has been submitted to and approved in writing by the Local Planning Authority. Any development hereby permitted for a phase shall be carried out only in accordance with the approved Mitigation Strategy & Management Strategy for that phase unless otherwise agreed in writing by the Local Planning Authority.

The scheme shall include details of ecological surveys and suitable habitat mitigation and monitoring including details, extent and type of new planting and new habitat created on site.

Reason: To protect wildlife and supporting habitat and in accordance with the NPPF. Details must be approved prior to the commencement of development to protect wildlife and supporting habitat from potential impact which could occur in connection with development.

9. No development on Phase 5 of the scheme pursuant to this outline permission shall commence until details of the timetable for planting and maintenance thereafter of the landscaping indicated on 'Planting Plan' B15003.401 and of that to be planted along the north eastern boundary of the Phase 5 land, for

which a planting plan including a schedule of species, their sizes and positions shall also be provided, have been submitted to and approved in writing by the local authority. The planting shall be carried out as approved and in accordance with the timetable.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009'

10. No development pursuant to this outline permission shall commence on that part of the site until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing measures to control noise from all plant machinery and equipment (including fans, ducting and external openings) to be used by virtue of the development permitted for that part of the site and shall be so enclosed, installed maintained and operated as to prevent transmission of noise and vibration into any premises either attached to or in the vicinity of the premises that the application relates.

Before the use commences, the above scheme shall be implemented in accordance with the approved details and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To protect the future neighbouring occupiers from noise associated with the use of the development.

11. No external lighting shall be erected or installed on any part of the site until details of a suitable lighting design scheme and impact assessment devised to eliminate any detrimental effect caused by obtrusive light from the development on neighbouring land use for that part of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be prepared by a suitably qualified lighting engineer in accordance with relevant publications and standards. Only the details thereby approved for that part of the site shall be implemented.

If within a period of 12 months following the first use of the lighting columns the planning authority required the alignment of the light to be adjusted and or hoods or shields to be fitted, this shall be carried out in accordance with the agreed scheme within 7 days of official notification. The means of illumination shall thereafter be implemented only in accordance with the agreed scheme.

Reason: To protect the future neighbouring occupiers from light pollution associated with the use of the business park

12. In relation to any part of the site where food processing or manufacturing is proposed to be carried out no development pursuant to this outline planning permission shall commence on any part of the site until a scheme for that part of the site has been submitted to and approved in writing by the Local Planning Authority detailing how odours produced by cooking and food preparation are to be controlled. The approved equipment by reason of the granting of this permission shall be so enclosed installed, maintained and

operated as to prevent transmission of odours into any premises either attached to or in the vicinity of the premises that the application relates.

Before the use commences, the above scheme shall be implemented in accordance with the approved details and shown to be effective, and it shall be retained in accordance with those details thereafter

Reason: To protect the future neighbouring occupiers from odour associated with the uses of the business park

13. No development pursuant to this outline planning permission on any part of the site shall be brought into use until a detailed waste audit scheme for the development of that part of the site has been submitted to and approved in writing by the Local Planning Authority. The waste audit scheme shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with the NPPF.

14. No development pursuant to this outline planning permission on any part of the site shall be brought into use until a Travel Plan relating to the development of that part of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with the NPPF.

15. Any reserved matters application submitted pursuant to this outline permission shall include details of the finished ground levels and finished floor levels for the reserved matters development sought. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009'

Additional informative also proposed advising of the need to ensure reserved matters applications include provision for structural landscaping within the site.

### ***Item 8 (Pages 57-72) – CB/15/04250/FULL – Land adjacent to 28 Ivel Road, Sandy, SG19 1AX***

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

##### Additional neighbour letter.

Ivel Road is in Sandy's Conservation area, but has been rather spoilt in recent years, ie there has been the demolition of two listed properties at the eastern end of the road and these have been replaced with non-descript housing.

Recently the western end of the road has been completely changed by the destruction of the unique wooded area (described in a publication by Mid Bedfordshire District Council –‘Sandy Conservation Area December 2003.’) as ‘the street gives way to a greener environment, in particular down by the river which is a quiet area, offering contrast to the High Street’. By the destruction of this woodland and the building of a large residence on the woodland site this ‘greener environment’ has been lost.

Also in this area the distinctive rural area has been lost by the removal of the quaint Victorian bridge over the river which has been replaced with a heavy metal ‘motorway’ type bridge.

But – what has been maintained in this area is the site of this particular planning application, being an area of the former landscaped grounds of Sandye Place, with its fine views over the park with belts of woodland, a lime tree avenue and views of the Georgian mansion and listed ironstone dovecote.

The proposed erection of a large dwelling on this particular site will lose this important scene and openness. In the above publication this particular view is described as ‘ Looking from Ivel Road northwest towards the landscaped grounds of Sandye Place’ in the section of ‘Important views into the Conservation Area’.. This of course is the area in question

Sometime ago I contacted Sandy Town Council with a suggestion that this land should be taken over by them as a recreational piece of land for the benefit of Sandy residents and its many visitors with new tree planting and seating close to the banks of the Ivel.

I believe that the erection of such a large dwelling on this site would not be a great asset to the Conservation Area and certainly not aid the ‘greener environment’ as described. It would destroy this important scene as the proposed building would greatly reduce the important view to just a few feet rather than the present expanse.

In recent years the Sandcast has been changed from a public footpath to a public bridleway, thus creating a much wider area for the many pedestrians and cyclists going to and from Ivel Road across the river bridge. Any development on this site would mean that cars would travel to the new house across the public bridleway, thus creating great danger to both pedestrians and cyclists. This crossing would also be blind.

I realise that this site belongs to the Council, but I hope that if this site is developed priority is given to :-

A The unique scene over Sandye Place

B The safety of pedestrians and cyclists using the bridge and path

C A more suitable dwelling erected on this site in this Conservation Road, with its unique mixture of former farmhouses, cottages and cottage style houses.

### **Additional Comments**



None

**Additional/Amended Conditions/Reasons**

None

***Item 9 (Pages 73-86) – CB/15/04612/VOC – Plot 2, Woodside Caravan Park, Thorncote Road, Northill***

**Additional Consultation/Publicity Responses**

Northill Parish Council has resolved tonight to OBJECT to CB15/04612/VOC at Plot 2, Woodside, Hatch for the following reasons:

1. There is a lack of compliance with the conditions set out by the Inspector at the 2011 appeal, with regard to the number of caravans presently on this plot (4 caravans were seen on Plot 2 on 29.12.15, contravening the permission for 3), and also with regard to landscaping required. NPC felt very strongly that current conditions should be being adhered to, before any variations are requested.
2. The number of additional caravans requested is a very significant increase, out of proportion to the rest of the site, and could potentially dominate the local settlement area, disregarding advice in the Planning Policy for Traveller Sites (PPTS) referred to in the supporting statement .
3. Current visual amenity - lack of landscaping on the site, with fences and brick walls separating plots, addition of large brick built gates to Plot 3, all detrimental to maintaining the rural character of the area, "urbanisation" in a rural setting
4. Layout and density of buildings- plans have no accurate placements of caravans, or scale to enable assessment of distances between caravans. NPC concerned whether necessary environmental regulations for public health and fire safety have been addressed.

NPC would like to point out that it did not object to a recent planning application for Plot 1, as it felt that the additional small number of caravans then proposed on Plot 1 did not affect the sustainability of a currently stable traveller site. The 2011 Appeal Inspector's report gave permission only for a small Gypsy site for 3 families.

NPC also notes that the Planning Officer has recommended approval of this application. If DMC is in agreement with the Planning Officer's recommendation, NPC suggests conditions that it would like to see attached to consent, namely that there is no further development on the whole of the Woodside site (not just on this plot) and that there is again named occupancy.

Archaeologist – Has no observations regarding the application.

IDB – Providing there is to be no change to the existing storm water drainage arrangements and no increase in the impervious area of the site the Board will offer

no objections to this development. The additional hardstanding area should be constructed with gravel or other permeable paving materials. Please include a suitably worded condition in any planning permission that may be granted.

Eight letters of objection received making the following points:

- The application runs against condition 3 of the previous 2011 planning appeal
- Represents a significant intensification, being more visible and an intrusion into the open countryside which is contrary to policy
- Recent unauthorised development at the site regarding the site access
- No justification for the expansion of the site
- Site too large for Hatch
- Increase in 80% in the number of caravans at the site
- Addition of street lighting resulting in an urbanising effect in the countryside
- Extra traffic will impact on the highway with poor visibility
- Hatch is a modest rural area, by pushing the boundaries of what is legal and illegal the travellers have established a community, willing to accept the present development but no more
- Site more visible to passers-by, trees felled and not replaced
- Lighting dominates the local area
- All breaches of conditions ignored by the Council
- 40% increase in the numbers of families since 2011 permission
- Can caravans safely fit on the plot

#### **Additional Comments**

The 2011 appeal decision which granted permanent planning approval for the site is appended to the late sheet.

#### **Additional Condition**

All new areas of hard surfacing shall be constructed with gravel or other permeable paving materials unless otherwise agreed in writing with the local planning authority

Reason: In order to prevent flooding and to accord with policy DM3 of the Core Strategy and Development Management Policies 2009.

#### ***Item 10 (Pages 87-96) – CB/15/04370/FULL – 150 Biggleswade Road, Upper Caldecote***

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

Ecologist - I have read the report and I am satisfied that sufficient information has been submitted. An advisory note should be provided to the applicant requiring the demolition to be undertaken with care with all roof slates to be removed by hand. If any bats or evidence of them is discovered, work should cease and Natural England be contacted for advice, and if necessary, a licence will be obtained before work proceeds. All people working on the site will be made aware of the potential presence

of bats, the protection afforded them and the methods of working required to avoid harm to bats.

### **Additional Comments**

There is a correction to the planning history as set out in the report. Application ref: CB/15/03409/Full was refused and not approved as stated.

A Protected Species Survey has recently been submitted by the applicant, and this has allowed the Council's Ecologist to respond as above.

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

## ***Item 11 (Pages 97-114) – CB/14/04463/VOC – Double Arches Quarry, Eastern Way, Heath And Reach, Leighton Buzzard, LU7 9LF***

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

#### **Additional Information submitted by the applicant**

##### Background information on Double Arches Turbine

##### Turbine choice

Our original candidate turbine was an Enercon E80 2.3MW but we built a Vensys 87 1.5MW which has the same hub height of 100m but slightly shorter blades making the height to tip 143.5m rather than 149m. The Vensys Turbine at 1.5MW is a highly efficient machine and more than 10,000 of them had been built worldwide. Vensys guarantee a higher level of 'availability' and guarantee 98% of the power curve for 15 years. Furthermore the Vensys machine was significantly less expensive than the Enercon and qualified for a higher Feed in Tariff than a 2.3MW turbine so there were many very good reasons for choosing the Vensys turbine.

##### Background noise

The Vensys turbine is slightly noisier than the Enercon but we had measured the background noise at the properties nearby and given their close proximity to the A5 and the quarry plant, the actual measured background noise is significantly higher than the original consent had limited us to. Looking at the measured noise data that was collected prior to the turbine being installed, it is apparent that this area is not a low noise environment. During the quiet daytime period, the prevailing noise levels are between 39 and 45 dB at lower wind speeds, increasing with wind speed greater than 4 m/s.

For completeness, the background noise was assessed by three independent specialist companies being SKM Enviro for the original application, Hayes McKenzie and Ion Acoustics. All three reached the same conclusion.

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

***Item 12 (Pages 115-134) – CB/15/04252/FULL – Mentmore, 4 Greenfield Road, Pulloxhill***

This item has been withdrawn from the agenda due to an invalid certificate

***Item 13 (Pages 135-150) – CB/15/04547/FULL – Fourwinds Farm, Leighton Road, Stanbridge, Leighton Buzzard, LU7 9HW***

**Additional Consultation/Publicity Responses**

None

**Additional Comments**

Paragraph 6.7 of the Committee Report states that the Council's Agricultural Consultant flagged that the supplied agricultural holding number is not a valid agricultural Holding number. Based on the length of the supplied number, it was considered possible that one number had been mistakenly omitted. The report states that this has been queried with the agent and the results would be reported on the Late Sheet.

Officers have been in touch with the agent a number of times since the report was written, however, the applicant has not supplied the agent with a valid agricultural holding number.

The acceptability of the proposed new building in terms of Green Belt policy is dependent on the building being used for agricultural purposes for an agricultural business connected with the site. It is therefore considered to be incumbent on the applicant to demonstrate that there either is an agricultural enterprise being run from the site or an intention to run an agricultural enterprise from the site. However, the lack of a valid agricultural holding number and the fact that the site is being marketed for sale does cast doubts on whether or not there is an agricultural enterprise being run from the site or if there is any intention by the landowner to run an agricultural enterprise from the site.

However, it is understood that the applicant has been abroad and may not have received the emails from the agent or had an opportunity to look up the correct Holding number or provide further information regarding the sale of the property or to clarify the intentions with regard to the carrying out of an agricultural business. It is therefore **recommended that the application be deferred by one committee**

**cycle** to give the applicant time to provide officers with further clarification on these matters, including the correct agricultural Holding number.

**Additional/Amended Conditions/Reasons**

None

***Item 14 (Pages 151-178) – CB/15/02419/FULL – Land North of Flexmore Way, Station Road, Langford***

**Additional Consultation/Publicity Responses**

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

***Item 15 (Pages 179-216) – CB/15/02258/FULL – Land off Marston Road, Lidlington***

**Additional Consultation/Publicity Responses**

East-West Rail/ Network Rail

Network Rail have sent in a further two plans which will be shown during the presentation. One shows a new road set 30m off the boundary with the application site and cuts across the planted area, the other shows the road adjacent to the site avoiding the planted area. The latter option has been developed due to comments from Lidlington Parish Council.

Network Rail have not objected to the application and have stated the following:

*“The plan sent under cover of Jill Stephenson’s email of 7th December is the one that we had planned to proceed with although following receipt of comments from Lidlington Parish Council as a result of the consultation events we agreed that the plan could be changed – we just hadn’t got around to doing it. We have now updated the plan so that it accords with these comments.*

*We at Network Rail would be content with either scheme in that they both cross the railway and take account of the three points I noted in my email this morning. The one area that the 7th December plan does not address is the protection of the wooded/green area which was stated as being particularly important to the residents of Lidlington. It was because of this that we issued the revised plan today.”*

Policy Comments

At the time of writing the Council believes there is a 5 year supply of housing sites with marginal headroom. However there is a very small margin and the number can be volatile. Indeed it is important to stress that the housing land supply is not static, since permissions can lapse, or sites can fall out of the 5 year supply period due to slippages in delivery rates etc. Therefore whilst the Council maintains that it has a 5 year supply, and defended this position at a recent s.78 appeal, the inspector has yet to publish her findings and may come to a different conclusion. Therefore permission should be granted for sustainable and deliverable sites unless significant and demonstrable harm can be demonstrated when assessed against the relevant policies of the Core Strategy for North Central Bedfordshire (2009), the Site Allocations DPD for North Central Bedfordshire (2011) and the NPPF.

#### Objection from the occupiers of No. 10 Kerrison Close, Lidlington

- The new access road would result in a loss of parking spaces for the existing estate which will exacerbate the current evening and weekend parking situation.
- The current estate was built under the old parking regulations; while the current scheme have addressed the parking issue on the new estates, the repositioning of the new access road will further reduce parking on the existing estate.
- The proposed repositioning of the LEAP will cause noise pollution to occupiers of No. 10 Kerrison Close. It should be retained in its current location;
- The proposed LEAP looks squashed compared to the existing LEAP. With more houses being built there will be less play area per child and so it should be retained in its current location;
- 10 Kerrison Close is located next to the proposed Public Open Space separated by a garden wall. A border of bushes and soft planting should be planted next to the wall to stop balls hitting the wall and dogs enjoying the wall.

#### **Additional Comments**

Paragraph 49 of the NPPF states the following '*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant planning policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*'

The NPPF makes it clear that the presumption should be in favour of development unless material considerations indicate otherwise. The proposed development is considered to be a sustainable form of development and given the planning balance within the report it is considered to be an acceptable form of development.

#### **Amended Conditions**

##### Condition 16

**No development shall commence until full details of ground levels, earthworks and excavations to be carried out near to the railway boundary have been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To protect the adjacent railway from de-stabilisation and subsidence.**

Condition 17

**No development shall commence until details of the disposal of both surface water and foul water drainage directed away from the railway have been submitted to, and approved in writing by the Local Planning Authority.**

**Reason: To protect the adjacent railway from the risk of flooding and pollution.**

***Item 16 (Pages 217-232) – CB/15/03665/FULL – 6 Periwinkle Lane, Dunstable***

**Additional Consultation/Publicity Responses**

An additional objection letter has been received from the occupiers of No. 13 Garden Road in response to the revised plans. The occupiers object for the following reasons:

- The proposed properties would not be in keeping with other properties in the road; they would be too big and there are no other link-detached properties in the streetscene;
- The proposal would result in the loss of a bungalow;
- The noise from construction activities would disturb occupiers of No. 13 Garden Road, including one who works night shifts;
- The view from No. 13 Garden Road would be restricted and there would be a loss of privacy to No. 13 Garden Road;
- There would be an increase in traffic and pollution.

A letter from the applicant has been received, which has been summarised below:

- From the start of the process the applicant has engaged with the Council including taking formal pre-application advice. The scheme has been reduced and modified several times in accordance with advice from Council Officers and to limit the impact on the neighbouring properties.
- The proposal would increase off-street parking thus easing pressure on parking in Periwinkle Lane.
- The bungalow is in a poor state of repair; it has no central heating, mains gas supply or insulation in the walls, roof or floor voids and it has serious woodworm and damp problems. The EPC rating is F, which is very poor. The best option is to demolish it to provide more efficient homes;
- The application site is made up of three separate plots of land, which suggests that it was intended for three terraced dwellings;

**Additional Comments**

None

**Amended Conditions**

2. Work shall not take place on the construction of the walls and roof of the dwellings hereby approved until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted, including the contrasting brick panel to the front elevation, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To control the appearance of the buildings in the interests of the visual amenities of the locality.

(Policies BE8 & H2, SBLPR and Section 7, NPPF)



## Development Management

### Central Bedfordshire Council

Priory House, Monks Walk  
Chicksands, Shefford  
Bedfordshire SG17 5TQ  
www.centralbedfordshire.gov.uk



### MEMORANDUM

<b>From :</b>  Martin Oake Archaeologist		<b>To :</b>  Alex Harrison Principal Planning Officer	
<b>Please Contact :</b>  Martin Oake	<b>Our Reference :</b>  <b>CB/15/03078/REG3</b>	<b>Your Reference :</b>	<b>Date :</b>  17 December 2015

**Application No:** CB/15/03078/REG3  
**Location:** Stratton Business Park, Pegasus Drive, Biggleswade  
**Proposal:** Outline: B1, B2 & B8 use employment development with associated infrastructure and ancillary works; all matters reserved except means of access

Archaeology Reference: HER/16159/MKO

Thank you for the opportunity to comment on this application. My comments are based on the original application and the later amendments, in particular plans 17377-SK1010K (revised site layout) and B1400.401 (revised advanced planting).

Prior to the application the proposed development site was known to contain a ring ditch, the remains of a Bronze Age funerary monument (HER 16159) at the northern end of the site and evidence of Iron Age settlement at its southern end (HER 16157); these are heritage assets with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*. Immediately to the north of Dunton Lane is Stratton Park moated enclosure and associated manorial earthworks (HER 520). This site is a Scheduled Monument (National Heritage List for England Number 1012161) and a designated heritage asset of the highest significance (*NPPF paragraph 132*). The setting of a designated heritage asset forms part of its significance and any development within that setting will have an impact on the significance of the designated asset.

The site is also located in an extensive archaeological landscape containing sites and features dating from the prehistoric to post-medieval periods. This landscape includes evidence of later prehistoric and Roman settlement and field systems (HERs 13956, 15327,

16158,16823, 16824 and 18284), remains of Saxon and medieval settlement (HERs 518 and 17738) and field systems (HER 17786) and post-medieval activity (HER 16162). The proposed development site has the potential to contain previously unidentified archaeological remains relating to the identified in the surrounding area.

The application contains a *Heritage Statement* (Albion Archaeology, August 2015) which includes the results of an archaeological field evaluation of the proposed development site, comprising a geophysical survey and a programme of trial trenching, and a consideration of the impact of the proposal on the setting of the Stratton Park Moat Scheduled Monument. The impact of the proposed development is also dealt with in the *Design and Access Statement* (Woods Hardwick, August 2015 as revised in November 2015) and the *Planning Support Statement* (Woods Hardwick, July 2015).

*The proposed development will have an impact on:*

The setting of the Stratton Park Moat and associated earthworks Scheduled Monument

The buried archaeological remains within the proposed development.

This is an application for outline planning permission with all matters reserved except for access and so details of the proposed development are necessarily limited. As a consequence it is difficult to assess the impact of the proposal on both the setting of the Scheduled Monument and buried archaeological remains. The intent of the application is to "...provide a framework within which future occupiers can submit reserved matters applications for individual parcels". The detailed development will be left to the dictates of market requirements and will be dependent on the specific requirements of the businesses that occupies each individual plot. It is, therefore, only possible to assess the impact of the proposal on the designated heritage asset and heritage assets with archaeological interest in general terms. There is a particular difficulty in assessing the impact on the setting of the Stratton Park Moat Scheduled Monument without details of the scale and nature of the buildings and structures that will occupy the site.

### **Setting of the Stratton Park Moat Scheduled Monument**

The Scheduled Monument comprises a square moated enclosure of medieval date at the western end of the monument, probably a manorial residence (McOmish et al 2009), with a "...complex network of hollow-ways, fields and platforms..." (<https://www.historicengland.org.uk/listing/the-list/list-entry/1012161>) surviving as earthworks to the east of the moated enclosure; these earthworks have been interpreted as the remains of contemporary manorial outworks. The Scheduled Monument originally formed part of a "...complex and dynamic landscape that included elements contemporary and earlier settlement", it would have been "...embedded within in a network of settlement, trackways and fields..." of which the earthworks to the east of the moat are a surviving fragment (McOmish et al 2009, 29). It has been suggested that the moated enclosure was located to take advantage of a slight natural ridge, with the moat towards the highest point of the ridge. This means that the "...moat is highly visible and overlooks the ground to the east" (McOmish et al 2009, 29).

As described above, the setting of the Scheduled Monument when it was in use would have been complex. To the north and north west it would have been dominated by the contemporary settlement of Stratton (HER 518), the site of which is now largely occupied by the Stratton housing development, there is also evidence that there was some further contemporary settlement to the east (HER 17738). The rest of the Monument's setting

would have consisted of an extensive and open agricultural landscape comprising a palimpsest of fields, trackways and woodlands.

The modern landscape reflects the extensive changes to the settlement pattern and cultivation practices since the moat was occupied but the open, agricultural elements of the setting of the Monument still exists to the south, south east and north east, even if the details of that landscape have changed in the intervening centuries. The main changes to the setting have occurred to the south west with the development of Stratton Business Park and Stratton housing development to the north west. These changes certainly have an impact on the setting of the Scheduled Monument introducing suburban and industrial elements to it. However, in spite of the intrusions in to the setting it is still possible to appreciate and understand the context of the Scheduled Monument and its relationship to the landscape as well as its original historical context.

The proposed development will introduce a major new element to the setting of the Stratton Park moat designated heritage asset by extending Stratton Business park eastwards on to land immediately to the south of the Monument. The northern boundary of the proposed development site is immediately south of Dunton Lane which forms a common boundary with the Scheduled Monument which brings development substantially closer to it than it is at present; effectively only the width of Dunton Lane will lie between the development and the Scheduled Monument.

The *Heritage Statement* (6.2.1) describes the Scheduled Monument. It suggests that the earthworks to the east of the moat "...derive significance from their association with the moat." The National Heritage List for England description of the Monument does not make this distinction. While these earthworks are associated with the moated site they are designated in their own right as part of the overall complex of surviving medieval earthworks and are equal in significance to the moated site. The original setting of the Scheduled Monument is described (6.2) as being on the southern edge of the Stratton settlement with farmland beyond. It is noted that few features of the contemporary medieval landscape are now visible in the area, however, the Heritage Statement goes on to say "...the generally open appearance (of the landscape) is redolent of the farmed landscape around Stratton village as it might have appeared in the medieval period." This is, indeed, an accurate summary of the situation and indicates that the present setting of the Scheduled Monument, the open agricultural landscape, makes a substantial contribution to our understanding and appreciation of the Stratton Park Moat and associated earthworks and contributes to the significance of the monument; even if that setting has been substantially altered and is compromised to the west of the Monument. It is also suggested that topography is the most important element of the setting for our understanding of the form and function of the monument. I do not agree with this, the visibility of the monument is only part of the setting, it is the character and quality of the setting which allows us to understand the Monument and how it relates to the monument. If the setting of the Monument is altered from an open rural landscape which represents the original character of its environment to an urban or industrial, alien to its original function and context, no matter how visible the Monument remains from the wider landscape it is no longer possible to understand and appreciate the Monument's function and relation to its context with the result there is a substantial loss to the significance of the designated heritage asset.

The impact of the proposed development on the setting of the Scheduled Monument is discussed on the 8.1 of the Heritage Statement. It is noted that proposed development site includes few surviving visible remains of earlier landscape, largely field boundaries of post-medieval origin, none of which are contemporary with the designated heritage asset, and relatively few buried archaeological remains. Although the development will result in the loss of these features it is concluded that this will have a negligible impact on the setting of

the Scheduled Monument. These remains do not contribute very much to the significance of the setting of the Stratton Park Moat Scheduled Monument and their loss will not result in a major loss of significance to the designated heritage asset.

In 8.1.2 – 8.1.4 of the Heritage Statement various aspects of the landscape setting of the Scheduled Monument are discussed. It is concluded that the impact of the proposed development on the historic landscape context and topographical context of the designated heritage asset will be negligible to low. The impact on what is described as the aesthetic landscape context of the Scheduled Monument is assessed as being moderate on the grounds that it would increase and extend intrusive elements in the landscape in to the area immediately to the south of the Scheduled Monument; in particular the manorial earthworks which are more exposed than the moated site which is screened by vegetation. Sensitive landscaping and design of the development with careful placement and sympathetic design of large buildings are identified as having the potential to provide appropriate and adequate mitigation for the impact of the proposed development on the setting of the designated heritage asset.

There are a number of issues relating to the impact of the proposed development on the setting of the Stratton Park moated enclosure and associated manorial earthworks designated heritage asset. The application is for outline consent which mean that details of the development including the scale and layout of the build development and landscaping proposals are either lacking or presented in only indicative form. This makes it very difficult to assess the impact on the setting of the Scheduled Monument. I am concerned about the following:

The overall impact of the scale, massing and design of the proposed development - The Design and Access Statement says (2.4.1) that the building line could be set back from Dunton Lane to provide a landscaped street scene to acknowledge the Scheduled Monument. It goes on to state (2.4.2) that it is the intention to create landscaped street views along Dunton Lane, stepping back the building line to sensitively acknowledge the Scheduled Monument. The original site plan (17377-SK1010F) showed the built development extending very close to the north west corner of the site. Although the revised site layout plan (17377-SK1010K) shows the northern limit of the built development in the same position the layout of the development has been changed so that the northern part of the development is car parking with the first line of buildings to the south, moving them further away from the Schedule Monument. In Woods Hardwick's email of 30<sup>th</sup> November it is suggested that smaller scale buildings could be located at the northern end of the site which, in conjunction with the location of the car parking in this area would also help to reduce the impact of the development on the setting of the Monument. Setting back the main building line from the northern boundary of the site and placing car parking on the northern edge of the built development will serve to lessen the impact on the setting of the designated heritage asset. However, there is no information on the height and massing of the buildings, particularly those in the northern part of the site. There is also no suggestion that a design guide or approved set of parameters for the design of the development and landscaping will be required to control the designs of structures which will otherwise be left to the requirements of market conditions. Without adequate controls at the outline stage it will be impossible control the design of the development and ensure that its impact on the setting of the Scheduled Monument is minimised.

The location of an access point on the northern edge of the development off Dunton Lane – The original application included access to the site from Dunton Lane, although it was suggested that this would be a secondary access point with the main access being from the west through the existing Business Park via Pegasus Drive. No details of this access were provided within the application and once constructed it had the potential to attract additional

street lighting, signage and advertising. Overall an access off Dunton Lane would have had a major impact on the setting of the designated heritage asset. However, the revised site layout plan (17377-SK1010K) shows that the access off Dunton Lane has been deleted from the development proposal. This removes the impact that this part of the proposal on the setting of the designated heritage asset of Stratton Park Moat.

Landscaping along the northern edge of the site fronting on to Dunton Lane – This is the most sensitive part of the site in relation to the Scheduled Monument because it is very close to it. Screening along the Dunton Lane frontage is key to reducing the impact of the proposed development on the setting of the Scheduled Monument. On the information initially provided in the application it was suggested that the northern edge of the development will be designed to integrate the development into the local setting and help to meet the requirements of the objectives of the Biggleswade Green Wheel. In particular this included provision of a formal path or track along the northern edge of the proposed development site, immediately to the south of Dunton Lane. The landscaping associated with creation of the new public right of way appeared to be minimal and would not have provided appropriate screening between the development and the Stratton Park Moat Scheduled Monument. Creation of a public right of way along the northern edge of the development would have also brought a further element of suburbanisation to what is, at present, an open rural landscape and would have been contrary to the Basic Principles of the Green Wheel which says the route should “Cause no harm to archaeological sites and their settings.” It would have been likely to compromise the provision of adequate screening for the Scheduled Monument along the northern edge of the site. Revised plan B1400.401 (revised advanced planting) shows new landscaping proposals for the northern part of the site. This comprises a woodland hedge of up to 2.5m in height on the immediate Dunton Lane boundary with an area of lower woodland shrub planting studded with specimen trees to the south of the hedge. This is a more substantial planting proposal. While it might increase a sense of enclosure around the Monument whose setting has been shown to be an open agricultural landscape, the more substantial planting will certainly increase the screening of the development from the Monument and its immediate area. The revised site layout plan (17377-SK1010K) also shows the line of the Biggleswade Green Wheel Link has been moved south along the northern edge of the car parking. This is a more appropriate location for the path and will help to reduce its impact on the setting of the Scheduled Monument.

It is claimed in the *Planning Supporting Statement* (6.15) that objections to the allocation of this site for development were mainly technical rather than to the principle of the developing the site as an extension to Stratton Business Park. This is not the case, both English Heritage and the Archaeology Team objected to the principle of allocating this site on the grounds of its impact on the setting of the Stratton Park Moat Scheduled Monument. English Heritage’s objection was heard at the Enquiry in to the Site Allocations DPD (2011), though this objection was rejected by the Inspector and the site was allocated. However, Policy EA1 of the Site Allocations DPD requires that development of the site will be subject to “Appropriate mitigation against the impact on the Stratton Park Scheduled Ancient Monument”.

Paragraph 132 of the *NPPF* says that:

“Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.

*And paragraph 133 goes on to say that:*

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”

The application states (*Planning Supporting Statement* 6.39 ff) that the overall impact of the setting of the Scheduled Monument would be low and significance of the impact on the Scheduled Monument would be moderate. It also goes on to say (6.42) that the impact in the Monument needs to be balanced against the economic and social benefits the proposed development would bring.

I do not agree that the impact of the setting of the Stratton Park Moat Scheduled Monument and therefore on the significance of the designated heritage asset will be low and of only moderate significance. The open agricultural setting of the Monument is, as acknowledge in the *Heritage Statement* “...is redolent of the farmed landscape around Stratton village as it might have appeared in the medieval period...” even taking into account changes to the landscape that have occurred since the medieval period. Although the setting has been compromised by development on the west side of the Monument, including the existing Stratton Business Park to the south west, this does not justify extending the development eastwards into closer proximity to the Monument and seriously damaging its setting. Efforts have been made with the revisions to the application to mitigate the impact of the proposed development on the setting of the Stratton Park moat designated heritage asset by increasing the screening on the northern boundary of the site and moving the building line as far south as possible, placing a car park in front the first line of buildings and indicating that the height of those buildings will be restricted. These changes to the original application will reduce the impact of the proposal in the Scheduled Monument. However, the extent and scale of the development will result in a loss of a substantial part of the setting of the Stratton Park moat Scheduled Monument greatly reducing the open agricultural landscape setting of the Monument and making it difficult to appreciate and understand the Monument and its context. In my opinion, in spite of the best available mitigation proposals available in the context of the development proposal, this will result in substantial harm to the significance of the designated heritage asset. On that basis the test in paragraph 133 of the *NPPF* of whether the development provides a substantial public benefit which outweighs the harm to the significance of the designated heritage asset.

**If it is decided that the public benefit of the development outweighs the harm to the heritage asset and planning consent is granted it will be necessary to ensure that the revised advanced planting scheme identified in plan B15003.401 is secured. It should be included in a condition requiring approval of a landscaping plan before development commences. Control will also be required over development parameters including the northern limit of the building line, heights of the buildings and materials and finishes with the objective of keeping the northern extend of built development as far south as possible and ensuring that at least the first set of buildings are single storey. This could be secured by a condition requiring the approval of a development parameters plan before development commences.**

### ***Other Archaeological Remains***

Prior to the submission of the planning application and following discussions with the Archaeology Team an archaeological field evaluation comprising a geophysical survey and programme of trial trenching were undertaken. The results of the evaluation are described in the *Heritage Statement* (Albion Archaeology 2015). The evaluation confirmed the existence and defined the extent and character of archaeological sites and features known to exist

within the proposed development site (HERs 16157 and 161259); it also located a number of sites and features that had not previously been identified. Using the results of the evaluation the *Heritage Statement* identifies seven archaeological zones within the site:

Zone 1 – An area containing features on the periphery of the medieval settlement known to exist to the north of Dunton Lane and evidence of ,probably modern, horticultural activity.

Zone 2 – Remains of a Bronze Age ring ditch, a funerary monument.

Zone 3 – An early - middle Iron Age enclosed settlement with possible later Bronze Age origins.

Zone 4 – An early - middle Iron Age enclosed settlement.

Zone 5 – A late Iron Age – early Roman settlement.

Zone 6 – Peripheral activity associated with the settlements identified in Zones 3, 4 and 5 consisting of linear features probably representing field systems and agricultural features.

Zone 7 – Areas of the proposed development site outside the defined areas of Zones 1 – 6, where the evaluation did not identify extensive or substantial archaeological remains.

The *Heritage Statement* assesses the heritage assets with archaeological interest in Zones 1 and 3 – 5 as being of local to regional significance with the Bronze Age ring ditch in Zone 2 being of regional significance. The Zone 2 ring ditch is certainly of regional significance. The medieval remains in Zone 1 are likely to be associated with the Scheduled Monument to the north of Dunton Lane and could, therefore, be argued to be of equivalent significance, however, in isolation any medieval remains in this zone are probably better considered to be of regional significance as the importance understanding the origins, development and dynamics of medieval rural settlement has been identified in the published regional and local research frameworks. Horticultural activity, particularly in the Ivel Valley, has been recognised as having considerable importance in Bedfordshire (Oake et al 2007). I believe that the later prehistoric and Roman settlements in Zones 3, 4 and 5 are, individually, of regional significance as they have the potential to enhance our understanding of the origins and development of settlements in these periods as well as the internal organisation and function of settlements in these periods and the transition between Iron Age and Roman periods. Their value is enhanced by their close proximity which will allow us to understand the relationship between sites over time and the dynamics of the developing settlement pattern and landscape through time. They also form part of an extensive contemporary landscape that is known to exist in the surrounding area. On this basis I think that Zones 3 – 5 are of regional significance. The features in Zone 6 form part of the landscape contemporary with the settlements in Zones 3 – 5. As such they too are of regional rather than local significance as their value is enhanced by association with the settlements they served, allowing us to understand the interrelationships between settlements and the landscapes that supported them. The identified archaeological remains in Zone 7 are limited in extent, though it likely that there are some features within this zone which relate to the sites identified in the other zones.

It is suggested in the *Heritage Statement* that there will be an adverse impact on buried archaeological remains from the groundworks required in the construction of the proposed development. The magnitude of this impact is assessed as ranging from low to moderate

and low to high, with the overall assessment being of a moderate impact of slight to moderate significance. This is on the basis that the archaeological remains are generally robust and while there will be locally high impact the remains will largely remain intact and the coherence of the remains will be largely retained. At one level it is difficult to predict the archaeological impact of a development proposal that is only in outline. However, the indicative site layout reflects a density and extent of build development similar to that for the existing Stratton Business Park immediately to the west. It must be assumed that the indicative layout is an accurate reflection of the final development. On that basis there is very little of the proposed development that will not be occupied by buildings or structures in the form of industrial/commercial buildings, car parks or elements infrastructure. Construction of all these elements of proposed development will require groundworks which will impact on buried archaeological remains resulting in their destruction and a total loss of significance to the heritage assets with archaeological interest. Even if small pockets of archaeological deposits were not directly affected by groundworks their relationship with remains would be lost and the integrity and coherence of the archaeological remains would also be lost, destroying their significance. Given the extent and density of the proposed development suggested by the indicative site plan, I do not agree that the magnitude and significance of the impact on buried archaeological remains can be classed as no greater than moderate. It is unlikely that there will be any substantial or coherent survival of archaeological remains once the development is completed. Thus, in my opinion the both the magnitude and significance of the impact on buried archaeological remains and on the significance of the heritage assets with archaeological interest that they represent should be considered to be high throughout the proposed development site.

Mitigation of the direct impact of the proposal on archaeological remains is also discussed in the *Heritage Statement*. It is suggested that a programme of archaeological investigation in advance of development or preservation *in situ* of archaeological remains through the design of the development would provide appropriate strategies for mitigating the impact of development on buried archaeological remains. On the basis of the information contained in the outline application the proposed development is likely to result in the total loss of significance of the heritage assets with archaeological interest that lie within the proposed development site. The archaeological remains within the site are of regional significance which is enhanced by the relationship between the sites and features which illustrate the origins, development and organisation of the contemporary landscape and settlement pattern. However, their significance is such that they do not merit refusing planning permission or amending the planning application in order to protect the archaeological remains provided that appropriate strategies are put in place to mitigate the impact of the proposal on the significance of the development on the heritage assets with archaeological interest. Any strategy would have to include either the investigation, recording, analysis and publication of all archaeological remains directly affected by the proposed development or the preservation *in situ* of archaeological remains within the development in such a way that any preserved remains are a coherent whole which maintain the significance of the remains; the partial preservation *in situ* of parts or fragments of larger sites will not be acceptable. It should also include a programme of public outreach and engagement including amongst other activities public open days during excavations, lectures explaining the results and significance of the results of the excavations and interpretative material incorporated within the development. This can be secured by attaching the following condition to any planning permission granted in respect of this application:

***"No development shall take place within each phase of the development until a written scheme of archaeological resource management has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved scheme of archaeological resource management."***



***This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:***

***(i) A method statement for the investigation and recording of any archaeological remains present;***

***(ii) A method statement for the preservation in situ and management of archaeological sites and features that have been identified for protection;***

***(iii) A post-excavation assessment and updated project design (to be submitted within six months of the completion of fieldwork at (i), unless otherwise agreed in advance in writing by the Local Planning Authority);***

***(iv) Completion of post-excavation analysis, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of fieldwork at (i), unless otherwise agreed in advance in writing by the Planning Authority);***

***(v) A Programme of interpretation, public outreach and community engagement.***

**Reason: (1) To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development in accordance with Chapter 12 of the *National Planning Policy Framework*.**

**(2) : This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework (NPPF)* that requires the recording and advancement of understanding of the significance of any heritage assets to be lost (wholly or in part).**

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## Appeal Decision

Hearing held on 6 October 2011

Sites visit made on 5 & 6 October 2011

**by Colin A Thompson DipIArch DipTP RegArch RIBA MRTPI IHBC**

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

Decision date: 16 November 2011

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**Appeal Ref: APP/P0240/A/11/2156395**

**Plots 2, 2A and 3, Woodside Caravan Park, Hatch, Bedfordshire SG19 1PT**

- The appeal is under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
  - The appeal is by Mr J A Smith (aka Lenny Smith) against the decision of Central Bedfordshire Council.
  - The application Ref CB/11/01301/FULL, dated 29/3/2011, was refused by notice dated 24 June 2011.
  - The development proposed is the change of use of land as a small private gypsy site for 3 families comprising 10 caravans and associated ancillary development.
- 

### Summary of Decision

1. The appeal is allowed and permanent planning permission is granted subject to conditions.

### Application for costs

2. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### Background Matters

#### Pre-Event Accompanied Site Visit (ASV)

3. I carried out an ASV the afternoon before the Hearing. There was no discussion of the merits of the case. It was simply so that I could familiarise myself with what was on the site to save Hearing time.

#### Gypsy and Traveller Considerations

4. In 2006 the Secretary of State (SoS) granted a temporary (5 year), and personal, planning permission for a gypsy caravan site for 3 families on the appeal site (the 2006 permission). The reason given for temporary, rather than permanent, planning permission was to allow the Council time to assess the need for gypsy traveller sites across its area and to determine how best that need should be satisfied. The site's temporary consent does not run out until 6 November 2011 so, irrespective of my decision, until then it is occupied lawfully.
5. It was agreed by the main parties that the site occupiers are ethnic Romani Gypsies. Despite some permanent residential occupation, including that by the appellant and his wife (due to poor health), it was accepted that the present

- residents satisfy the definition of gypsies and travellers set out in Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites<sup>1</sup> (the 2006 Circular).
6. It was further agreed that this northern part of Central Bedfordshire requires 20 more gypsy and traveller pitches for the period between 2006 and 2011 with the need for a further 10 pitches to be provided between 2011 and 2016; making a total of 30. Three pitches have recently been granted planning permission.
  7. The draft Gypsy and Traveller Development Plan Document (Gypsy and Traveller DPD) identifies only 23 pitches. This leaves 4 pitches still to be provided in order to give a 5 year supply ( $23+3=26$  (identified pitches),  $30-26=4$  (the unsatisfied need)). Using this non-adopted document, which is the best information before me even though it could well understate actual need, there is clearly not a 5 year supply of identified gypsy and traveller sites in this part of the Council area.

#### Development Plan Policy

8. The most relevant development plan policy is Saved Policy HO12, Gypsies, of the December 2005 Mid Beds Local Plan First Review.

#### Progress on the Production of an Adopted Gypsy and Traveller DPD

9. At the start of the Hearing Cllr Mrs Turner, the District Ward Councillor representing Hatch, updated progress on this matter. She explained that the administrative amalgamations to form the new Central Bedfordshire Council and the recent judicial reviews (following the CALA Homes interventions<sup>2</sup>) which have indicated that Regional Policy still needs to be taken into account, despite the Government's intention to abolish this tier of planning, has left the local planning authority (LPA) caught between two conflicting national planning philosophies.
10. So instead of the draft Gypsy and Traveller DPD, which was based upon just part of the amalgamated new Council area, with need being based on data inconsistent with Regional policy going forward for adoption, it has been decided, by the Council's meeting of its Executive on 14 October 2011, that the draft Gypsy and Traveller DPD would not be submitted for an Examination in Public (EIP) but would still be endorsed for the purposes of development management. A new Gypsy and Traveller DPD for the whole of Central Bedfordshire Council would be prepared.
11. The timetable for the new District wide Gypsy and Traveller DPD is as follows:
  - Scoping, January 2012;
  - Evidence gathering, February 2012-September 2012;
  - Assessment, December 2012-April 2013;
  - Publication May /June 2013;
  - Submission to Secretary of State September 2013;
  - EIP, January 2014
  - Receipt of Inspector's report April 2014, and;
  - Adoption June 2014.

<sup>1</sup> Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites, paragraph 15.

<sup>2</sup> The Queen on the Application of Cala Homes (South) Ltd v SSCLG and ANR [2011] EWCA Civ 639.

Cllr Mrs Turner made it clear that it was accepted that the new policy was needed quickly and that all reasonable efforts would be made to shorten the above adoption timetable. Further, she indicated that Members of the Council accepted that there was an unsatisfied need and had agreed to look seriously at the possible use of its own land to provide additional gypsy and traveller sites. But there is obviously a long way to go before any up-to-date Gypsy and Traveller DPD can be adopted.

#### National Policy

12. Although the SoS has indicated that he considers present National Policy to be flawed, and that he intends to replace the 2006 Circular with something which has a *lighter touch*, the present 5 year old document remains the only extant and relevant Government policy. It still carries substantial weight. One of the 2006 Circular's key requirements was to increase significantly the number of gypsy and traveller sites in appropriate locations, with planning permission over a 3-5 years time scale (that is from 2006 to 2009 /2011) in order to address under provision<sup>3</sup>. There has been no such increase within Central Bedfordshire.
13. A 2011 draft policy statement entitled Planning for Traveller Sites has completed its consultation process. Its policies can be given only limited, or no, weight because it is not known what will be in the final version.

#### **Main Issue**

14. There is one main issue in this case. This is the impact of the gypsy caravan site on the character and appearance of the countryside bearing in mind the existing relevant, national and local, planning policies as well as any other pertinent material considerations.

#### **Reasons**

##### Countryside Issues

15. Gypsy and Traveller development in Hatch has a 14 year or so history. Following unlawful occupation of a larger area of land in 1997 there were a number of unsuccessful appeals prior to the SoS granting the 2006 temporary permission for the present reduced site area. The urbanising impact on the countryside was the only reason identified by the LPA in deciding to refuse permanent planning permission for the appeal scheme before me.
16. The 2006 Circular indicates that the outskirts of built-up areas may be appropriate for gypsy and traveller development. Such development, it states, is often found in rural, or semi-rural, settings. Indeed, the 2006 Circular goes on to state *...rural settings, where not subject to special planning constraints, are acceptable in principle<sup>4</sup>....*
17. Hatch is a very small settlement, just some 15 houses. But the appeal site is not the subject of any special controls. It is not for example in: a designated Green Belt; an Area of Outstanding Natural Beauty; nor is it within; a Special Landscape Area.

<sup>3</sup> ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites, paragraph 12(c).

<sup>4</sup> ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites, paragraph 54.

18. Notwithstanding the generally permissive approach of the 2006 Circular, long standing national policy seeks to protect the countryside. In particular Planning Policy Statement 7: Sustainable Development in Rural Areas controls strictly new house building in the countryside<sup>5</sup> (which by analogy and logic should include gypsy caravan sites because they provide gypsy residential accommodation). LP Policy HO12(i) goes further by requiring that new gypsy sites should *...not be detrimental to the character and appearance of the surrounding countryside...* (my emphasis).
19. Previous Inspectors have differed in their opinion on the impact of this gypsy and traveller development on the character and appearance of Hatch and its surrounding rural area. Some have said that such a facility would be acceptable. But the 2006 Inspector, endorsed by the SoS's decision, concluded that a substantially identical scheme to that now proposed would have an *...inevitably significant, urbanising, effect on the character and appearance of the countryside...*
20. Although the visual impact of the appeal development has altered in the intervening 5 years, since the 2006 decision, (the landscaping has grown-up helping to hide the site although this may have been countered, to some extent, by any raising of the levels of the caravan pitches to counter flood risks) there is an obvious conflict between the professional judgements of the previous Inspectors.
21. To my mind it is difficult to see how gypsy /traveller caravan sites with their: caravans; ancillary buildings and sheds; fencing, large gravelled areas and vehicle parking; could not have some kind of urbanising impact on the rural surroundings of countryside sites. Such probabilities are recognised in draft Gypsy and Traveller DPD Policy GT3 for such sites, which just requires that *...any detrimental impact upon the character and appearance of the locality is minimised...* But only limited weight can be given to what is a draft, non statutory, policy. The Council Executive's decision to endorse it, for the purposes of development management, does not assist much in regard to weight that I can give to this policy.
22. As already noted the 2006 Circular accepts the principle of a rural, or semi-rural, sites for gypsy or traveller caravan sites so some urbanising effect is by inference permissible. The 2006 Circular post-dates PPS7 (the latter was published in 2004). But LP Policy HO12, which I read as not allowing any harm to rural character, was adopted in December 2005 which only just pre-dates the 2006 Circular (published on 2 February in that year) and is still part of the development plan. There remains a presumption in favour of the policies of the development plan. Unhelpfully, the ODPM's The Planning System: General Principles<sup>6</sup> states that, when conflicts between policies arise, decisions should be taken in the light of all material considerations, including local priorities, and needs to be guided by relevant national policy.
23. I find that there is only a small amount of harm to the rural character of the area, bearing in mind the moderating effect of the maturing landscaping. But no matter how good the screening becomes there will inevitably be some damaging impact on the character and appearance of the countryside so that strict compliance with LP Policy HO12(i) cannot be achieved.

<sup>5</sup> Planning policy Statement 7: Sustainable Development in Rural Areas, paragraph 9 (ii).

<sup>6</sup> The Planning System: General Principles, paragraph 7.

24. This unresolved conflict both in past Inspectors' and my findings, together with policy inconsistencies, indicates to me that for any conclusion on the scheme's acceptability or not, in regard to countryside issues cannot be determinative. My decision must therefore rely on other material circumstances to determine the outcome of this appeal.

#### Other Material Considerations Supporting the Appeal

##### *Non-Countryside Aspects of LP Policy HO12*

25. The appeal proposals could: provide additional landscaping measures to further ease visual harm; incorporate a safe access (subject to the need for better surfacing (see conditions below)); and; not damage nature conservation, or the historic environment, interests. It could also ensure (see below) that there would not be any unacceptable pollution to surface water and ground water and no material harm would be caused to the amenities of residential neighbours. Thus the non-countryside conservation aspects of the development plan (Policy HO12(ii)-(vi)) would, or could, be satisfied. To this extent the presumption in favour of the policies of the development plan supports the appeal.

##### *Need and Prematurity*

26. There is an accepted shortfall of gypsy traveller sites (see my paragraphs 6+7 above (and Hearing Document 2)). PPS 3: Housing<sup>7</sup> draws attention to the requirement for LPAs to plan for a mixed community including *...the need to accommodate Gypsies and Travellers...* The same PPS<sup>8</sup> states that *...where LPAs cannot demonstrate a 5 year supply of deliverable sites ...they should (having regard to the other policies in the PPS) consider favourably planning applications for housing...* Because there is a shortfall in the identified 5 year Gypsy and Traveller land supply this aspect of PPS3 gives further qualified support to the appeal proposals.
27. The caravan site is not large (just 3 pitches) so that its cumulative effect would not be so significant that granting a permanent planning permission now could prejudice any future adopted Gypsy and Traveller DPD by predetermining decisions about the scale, location or phasing, of new development<sup>9</sup>. Instead the appeal proposals would be helpful in providing 3 extra pitches now, without having to wait any longer, reducing the present shortfall. It follows that prematurity would not be an issue in this case.

##### *Ethnicity*

28. The appellant and his extended family are ethnic Romani Gypsies. This is a significant matter because, as such, they have a right not just to their homes and family life but also the courts recognise that an integral part of their lifestyle involves living in caravans (see *Chapman*<sup>10</sup>). In this judgement the European Court of Human Rights stated that *...the vulnerable position of gypsies as a minority means that some special consideration should be given to their needs and different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases...there is thus a positive obligation*

<sup>7</sup> PPS3: Housing, paragraphs 20 and 21.

<sup>8</sup> PPS3: Housing, paragraph 71.

<sup>9</sup> The Planning System: General Principles, paragraph 17 (ODPM).

<sup>10</sup> *Chapman v UK* [2001] 33 EHRR 18

*imposed on the Contracting States (including the UK) by Article 8 to facilitate the gypsy way of life...*

29. An important part of the Romani Gypsy heritage is the way extended family groups live together to give each other support (as happens here). In this case all 3 families are related by marriage and /or birth. These ethnicity factors, which require the extended family to remain together, play in favour of the applicant's case.

*Personal Circumstances*

30. Gypsies and travellers experience the worst health and education problems of any disadvantaged group in England<sup>11</sup>. Research has consistently confirmed the link between the lack of good quality sites for this group and poor health and education.
31. Mrs Lydia Smith has very serious health problems. She suffers from heart disease and angina, as well as impaired left ventricular function, bronchiectasis (overstretched bronchial tubes causing coughing and excessive mucus production) and chronic obstructive pulmonary disease. She is on a large number of medications (a list of 19 were supplied by her doctor) and long term oxygen therapy. She attends Bedford Hospital for Respiratory Physiotherapy classes and has had to be seen by the Doctor 15 times in the year from 16 April 2010.
32. Due to the combination of her cardiac and pulmonary problems Mrs Smith finds it very difficult to walk and frequently has to use a wheelchair. She is unable to carry out day to day tasks such as washing, cleaning, shopping and cooking, and is helped by her daughter and daughters-in-law. Dr B E Bourke of the Kings Road Surgery, in Sandy, concludes in a letter to the appellant's solicitor, dated 27 April 2011, that *...uncertainty regarding her accommodation causes Mrs Smith a great deal of distress and I feel refusal of planning permission would have an adverse affect on her already poor health...*
33. A number of the other adult residents suffer from ailments such as anxiety attacks, asthma and depression. Billy Price Junior has cerebral palsy.
34. Regarding the educational needs of children, there are 9 of, or around, school age. Most appear presently to be home educated. When the families are travelling these children study using pre-prepared education packs. The tutors that provided letters of support reported that the children in their care were doing well. But it was stressed that an important part of this success is down to the existence of a permanent base, to which the families return on a regular basis, which enables the tutorial support to be consistent.
35. The site occupiers are registered with local medical practices and the children educated with Central Bedfordshire Education Departmental input and support. Continuity of health care and the children's education can only be afforded by a permanent base which supports the families' travelling lifestyles. In this latter regard it is pertinent that the appellant has tried to find an alternative site with little success and the LPA don't suggest any suitable ones. The need for family pitches is a compelling argument in favour of the grant of planning permission and should be give significant weight.

<sup>11</sup> Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites, paragraph 5.



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*Sustainability*

36. Such issues are important but should not only include transport mode and distances from services<sup>12</sup>. Despite having to rely on private transport, as do the other occupants of Hatch (because bus services are very limited), Mr J A Smith and his extended family have been based in this part of Bedfordshire for many years. Some sizeable settlements are not far away: Sandy 1.4 miles; Northill 1.3 miles and Caldecote 2 miles. Health and education needs are satisfied and making any permission a personal one, to members of this extended gypsy family, will give the best chance to facilitate their peaceful integration into the local community. This is a sufficiently sustainable site for a gypsy caravan site.

Other Material Considerations which have a Negative; or Neutral, Impact on the Appeal

*Effect on the Living Conditions of Nearby Residents*

37. Parts of the local community have consistently resisted the setting-up of a gypsy caravan site in Hatch. The Parish Council, Ward Councillor and Residents Action Group fought the earlier, larger, unlawful site and continue to object to the present smaller one becoming permanent. However, as a counter balance to such objections, I was given 10 letters of support from others living nearby and in the surrounding settlements.
38. In this case no business use is proposed. Their nearest neighbours are the Westwoods who live in, and operate their business from, 1 Willowside, Hatch Road; which adjoins the appeal site on its western boundary.
39. The Westwoods breed, train and race, greyhounds. There have been some recent issues with the appeal site's current occupiers and this neighbour, with each side making claims and counter claims at the Hearing. But the greatest problems seem to have occurred when the larger gypsy site was in existence. Mr Westwood senior agreed, at the Hearing, that the appeal lands are now clean and tidy and well run by the appellant Mr Lenny Smith.
40. There is some fear in the community that if this appeal succeeds then other gypsy families will move back onto the larger, original, site. But nothing like this appears to have happened in the 5 year life of the temporary planning permission and I see no compelling reason why that situation should change if I were to allow this appeal. Even if it did the Council have procedures to ensure swift clearance. Such fears are not justified.
41. Apart from the urbanizing effects on the countryside, any damaging impact on the living conditions of residential neighbours would appear to be minimal, certainly not sufficient to require a refusal of permanent planning permission.

Overall Conclusions

42. The circumstances surrounding the scheme, before me, are materially different from those before the SoS in 2006. Significantly the intervening 5 years, which were supposed to allow time for the Council to assess the need for gypsy traveller sites across its district and to determine how best that need should be satisfied, has not resulted in the identification of a 5 year supply of gypsy and traveller sites; indeed the final resolution of this problem is still likely to be

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<sup>12</sup> Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites, paragraphs 64+65.

some years away. Nor has the Council increased significantly the number of such sites, in appropriate locations with planning permission, in order to address under-provision, as intended by the 2006 Circular. At this time the needs of the family group can only realistically be met on the appeal site.

43. The development, as it appeared to me at this Hearing and during the site visits, seems visually to represent a not unattractive extension to Hatch; indeed it is reasonably well related to the existing settlement. Despite the tension between current planning policies which prevents complete compliance with LP Policy HO12(i), the scheme satisfies, or would be able to satisfy, the remaining 5 sub-paragraphs of that policy. And any damage to the living conditions of neighbours would be significantly lessened if any permission was made personal to the present site occupiers (to help prevent the kinds of disturbance suffered in the late 1990s when the larger site was unlawfully occupied).
44. Add to all this the more pressing personal circumstances of the appeal site's occupants and the other material considerations of this case represent very compelling reasons why planning permission should be forthcoming. The appeal will therefore be allowed and a permanent planning permission will be granted subject to conditions.
45. Such a decision would not be perverse as some suggested in the light of the impending replacement of the 2006 Circular. It is not known what the new guidance will say and I have a duty to determine appeals expeditiously bearing in mind the considerations, and policies, relevant at the time. I have taken into account the perception of many objectors that the planning system is too permissive towards gypsy and traveller caravan accommodation. It is a matter of fact that extant policies for such accommodation are more permissive, as are policies for needed agricultural dwellings, than for those controlling some other classes of development in the countryside. This is because there is perceived special need for such accommodation in rural areas.

#### Conditions

46. This permission is for a private gypsy caravan site. Because part of the reasons for allowing the appeal apply specifically to those presently occupying the lands any permission should be made personal to Mr J A Smith and named individuals of his extended family together with their dependants. Numbers of caravans should be controlled, along with a ban on commercial activities, to protect the countryside and the living conditions of residential neighbours. Additional landscaping, and some restriction on external lighting (there is no significant street lighting in Hatch and areas of darkness at night is part of the rural character of the area), is required to protect the rural appearance of the area.
47. Although I saw that the access has good visibility its surface needs to be covered with a durable material. Vehicle sizes, and on site turning areas, should be controlled to protect road safety. Despite the Council signing off a previous flood protection condition, and the Internal Drainage Board's lack of objection (the responsible body for flood protection in this location), it was not possible to check (and the Council says no detailed checks have been made) whether the proposed caravan site slabs have been raised to the correct levels to bring them outside the parameters of a Flood Risk Zone 3 site; indeed I saw that one of the required concrete slabs had not even been constructed. Also there may be a need to prevent surface and ground water from pollution and I

saw that there were some drainage problems, in the site's north-western corner (a blocked ditch), which needs resolution to prevent flooding of the Westwoods' land. A condition is required to ensure these water quality, drainage and flood protection, works are properly executed.

48. I note the third parties' concerns regarding enforcement of planning conditions but this does not mean that they cannot be enforced. Indeed, the frequency of visits made by enforcement officers (reported to the Hearing by Mrs Davies, approximately every 2 weeks or so), would appear to me to be very frequent and should be more than sufficient to exercise the necessary levels of control. But such matters are for the LPA to determine as it sees fit.

### Formal Decision

49. The appeal is allowed and planning permission is granted for the change of use of land as a small private gypsy site for 3 families comprising 10 caravans and associated ancillary development on Plots 2, 2A and 3, Woodside Caravan Park, Hatch, Bedfordshire SG19 1PT, in accordance with the terms of the application, Ref CB/11/01301/FULL, dated 29/3/2011, subject to the following conditions:

- 1) This permission does not authorise the use of the land as a caravan site by any persons other than gypsies and travellers, as defined by paragraph 15 of ODPM Circular 01/2006;
- 2) The occupation of the caravan site hereby permitted shall be only by the following residents and their dependants, namely; Abraham Howard, Pamela Howard, Donna Marie Draper, Pamela Cooper, Jo Cooper, Lenny Smith (aka John Alfred Smith), Lydia Smith, Lucy Smith, Joseph Smith, Ellen Louise Smith, James Smith, Lisa Smith, Leonard Smith, Marie Smith, Billy Price and Laura Price. When the land ceases to be occupied by those named above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
- 3) The scheme hereby permitted shall allow no more than 10 caravans (of which no more than 3 shall be static caravans) to be stationed on the site at any one time. Of these no more than 4 caravans (of which no more than 1 shall be a static caravan) shall be parked or stored on plot 2A (the north-westerly one), and no more than 3 caravans (of which no more than 1 shall be a static caravan) shall be parked or stored on plots 2 and 3 (respectively the south-western plot and the north-eastern plot). For the avoidance of doubt it should be noted that Plot 1 is not part of the appeal site and is not part of this permission;
- 4) In regard to the development hereby permitted, no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site;
- 5) In regard to the development hereby permitted, no commercial activities shall take place on the land, including the storage of materials;
- 6) In regard to the development hereby permitted, all on-site parking and turning areas shown on drawing E1425/1/E shall be retained for such purposes;
- 7) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans,

drawing N<sup>os</sup> E1425/1/E and WCP/002/05, unless otherwise approved in writing by the LPA;

*For conditions 8-10 inclusive the schemes set out below shall be submitted to, and approved in writing by, the local planning authority (or Secretary of State as appropriate) with the approved schemes being implemented in accordance with the following strict rules:*

*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 6 months of the date of the failure to meet any one of the requirements set out in (i) to (iv) below;*

- (i) Within 3 months of the date of this decision schemes for additional landscaping, drainage, water pollution and flood protection works, as well as vehicular access surfacing, shall have been submitted for the written approval of the local planning authority and the schemes shall include a timetable for their implementation;*
  - (ii) If within 11 months of the date of this decision the local planning authority refuse to approve the schemes or fail to give a decision within the prescribed period, an appeal or appeals, shall have been made to, and accepted as validly made by, the Secretary of State;*
  - (iii) If an appeal or appeals is/are made in pursuance of (ii) above, that appeal or those appeals shall have been fully determined and the submitted schemes shall have been approved by the Secretary of State, and;*
  - (iv) The approved schemes shall have been carried out and completed in accordance with the approved timetable;*
- 8) Details of drainage works, to the north-western corner of the site, and those needed to ensure: firstly, adequate protection of ground and surface water from pollution, and; secondly, the execution of sufficient flood protection measures, either as shown on drawing E1425/1/E or other works sufficient to take the floor levels of any caravans high enough so that they would be above the level of a Flood Risk Zone 3 category for the area;
- 9) Details of a scheme of landscaping which will include strengthening of the existing tree planting to the southern and western site boundaries which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Any trees that are diseased or die within the first 5 years will be replaced with others of similar size, and species;
- 10) Details of a scheme to re-surface the site's vehicular access with a durable material for a distance of 8m into the site, measured from the near side edge of the public highway's carriageway boundary. These details shall include arrangements for surface water discharge from the site to be intercepted and disposed of separately so that it does not discharge onto the highway.

*Colin A Thompson*

03 DEC 2015