

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



please ask for Helen Bell
direct line 01462 611040
date 1 May 2009

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 13 May 2009 12.30 p.m. **

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Jaki Salisbury
Interim Chief Executive

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

Clrs A Shadbolt (Chairman), Mrs C F Chapman MBE (Vice-Chairman),
A R Bastable, R D Berry, M Freeman, D J Gale, Mrs R B Gammons, B J Golby,
M Hearty, R W Johnstone, T Nicols, A Northwood, A A J Rogers, J Street,
G Summerfield, Mrs C Turner, B Wells and J N Young

[Named Substitutes:

D Bowater, I Dalgarno, H T W Harper, J Kane, H J Lockey, S A Mitchell,
Mrs E Morgan, P F Vickers and N Warren

All other Members of the Council - on request

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

**** Schedule D – The Mineral Matter report relating to Broom Quarry, Gypsy Lane, Broom and the update report, Land at Old Bridge Way, Shefford will be considered at 12.30 p.m prior to the consideration of the main Planning Applications which will commence 2.00 p.m**

AGENDA

1. **APOLOGIES FOR ABSENCE**

Apologies for absence and notification of substitute members

2. **CHAIRMAN'S ANNOUNCEMENTS**

If any

3. **MINUTES**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 29 April 2009.

(To follow)

4. **MEMBERS' INTERESTS**

To receive from Members declarations and the **nature** thereof in relation to:-

- (a) Personal Interests in any Agenda item
- (b) Personal and Prejudicial Interests in any Agenda item
- (c) Membership of parish/Town Council consulted upon during the application process and the way in which any Member has cast his/her vote.

5. **PETITIONS**

To receive Petitions in accordance with the scheme of public participation set out in Annex 2 in Part 4 of the Constitution.

6. **DISCLOSURE OF EXEMPT INFORMATION**

To consider proposals, if any, to deal with any item likely to involve disclosure of exempt information as defined in the relevant paragraph(s) of Part I of Schedule 12A of the Local Government Act 1972 prior to the exclusion of the press and public.

REPORT

Item	Subject	Page Nos.
7	Planning Enforcement Cases Where Formal Action Has Been Taken To consider the report of the Director of Sustainable Communities providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.	7.1 – 7.8

Planning and Related Applications

To consider the planning applications contained in the following schedules:

Schedule A - Applications recommended for Refusal

Item	Subject	Page Nos.
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Schedule B - Applications recommended for Approval

Item	Subject	Page Nos.
8	Planning Application No. MB/09/00195/FULL Address: Land at 16 Oliver Street, Ampthill, MK45 2SA Full: Erection of 1no. 2 bedroom dwelling, parking, drainage and ancillary works. Applicant: Mr Lester	8.1 – 8.15
9	Planning Application No. MB/08/02093/FULL Address: Shefford Town Football Club, Ivel Road, Shefford, SG17 5UE Full: Residential development comprising 59 houses and apartments, with associated access road, parking facilities and amenity space. Applicant: Lagan Homes and Coleman Properties Ltd.	9.1 – 9.20

- 10 **Planning Application No. MB/09/00524/FULL** 10.1 – 10.11
- Address:** Land At Brookfields, Potton, SG19 2TL
- Full: Erection of six detached dwellings, garages
 and completion of access road together with
 improvement works to adjoining workshop.
- Applicant:** Wyboston Lakes Ltd
-
- 11 **Planning Application No. MB/09/00278/FULL** 11.1 – 11.5
- Address:** 12 Park Court, Sandy, SG19 1NP.
- Full: First floor rear extension with external terrace
 over existing ground floor extension.
- Applicant:** Mr J Carroll
-
- 12 **Planning Application No. MB/09/00448/FULL** 12.1 – 12.9
- Address:** Astwick Service Station, Great North Road,
 Stotfold, Hitchin, SG5 4BL.
- FULL: Redevelopment of petrol filling station (pfs)
 including the erection of a new canopy,
 underground steel storage tanks, sales building
 and forecourt layout following demolition of
 existing pfs and restaurant facility (formerly Little
 Chef)
- Applicant:** BP Oil (UK) Ltd
-
- 13 **Planning Application No. SB/09/00032/TP** 13.1 – 13.11
- Address:** Land Rear Of 62-64 Luton Road, Toddington
- Erection of one detached one-bedroom bungalow
- Applicant:** Mr D Thierens
-
- 14 **Planning Application No. SB/09/00129/TP** 14.1 – 14.5
- Address:** 1 Ivel Close, Barton-le-Clay
- Erection of wooden fence and enclosure of
 amenity land
- Applicant:** Mr Gallagher

Schedule C - Any Other Applications
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Item	Subject	Page Nos.
15	<p>Planning Application No. MB/09/00560/FULL</p> <p>Address: 6 The Old Dairy, Beadlow, Shefford, SG17 5PL</p> <p>Full: Amendment to previously approved application for erection of stable with ancillary works 08/00455/FULL. To increase in roof pitch.</p> <p>Applicant: Miss F Webb</p>	15.1 – 15.8
16	<p>Planning Application No. MB/09/00347</p> <p>Address: Fairfield Lower School, Dickens Boulevard, Stotfold, SG5 4FD.</p> <p>Full: Installation of play equipment</p> <p>Applicant: Fairfield Park Lower School</p>	16.1 – 16.5
17	<p>Planning Application No. MB/09/00288/FULL</p> <p>Address: Potton Lower School, Everton Road, Potton, SG19 2PB</p> <p>Full: Construction of single storey building for use as Pre-school and afterschool club; and the provision of 14 additional car parking spaces</p> <p>Applicant: The Board of Governors Potton Lower School</p>	17.1 – 17.7
18	<p>Planning Application No. MB/09/00517/FULL</p> <p>Address: Land at Maulden Wood, Bedford Road, Maulden, MK45 3QT.</p> <p>Full: Woodlands Visitors Centre with Ancillary Workshop Units and associated parking.</p> <p>Applicant: Greensand Trust</p>	18.1 – 18.16

19 **Planning Application No. MB/09/00262/FULL** 19.1 – 19.5

Address: Gothic Mede Lower School, High Street, Arlesey,
SG15 6SL.

Full: Retractable pool enclosure for existing
outdoor swimming pool.

Applicant: Dunstable Pools

Schedule D - Mineral Matters

Item	Subject	Page Nos.
20	Planning Application No. BC/CM/2009/5	20.1 – 20.12

Address: Broom Quarry, Gypsy Lane, Broom

Variation of condition 12 of planning permission
21/2006 to allow the importation of cement

Applicant: Tarmac Ltd

21. **UPDATE OLD BRIDGE ROAD SHEFFORD**

22. **SITE INSPECTION APPOINTMENT(S)**

In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 27 May 2009 having regard to the guidelines contained in the Code of Conduct for Planning Procedures.

In the event of there being no decision to refer any site for inspection the Committee is nevertheless requested to make a contingency appointment in the event of any Member wishing to exercise his or her right to request a site inspection under the provisions of the Members Planning Code of Good Practice.

Agenda Item: 7

Meeting: Development Management Committee**Date:** 13th May 2009**Subject:** **Planning Enforcement cases where formal action has been taken****Report of:** Director of Sustainable Communities**Summary:** The report provides a bi-monthly update of planning enforcement cases where formal action has been taken

Contact Officer: Sue Cawthra (Tel: 01462 611369)**Public/Exempt:** Public**Wards Affected:** All**Function of:** Council**RECOMMENDATIONS:**

- 1. To receive the bi-monthly update of Planning Enforcement cases where formal action has been taken**
 - (a)** 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.
 - (b)** The list briefly describes the breach of planning control, dates of action and further action proposed.
 - (c)** Actions since the last report are highlighted in bold text.
 - (d)** In line with the adopted Planning Enforcement Policy which is published on the Council's web site, members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases please contact Sue Cawthra on 01462 611369.

CORPORATE IMPLICATIONS**Council Priorities:**

(How do the recommendations contribute to achieving CBC's policy aims and objectives?)

Financial:

None

Legal:

None

Risk Management:

None

Staffing (including Trades Unions):

None

Equalities/Human Rights:

None

Community Safety:

None

Sustainability:

None

Planning Enforcement formal action (DM Committee 13th May 2009)

NORTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	ENC/04/0282	Land at Etonbury Farm, A507, Arlesey	Unauthorised dwelling. Enforcement Notice	6-Dec-06	10-Jan-07	10-Apr-07	12-Dec-06	5-Dec-07	Appeal dismissed. High Court upheld Inspectors decision	Enforcement Notice has not been complied with. Full assessment made of alternative further action. Judicial review Council decision to decline to determine further planning application
2	ENC/05/0178	Land at Maulden Garden Centre, Water End, Maulden	Enforcement Notice - change of use from nursery to garden centre, café and outdoor storage, construction of 6 buildings, siting of mobile home	9-Apr-09	9-May-09	9-Nov-09				Check compliance after 9/11/09
3	ENC/06/0078	Tythe Barn, Wood End, Tingrith	Change of use of land to retail sales & 2 timber showrooms	19-May-08	19-Jun-08	20-May-09	Appeal withdrawn 3/9/08		Compliance period extended to 9 months.	Check compliance after 20/5/09. Planning application 09/00107/full received for extension to barn workshop.
4	ENC/06/0244	Land at The Green Man, Broom Road, Stanford	Enforcement Notice - Kitchen extractor fan duct, & 2 masts supporting security cameras and flood lighting.	9-Dec-08	9-Jan-09	await appeal	Appeal received 4/2/09			Await outcome of appeal
5	ENC/06/0274	Asda, Church St, Biggleswade	Breach of condition delivery hours. Breach of Cond. Notice	17-May-07	17-May-07	14-Jun-07			Further breaches, delivery to ATM	Court Hearing adjourned to 9/4/09 - to set date for trial
6	ENC/06/0313	Land at Hope Farm, Cobblers Lane, Ridgmont	Change of use to storage of vehicles and vehicle equipment & waste. Enforcement Notice	2-Jan-08	2-Feb-08	2-May-08	Appeal received. Hearing 22-Jul-08	30-Apr-09	Appeal dismissed & uphold enforcement notice	08/02063/full granted 10/2/09 for extension to storage building. Enforcement Notice still applies, outside storage to be removed by 30/4/09.
7	ENC/06/0336	Land at Sun Valley Works, Wood End, Marston Moretaine	Enforcement Notice - change of use of land to a quad bike track and ancillary vehicular parking area.	11-Feb-09	11-Mar-09	10-Jun-09				Check compliance after 10/6/09
8	ENC/07/0085	Woodview Nurseries, Shefford Rd, Meppershall	Mobile home & conservatory	21-Jan-08	19-Feb-08	19-Aug-08	Appeal received. Hearing 14-Oct-08	29-Apr-09	Appeal dismissed & uphold enforcement notice	Check compliance after 29/04/09. Planning application received to retain mobile home.

Planning Enforcement formal action (DM Committee 13th May 2009)

NORTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
9	ENC/07/0125	Land at Chestnut Barn, Northfield Farm, Great Lane, Clophill	Enforcement Notice - Change of use of barn to use as self-contained residential dwelling.	3-Apr-09	3-May-09	3-Nov-09	Appeal received			Appeal received not started
10	ENC/07/0189	Land at Langford Road, Biggleswade	Breach of Condition Notice - Pre-commencement conditions relating to 07/01181/FULL not complied with.	6-Mar-09	6-Mar-09	5-Apr-09				All details submitted, awaiting decision
11	ENC/07/0405	51 High Street, Wrestlingworth	Breach of Condition No. 3 Noise attached to planning permission 08/00412/Full	9-Oct-08	8-Nov-08					Check compliance after 8/11/08. Site now vacant, no action while vacant
12	ENC/08/0214	Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington	Enforcement Notice and Breach of Condition Notice landscaping and outside storage, 02/00553.	22-Nov-06	29-Dec-06	1-Mar-07			some landscaping carried out	Landscaping to be re-assessed. Waste material to be removed.
13	ENC/08/0214	Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington	Breach of conditions to Permissions 02/00553 & 06/00152. Enforcement Notice - outside storage & portacabins	15-Dec-08	12-Jan-09	12-Feb-09			Planning application 08/01465/full refused.	Not fully complied with Enforcement Notice. Prosecution case being prepared.
14	ENC/08/0373	Land at Silver Lake Farm, Stanford Lane, Clifton	Enforcement Notice-change of use to residential and change of use as self contained dwelling.	9-Feb-09	9-Mar-09	9-Sep-09	Appeal received 25-Feb-09			Await outcome of appeal Inquiry, enforcement and LDC
15	ENC/08/0381	Land and Buildings on the West side of Foundry Lane, Biggleswade	Enforcement Notice - change of use to hand car wash	22-Dec-08	22-Jan-09	await appeal decision	Appeal received			Await outcome of appeal, not yet recorded by PINS
16	ENC/08/0404	Land at Harlington Post Office, 8 Lincoln Way, Harlington	Enforcement Notice - change of use of part of the shop premises for keeping privately owned birds and pets	4-Mar-09	4-Apr-09	4-May-09				Appeal submitted, to be registered by Planning Inspectorate
17	ENC/09/1001	Kiln Farm, Ampthill Road, Steppingley	Temporary Stop Notice - demolition of dwelling	3-Apr-09	3-Apr-09	3-Apr-09				No further demolition of dwelling taken place. Awaiting new planning application.

Planning Enforcement formal action (DM Committee 13th May 2009)

SOUTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
18	ENF/04/0002	Land at Stanbridge Road, Billington, Leighton Buzzard	Change of Use of land for stationing of caravans and mobile homes	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Awaiting appeal decision for refusal of planning application SB/TP/76/1372. Inquiry Feb 09, decision due 19/6/09
19	ENF/04/0003	Land at Stanbridge Road, Billington, Leighton Buzzard	Laying of Hardcore and tarmac, erection of fencing and installation of services	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Awaiting appeal decision for refusal of planning application SB/TP/76/1372. Inquiry Feb 09, decision due 19/6/09
20	ENF/04/0004	Land at Stanbridge Road, Billington, Leighton Buzzard	Change of Use of land for stationing of caravans and mobile homes	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Awaiting appeal decision for refusal of planning application SB/TP/76/1372. Inquiry Feb 09, decision due 19/6/09
21	ENF/04/0005	Land at Stanbridge Road, Billington, Leighton Buzzard	Laying of Hardcore and tarmac, erection of fencing and installation of services	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Awaiting appeal decision for refusal of planning application SB/TP/76/1372. Inquiry Feb 09, decision due 19/6/09
22	ENF/04/0007	Land rear of Fancott Cottages, Luton Road, Toddington	Erection of Timber Clad Building for residential purposes & laying of hardcore surface	8-Sep-04	08-Oct-04	08-Jan-05	Appeal received 01 Nov 2004	No Change	Appeal withdrawn 02 Oct 2006	SB/TP/05/1217 & Section 106 Agreement approved 11 Aug 2006 allowing 2 years for compliance
23	ENF/04/0008	Land rear of Fancott Cottages, Luton Road, Toddington	Change of Use from agricultural for stationing of mobile home & storage of machinery/building materials	8-Sep-04	08-Oct-04	08-Jan-05	Appeal received 01 Nov 2004	No Change	Appeal withdrawn 02 Oct 2006	SB/TP/05/1217 & Section 106 Agreement approved 11 Aug 2006 allowing 2 years for compliance
24	ENF/05/0004	Anacapri, Harlington Road, Toddington	Construction of a roof to building on land	9-Feb-05	11-Mar-05	11-May-05	None	No change	Not applicable	SB/TP/06/1400 approved 01 Feb 2007 requiring completion of works within 2 months. Property since repossessed
25	ENF/05/0005	215 Common Road, Kensworth	Erection of a double garage and storeroom	16-Mar-05	18-Apr-05	18-Jul-05	6-May-05	6-Aug-05	Appeal dismissed & enforcement notice upheld	Awaiting revised planning application

Planning Enforcement formal action (DM Committee 13th May 2009)

SOUTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
26	ENF/05/0007	Long Yard, Dunstable Road, Studham	Unauthorised stationing of mobile home for residential use	29-Jul-05	1-Sep-05	1-Dec-05	28-Sep-05	28-Dec-05	Appeal dismissed & enforcement notice upheld	Further court hearing 18/5/09
27	ENF/06/0001	Land at 34 The Rye, Eaton Bray	Construction of an area of hardstanding	4-May-06	6-Jun-06	6-Sep-06	25-Jun-06	25-Dec-06	Appeal dismissed but period of compliance extended	Site visit to check full compliance
28	ENF/07/0006	Dunedin, Harlington Road, Toddington	Change of use of buildings to bedsit accommodation	10-Aug-07	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed but period of compliance extended to 9/1/09	Negotiations/further action
29	ENF/07/0007	Dunedin, Harlington Road, Toddington	Erection of building and alteration and extension of two other buildings	10-Aug-07	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed but period of compliance extended to 9/1/09	Negotiations/further action
30	ENF/07/0008	Dunedin, Harlington Road, Toddington	Failure to comply with Condition 2 of Planning Permission SB/TP/98/0838 issued 31 December 1998	10-Aug-07	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed but period of compliance extended to 9/1/09	Negotiations/further action
31	ENF/07/0009	12-14 North Street, Leighton Buzzard	Installation of Shopfront on front elevation of premises	17-Aug-07	19-Sep-07	11-Dec-07	None	No change	Not applicable	Revised planning application SB/TP/08/0828 approved 30 September 2008. Minor modification received.
32	ENF/07/0012	Land rear of Packhorse Place, Watling Street, Kensworth	Change of use of land for the parking of vehicles	5-Nov-07	5-Dec-07	01 Jan 2008 & 26 Feb 2008	21-Jan-08	28 Jul 2009 & 28 Sep 2009	Appeal dismissed but compliance periods extended	Check compliance after Sept 09
33	ENF/07/0014	Rear of 129 High Street North, Dunstable	Change of Use of garage building to a use for residential purposes	10-Dec-07	15-Jan-08	11-Feb-08	Invalid	No change	Not applicable	To be prepared for Magistrate court proceedings.
34	ENF/08/0003	Bury Spinney, Thorn Road, Houghton Regis	Use of offices for residential purposes	3-Mar-08	4-Apr-08	20-Jun-08	7-May-08	22-Jul-09	Appeal dismissed but compliance period extended to 6 months	Check compliance after July 09
35	ENF/08/0004 Case closed	Bury Spinney, Thorn Road, Houghton Regis	Unauthorised construction of road and erection of gates in excess of 2m height	3-Mar-08	4-Apr-08	20-Jun-08	7-May-08	15-Apr-09	Appeal dismissed and notice upheld	Hard surfacing deemed to be permitted development. Gates removed, case closed

Planning Enforcement formal action (DM Committee 13th May 2009)

SOUTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
36	ENF/08/0006	Land adjacent Hillside, The Green, Whipsnade	Change of Use from amenity land to private residential & enclosure of land by fence and hedge	9-Apr-08	9-May-08	5-Jun-08	13-Nov-08	13-Feb-09	Appeal dismissed but compliance periods extended	Work commenced, check completion
37	ENF/08/0007	Land adjacent Hillside, The Green, Whipsnade	Enclosure of land and laying of hedge & construction of gravel topped hardsurfacing	9-Apr-08	9-May-08	5-Jun-08	13-Nov-08	13-Feb-09	Appeal dismissed but compliance periods extended	Work commenced, check completion
38	ENF/08/0008	Lavang Indian Cuisine, High Street, Eggington	Change of use from restaurant to mixed use of restaurant and hot food take-away	14-Mar-08	16-Apr-08	13-May-08				Magistrate Court proceedings under preparation. Awaiting planning application
39	ENF/08/0009	21 Emu Close, Heath & Reach	Construction of single storey front and side extensions and loft conversion	14-Apr-08	14-May-08	14-Aug-08	20-Jun-08			Public Inquiry arranged for 19 May 2009
40	ENF/08/0012	Valley View, Hemel Hempstead Road, Dagnall	Change of Use of building from use for storage purposes to use for residential purposes	25-Jul-08	25-Aug-08	5-Oct-08	12-Aug-08	18-May-09		Public Inquiry 25 March 2009. Notice upheld & varied, check compliance after 18/5/09
41	ENF/08/0013	24 Church Road, Studham	Erection of fence and brick piers	30-Jul-08	29-Aug-08	25-Sep-08	25-Aug-08	26-Jun-09	Appeal dismissed with period of compliance extended to 4 months	Check compliance after 26/6/09
42	ENF/08/0020	5 Albion Street, Dunstable	Change of use of ground floor unit from retail to use for a taxi business	1-Dec-08	7-Jan-09	3-Feb-09	28-Jan-09			Awaiting outcome of appeal
43	ENF/09/0001	7 Fisher Close, Barton-le-Clay	Change of use of amenity land to private residential garden, enclosure of land by removal of hedge, and erection of fence	11-Feb-09	13-Mar-09	7-May-09				Awaiting outcome of appeal
44	ENF/09/002	8 Fisher Close, Barton-le-Clay	Change of use of amenity land to private residential garden, enclosure of land by removal of hedge, and erection of fence	2-Feb-09	4-Mar-09	29-Apr-09				Awaiting outcome of appeal

Planning Enforcement formal action (DM Committee 13th May 2009)

Minerals & waste	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	07/09	Land at Kiln Farm, Steppingley	Material change of use of land involving deposit of waste. Enforcement Notice	29-Sep-08	10-Nov-08	10-Aug-09			Waste removed.	Land still needs to be ripped and grass seeded to ensure full compliance with notice.
2	08/13	Land rear of 3 - 9 The Causeway, Clophill	Breach of condition - failure to remove soils & brick rubble & reinstate ground to its previous condition. Enf. notice	13-Mar-09	20-Apr-09	20-Oct-09				Monitoring outcome. No appeal lodged
3	07/40	Former BR Good Yard, Chiltern Green Road, East Hyde	3 metre-high timber fence at waste transfer station site. Enforcement notice	18-Mar-09	24-Apr-09	24-Jun-09				Appeal lodged. Awaiting notification of start date.
4	08/22	Land at Totternhoe Lime Works / Totternhoe Quarry	Importation of wood waste. Two Temporary Stops Notices	29 Oct 08 & 10 Nov 08	Immediate	8-Dec-08			Not initially complied with. Activities stopped on 17 Nov 08	Prosecution papers with legal services for action.



Date: 26 March 2009

ITEM NO. 08



Scale: 1:1250

APPLICATION NO. MB/09/00195/FULL

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Mid Bedfordshire District Council.
100019740. 2009.

Land at 16 Oliver Street, Ampt Hill

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Item No. 08**SCHEDULE B**

APPLICATION NUMBER	MB/09/00195/FULL
LOCATION	LAND AT 16, OLIVER STREET, AMPHILL
PROPOSAL	FULL: ERECTION OF 1 NO. TWO BEDROOM DWELLING, PARKING, DRAINAGE AND ANCILLARY WORKS.
PARISH	Ampthill
CASE OFFICER	Clare Golden
DATE REGISTERED	04 February 2009
EXPIRY DATE	01 April 2009
APPLICANT	Mr Lester
REASON FOR COMMITTEE TO DETERMINE	COUNCILLOR SUMMERFIELD: TOWN COUNCIL REQUEST. OVERBEARING AND ACCESS/HIGHWAYS.
RECOMMENDED DECISION	Full Conditional Approval

Update to Report for Meeting of Development Management Committee of 13th May 2009:

This application was considered at the meeting of the Central Bedfordshire Council Development Management Committee on 8th April 2009, when Members resolved to defer the matter in order that a Highway Officer be present at the next meeting and to establish confirmation that the Highway considerations in the application, took into account that Oliver Street was a 'safer route to school'.

It has been confirmed that a Highways Officer will attend the next meeting on 13th May.

The Highways Development Control Team Leader has confirmed that the Highways Officer who originally considered the present application, also considered other previous application sites in Oliver Street, including 08/00740/FULL and 08/02260/FULL, and thus was very aware of the site and local traffic conditions. The Officer also dealt with the previous application on this site, (08/00932/FULL) where he raised no objection subject to conditions relating to the surfacing of the on-site vehicular areas. Pre-application discussions also took place with the applicant's agent as indicated within the application.

It was considered that the proposed dwelling would use the same access as No. 16. No. 16 had previously operated as two separate dwellings in the past before being converted to a single dwelling. It was considered that any additional use of the access would have an insignificant effect on the general traffic conditions in Oliver Street.

The Highway Officer considers that the visibility at the access on to Oliver Street is below standard, due to the adjacent Church wall. If this application was for a new access, this may have warranted a recommendation of refusal. Similar concerns were raised at an application site in Saunders Piece, Ampthill (05/00926/FULL) in 2005 and the subsequent refusal was appealed. The Inspector dismissed the appeal but did not support the highway objection.

The use of Oliver Street as a route to school was noted by the Highways Officer but it was considered that the minimal effect of this application on traffic conditions in the area would not be a defensible reason for refusal. The Highways Officer therefore maintains a recommendation of no objections subject to conditions outlined in the report presented at the last meeting.

Matters included the late sheet presented on 8th April 2009:

Additional Consultation/Publicity Responses

1) Additional comments were received from the occupiers of 20 Oliver Street on behalf of No.s 8, 10, 18, 20, 27, 27a and 45 Oliver Street, Ampthill objecting on the following grounds: Overdevelopment of the site; Highway safety; Impact on the residential amenities of neighbouring properties; and design of the proposed dwelling.

The neighbours requested that this information be distributed to the Committee Members. This information was sent to the Committee Members by email before the meeting.

Additional Comments

1) Additional comments were received by letter from the Applicant's Agent, Woods Hardwick, in response to the objections raised by neighbouring properties to this application in respect of: Highways Matters; Construction Traffic; and Urban Design. An Urban Context Plan (16259/1008) identifying areas of infill developments within Ampthill was also submitted.

2) An e mail was also received from the Applicant's Agent, Woods Hardwick challenging scaled measurements referred to in the Officer's report. The Agent requested that the following correct dimensions are portrayed to the Committee Members should these be questioned.

- Site Location - Para.2; "...good sized rear garden depth of 35 metres..." This scales at 36.2 metres.

- The Application - Para.3; "A distance of 19 metres..." should read 19.6 metres, and "...rear garden area of 10 metres in depth and 11 metres in width..." should read 10.5 metres and 11.5 metres respectively.

- Impact on the Residential Amenities of neighbouring properties – Para.3; "...back to front separation of a minimum of 19 metres..." should read 20 metres (21.5 metres at First Floor level). – Para.4; "...which as a result of the 19 metre distance..." should read 20-21.5 metre distance. – Para.5; "...as well as providing a minimum of 110m² useable amenity space...". The garden area is 110m². – Para.8; "The rear elevation of

No. 18 would be just over 20 metres away from the proposed dwelling...” should read 21 metres.

The remainder of this report to the meeting on 13th May 2009 is unaltered from that presented to the meeting on 8th April.

Site Location:

The 0.05ha application site is located on the northern side of Oliver Street which is a relatively narrow highway having a carriage way width of 5m. The surrounding area is predominantly residential in character with a mixture of dwelling types and styles. The character of the area is mainly of red brick, Victorian buildings. To the north of the site lie Victorian dwellings with the rear gardens backing on to the site. To the west of the site lies a Baptist Chapel which has a prominent presence within the streetscene and is located 1.5metres from the side boundary with the application site. This building has a depth of approximately 17.5metres. To the north of the chapel and west of the rear garden of No.16 is No. 10 Oliver Street, a bungalow, constructed as infill development in the late 1950s, early 1960s. To the east of the site is No.18, adjoining and contemporary with No.16.

The site comprises of No. 16 Oliver Street, a two storey, end of terrace dwelling which was originally two dwellings. No. 16 was constructed in the 1930s and is constructed of half brick and half smooth render under a slate hipped roof. The property presently has a good sized rear garden with a depth of 35metres from the rear building line and a width of 14metres. The rear garden area presently accommodates a single storey, flat roof double garage located approximately 11metres to the north of the dwelling, along the west side boundary. Also accommodated is a single storey summer house in the north west corner of the plot. A smaller, store building is also located close to the dwelling along the east side boundary.

The rear garden is partly covered in tarmac which extends from the access drive off Oliver Street to the south, with the remainder being grass and planting. The site presently provides at least three car parking spaces.

The Application:

This application seeks permission for the erection of a one and a half storey, two bedroom dwelling at the land to the rear of No. 16 Oliver Street.

The proposed dwelling would be sited approximately 19metres to the north of No.16 and would have a floor area of 80.5sqm. It would accommodate two first floor bedrooms, a dressing room and en suite, a lounge, dining room, kitchen, bathroom and integral car port. The applicant states that the proposed dwelling would be used for his mother who suffers from limited mobility. However, the scheme is not intended to be limited to an annex style development.

A distance of 19metres would separate the proposed dwelling with No.16. Two parking spaces for No.16 and one for the proposed dwelling would be located between the two dwellings with a shared driveway also. An integral carport would provide the second on site car parking space required for this proposal. A rear garden area of 10metres in depth and 11metres in width would remain for No. 16.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG15 Planning and the Historic Environment

Regional Spatial Strategy

East of England Plan (May 2008)
Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Mid Bedfordshire Local Plan First Review 2005 Policies

DPS5 Protection of Amenity
DPS6 Criteria for Extensions
DPS9 Open Space for New Dwellings
DPS10 Highways Provision for New Developments
CHE11 New Development in CAs
HO5 Housing Density
HO6 Location of New Residential Development

Supplementary Planning Guidance

Design Guide for Adopted Technical Guidance 2004
Residential Areas

Planning History

08/00932/FULL Erection of single dwelling for residential purposes, along with car parking, drainage and all ancillary works. **Refused for the following reasons:**

- Proposed development would be detrimental to the character & appearance of the conservation area by reason of the scale & massing of the roof, particularly the span of the main roof
- The proposal will result in an overdevelopment of the site

resulting in resulting in harm to the amenity of adjoining occupiers

- Failure to provide a Unilateral Undertaking

-The proposal would be out of character with the area resulting in a cramped form of development with inadequate amenity space for the existing and proposed dwellings and inadequate landscaping

MB/77/1177

1919/65

Double Garage. **Approved.**

Extension to kitchen and new conservatory. **Approved.**

**Representations:
(Parish & Neighbours)**

**Amphill Town
Council**

Object to the proposal on the following grounds:

- The proposal would lead to an intensified use of the very narrow vehicular access into the site with a lack of adequate vision splay

- Lack of inadequate on site parking manouverability which could result in vehicles backing out on the road and causing potential harm to other road users and pedestrians especially as this part of Oliver Street is a safer route for the three local schools

- Loss of privacy and overlooking of neighbouring properties, especially no. 18 Oliver Street

- Proposed development of a one and a half storey dwelling would be detrimental to the character and appearance of the conservation area as the proposal fails to preserve or enhance the areas special interest

Adjacent Neighbours

The Occupier of No. 45 Oliver Street objects to the proposal on the following grounds:

– Detrimental impact on the traffic problems currently endured and conflict with ambulance and fire stations

– Detrimental impact on the current level of parking

– Lack of parking provision for guests or additional cars

– The driveway does not look wide enough for cars to enter and leave the premises safely

– The Church wall directly next to the driveway will limit visibility for cars coming up and down the road, also making this spot very dangerous for pedestrians

The Occupier of No. 27 Oliver Street objects to the

proposal on the following grounds:

- Current volume of traffic and parking and the danger it causes
- The impact of lorries and diggers accessing the site
- Restricted visibility as a result of the chapel wall and parked cars either side
- Oliver Street, because of its age and listed properties and original function for horse and carts should not be considered for house building applications
- Continuous traffic flows cause constant spray on the existing cottages

The Occupier of No. 18 Oliver Street objects to the proposal on the following grounds:

- The proposed two floor dwelling will be overbearing and out of character with the conservation area
- Overbearing when viewed from the rear of No. 18
- The first floor windows will overlook No. 18 and properties to the rear in Arthur Street
- The design as now submitted is even wider coming even closer to the boundaries on the east and west
- The trees and conifers which border the boundary with No.18 are to be removed with this application, whereas they were left in place previously resulting in further loss of privacy
- Overshadowing to No. 18
- Loss of outlook to No. 18
- Increase in traffic volume, noise and disturbance
- 'Garden In-fill Development' will not be in keeping with the immediate environment and historical character of the conservation area
- Further erode the pockets of greenery and garden areas
- Lack of a precedent
- Access too small and narrow with poor visibility to pedestrians and oncoming traffic
- Present access is a dangerous accident black spot and conflict with ambulance and fire stations

The Occupier of No. 10 Oliver Street objects to the proposal on the following grounds:

- Front elevation is too close to the boundaries of properties to the east and west

- Overlooking of No. 10
- Loss of sun and day light
- Potential for an increase in overlooking should additional windows be inserted

The Occupier of No. 20 Oliver Street objects to the proposal on the following grounds:

- Detrimental to the character and appearance of the conservation area
- Overdevelopment of the site
- Detrimental loss of landscaping
- Loss of light to No. 10 Oliver Street
- Vehicle access will change the character of the local gardens
- Parking and vehicle movements will increase the noise and pollution to adjacent properties
- Access is hazardous

The Occupier of No. 8 Oliver Street objects to the proposal on the following grounds:

- The proposed development will add further strain to an already overburdened infrastructure
- The only access is potentially hazardous

Consultations/Publicity responses

Highways

No objections subject to conditions in respect of on site car parking surfacing, restriction of the use of the car port and the construction of the turning space.

Determining Issues

The main considerations of the application are;

- 1. Policy and Background**
- 2. Impact on the visual amenities of the surrounding area**
- 3. Impact on the residential amenities of neighbouring properties**
- 4. Highway Safety**
- 5. Other Considerations**

Considerations

- 1. Policy and Background**

The proposed development is located within the settlement envelope of Ampthill which is a selected settlement and therefore falls within Policy LPS1 wherein new residential development will be acceptable in principle.

Policy H06 of the Mid Bedfordshire Local Plan 2005 states that tandem development, whereby one dwelling is sited to the rear of another, will be permitted where it does not have an adverse impact on the amenity of adjoining dwellings or the character of the area, and that a satisfactory standard of access can be achieved.

The present application is a re-submission following a refusal to grant planning permission in July 2008. The reasons for refusal comprised of; a detrimental impact on the character and appearance of the conservation area, in respect of the scale and massing of the roof; over development of the site resulting in harm to the amenity of the adjoining occupiers; and failure to provide a Unilateral Undertaking.

The present application has simplified the overall form of the new building creating an L-shape which is more reflective of a traditional outbuilding in an urban setting. As a consequence of the simplified form, the overall roof span of the building has also been reduced and the height of the roofline lowered, thereby helping to reduce the dominance of the roof. The revised plan of the building has also created a greater area of amenity space to the front and rear of the dwelling.

The main issues in this application therefore, will be the impact of the proposed development on the visual amenities of the surrounding area, the impact on the residential amenities of neighbouring properties and the impact on highway safety, each of which will be discussed in detail.

2. Impact on the visual amenities of the surrounding area

The application site lies within the Ampthill conservation area where all new development must preserve or enhance the character and appearance of the conservation area in line with Policy CHE11 of the Mid Bedfordshire Local Plan 2005 and guidance in PPG15: Planning and the Historic Environment.

Views of the proposed dwelling would be limited from within the streetscene, although it would be visible from the rear gardens of surrounding properties.

The overall grain of the surrounding area is considered to be varied with high density Victorian terraces to the south of Oliver Street, in contrast to the lower density mock Georgian dwellings to the north west of the street and the Victorian dwellings with deep rear gardens to the north on Arthur Street. There are examples of dwellings set to the rear of existing buildings without a frontage to the main street. Such examples include, No. 10 Oliver Street which lies directly west of the site and dwellings in Ossory Place, just off Arthur Street to the north west of the site. There are examples of residential infill development close to the site which include No.s 4 - 6 Oliver Street to the west and No. 50 Arthur Street to the south east.

There is also a lot of variation in the plot sizes in this area. The principle of siting a dwelling to the rear of an existing dwelling is therefore considered to be acceptable in the context of the existing urban grain in this area.

The proposed dwelling would sit slightly forward of the adjacent front building line of No.10, however it would not project beyond the rear building line of this dwelling and the roofline would relate well with the ridge line of No.10. Whilst it would be set close to either side boundary, this type of relationship, whereby the dwelling is within 1metre of the side boundaries, is repeated on other plots close to the application site. For example, No.s 6 and 20 Oliver Street and dwellings in Ossory Place. With the increased level of amenity space and distance from No.16, it is not considered that the proposed dwelling would result in an over development of the site.

The overall design and detailing of the proposed dwelling is considered to be typical of an urban outbuilding which would be set further to the rear of the streetscene. The proposed use of materials to appear in-keeping with the locality will help ensure the proposed new dwelling preserves the character and appearance of the surrounding area. Should permission be granted, it is recommended that the proposed materials are carefully controlled by a condition requesting samples.

Overall, the proposed new building is considered to be modest which will not appear unduly prominent within the streetscene. The proposed design is considered to be reflective of an urban outbuilding and its siting within the plot is considered to be acceptable with sufficient space around the building. It is therefore considered that the proposal will preserve the character and appearance of this part of Ampthill conservation area in compliance with Policy CHE11 of the Mid Bedfordshire Local Plan and guidance in PPG15.

3. Impact on the residential amenities of neighbouring properties

The neighbouring properties potentially most affected by the proposal are considered to be No. 10 Oliver Street, directly to the west, No.16 to the south, No. 18, to the east and No.s 26, 24, 22, 20 and 46 Arthur Street.

In terms of the impact of the proposed development on the residential amenities of neighbouring properties, the main issues are considered to be; whether the proposed dwelling would result in a loss of privacy to adjoining properties; have an overbearing impact on adjoining properties; result in a loss of light to neighbouring properties and create an unacceptable danger to highway safety. Also considered will be whether the proposed development would provide for a sufficient level of amenity space for both No. 16 and the proposed dwelling.

In terms of the impact of the proposal on the existing property, No. 16 Oliver Street, there would be a back to front separation distance of a minimum of 19metres, an increase of 2.7metres from the last application. Whilst the 21 metre distance between facing habitable rooms is a useful conventional measure, the Council's Supplementary Planning Guidance advises that this should be taken as general guidance and it is still equally important to consider the relationship of the buildings with each other and the design and location of

windows. In this case, there are only ground floor windows proposed on the front elevation of the proposed new dwelling which as result of the 19metre distance and the screening proposed to be provided for the rear boundary of No. 16, will not result in any loss of privacy to the occupiers of No.16. Furthermore, the separation distance to No.16 at first floor level complies with the 21metre guidance.

The development achieves the minimum 10.5metre garden depth for No.16 as outlined in the Council's Supplementary Planning Guidance as well as providing a minimum of 100m² useable amenity space for the proposed new dwelling within a suburban area. Whilst the proposed dwelling would be sited close to both side boundaries, a minimum of 1metre remains and this type of layout is reflected in the pattern of surrounding development. It is therefore not considered that this proposal would result in an overdevelopment of the plot.

With respect to the neighbouring property directly to the west, No. 10 Oliver Street, the proposed dwelling would be sited 1metre away from the side boundary, and 4metres from the flank wall of this property. There are no windows proposed on the carport wall closest to this property, however one dormer window serving bedroom 2 would be positioned 4.7metres away from No.10. Views from this first floor window would be mainly limited to the roof of No.10 (which would project a further 5.5metres to the rear) and it is not considered any direct overlooking resulting in a loss of privacy would occur.

A 1.8metre high boundary fence aligns this side boundary which will screen views of No.10 from the proposed ground floor windows, as is the present relationship. The roof height of the proposed dwelling has now been reduced to be in line with the ridge height of No.10, and with the existing 1.8metre fence, it is not considered the proposed dwelling would result in a loss of light to this property. The reduction in the ridge height and simplification of the roof form, and the 4metre separation with No. 10, will ensure the proposed dwelling does not have an overbearing impact on this property.

With respect to the impact of the proposed development on No.18 Oliver Street, directly to the east, the proposed dwelling would be sited a minimum of 1metre from the side boundary of the rear garden of this property. There are no first floor windows proposed which would overlook the rear garden of this property. The rear elevation of No.18 would be just over 20metres away from the proposed dwelling and thus would not impact on the amount of privacy or light afforded to this property. However, the loss of some of the existing landscaping along the side boundary would reduce the sense of enclosure for the occupiers in this part of the rear garden. Part of the existing line of conifers, (approximately 8metres) is proposed to be retained and the bulk of the proposed dwelling at single storey, will reduce the prominence of the new dwelling within the outlook of both No.18 and No.20 Oliver Street. The applicant has stated that he intends to introduce new landscaping at the north east corner with No.18 to provide new screening. Should permission be granted, it is recommended that a condition be imposed requiring details of all new landscaping on the site.

In relation to the residential properties directly to the north of the application site, there would be a separation distance of at least 45metres from the rear

elevations of these properties to the proposed dwelling. The proposed dwelling would have an impact on the outlook afforded at the very rear of the gardens of these properties, however at one and a half storey level, it is not considered that this would have an overbearing impact within the outlook from these properties. Due to the separation distance, it is not considered the proposal would have a detrimental impact on the level of privacy or light afforded to these properties.

4. Highway Safety

Concerns have been raised in respect of the impact of the proposed development on highway safety, principally in respect of the proposed shared vehicular access off Oliver Street and parking provision in the local area.

The parking requirement for this proposal would be for two spaces for each dwelling which has been achieved. With respect to the concerns raised regarding the safety of this access, it is recognised that pedestrian visibility splays are only achievable to the east of the access but it is not considered that the proposed additional vehicular movements per day to be hazardous in this instance as the access is already in use, and historically has served two dwellings in the past.

The Principal Highways Officer at Bedfordshire County Council has raised no objection to the proposed development subject to conditions relating to on site car parking surfacing, restriction of the use of the car port and the construction of the turning space.

5. Other Considerations

Following the adoption on 20th February 2008 of the Planning Obligations Strategy Supplementary Planning Document, the Council requires a financial contribution for developments of one or more dwellings and therefore a Unilateral Agreement is required for this proposal prior to the granting of planning permission. The Planning Obligations Strategy has been fully operative since 1st May 2008 and thus is a material consideration within the decision making process. Proposals including those for one dwelling are required to enter into a Unilateral Agreement to secure contributions to make acceptable those development that would otherwise be unacceptable in planning terms. This applies to proposals for single dwellings due to the cumulative impact of smaller developments creating significant additional demands for new infrastructure, services and facilities within an area.

This contribution would go towards local infrastructure such as educational facilities, sustainable transport, health facilities and recreational open space in the Ampthill area.

This application has been accompanied by a unilateral undertaking which is in the process of being checked by the Council's Legal team.

Reasons for Granting

The proposal is in conformity with Policy DPS5, DPS6, DPS9, DPS10, CHE11, HO5 and H06 of the Mid Bedfordshire Local Plan First Review 2005; Planning Policy Guidance: PPS1 Delivering Sustainable Development, PPS3 Housing, PPG15 Planning and the Historic Environment and Technical Planning Guidance: Design Guide for Residential Areas in Mid Bedfordshire (2004; Planning Obligations Strategy 2008.

RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1 DG01 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 U **Prior to the commencement of the development, samples of all the materials to be used for the external walls and roof and windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented solely in accordance with these approved details.**

Reason: To safeguard the appearance of the completed development and preserve the special character and appearance of the Conservation Area in accordance with Policy CHE11 of the Mid Bedfordshire Local Plan 2005.

- 3 TL02 **Full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **proposed finished levels or contours;**
- **materials to be used for any hard surfacing;**
- **proposed and existing functional services above and below ground level;**

- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**
- **details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.**

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

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

- 4 U **Prior to the first occupation of the building, the eastern first floor window to the master bedroom in the rear, north elevation of the development shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and restriction on its opening, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority.**

Reason: To safeguard the amenities of occupiers of adjoining properties.

- 5 HS20 Before the new dwelling is occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 6 HS22 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the car port on the site shall not be used for any purpose, other than as parking accommodation, unless previously agreed in writing by the Local Planning Authority.

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.

- 7 U The turning space for vehicles illustrated on the approved Plan (No 16259/1006) shall be constructed before the development is first

brought into use.

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

- 8 U The front elevation of the proposed car port shall not at any time be built up or filled in and the rear elevation of the proposed car port shall have doors that swing outwards only.

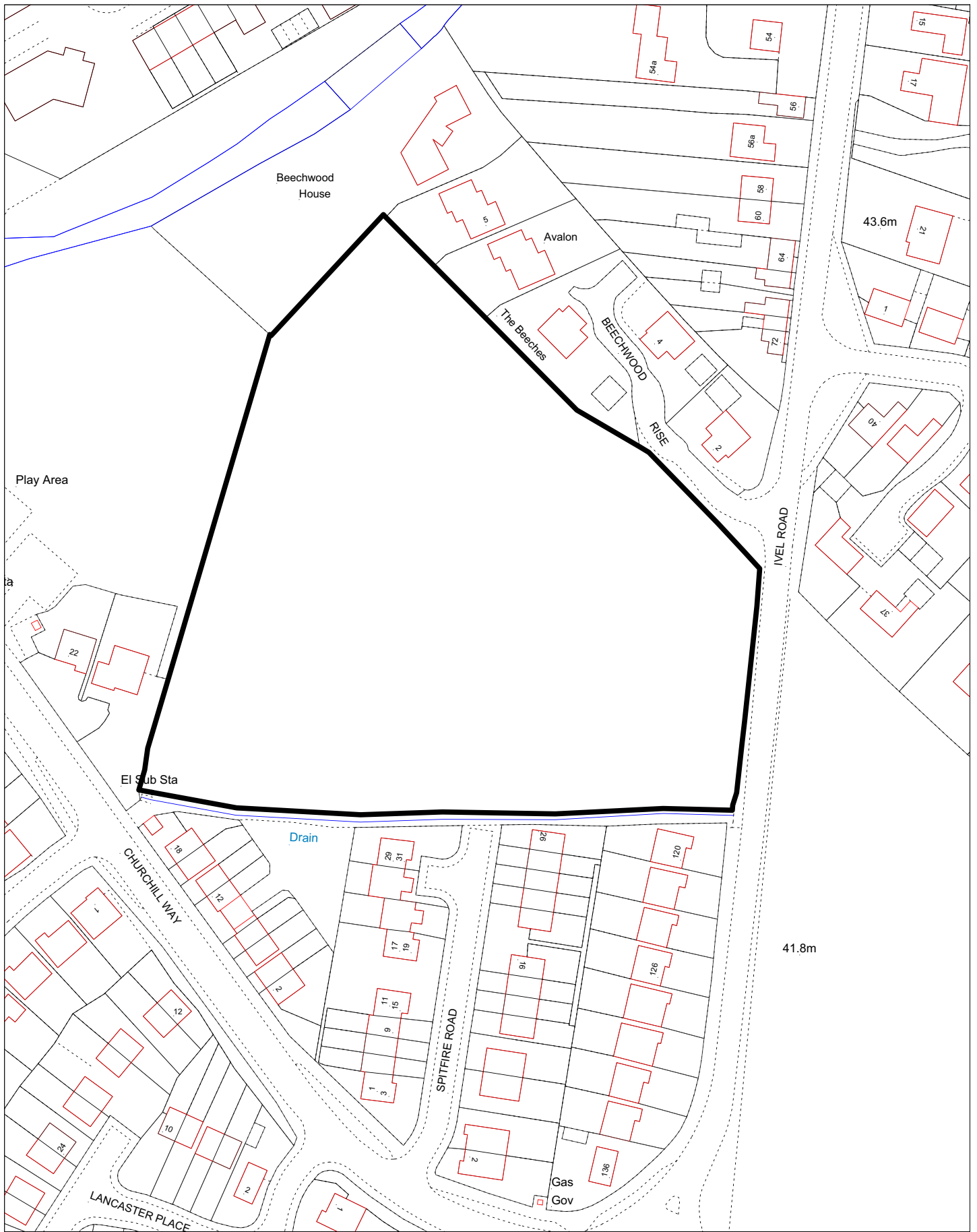
Reason: To ensure adequate off street parking in the interests of traffic safety

- 9 U Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for extensions or alterations, including new windows, and structures within the residential curtilage of the approved new dwelling until detailed plans and elevations which form a valid planning application have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties.

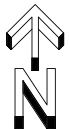
DECISION

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Date: 30 April 2009

Scale: 1:1250



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Central Bedfordshire Council.
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ITEM NO. 9

APPLICATION NO. MB/08/02093/FULL

Shefford Town Football Club, Ivel Road, Shefford

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Item No. 09**SCHEDULE B**

APPLICATION NUMBER	MB/08/02093/FULL
LOCATION	SHEFFORD TOWN FOOTBALL CLUB, IVEL ROAD, SHEFFORD
PROPOSAL	FULL: RESIDENTIAL DEVELOPMENT COMPRISING 59 HOUSES AND APARTMENTS, WITH ASSOCIATED ACCESS ROAD, PARKING FACILITIES AND AMENITY SPACE.
PARISH	Shefford
CASE OFFICER	Anne Sanné
DATE REGISTERED	04 November 2008
EXPIRY DATE	03 February 2009
APPLICANT	Lagan Homes and Coleman Properties Ltd
REASON FOR COMMITTEE TO DETERMINE	MAJOR DEVELOPMENT WITH OUTSTANDING OBJECTION FROM SHEFFORD TOWN COUNCIL
RECOMMENDED DECISION	S106 PENDING

Site Location:

This is a 1.5 ha site located to the west of Ivel Road in Shefford, which has lain unused for a number of years but was until 1998 home to the Shefford Town Football Club. To the northern boundary is a brick built earth retaining wall varying in height from 2 to 5 m though the site itself is relatively flat. To the southern boundary is a drainage ditch with hedgerow, and to the west the site is open to the flood meadows of the River Hit.

The Application:

The scheme proposes the erection of 59 dwellings in a mix of 2 one bed roomed and 14 two bed roomed flats and 11 two bed roomed, 13 three bed roomed, and 19 four bed roomed houses. These comprise a mix of terraced, semi detached and detached properties. Most are of two stories, but 9 units are of two and a half storey proportions with dormer windows in the roofline.

The development would present a frontage onto Ivel Road, and another onto the open space behind the site (off Old Bridge Way). Access within the site would be into two distinct cul de sac heads so that there would be no vehicular access through the site. Though development would face Old Bridge Way there would be no direct access link to the west, this area comprising an access road facing onto a greensward and contained by a post and rail fence.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS9	Biodiversity and Geological Conservation
PPG13	transport
PPG16	Archaeology
PPG17	Recreation and Open Space
PPS22	Renewable Energy
PPS23	Pollution Control
PPG24	Noise
PPG25	Flood Risk

Regional Spatial Strategy

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Bedfordshire Structure Plan 2011

Policy Infrastructure
25

Mid Bedfordshire Local Plan First Review 2005 Policies

LPS1 – Selected Settlements
LPS4 – Settlement Envelopes
DPS5 – Protection of Amenity
DPS9 – Open Space for New Dwellings
DPS10 – Highways Provision for New Developments
DPS11 – Landscaping for New Developments
DPS12 – Character of Village Ends
DPS16 – Trees and Hedgerows
DPS17 – Surface Water Drainage
DPS19 – Public Transport/Cycling
DPS20A – Management of development Waste
DPS23 – Crime Prevention
SR5 – Provision of Recreational Open Space
HO2 – Affordable Housing
HO4 – Housing Mix
HO6 – Location of New Residential Development
HO8(19) – Land at Shefford Town Football Club
HO9 – Impaired Mobility Dwellings
TP1 – Access for Cyclists & Pedestrians

Supplementary Planning Guidance

Cycle and Walking Strategy for Mid Beds 2000
Recreational Open Space Strategy 2005
Mid Beds Cycle Route Mapping Project 2001
Wildlife in Development 2003
Affordable Housing 2004
Design Guide for Residential Areas in Mid Bedfordshire 2004
Bedfordshire and Luton Waste Local Plan 2005
Planning Obligations Strategy 2008

Planning History

96/01341/OUT Outline application for residential development, all matters reserved. Approved 04.05.04 subject to a legal agreement.

05/01364/S73 Variation of condition 7 of planning permission 96/01341/OUT regarding visibility splays. Application disposed of due to failure to progress necessary variation of legal agreement.

07/00889/OUT Outline: Residential development with all matters reserved except access. Resolution to approve 19/10/2007 pending completion of legal agreement. Application disposed of due to failure to conclude 106 negotiations.

Representations: (Parish & Neighbours)

Shefford TC Object. Dispute that the proposal should be replaced by junior pitches and wish to see replacement construction of an adult pitch as proposed through Town Plan. Disagree with traffic survey as consider Ivel Road already has major traffic problems. Wish to see a replacement pitch facility and not finance. Lack of pedestrian access. Drainage ditch to south is not owned by developer and could lead to access problems.

Adj Occupiers and site notice New Road Developments Ltd - Challenge to accuracy of certificates with the application. Challenge proposed floor levels proposed lower than a previous flood risk assessment. Scheme fails to provide a pedestrian link to Old Bridge Way, play equipment or integrated open space. Concerned that there is no replacement for football facilities.
Beechwood House, 7 Beechwood Rise (1) - Concern that High Hedges legislation could lead to need to remove adjacent hedgerows which screen properties on higher ground. Concerned that proposed floor levels inappropriate for site and

that Flood Risk Assessment inaccurate. (2) *Following revision to scheme to address High Hedges legislation-* ask that root protection zone is protected by condition.

72 Ivel Road - Traffic Assessment does not properly reflect traffic flow in Ivel Road. Access directly onto Ivel Road will cause increased noise and pollution. Concern also at implications for junction of Ivel Road and Clifton Road. Site should be reverted to a football facility rather than having a replacement facility more distant from the residential areas.

Consultations/Publicity responses

Forest of Marston Vale	Note that the application is likely to trigger contributions under the Planning Obligation Strategy
Beds CC Archaeology	No objection.
MBDC EHO	No objection subject to condition re contamination.
RSPB	No comments
Sport England	Seek 106 agreement for replacement football facilities in connection with development, which must be of equivalent or better quality.
Natural England	Wish to see a condition imposed to require reptile surveys and avoidance of impact on nesting birds.
Beds CC Planning	Request contribution towards education facilities at lower and middle school level.
PALO	No objection subject to acceptable lighting in communal areas by a management organisation to ensure supply.
MBDC Disability Officer	No comments.
MBDC Waste Officer	Details acceptable.
PCT	Seek contributions towards development of local facilities to meet needs of development.
Beds CC Highways	No objection subject to conditions and to provision of funding through 106 for zebra crossing in vicinity of Clifton Road/Hitchin Road roundabout.
Environment Agency	Following revision to detail of scheme have no objection but request condition to require minimum ground floor level.

MBDC Tree Officer	Initially had concerns over impacts of existing conifer hedge on western boundary of site. Following revision to detail of scheme proposals now satisfactory. Care will need to be taken over construction of parking court to serve flats – this can be conditioned, and protection needed for hedgerow to south. Conditions recommended.
Beds Fire Service	No response
Shefford Saints Football Club	No response
IDB	Satisfied with proposed minimum floor levels and clearance to ditch for future maintenance purposes. Advisory information given for developer. No objection to grant of planning permission.
Beds CC Minerals and Waste	No response
Beds CC Ecology	No response
The Wildlife Trust	No response

Determining Issues

The main considerations of the application are;

1. The Principle of Development
2. Affordable Housing and Education
3. Archaeology
4. Waste Audit
5. Ecological Survey
6. Drainage Matters
7. Play, Sport and Amenity Space
8. Highways and pedestrian access
9. Section 106

Considerations

1. The Principle of Development

This site is within the settlement envelope for Shefford and is allocated for development through Policy HO8(19) of the Local Plan First Review 2005. The allocation seeks an appropriate mix of approximately 40 dwellings to reflect Policy HO4 (mix of sizes of units). The allocation requires the suitable relocation and enhancement of the football club grounds and facilities or an equivalent

financial contribution and appropriate landscaping of the site where it adjoins riverside land. Thus the development will meet the requirements of Policy SR4 which seeks to protect sports facilities.

There is therefore no objection to the principle of development of the site.

There has recently been an outline application for the site, for which a resolution to approve was agreed. However, the scheme did not proceed to the granting of a planning permission because negotiations on the necessary 106 could not proceed. The application was therefore “disposed of”. The scheme was similar to that which has now been submitted for the site and this time seeks full planning permission.

The site is devoid of any significant tree planting, apart from one mature tree in the south eastern corner of the site. There is also a reasonable hedgerow to this side of the site, which runs alongside the drainage ditch. Greenery at the frontage of the site onto Ivel Road is not of good quality, and the development will need to address the open frontage here.

The scheme proposes the erection of 59 dwellings in a mix of houses and flats. Development is predominantly of two storey proportions, but does include flats over garages and nine two and a half storey units, these being located as focal buildings within the design of the scheme.

2. Affordable Housing and Education

In its allocation of this site for development through Policy HO8(19) the Local Plan does not require the provision of affordable housing or educational contributions because it was acknowledged within the Local Plan process that the replacement football facility requirements exceptionally overrode the normal requirements to provide such infrastructure. This is a matter that was confirmed by the Local Plan Inspector in his consideration of the site.

Although the County Council as education authority at the time of consultation requested the provision of funding to enhance local schools, officers consider the guidance in the Local Plan is clear on this matter, and in the absence of these criteria being included in the specific site allocation, it would be unreasonable and untenable at appeal to seek to now include these matters.

3. Archaeology

Aerial photographs do not show any historic features to the site. Research undertaken indicates that there is only a low risk of encountering finds during the development of this site of pre historic age, a moderate risk for Iron Age, Roman and Medieval times, and a high risk for post medieval and modern periods. Beds County Council have considered these details, and do not object to the development.

4. Waste Audit

The application is accompanied by a Waste Audit that considers waste during

both the construction and occupation phases. The Waste Team have no objection to the scheme. If the scheme is to be approved it is recommended that a condition be included in any permission to be issued to tie the works to this scheme.

5. Ecological Survey

The site has been the subject of an ecological walkover survey, but the conclusion of the survey is that the best potential for the site is for nesting birds, or for common reptiles. Though the site is itself suitable habitat for Great Crested Newts, there are no suitable water bodies to support potential breeding sites. Though there are no roost sites for bats, it is likely that the site provides foraging habitat for them.

Natural England have considered the submitted information and requested further work be undertaken on reptile potential, and that protection is achieved for nesting birds during construction. Both of these matters can be controlled by condition.

An ecological survey has revealed no notable species of flora or fauna, though the lack of maintenance of the land means it is now semi-improved grassland. The walkover report recommends the retention of the hedgerow to the southern boundary. This will be achieved as far as possible, but there will need to be clearance of undergrowth in this area in order to gain proper access for maintenance of the ditch to the southern boundary of the site.

6. Drainage Matters

Part of the application site is within Flood Zone 2. Therefore a Flood Risk Assessment has been prepared to assess the impact of development on this site.

The risks to flooding have been identified as a breach of either the River Hit or the drainage ditch to the southern boundary of the site.

The former would affect a small lower area of the site on its western boundary, which is identified on floodplain maps, and is being proposed predominantly as open space, which will also meet the criteria of the site allocation to provide a landscaped boundary to the river frontage. The FRA details specific flood risk levels, and the Environment Agency and Internal Drainage Board have confirmed, following the submission of additional engineering information, that they have no objection to the proposal subject to the imposition of a minimum floor level for development.

With regard to the ditch the IDB wish to ensure their access to enable future maintenance, and this can be controlled by a combination of design, condition and advisory note.

There remains adequate capacity in the foul drainage network to accept additional flows.

7. Play, Sport and Amenity Space

Policy SR5 of the Mid Bedfordshire Local Plan requires provision on or off site for three types of open space. These may be provided on site, or commuted through a 106 for off site provision.

In this instance, an amount of open amenity space will be provided on site, and the remainder will be commuted.

For sport, provision will be made off site in addition to the provision of the replacement football facility (which will be further discussed below). This may be equated to £192 per occupant for off site provision.

Similarly for play, an off site provision will be made through a 106 contribution.

8. Highways and pedestrian access

The Highways Officer is happy with the submitted details, but has requested a contribution be made towards achieving Safe Routes to Schools locally. This would achieve a zebra crossing in the vicinity of the Clifton Road/Hitchin Road roundabout.

The Town Council and a resident have expressed concern over the use of Ivel Road to serve additional residential traffic as they believe it is already over used. The allocation of the site through the Local Plan, and the previous grant of planning permission at this site establish a precedent for this application. The Highways Officer has not expressed concern over additional traffic movements at either end of Ivel Road.

The Highways Officer has no objection to the proposal subject to the imposition of conditions and advisory notes if permission is forthcoming.

The original application for the site included a requirement to provide pedestrian access to Churchill Way between numbers 18 and 20. This direct access is no longer available because of changing land ownership patterns and so this facility has not been pursued in the context of this application.

9. Section 106

As already noted in the foregoing, education contributions for lower and middle school levels were requested by the County Council when the application was first submitted, but in the context of the Local Plan Inquiry the appointed Inspector withdrew the requirements for both education and affordable housing contributions on the basis that the need to achieve a replacement football facility was of higher priority.

The legal agreement will need to require a replacement pitch facility. Three sites have been proposed in Shefford, two at Hitchin Road and one at Stanford Road, which have been the subject of separate planning permissions. Each of them would potentially provide an appropriate replacement facility for Ivel Road and would be to the satisfaction of Sport England. The provision of the replacement can be made in accordance with a phasing scheme which must achieve an appropriate pitch surface following detailed survey, together with changing and social facilities and on site parking provision. Negotiations have been held in connection with the recent outline application in 2007 with Shefford Saints Football Club, the FA at both national and local level, Sport England, and our own sport development officers, and this has encouraged the concept of the provision of funding for a pavilion which can then be enhanced by match funding to enable the provision of an enlarged facility. The site must be made available by the landowner on a 75 year lease. Officers consider the District Council will need to be involved in these leasing arrangements to ensure that the facility is made available in its wider sense, and is not dependent upon the continuation of any particular organisation.

The previous Section 106 arrangements for the site in 1999 contained a head of term requiring funding to establish a sports trust. However, no such need has been justified in the context of this current application, and the intention, first expressed through the resolution on 07/00889/OUT and supported by the Sports Development Officers at MBDC, is to permit the local team, Shefford Saints (which is presently concentrated on youth soccer for both boys and girls), to be the beneficiary of this development.

Sport England have no objection to the proposed residential redevelopment providing an equivalent or better sports facility is obtained, tied by a legal agreement. They recommend that the agreement will need to ensure that an appropriate alternative pitch and facilities are provided, and its location will need to be agreed before development commences at the Ivel Road site. Though it is normal to have the provision in advance of development taking place, given that this site has already ceased to be used for football they are satisfied that the pitch and facilities need to be linked to the occupation of no more than 50% of the units.

The application has also been considered against the Council's Planning Obligations Strategy. The resolution on 07/00889/OUT predated and so did not include the breadth of contributions now sought through the Strategy, and in the light of the general increase in funding the Strategy would impose, and given that the provision of a new football facility is essential if support is to be given to the redevelopment of this site, officers have negotiated with the developer that in this instance the green infrastructure and Forest of Marston Vale contributions (which would total some £150,000) should be omitted.

106 contributions will need to include:

- the replacement football pitch facility, including pitch, access, parking, pavilion

- £30,000 towards the provision of a zebra crossing on Hitchin Road as part of the Safe Routes to Schools initiative
- Off site sport, play and amenities facilities in accordance with Policy SR5
- Contribution towards enhancement of the local cycle and footway network
- Funding towards enhancement of medical facilities through the Primary Care Trust
- Funding for village and community halls, cemeteries and burial grounds, welcome packs, waste collection and policing all as set out in the Planning Obligations Strategy

Reasons For Granting

Subject to the applicant entering into the necessary Section 106 agreement as set out above the application is considered to be in conformity with Policies LPS1, LPS4, NC7, DPS1, DPS5, DPS9, DPS10, DPS11, DPS12, DPS14, DPS16, DPS17, DPS19, DPS20A, DPS23, SR4, SR5, H02, HO4, HO6, HO8(19), HO9, and TP1 of the Mid Beds Local Plan First Review 2005 and Technical Planning Guidance Cycle and Walking Strategy for Mid Beds 2000, Recreational Open Space Strategy 2005, Mid Beds Cycle Route Mapping Project 2001, Wildlife in Development 2003, Affordable Housing 2004, the Design Guide for Residential Areas in Mid Bedfordshire 2004, Bedfordshire and Luton Waste Local Plan 2005; and Planning Policy Guidance PPS1 Delivering Sustainable Development, PPG3 Housing, PPS9 Biodiversity and Geological Conservation, PPG13 Transport, PPG16 Archaeology, PPG17 Recreation and Open Space, PPS22 Renewable Energy, PPS23 Pollution Control, PPG24 Noise, PPG25 Flood Risk.

RECOMMENDATION

APPROVE Planning Permission **Subject to completion of a S106 Legal Agreement** for the application set out above and subject to the following condition(s):

- 1 DG01 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 TL07 **Prior to the commencement of development a scheme setting out measures for protecting all trees, shrubs and other natural features, including the conifer hedge to the boundary with plot 38, during construction work shall be submitted to and approved in writing by the Local Planning Authority. No work shall commence on site until all trees, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with**

BS 5837:2005;

- for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;
- for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;
- for other natural features along a line to be approved in writing by the Local Planning Authority.

Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason: To safeguard the existing trees on the site in the interests of visual amenity.

- 3 U Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such detail shall include sections through both the site and 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 a satisfactory relationship results between the new development and adjacent buildings.

- 4 U No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 5 U Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be

fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 6 U Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off street parking during construction in the interests of road safety.

- 7 U Details of the method of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority before the development is commenced. The surface water drainage system shall be designed to achieve attenuation of storm water discharge to the Greenfield equivalent rate of 4 litres per second per hectare in order to prevent increased flood risk elsewhere. Thereafter no part of the development shall be brought into use until the approved drainage scheme has been implemented.**

Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.

- 8 U No work shall commence on the site until a desk study has been undertaken to assess the importance of the site to wildlife, and a full survey has been undertaken of the site to assess its importance for reptiles. Any necessary additional survey work or mitigation of impact of the development shall be undertaken in full accordance with details to be agreed in writing with the Local Planning Authority.**

Reason: In order to protect wildlife on the site.

- 9 U Prior to the commencement of any development on the site details shall be submitted to and approved by the Local Planning Authority in writing of automated garage doors to serve plots 54 and 55. The development shall be implemented in accordance with the approved details, and the doors retained in the future unless permission has been given in**

writing by the Local Planning Authority for their variation.

Reason: In order to ensure that vehicles entering the garages do not need to wait across the footway.

- 10 TL28 **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.**

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

- 11 DG17 The permission shall extend only to the application as amended by the submission of documents and revised plans on 18.12.08, 19.12.08, and 23.02.09.

Reason: For the avoidance of doubt and to ensure that the development is implemented in accordance with the plans formally approved by the Local Planning Authority.

- 12 TL02 Full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- materials to be used for any hard surfacing;
- minor structures (e.g. furniture, play equipment, signs, etc);
- planting plans, including schedule of size, species, positions, density and times of planting;
- cultivation details including operations required to establish new planting.

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

Reason: In order to ensure that the landscaping is carried out in the interest of the visual amenities of the area.

- 13 EM05 Details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing

building(s) and the visual amenities of the locality.

- 14 U The development hereby permitted shall be undertaken in accordance with the approved Waste Audit Statement dated 17 October 2008 and submitted in support of the planning application.

Reason: To ensure that the development conforms with the waste audit requirements in accordance with objectives of Policies W5 and W6 of the Bedfordshire and Luton Waste Local Plan 2005.

- 15 U Before the private accesses are first brought into use a triangular vision splay shall be provided on each side of the new accesses and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays 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 accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

- 16 U If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.

Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.

- 17 TL01 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area generally.

- 18 TL08 All works to or affecting trees on or adjoining the site shall be carried out in accordance with the relevant recommendations of BS5837 (2005).

Reason: To safeguard the existing trees on the site in the interests of visual amenity.

- 19 TL09 The burning of materials shall not take place where it could cause damage to any tree or tree group to be retained, either on site or on land adjoining.

Reason: To safeguard the existing trees on the site in the interests of visual amenity.

- 20 U Prior to the occupation of the any development approved by this planning permission the developer shall submit to the Planning Authority and have approved, in electronic form where possible:
- a) A detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment posed by any contaminants identified by the Rodgers Leask Site Specific Assessment report previously submitted (Ref No. E07/187 of August 2008).

b) A written confirmation that any and all remedial works have been completed in accordance with the agreed remediation scheme in the form of a validation report to include photographs, material transport tickets and testing of all imported material intended for gardens . The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

All variations to any remediation scheme shall be agreed in writing with the Local Planning Authority.

Any groundwater issues shall be pursued independently through approval via the Environment Agency.

Reason: To protect human health and the environment.

- 21 TL10 The soil levels within the root spread of the trees/hedgerows to be retained shall not be raised or lowered unless permission has been given in writing by the Local Planning Authority.

Reason: To safeguard the existing trees on the site in the interests of visual amenity.

- 22 U The minimum finished ground floor level of any buildings shall be 39.5mAOD (to include private garages and storage buildings) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a sufficient freeboard against flooding.

- 23 U There shall be no removal of vegetation or clearance of the site within the bird breeding season of March to August inclusive unless agreed in writing by the Local Planning Authority.
- Reason: To safeguard and protect breeding birds.
- 24 TL18 A landscape management scheme, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The landscape management scheme shall be carried out as approved.
- Reason: To ensure an appropriate standard of visual amenity in the local area.
- 25 RR08 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on the rear first floor elevation of the building at Plot 59 without the specific grant of planning permission.
- Reason: To protect the amenities of occupiers of neighbouring properties.
- 26 EM11 Prior to the first occupation of the dwelling at Plot 1, the inner lobby window shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and restriction on its opening, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority.
- Reason: To safeguard the amenities of occupiers of adjoining properties.
- 27 RR08 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on the gable walls of plots 1, 11, or 12 of the development without the specific grant of planning permission.
- Reason: To protect the amenities of occupiers of neighbouring properties.
- 28 U All garages within the development shall be constructed so as to accommodate cycle storage, and prior to the commencement of any development at the site revised plans shall be submitted to

and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In order to ensure that appropriate cycle storage is provided in the interests of reducing the need to use the car.

- 29 U All single garages shall be constructed with the roof style as shown on drawing 51603/130.

Reason In the interests of both the visual appearance of the structure and of the residential amenity of neighbouring dwellings.

- 30 TL26 The parking area to serve the flats at plots 1 to 12 shall be constructed using a “no-dig” method of construction as outlined in Arboricultural Practice Note no.1 (Driveways close to trees).

Reason: To ensure the protection of trees and hedgerows to be retained, and in particular to avoid unnecessary damage to their root systems.

- 31 U All communal parking areas shall be lit during the hours of darkness to an average level of 6 lux and a minimum level of 4 lux, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the appearance of the units, the extent of the areas to be illuminated and the intensity of lighting therein, and details of both the method of operation of the lighting and its future management. The scheme shall be available for use prior to first occupation of any dwelling on the site, and shall be operated in accordance with these details at all times unless an alternative arrangement has previously been agreed in writing with the Local Planning Authority.

Reason: To reduce the risk of criminal activity in the area.

- 32 U Prior to first occupation of the site a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include a local business directory, information on public transport, and information on local pedestrian links and cycle routes. A copy of the Travel Plan shall be provided to each household on first occupation of the dwellings.

Reason: To reduce the need to use the private car.

Notes to Applicant

- 1 The applicant/developer is advised that the grant of planning permission

does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences in connection with the ecological value of the site.

- 2 The Internal Drainage Board has forwarded the following advice:
Surface water discharge must be restricted to the Greenfield equivalent rate. The ditch on the southern boundary of the site is subject to the Board's Bylaw control. No development, including landscaping, fencing or other structures shall take place within 7m of bank top of this ditch without the formal consent of the Board in order that there is access to the ditch for maintenance purposes. This consent must be obtained prior to the commencement of development. Application is by letter and the fee is presently £50.00 per consent. Further information can be obtained from 01234 354 396.
Attention is also drawn to the content of the letter from the Environment Agency dated 20 March 2009 attached.
- 3 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 Highway Engineer, Central Bedfordshire Council, PO Box 1395, Bedford, MK42 5AN. The applicant is also advised that if any of the works associated with the construction of vehicular access affects or requires the removal and/or 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.
- 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 Highways Development Control Group, Central Bedfordshire Council. Further details can be obtained from the Central Bedfordshire Council, Highways Department, PO Box 1395, Bedford MK42 5AN.
- 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 Central Bedfordshire Council, Highways Department, PO Box 1395, Bedford MK42 5AN.

- 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.

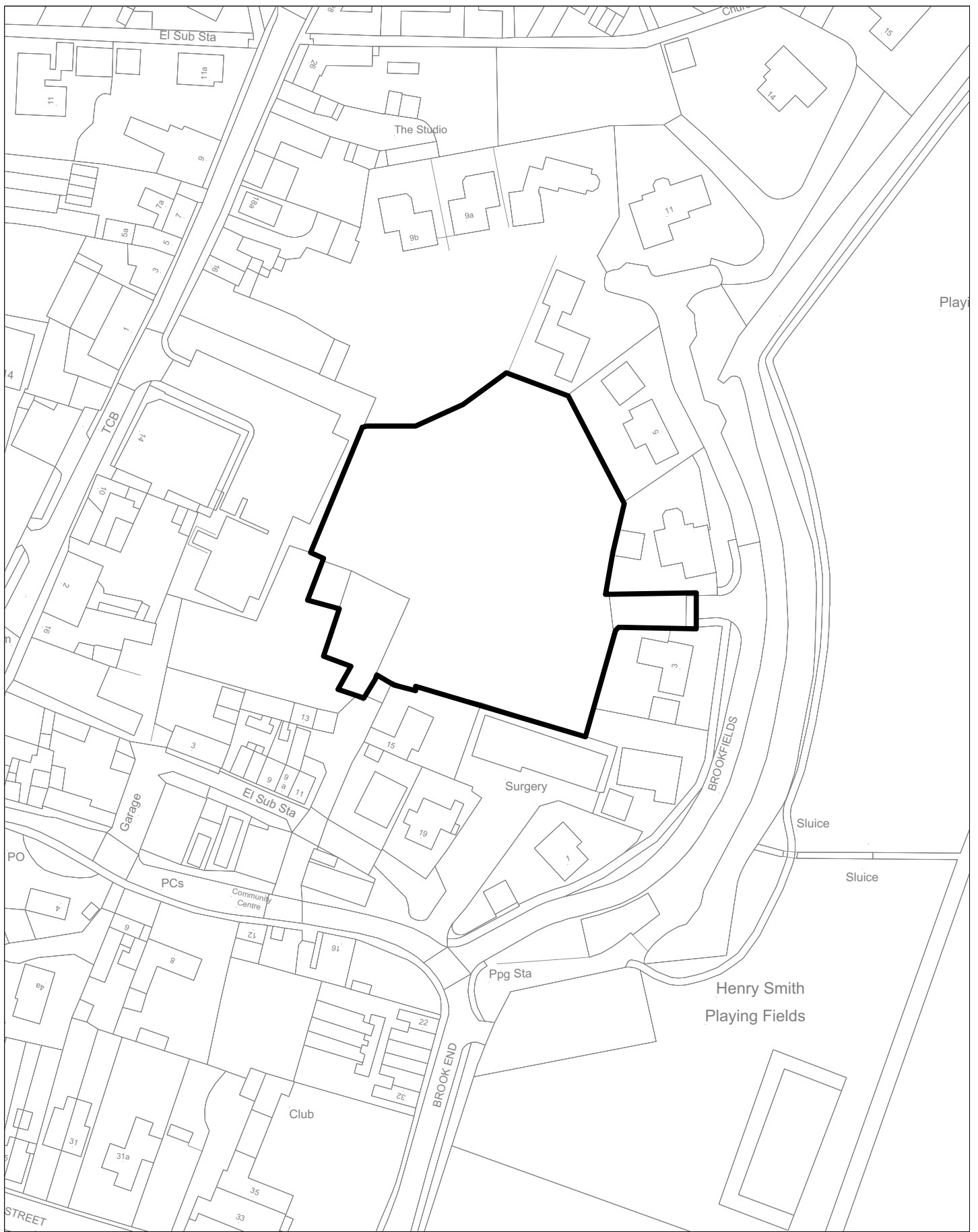
- 7 The applicant is advised that if it is the intention to request the Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Central Bedfordshire Council, Highways Department, PO Box 1395, Bedford MK42 5AN. 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.

- 8 This permission is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

DECISION

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Date: 28 April 2009

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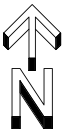
ITEM NO. 10

APPLICATION NO. MB/09/00524/Full

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Land at Brookfields, Potton

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Item No. 10**SCHEDULE B**

APPLICATION NUMBER	MB/09/00524/FULL
LOCATION	LAND AT, BROOKFIELDS, POTTON
PROPOSAL	FULL: ERECTION OF SIX DETACHED DWELLINGS, GARAGES AND COMPLETION OF ACCESS ROAD TOGETHER WITH IMPROVEMENT WORKS TO ADJOINING WORKSHOP
PARISH	Potton
CASE OFFICER	Godwin Eweka
DATE REGISTERED	20 March 2009
EXPIRY DATE	15 May 2009
APPLICANT	Wyboston Lakes Ltd
REASON FOR COMMITTEE TO DETERMINE	REQUEST BY WARD CLLR MRS GURNEY GIVEN THE RELATIONSHIP OF THE PROPOSED HOUSES TO THE ADJOINING COMMERCIAL PREMISES.
RECOMMENDED DECISION	APPROVE SUBJECT TO S106 LEGAL AGREEMENT

Site Location:

The site to which this application relates is a vacant irregular area of land, comprising 0.446 hectares, to the west of Brookfield's residential estate. The site shares its boundary with Tesco Supermarket to the west and residential properties to the east and south with a commercial industrial premises, retail and a doctors surgery at Brook End also to the south. The site was previously occupied by a commercial use. It is generally enclosed by close-boarded fencing of approximately 1.8 metres high, with a 1.2 metre high fence to the east and hedging to the south.

The Application:

This proposal seeks full planning permission for the erection of six no. 4 bedrooled detached houses with ancillary detached garages, located within a cul de sac, accessed from Brookfields.

The application is accompanied by a Design and Access Statement and a Noise assessment.

RELEVANT POLICIES:**National Policies (PPG & PPS)**

- PPS1 Delivering Sustainable Development
- PPS 3 Housing
- PPG24 Planning and Noise

Mid Bedfordshire Local Plan First Review 2005 Policies

LPS1	Selected Settlements
DPS5	Protection of Amenity
DPS9	Open Space for New Buildings
DPS10	Highways Provision for New Developments
DPS11	Landscaping for New Developments
H05	Housing Density
H06	Location of New Residential Development

Supplementary Planning Guidance

Design Guide for Residential Areas in Mid Bedfordshire (2004)

Planning History

MB/88/360	Outline Application: Residential development. Approved 7/11/1990.
MB/93/1241	Outline Application: Residential development, comprising 20 dwellings with access and roads (siting and means of access). Approved 15/03/1994.
MB/07/00951	Full application. Erection of 6 No.4 bed detached dwellings and garages. Withdrawn. 30/10/2007.
MB/08/00052	Full application. Erection of 6 No.4 bed detached dwellings and garages. Refused. 03/04/2008.

Representations: (Parish & Neighbours)

Potton TC	No comment.
Adj Occ	No comments received.

Consultations/Publicity Responses

Highways	No objections, subject to conditions.
Environmental Health	No objection, subject to conditions to ensure suitable noise protection from the adjacent industrial premises.
Bedfordshire and River Ivel IDB	No objection subject to condition.

Determining Issues

The main considerations of the application are;

1. The principle of development
2. Impact on the character of the surrounding area
3. Impact on the amenities of neighbouring residential properties.
4. Impact of adjacent noise on the amenities of future occupiers.
5. Access, parking.
6. Other issues

Considerations

1. Principle of development

The application site is located within an established residential area wherein the principle of residential development is acceptable, in the context of Local Plan policies LPS1 and H06.

2. Impact on the character of the surrounding area

The area is characterised by a variation of architectural styles and the design of the proposed dwellings would generally accord in terms of design, scale, density and character with the existing residential estate at Brookfields and the immediate surroundings. Whilst there are some commercial premises surrounding the site the character and appearance of the area is predominantly residential.

3 Impact on the amenities of neighbouring residential properties.

The application site is surrounded by a mix of housing and commercial uses. It is also adjacent to two unimplemented dwellings forming part of an extant planning permission 04/00566/FULL.

Plot 14 would have a rear window on the first floor serving a bedroom, however this would be over 21m from the main part of the closest unimplemented dwelling (plot 13 of the above consent). The west elevation of Plot 12 would have an en-suite bathroom window facing towards the aforementioned dwelling. The rear gable bedroom windows serving Plot 12 and facing towards 6 Brookfields would be secondary and could be conditioned to avoid overlooking of the neighbours. The other windows at the rear of Plot 12 maintain a 21m separation to the rear of No's 5 and 6 Brookfields. Plot 11 has no first floor rear windows serving habitable rooms and relates satisfactorily with No's 4 and 5 Brookfields. Plot 17 is situated adjacent to a doctor's surgery and 3 Brookfields, towards which a distance exceeding 21m would be maintained from the first floor habitable rooms. Plot 16 has been designed with no first floor rear habitable rooms and as such the distance of 16m to the flank elevation of No.15 Brook End is considered acceptable. Plot 15 is located within the development site and would have no direct impact on any existing properties.

The proposed access to the site between No's 3 and 4 Brookfields is considered adequate to ensure that its use would not directly impact on the amenities of the

adjacent properties.

On the basis of the above it is concluded that no adverse loss of light privacy or amenity would result to the neighbouring dwellings both existing and unimplemented, within Brookfields and Brook End. It is however consider appropriate to condition obscure glazing on certain flank elevations.

Matters relating to the relationship of the proposed dwellings to one another will be addressed below.

4 Impact of adjacent noise on the amenities of future occupiers.

The previous application 08/00052 was refused on the basis that the layout and proximity of the proposed dwellings to the commercial joinery business in the south west corner of the site would result in an adverse impact on future occupiers.

This application has been accompanied by a noise impact assessment and a proposal to erect a new block wall, with timber boarding to its exterior face, along the north and part east elevation of the commercial premises. Environmental Health Officers are satisfied that subject to the wall being constructed to an adequate standard of noise protection and subject to noise levels within the site being conditioned, that an acceptable living environment for future occupiers could be achieved. As such it is considered that this mitigation measure adequately addresses the reason for refusal of the previous application.

5 Access, parking.

Each property would be provided with a double garage and off-street parking. As such it is considered that the parking provision would be acceptable. The Highways team are satisfied that the turning and manoeuvring within the site is acceptable and have raised no objections.

The access would be taken between No's 3 and 4 Brookfields and is considered acceptable in highway safety terms.

6 Other issues.

Due to the number of units being proposed and the impact on local infrastructure, contributions sought would include monies towards education, sustainable transport, health facilities, leisure, recreation, open space and community facilities, to be secured by a legal agreement. The applicant has indicated a willingness to enter into such an agreement.

Reasons for Granting

In the light of the above considerations it is recommended that planning permission be granted, subject to conditions and the satisfactory completion of a legal

agreement. The proposal is in conformity with Policy LPS1, H05, H06, DPS1, DPS5, DPS9, DPS10, DPS11 of the Mid Bedfordshire Local Plan First Review 2005; Planning Policy Guidance: PPS1, PPS3 and PPG24. Design Guide for Residential Area in Mid Bedfordshire (2004).

RECOMMENDATION

APPROVE Planning Permission **Subject to completion of a S106 Legal Agreement** for the application set out above and subject to the following condition(s):

- 1 DG01 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 EM05 **Details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 3 TL02 **Prior to commencement of development full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **materials to be used for any hard surfacing;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**
- **details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.**

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

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

- 4 EM16 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved shall be 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 a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 5 U **Development 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 final surfacing) in accordance with the approved details.**

Reason: In the interests of highway safety.

- 6 U **No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.**

Reason: In the interests of amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 7 U **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off street parking during construction in the interests of road safety.

8 U No development shall take place until a scheme for protecting the proposed residential development from noise from fixed plant within the neighbouring engineering works has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of plots 14, 15 and 16 such scheme shall be implemented in accordance with the approved details, and shown to be effective and shall be retained in accordance with those details thereafter.

Reason: To protect the amenities of the proposed dwellings.

9 CD01 Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority, in both paper and electronic form where possible :

a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

c) Where shown necessary by the Phase 2 investigation, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

d) On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and sampling.

Any remediation scheme shall be agreed in writing by the local planning authority prior to the commencement of works.

Any remediation scheme and any variations shall be agreed in writing by the local planning authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency at Brampton should be

approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health and the environment.

- 10 TL28 A scheme shall be submitted for written approval 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 dwellings are occupied, in accordance with a timescale agreed in writing with the Local Planning Authority.
- Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
- 11 TL01 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.
- Reason: In the interests of the visual amenities of the site and the area generally.
- 12 U Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
- Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.
- 13 U If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.
- Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.
- 14 U The turning space for vehicles illustrated on the approved Plan No

P-027/F/3/D shall be constructed before the development is first occupied.

Reason: In the interests of highway safety.

- 15 U Details of bin collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling.

Reason: In order to minimise obstruction and inconvenience to users of the highway.

- 16 U Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for development falling into Classes A,B and C without planning permission.

Reason: To protect the amenities of occupiers of neighbouring properties and in view of the context of the site.

- 17 RR08 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed in the first floor elevations of any dwellings.

Reason: To protect the amenities of occupiers of neighbouring properties.

- 18 U The east facing first floor windows to plots 14 and 16, the west facing first floor window of plot 17 and the north facing first floor flank window of plot 15 and north east facing first floor windows serving bedroom 1 of plot 12 shall be of a fixed type and fitted with obscured glass of a type to substantially restrict vision through it at all times

Reason: To safeguard the amenities of occupiers of adjoining properties.

- 19 U Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality and distinctiveness) when measured according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: To protect the amenities of the proposed dwellings.

Notes to Applicant

- 1 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 Central Bedfordshire Customer Contact Centre on 0300 300 8049.

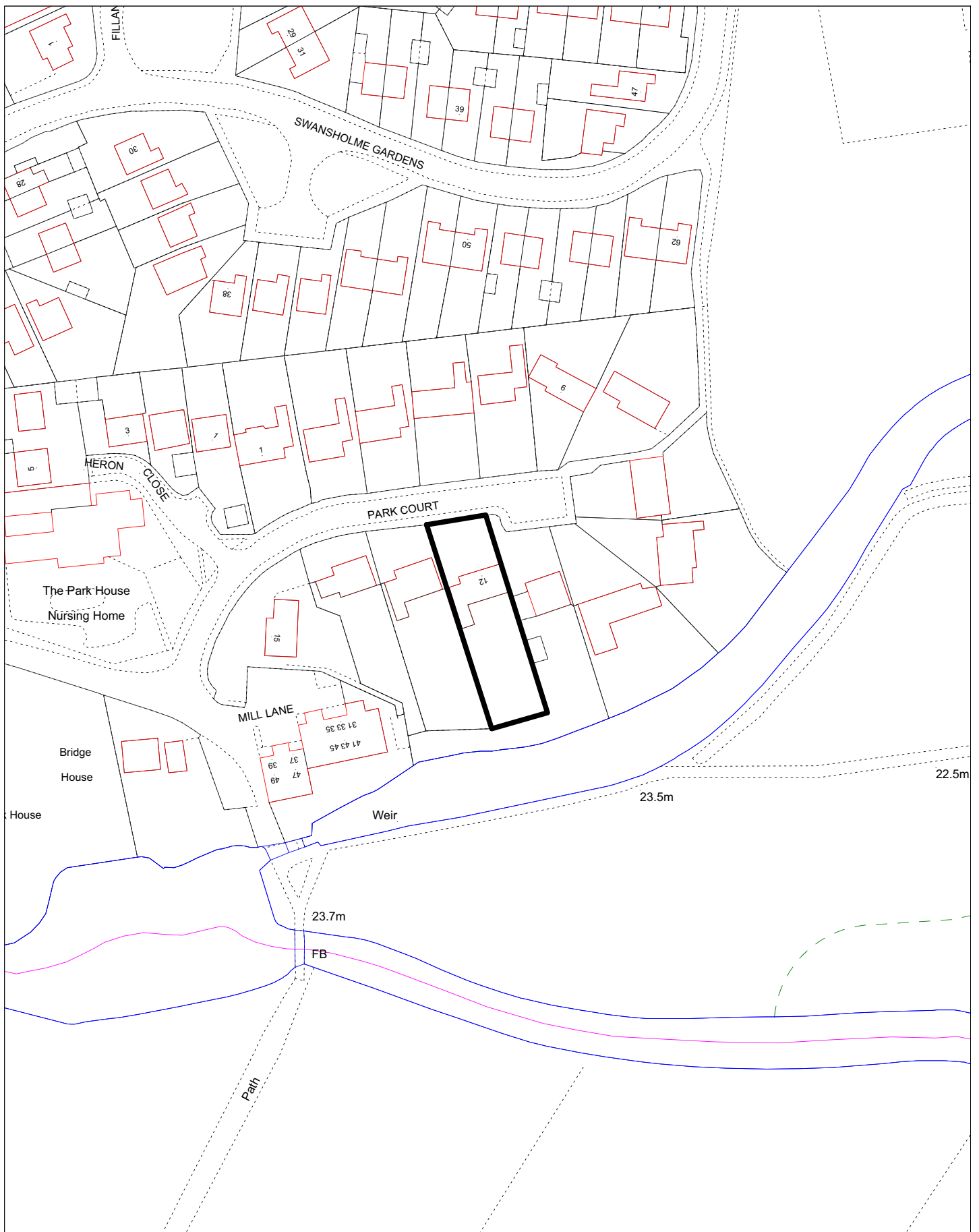
- 2 The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery 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.

- 3 The applicant is advised that if it is the intention to request the 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 Highways Development Control, Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN. 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 Any soakaways serving the development should be designed to BRE Digest 365 in order to ensure a satisfactory means of surface water disposal.

DECISION

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Date: 30 April 2009

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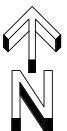
ITEM NO. 11

APPLICATION NO. MB/09/00278/FULL

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12 Park Court, Sandy, SG19 1NP

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Item No. 11**SCHEDULE B**

APPLICATION NUMBER	MB/09/00278/FULL
LOCATION	12 PARK COURT, SANDY, SG19 1NP
PROPOSAL	FULL: FIRST FLOOR REAR EXTENSION WITH EXTERNAL TERRACE OVER EXISTING GROUND FLOOR EXTENSION.
PARISH	Sandy
CASE OFFICER	Judy Self
DATE REGISTERED	23 February 2009
EXPIRY DATE	20 April 2009
APPLICANT	Mr J Carroll
REASON FOR COMMITTEE TO DETERMINE	CLLR ALDIS - LOSS OF AMENITY AND OVERBEARING IMPACT ON NEIGHBOURING PROPERTY.
RECOMMENDED DECISION	FULL CONDITIONAL APPROVAL

Site Location:

The application site is a two storey detached dwelling which is located to the south side of Park Court in Sandy. No. 12 is located on a close of similar dwellings, the area being characterised by the spacious, open plan frontages. The property has been previously extended to the rear/side at single storey height and there is a linked single garage to the side of the main dwelling.

Planning permission is sought for the erection of a first floor extension (additional bedroom) with an external terrace over the existing ground floor extension.

RELEVANT POLICIES**National Policies (PPG & PPS)**

PPS 1 Delivering Sustainable Development (2005)
PPS 3 Housing (2006)

Mid Bedfordshire Local Plan First Review 2005 Policies

DPS6 Criteria for Extensions.

Supplementary Planning Guidance

Mid Bedfordshire District Council's Technical Guidance: Extensions and Alterations: A Design Guide for Householders (2004)

Planning History

No planning history

**Representations:
(Parish & Neighbours)**

- Sandy TC Objects to the proposal.
- Loss of amenity in the form of privacy and light to near neighbours. Because of the staggered position of the houses, overlooking from the proposed terrace would be pronounced.
- Adj. Occs 1 letter received:
Loss of amenity to the occupiers of no. 13 Park Court by having an overbearing impact on the property. It will therefore cause a loss of light for the following reasons:
- The back of both houses face due south;
- The application site is staggered a whole house depth ahead of no. 13;
- The depth of the proposed extension will increase the overall depth of the house by some 50%;
- The ground level between both houses differs to that the application site is already some two feet higher than no. 13.

Consultations/Publicity responses:

None

Determining Issues

The main considerations of the application are;

1. Visual impact upon the character and appearance of the area.
2. Impact upon the neighbouring residential amenity.
3. Any other implications of the proposal.

Considerations

1. Character and Appearance of the Area

The proposed first storey extension is to the rear of the property and would not be visible in the streetscene. The design is considered sympathetic to the host building and would remain subservient in scale and form. The property benefits from a large plot and adequate garden space would remain. Subject to the use of matching materials, no visual harm would result.

It is not considered that the proposal would adversely affect the character and appearance of the area.

2. Residential Amenity of Neighbouring Properties

The design of Park Court is such that the properties are staggered on each other. The application site is set back on no. 13 Park Court and is set forward on no. 11 Park Court. Given this design; the principle property that may be affected by the proposal is no. 13 as all other properties are adequately well removed so as not to be affected. No. 13 has been extended to the rear at single storey height.

The application site (no. 12) and the neighbouring property (no. 13) are both slightly set away from the shared boundary with the single storey side extension of no. 12 providing additional separation. The application site has been previously extended to the rear by way of a single storey extension which measures 3.6m in height.

The proposal takes the form of an extended master bedroom which is partly positioned within a recessed area in the rear building line. The proposed first floor extension measures a maximum depth of 3.1m and would result in a gable end which measures 5.8m in height.

It is proposed to create a balcony area to the rear of the extension above part of the existing rear addition. A screen wall would extend to a height of 1.7m and to a depth of 1.8m on the side facing onto no. 13. The accumulative depth of the proposed extension and the screen wall is 4.9m.

The objections received from the neighbour have been given very careful consideration regarding overbearing impact; loss of privacy and light. However, the application site is to the east of no. 13 and the proposal is set away from the shared boundary by 3.5m. There are no side windows proposed and the brick wall/screen along the western side of the balcony would restrict views side wards into the garden area of both adjoining dwellings. Whilst the proposal would be visible to the occupiers of no. 13 it is not considered that the impact of the proposal would be to such a degree to warrant the refusal of the application. Given its siting away from the side boundary and its size, it is not considered that the proposal would have an overbearing impact. Whilst the balcony would allow overlooking to the rear most section of the neighbours garden, the resulting relationship is commonplace within residential developments. Moreover, the expectation of privacy within a garden reduces in most cases towards the rear boundary of dwelling houses.

Whilst it is considered to have some visual impact on the adjoining properties the proposal complies with the Council's 45° rules used to assess the impact of such proposals in terms of light loss and as such is considered to be acceptable.

Given its size and position, it is not considered that the proposal would harm the amenities of 11 Park Court.

3. Any other implications of the proposal

There are no other implications

Reasons for Granting

The proposal is in conformity with Policies DPS6 of the Adopted Mid Bedfordshire Local Plan (2005); Planning Policy Guidance: Planning Statement 1 Delivering Sustainable Development (2005); Planning Statement 3 Housing (2006); Technical Planning Guidance: Extensions and Alterations: A Design Guide for Householders (2004)

RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1 DG01 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 EM07 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 3 U The 1.7m high screen wall for the side of the balcony shall be erected in perpetuity as approved prior to the first occupation of the extension hereby permitted, unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenities of the neighbouring property.

- 4 RR08 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no first floor window or other opening shall be formed on the side elevations of the building.

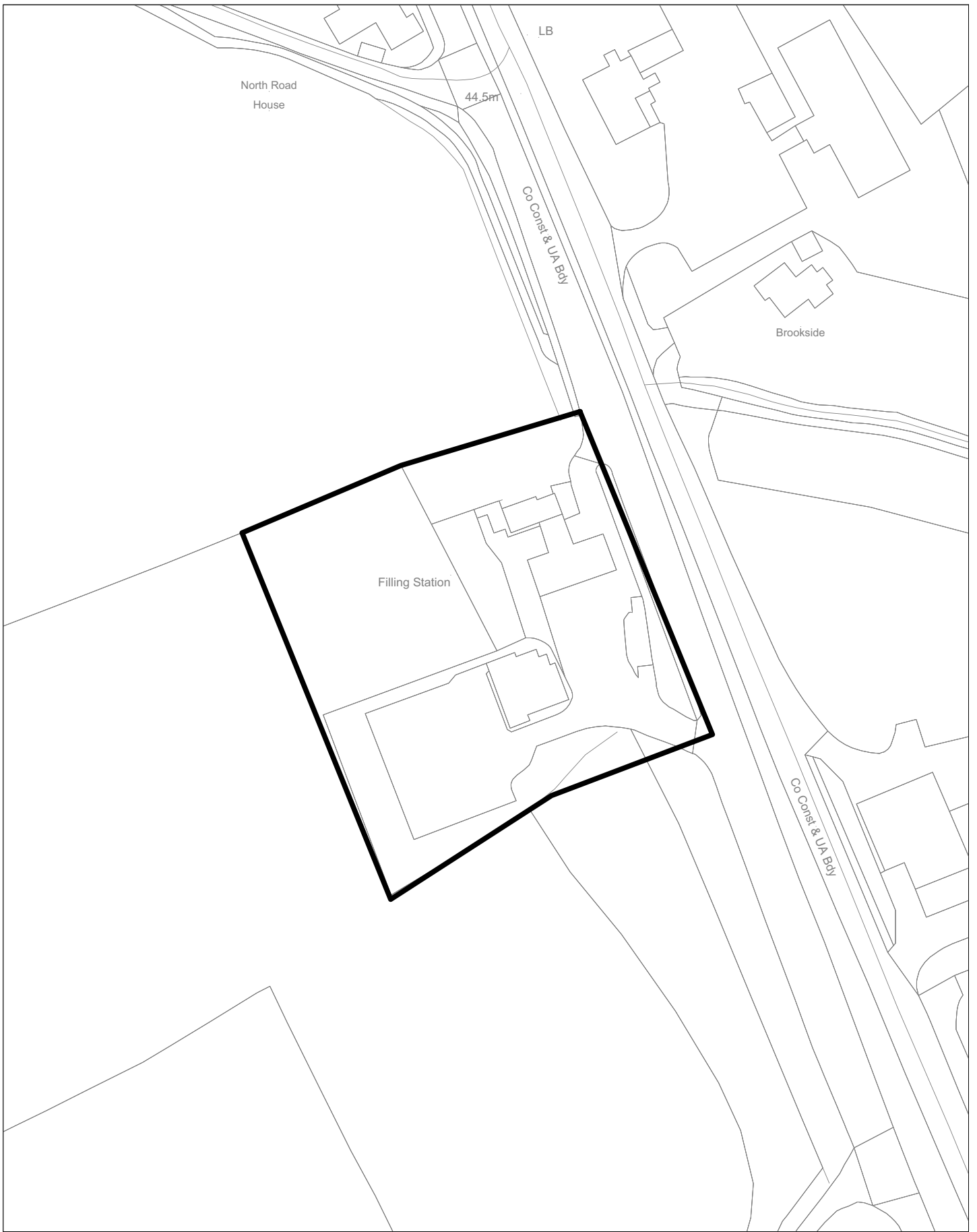
Reason: To protect the amenities of occupiers of neighbouring properties.

DECISION

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Date: 28 April 2009

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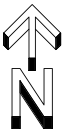
ITEM NO. 12

APPLICATION NO. MB/09/00448/FULL

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Astwick Service Station, Great North Road, Stofold

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APPLICATION NUMBER	MB/09/00448/FULL
LOCATION	ASTWICK SERVICE STATION, GREAT NORTH ROAD, STOTFOLD, HITCHIN, SG5 4BL
PROPOSAL	FULL: REDEVELOPMENT OF PETROL FILLING STATION (PFS) INCLUDING THE ERECTION OF A NEW CANOPY, UNDERGROUND STEEL STORAGE TANKS, SALES BUILDING AND FORECOURT LAYOUT FOLLOWING DEMOLITION OF EXISTING PFS AND RESTAURANT FACILITY (FORMERLY LITTLE CHEF)
PARISH	Stotfold
CASE OFFICER	Godwin Eweka
DATE REGISTERED	13 March 2009
EXPIRY DATE	08 May 2009
APPLICANT	BP Oil (UK) Ltd
REASON FOR COMMITTEE TO DETERMINE	WARD CLLR CHRISTINA TURNER REQUESTED ON GROUNDS OF HIGHWAY AND TRAFFIC SAFETY
RECOMMENDED DECISION	FULL CONDITIONAL APPROVAL

Site Location:

The application site is Astwick Service Station, which lies on the Great North Road A1 northbound by Stotfold. The site is currently occupied by an existing BP filling station and a vacant catering unit previously used as the Little Chef with car parking to the rear. The site is bounded to the north by an open field with Tudor Oak Lodge located immediately to the north of Taylor's Road. The site is bounded by open fields to the south and western part of the site with agricultural farmland beyond. The eastern side is characterised by the Great North Road (A1) and on the opposite side of the road with another BP petrol filling station, which is unrelated to this application, together with a Travelodge, Little Chef restaurant and some residential properties.

The Application:

This application seeks permission for the demolition of the existing filling station and Little Chef and the construction of a replacement filling station.

This is a revised application to that previously approved under planning ref: 07/01512/FULL dated 03.12.2007 for the same development. That permission relates to the same site, however this current proposal features an associated sales building with a reduced floor space and improved in-site vehicular circulation, which would have less impact and improve the current situation. The access and egress to serve the petrol filling station on the A1 has not significantly change from that was

approved under ref: 07/01512/FULL.

RELEVANT POLICIES:

National Policies (PPG & PPS)

- PPS 1 Delivering Sustainable Development (2005)
- PPG 4 Industrial & Commercial Development and Small Firms (1992)
- PPS 25 Development and Flood Risk (2006)

Regional Spatial Strategy

- East of England Plan (May 2008)
- Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Bedfordshire Structure Plan 2011

N/A

Mid Bedfordshire Local Plan First Review 2005 Policies

- CS19 Development in the Countryside.
- DPS5 Protection of Amenity.
- DPS11 Landscaping of New Developments.
- DPS17 Surface Water Drainage.
- EMP6A Commercial use in the Countryside.

Supplementary Planning Guidance

N/A

Planning History

- MB/87/01001 Full: Derv tank and pump island - Approved 22.10.1987
- MB/87/01002 Advertisement Consent: Application to display advert - Gantry Sign - DC Reg 4 Refused 28.09.1987
- MB/88/01693 Full: Petrol Station and pump island - Approved 17.11.1988
- MB/06/00729 Full: Erection of filling station after demolition of existing - Withdrawn 15.08.2006
- MB/07/01512 Full: Demolition of existing filling station & Little Chef and erection of replacement filling station - Approved 03.12.2007

Representations: (Parish & Neighbours)

- Stotfold TC Strongly object on highway and traffic safety grounds including:
 - poor visibility for vehicles coming over the brow of the hill on the A1 particularly large vehicles;

- accident spot due to speed of vehicles assuming its still a motorway;
- concerns with tightness of the bends when entering and leaving the service station, particularly for larger vehicles

Adj Occ

One letter of objection received on grounds of:
highway safety concerns along this stretch of the A1 due to speed and volume of traffic;

Consultations/Publicity responses

Highways Dept	No comments
Highways Agency	No objection, subject to conditions. The applicant is required to enter into a Section 278 Agreement with the Secretary of State for all works to be carried out within the highway boundary.
Environment Agency	Advice received from the Environment Agency website regarding flood mitigation measures. This advice coincides with the Internal Drainage Board's comments and has been incorporated in the Flood Risk Assessment
Internal Drainage Board	No objection in principle subject to two conditions being attached to any consent granted with regards to finished ground floor levels and surface water drainage
North Herts District Council	No objections subject to suitably worded condition being attached to any consent granted for further landscaping details
Site Notice Posted	20.03.2009
Newspaper Advert	20.03.2009

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. The effect on the character of the area
3. The impact that the proposal will have on the Adjoining Neighbours
4. Highway Safety

Considerations

1. Principle of Development

This development is assessed against Policies EMP6A and DPS5 of the Mid Bedfordshire Adopted Local Plan 2005 in particular.

Policy EMP6A allows for the extension of existing commercial uses located in the countryside (land falling outside the settlement envelopes) and possibly beyond their existing curtilage. This development therefore extends beyond the curtilage.

Policy DPS5 of the Local Plan expects new development where relevant, to make appropriate and safe provision for access, parking and landscaping.

This proposal is a redevelopment of the application site as a petrol filling station. Although the footprint of the new development is different from the existing station, the use as a petrol station has not changed.

This proposal is for a reduced floor space to the sales building, revised in-site vehicular layout to accommodate for a 4 pump starter gate format with additional HGV filling pump. The previous scheme that was approved was for a larger sales building situated towards the western boundary of the site with a 5 pump starter gate format in front of it.

In light of the above, it is considered that the revised proposed redevelopment by nature of its scale and design is acceptable within the context of the site.

2. Effect on the Character and Appearance of the Area

This redevelopment, by nature of its scale and design, is likely to have a significant enhancement on the character and appearance of the area.

The siting of the building has been revised to maximise the use of the site and is now positioned towards the northern side of the site so as to have a much enlarged forecourt for the activities of the station. It is considered that the massing of the new sales building, as the dominant feature of the site, is acceptable within the site constraints. The revised layout has also demonstrated good soft landscaping to soften its impact on the immediate surroundings. It is considered the new building respects the immediate surroundings and has been designed sympathetically to accord with the character of the area.

3. Impact of the Proposal on the Residential Amenity of Neighbouring Properties

This proposal does not have a direct impact on the adjoining neighbour and owners of Springtime Nursery and The Willow, given its location and the extent of the site.

4. Highway Safety

This revised scheme has not significantly altered the detail of the access to and from the A1 from that which was approved under ref: 07/01512/FULL, however the revised Road Safety Audit Stage 1 (dated 27.02.2009) demonstrates that this scheme addresses the revised schemes impact on the highway.

In the event of the Local Planning Authority granting planning permission, the Highways Agency would require the highway works indicated on the drawing no. 206489 07 E dated 09.02.2009 to be carried out. A suitably worded condition can be attached to any consent granted to that effect.

Furthermore, the Highways Agency has advised that all works within the highway boundary are to be carried out under a Section 278 Agreement with the Secretary of State. The applicant is requested to contact them as soon as possible.

Reasons for Granting

The scheme, by reason of its site, design and location, is in conformity with Policies CS19, DPS5, DPS11, DPS17 and EMP6A of the Mid Bedfordshire Adopted Local Plan 2005; Planning Policy Statement 1 (2005), Planning Policy Guidance (1992) and Planning Policy Guidance 25 (2006).

RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1 DG01 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 TL02 **No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-**

- **proposed finished levels or contours;**
- **materials to be used for any hard surfacing;**
- **minor structures (e.g. furniture, signs, etc);**
- **proposed and existing functional services above and below ground level;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**
- **details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.**

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

3 U **Prior to the commencement of any development, a scheme for the provision and implementation of pollution control of the water environment, which shall include foul and surface water drainage, shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and implemented in accordance with the approved plans.**

Reason: To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of pollution to the water environment.

4 TL01 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area generally.

5 U If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: In order to protect the health of occupants of the proposed development.

6 U The finished ground floor levels of the buildings shall be 600mm above the 1 in 100 year flood level of 43.96m AOD; that is at or above 44.53m AOD.

Reason: To provide protection against flood.

7 U Given an impermeable site area of 0.83ha, provision shall be made for 491 cubic metre of surface water to be attenuated on site prior to discharging at a rate not exceeding 2.5 l/s to the existing drainage.

Reason: To ensure that there is no increase in surface water runoff from the development which may affect other properties.

- 8 U No part of the development shall be brought into its intended use unless and until the highway works as shown on the drawings listed in the Stage 1 Road Safety Audit drawing no. 206489 07 Rev E have been implemented to the satisfaction of the Local Planning Authority in consultation with the Highways Agency on behalf of the Secretary of State for Transport.

Reason: In the interest of highway safety and for the avoidance of doubt.

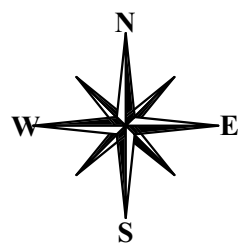
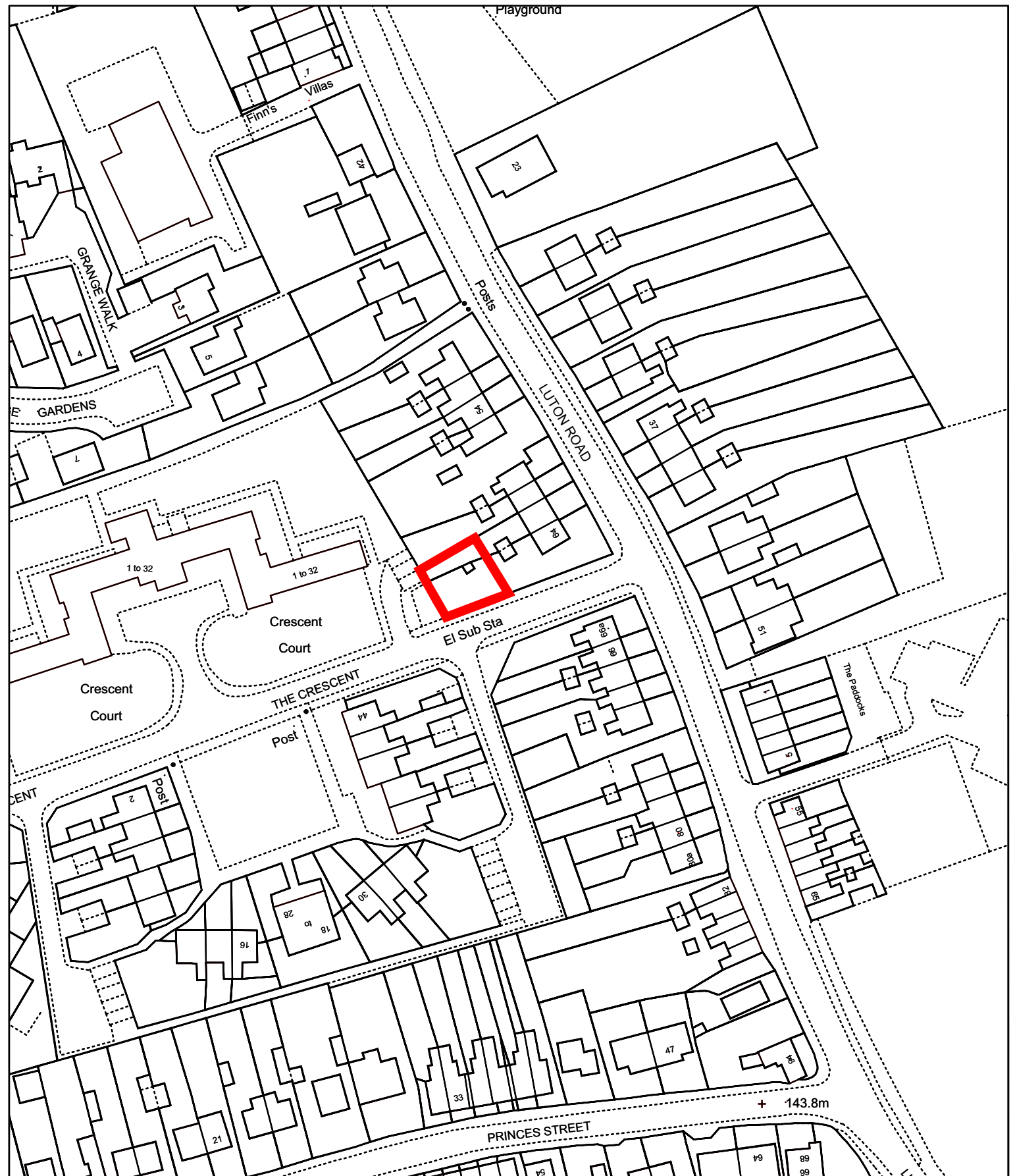
Notes to Applicant

- 1 The new service station will require a Permit under the Environmental Permitting (England and Wales) Regulations 2007. Further information may be obtained from Claire Bell, Technical Officer, Public Protection North (0300 300 4496). Please see www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/notes/pgnotes/pdf/pg1-14.pdf.
- 2 All works within the highway boundary are to be carried out under a Section 278 Agreement with the Secretary of State. The applicant is to contact Mr John Hornsby (01234 796130) at the Highways Agency regarding the Section 278 Agreement. Please be aware the process takes time and I would urge the applicant to get started on the process as soon as practicable. The applicant is to contact the Route Performance Manager, Keith Hutchinson (01234 796510) prior to commence on site to agree traffic management during the works.

DECISION

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Date: 30:April:2009

Map Sheet No

ITEM NO. 13
 APPLICATION NO. SB/09/00032/TP

Scale: 1:1250

Land Rear Of 62-64 Luton Road, Toddington
 13.1

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Item No. 13**SCHEDULE B**

APPLICATION NUMBER	SB/09/00032/TP
LOCATION	Land Rear Of, 62-64 Luton Road, Toddington
PROPOSAL	Erection of one detached one-bedroom bungalow.
PARISH	Toddington
WARD	Toddington inc Chalton
WARD COUNCILLORS	Cllr J Machin & Cllr T Nicols
CASE OFFICER	Nicola McPhee
DATE REGISTERED	20 January 2009
EXPIRY DATE	17 March 2009
APPLICANT	Mr D Thierens
AGENT	Triad Planning & Design Limited
REASON FOR COMMITTEE TO DETERMINE	Parish Council Objections
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

The application site is located close to the centre of the village of Toddington and consists of part of the rear gardens of Nos. 62 & 64 Luton Road. The site measures 15m in width and 12m in depth and has an electrical substation to the west, with private gardens to the north and east. The Southern boundary is the highway, The Crescent, which is currently defined by a 1.5m high hedge.

The Application:

The application seeks permission for the erection of one detached bungalow which would measure 7m in width by approximately 8.4m in depth. The dwelling would have one bedroom and be situated 1m from the rear boundaries of numbers 62 and 63 Luton Road.

A side garden would measure approximately 11m in depth by 6.4m in width. Parking would be provided on the driveway which would be 5.0 metres wide.

RELEVANT POLICIES:**National Policies (PPG & PPS)**

PPS1 - Delivering Sustainable Development

PPS3 - Housing

Regional Spatial Strategy**East of England Plan (May 2008)**

ENV7 - Quality in the Built Environment

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

South Bedfordshire Local Plan Review Policies
BE8 - Design Considerations
H2 - Making Provision for Housing via “Fall-in” Sites
H8 - Control of Extensions to Dwellings
T10 - Controlling Parking in New Developments

Planning History

SB/OUT/07/1059 **Erection of detached dwelling – Refused.**
SB/OUT/07/1349 **Erection of detached bungalow – Refused.**

Representations:
(Parish & Neighbours)

Parish/Town Council **Objection - Overintensive development.**
(8/04/09)
Neighbours **None received.**

Consultations/Publicity responses

Environmental Health Officer **No objection subject to the imposition of**
(26/01/09) **conditions and informatives.**
Landscape Officer (10/02/09) **No objection.**
Highways Officer (25/02/09) **No objection subject to the imposition of**
 appropriate conditions.
Environment Agency **Application is considered to have a low**
(23/01/09) **environmental risk.**

Determining Issues

The main considerations of the application are;

- 1. Impact on the Character and appearance of the area.**
- 2. Impact on residential amenity.**
- 3. Highway Safety.**

Considerations

- 1. Impact on the Character and appearance of the area**
The area is currently defined by a mix of residential dwellings, with the immediate neighbours being small terraces and a large flatted development. The proposed dwelling would be a detached bungalow, which would not match the immediately surrounding properties in terms of height and overall form, however it would not appear to be completely at odds with the prevailing character of the area generally, there being a small development of bungalows at the western end of The Crescent.
- 2. Impact on residential amenity**
The garden size afforded to the proposed dwelling is considered to adequate and to be acceptable in this location having regard to the size of the dwelling. There is no substantial natural screening above 3m in height and therefore an appropriate landscaping condition should be imposed. There are no windows to the east elevation of the bungalow, minimising the possibility of overlooking of 62 and 64 Luton Road.

3. Highway Safety

The proposal would have any detrimental on highway safety, the Highways Officer has not objected to the proposal.

Conclusion

In summary, we consider that the proposal comprises the development of a "fall-in" site and is therefore in accordance with the provisions of Local Plan Review Policy H2. The previous reason for refusal is no longer considered to be relevant due to the revised size and positioning of the proposed dwelling. .

Reasons for Granting

The proposal is considered to be in accordance with National Planning Policies PPS1, PPS3 and Local Plan Policies BE8, H2 and T10 and there are no material considerations that would warrant planning permission not being granted.

RECOMMENDATION

Grant planning permission subject to the following conditions:

- 1 The development 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 Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until 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.
- 3 Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
REASON: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.
- 4 Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed building/s shall be 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/s.
(Policies BE8 & H8, S.B.L.P.R).
- 5 Before development begins, a landscaping scheme to include any hard surfaces and earth mounding 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 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 for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.
REASON: To ensure a satisfactory standard of landscaping.
(Policy BE8, S.B.L.P.R).

- 6** Before the access is brought into use, an area of land across the whole of the site frontage measuring at least 2m from and parallel to the nearside edge of the adjacent road carriageway shall be provided and thereafter be kept free of all obstruction to visibility.
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.
- 7** The proposed vehicular access shall be surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
REASON: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.
- 8** Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays 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 access(es), and to make the access(es) safe and convenient for the traffic which is likely to use it (them).
- 9** Details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of the dwelling.
REASON: To avoid the storage of refuse containers on the highway so as to safeguard the interest of highway safety.
- 10** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 permission from the Local Planning Authority.
REASON: To control the external appearance of the building/s in the interests of the amenities of the area.
(Policy BE8, S.B.L.P.R).
- 11** Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (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 permission from the Local Planning Authority.

REASON: To control the development in the interests of the amenities of the area.

(Policy BE8, S.B.L.P.R).

- 12 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied within relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. A survey of the extent, scale and nature of the contamination;
- ii. An assessment of the potential risks to:
 - Human health
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - Adjoining land
 - Ground waters and surface waters
 - Ecological systems
 - Archaeological sites and ancient monuments
- iii. An appraisal of remedial options, and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the management of Land Contamination, CLR 11*'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (c).

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 13 This permission relates only to the details shown on Drawing No. 08/636/01 Rev.B received 15/04/09 or to any subsequent appropriately endorsed revised plan.

REASON: To identify the approved drawing and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy
East of England Plan (May 2008)

ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review

BE8 - Design Considerations

H2 - Making Provision for Housing via “Fall-in” Sites

H8 - Control of Extensions to Dwellings

T10 - Controlling Parking in New Developments

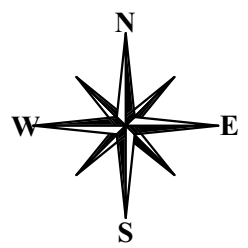
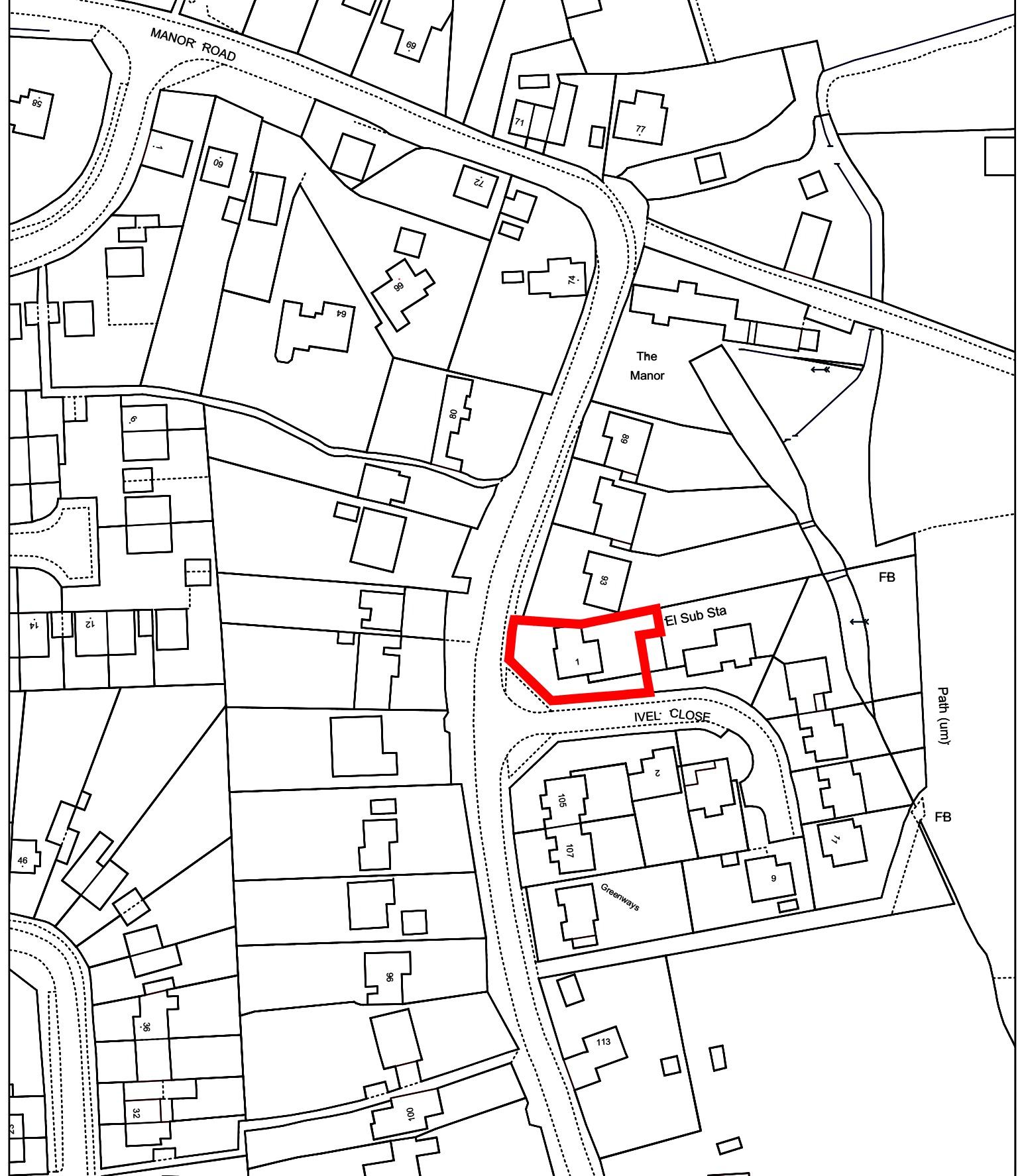
2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. 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 write to Central Bedfordshire Council's Customer Contact Centre, 6th Floor, Borough Hall, Bedford, MK42 9AP quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. 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.
4. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with Central Bedfordshire Council's “Cycle Parking Guidance - August 2006”.
5.
 - Where remedial measures are necessary, they should be managed with Part IIA of the Environmental Protection Act 1990 in mind. Encapsulation of any contaminants should be made on the risk-based assessment so that they are unlikely to be subject to future release to the environment.
 - All ground investigations shall be risk based and have regard to BS10175:2001 *Investigation of Potentially Contaminated Sites - Code of Practice* and Environment Agency/NHBC R&D Publication 66 - *Guidance for the Safe Development of Housing on Land Affected by Contamination*.
 - Where analyses are undertaken analytical laboratories should be accredited to MCERTS and where appropriate laboratory methods should also be accredited to MCERTS.
 - The applicants/agent's consulting engineers shall certify that decontamination and remediation of the site has been undertaken in accordance with any measures approved by the Local Planning Authority.

- The applicant shall advise the Local Planning Authority of commencement of the works.
 - The applicant should also be made aware that the ownership of land shown to be contaminated may accrue legal and financial liabilities under Part IIA of the Environmental Protection Act 1990. Such liabilities are maximised when "pollutant linkages" engender "pathways" for the contaminants to reach "receptors".
 - Central Bedfordshire Council has published its Contaminated Land Inspection Strategy in line with the Environmental Protection Act 1990: Part IIA and its definition thereof. No land has yet been formally designated as being 'contaminated'. However, it should not be taken to imply that the property or adjoining land is free from contamination.
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.

DECISION

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Date: 30:April:2009

Map Sheet No

ITEM NO. 14

APPLICATION NO. SB/09/00129/TP

Scale: 1:1250

1 Ivel Close, Barton-le-Clay
 14.1

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Item No. 14**SCHEDULE B**

APPLICATION NUMBER	SB/09/00129/TP
LOCATION	1 Ivel Close, Barton-le-Clay, Bedford, MK45 4NT
PROPOSAL	Erection of wooden fence and enclosure of amenity land. (Revised application SB/TP/07/1196)
PARISH	Barton-Le-Clay
WARD	Barton-le-Clay
WARD COUNCILLORS	Cllr A Northwood & Cllr I Shingler
CASE OFFICER	Nicola McPhee
DATE REGISTERED	25 February 2009
EXPIRY DATE	22 April 2009
APPLICANT	Mr Gallagher
AGENT	Michael Hardiman & Associates Limited
REASON FOR COMMITTEE TO DETERMINE	Parish Council Objections
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

The property is a two storey chalet-style bungalow occupying a corner plot on the north-eastern side of the junction of Ivel Close and Manor Road and is within the designated Manor Road, Barton Area of Special Character. At present, the side boundary of the rear garden is defined by a 1.8m high timber fence, adjacent to the footpath.

The Application:

Permission is sought to relocate the 1.8m high boundary fence in a position approximately 2.2 to 2.4m from the footpath.

RELEVANT POLICIES:**National Policies (PPG & PPS)**

PPS1 - Delivering Sustainable Development

Regional Spatial Strategy**East of England Plan (May 2008)**

ENV7 - Quality in the Built Environment

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)**South Bedfordshire Local Plan Review Policies**

BE8 - Design Considerations

BE6 - Areas of Special Character

Planning History

SB/TP/01/0600	Incorporate land to rear garden (REFUSED).
SB/TP/03/1796	Erection of two storey rear and first floor side extension (REFUSED).
SB/TP/04/0348	Erection of two storey rear and first floor side extension (Revised application 03/1796) (GRANTED).
SB/TP/07/0241	Erection of first floor and two storey side extension and installation of pitched roof to side facing dormer window (GRANTED).
ENQ/07/0236	Unauthorised erection of fence exceeding 1m in height adjacent to the highway (2) Unauthorised enclosure of amenity land.
SB/TP/07/1196	Retention of fence and continued enclosure of amenity land (REFUSED) (APPEAL DISMISSED)

**Representations:
(Parish & Neighbours)**

Parish/Town Council (17/04/09) Objects on the grounds that the Local Planning Authority would be setting a dangerous precedent in the disposal of amenity land and that there have been no material changes in the area to warrant a diversion from the original planning consent which included the amenity area.

Neighbours None received

Consultations/Publicity responses

Highways Officer (16/04/09) No objection

Determining Issues

The main considerations of the application are;

1. Impact on the Area of Special Character
2. Highway Safety

Considerations

1. Impact on the Area of Special Character

Policy BE6 requires that development should not adversely affect the special character of the area, whilst Policy BE8 requires that development should complement and harmonise with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views. It is considered that the proposal satisfies these requirements. Ivel Close has been developed on the basis of open plan principles and the area of land to be re-instated for visual amenity is considered to adequately reflect the open character and appearance of surrounding area and respect the original design principles.

2. Highway Safety

The revised position of the fence would not have any detrimental impact on highway safety, furthermore, the Highways Officer has not objected to the proposal.

Conclusion

The open grassed area between No.1's existing garden wall and the footpath was provided as part of carefully prepared landscaping proposals for the Close and performs an important function with respect to softening the appearance of the entrance to the cul-de-sac. The amended position of the fence would provide up to 2.4m of amenity land between the fence and footpath, restoring once more, the visually important soft grassed area.

The revised positioning of fence is not considered to be detrimental to the established character of the cul-de-sac or to the special character of the wider area.

Reasons for Granting

The proposal is in conformity with the provisions of PPS1 and complies with Local Plan Policies BE6 and BE8 and there are no material considerations that would warrant planning permission not being granted.

RECOMMENDATION

Grant planning permission subject to the following conditions:

- 1 The existing fence shall be relocated to comply with the approved details within 60 days of the date of this permission.
REASON: To maintain the visual amenities of the street scene and safeguard the Area of Special Character.
(Policies BE8 & BE6, S.B.L.P.R).
- 2 **Within 30 days of this permission, a landscaping scheme shall be submitted to the council. The scheme as approved in writing shall be implemented within 30 days from the date of approval. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**
REASON: To ensure a satisfactory standard of landscaping.
(Policy BE8, S.B.L.P.R).
- 3 This permission relates only to the details shown on Drawing No's. 2007/409/14C and 2007/409/01F received 11/03/09 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved drawings and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

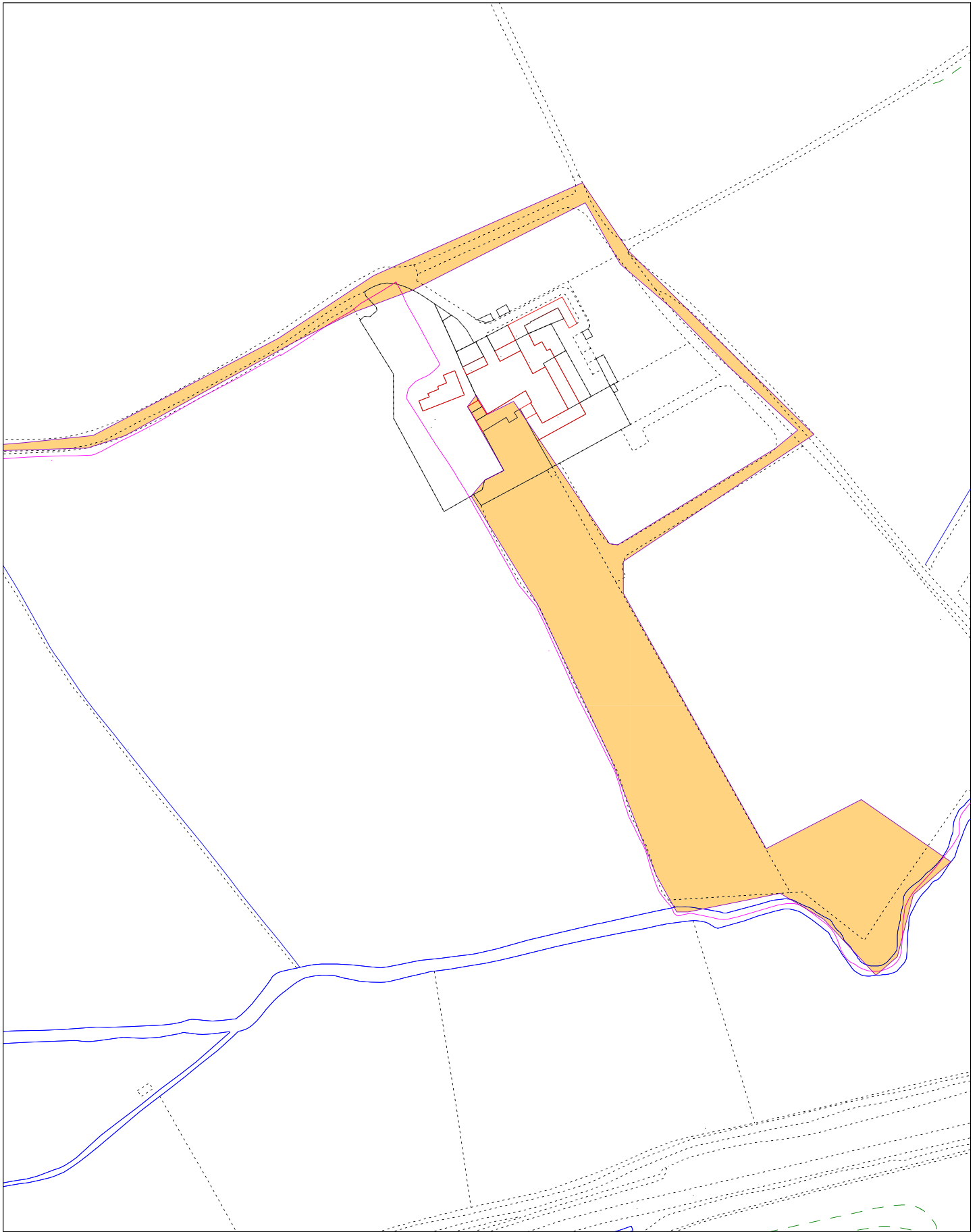
Regional Spatial Strategy
East of England Plan (May 2008)
ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review Policies
BE8 - Design Considerations
BE6 - Areas of Special Character

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. 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.

DECISION

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Date: 28 April 2009

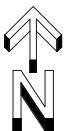
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ITEM NO. 15

APPLICATION NO. MB/09/00560/FULL

6 The Old Dairy, Beadlow

15.1



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Item No. 15**SCHEDULE C**

APPLICATION NUMBER	MB/09/00560/FULL
LOCATION	6 THE OLD DAIRY, BEADLOW, SHEFFORD, SG17 5PL
PROPOSAL	FULL: AMENDMENT TO PLANNING PERMISSION 08/00455/FULL DATED 09/05/08 FOR THE ERECTION OF STABLE WITH ANCILLARY WORKS - TO INCREASE ROOF PITCH FROM 40 TO 45 DEGREES.
PARISH	Campton/Chicksands
CASE OFFICER	Mary Collins
DATE REGISTERED	30 March 2009
EXPIRY DATE	25 May 2009
APPLICANT	Miss F Webb
REASON FOR COMMITTEE TO DETERMINE	APPLICANT CENTRAL BEDFORDSHIRE COUNCIL EMPLOYEE
RECOMMENDED DECISION	Full Conditional Approval

Site Location:

6 The Old Dairy is a converted barn part of a barn complex formerly belonging to Speedsdairy Farm, Beadlow. To the outskirts of the barn complex are residential gardens with paddock areas beyond. The site is outside the Settlement Envelope on the eastern outskirts of Clophill village within the Parish of Campton and Chicksands. Speedsdairy Farmhouse and Units 2 and 3 are Grade II Listed Buildings. Units 1, 6 and 7 are curtilage listed.

The Application:

Planning permission is sought for an amendment to planning permission 08/00455/FULL dated 09/05/08 for the erection of stable with ancillary works, to increase roof pitch from 40 to 45 degrees.

RELEVANT POLICIES:**National Policies (PPG & PPS)**

PPS 1	Delivering Sustainable Development
PPS 7	Sustainable Development in Rural Areas
PPG15	Planning and the Historic Environment

Regional Spatial Strategy

East of England Plan (May 2008)

Mid Bedfordshire Local Plan First Review 2005 Policies

CS23 – Horse Related Development (Domestic)

Supplementary Planning Guidance

Barn Conversions Design Guide Adopted May 1999

South Bedfordshire Local Plan Review Policies

Not applicable

Planning History

MB/04/00134/FULL	Full: alterations and extensions to existing barns and farm buildings to form 7 dwellings; erection of 6 bay carport; change of use of land to form 6 paddocks and change of use of agricultural land to garden land. Approved: 27/08/04
MB/04/00135/LB	Listed Building Consent: Alterations and extensions to existing barns and farm buildings to form 7 dwellings and erection of 6 bay car port; demolition of modern extensions and Dutch barns and hardstandings. Approved: 27/08/04
MB/07/01794/FULL	Full: Erection of stable along with ancillary works. Door to existing car port. Change of use of land from agricultural to residential garden and paddock. Retention of access track. Approved: 26/02/08
MB/08/00455/FULL	Full: Erection of stable along with ancillary works. Approved: 09/05/08

Representations: (Parish & Neighbours)

Campton and Chicksands PC	Awaiting response
Clophill PC	No objection
Adjacent Occupiers	Awaiting response

Consultations/Publicity responses

Beds and River Ivel IDB	Awaiting response
Env Health Officer Application advertised 17/04/09	No objections
Site Notice posted	Awaiting response

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Visual impact upon the character and appearance of the area and the setting of a Grade II Listed Building
3. Impact upon neighbouring residential amenity

Considerations

1. Principle of development

Planning permission was granted for a stable and ancillary works in this location under planning permission ref. 07/01794/FULL and was further revised under planning permission 08/00455/FULL. The original structure had two stables, tack room and tractor store with a lean to log store to the northern end. The manure store was a freestanding structure south of the stable block. The approved plan was subsequently amended to include two open bays to the northern end of the building to serve as a manure and log store.

This application seeks to increase the pitch of the roof from 40 degrees to 45 degrees increasing the height of the building by 0.5 metres from 6 metres to 6.5 metres. A conservation roof light is to be inserted into the roofslope facing the north east.

The ground floor layout of the building now comprises a stable, tack room, workshop, tractor store and manure/log store. A storeroom is proposed in the first floor roofspace which is accessed by a staircase from the tack room.

2. Visual impact upon the character and appearance of the area and the setting of a Grade II Listed Building

The proposed building will affect the setting of two statutorily Grade II Listed buildings, Speedsdairy Farmhouse and the barn to the east of the farmhouse now forming units 3, 4 and 5 The Old Dairy.

The siting and footprint of the building have been previously accepted and were not considered to be detrimental to the setting of the Listed Buildings. The building has a linear format with the narrow gable end of the building at right angles to the barn complex setting. This means less of the building will be visible against this backdrop therefore less of the barn complex will be obscured and the impact on the setting of the listed buildings will be reduced. The impact of the building was also reduced by the intervening distance and as such the siting of the stable will not harm the views of the listed building when viewed from the south and west. The proposed landscaping and hedge will help soften the structure and will further mitigate the impact of the development especially when viewed from the barn complex and from the east.

The increased height of the building will marginally increase the size of the end gable and the volume of the building. However this is not considered to result in the building having a detrimental impact on the setting of the listed building as the change in massing of the building created by an increase in roof pitch by 5 degrees is slight.

The building is to be screened by landscaping and it is considered that it will not have a detrimental impact on the wider landscape.

The building is traditional in design. The materials for the roof, walls and brick plinth have previously been agreed.

Brick plinth: HG Matthews, handmade bricks in light/medium red. Flemish bond with gritty part coarse sharp sand/ aggregate to lime mortar. Neat flush joint.

Weatherboarding: Black stained feather edged wide weather boarding is proposed to the sides of the structure. Feather-edged soft wood with Dulux Weathershield, colour black satin. 7 inch.

Tile: Tudor handmade Clay plain tile for one and a half storey section in three colours, Red, Medium Antique and Sussex Brown. Ridge is Tudor Handmade Mono Ridge 12" clay roof tile - colour Medium. A Sandtoft clay pantile is proposed for the single storey section

Conditions will be imposed if approval is recommended to ensure these materials are used.

3. Impact upon neighbouring residential amenity

The stable block is set back from the road frontage and opposite neighbouring properties. Although the structure as amended is higher to the ridge, given the remaining intervening distance it is not considered to have a detrimental impact on neighbours in terms of loss of light, privacy or overbearing.

Reasons for granting

The proposal is in conformity with PPG15 (Planning and the historic environment) 1994 as the development would not adversely affect the setting of a listed building. The proposal is in conformity with Policy CS23 of the Mid Bedfordshire Local Plan First Review 2005 as:

- i. Building design is of a high standard and materials used appropriate to the proposed use. Appropriate screening is provided;
- ii. Fencing is of a suitable design and materials;
- iii. Adequate provision is made for the storage and disposal of manure;
- iv. Development incorporates a safe, convenient and adequate standard of access, including provision for pedestrians and cyclists;
- v. There is no unacceptable adverse impact on nature conservation interests;

- vi. There is no unacceptable adverse impact upon the amenities of neighbouring or nearby residential property and;
- vii. There is no unacceptable adverse impact on the historic environment.

The proposal is in conformity with Planning Policy Guidance: PPS 1 Delivering Sustainable Development and PPS 7 Sustainable Development in Rural Areas.

RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1 DG01 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 U Notwithstanding the approved plans, all rainwater goods shall be of cast iron or aluminium and painted black unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the setting of the statutorily listed building in accordance with the provisions of PPG 15 Planning and the Historic Environment 1994.

- 3 U The weatherboarding to the side of the stable building hereby approved shall be black stained with Dulux Weathershield, colour black satin 200 - 225mm wide unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the setting of the statutorily listed building in accordance with the provisions of PPG 15 Planning and the Historic Environment 1994.

- 4 U The materials to be used for the roof of the stable building hereby approved shall be Tudor handmade Clay plain tile for the one and a half storey section in three colours, Red, Medium Antique and Sussex Brown with a Tudor Handmade Mono Ridge 12" clay roof tile - colour Medium and Sandtoft clay pantile to the single storey section unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the setting of the statutorily listed building in accordance with the provisions of PPG 15 Planning and the Historic Environment 1994.

- 5 U The brick plinth of the stable building hereby approved shall be HG Matthews, handmade bricks in light/medium red with a Flemish

bond with gritty part coarse sharp sand/ aggregate to lime mortar and neat flush joint unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the setting of the statutorily listed building in accordance with the provisions of PPG 15 Planning and the Historic Environment 1994.

- 6 U The conservation rooflight to be fitted shall be The Cast Rooflight unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the setting of the statutorily listed building in accordance with the provisions of PPG 15 Planning and the Historic Environment 1994.

- 7 U No external alterations shall be made to the development hereby authorised without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the setting of the statutorily listed building in accordance with the provisions of PPG 15 Planning and the Historic Environment 1994.

- 8 RR05 The building hereby approved shall be used only for the purposes specified on drawing BEA-R-00 4A and the stable shall only be used as private, non-commercial stabling in relation to the occupation of the residential property at 6 The Old Dairy and for no other purpose.

Reason: To prevent the building from being used for commercial purposes to the detriment of the locality and in accordance with Policy CS23.

- 9 RR06 Details of the storage and disposal of manure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Dung shall be stored and disposed of strictly in accordance with the approved details.

Reason: In the interests of neighbouring amenity and to prevent pollution of the environment.

- 10 HS20 Before the stable building is first brought into use details of the hard surfacing shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be implemented in accordance with the approved details.

Reason: To safeguard the setting of the statutorily listed building in accordance with the provisions of PPG 15 Planning and the Historic Environment 1994.

11 TL01 Any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area generally.

Notes to Applicant

1 Surface water run off from the proposals should not generate additional surface runoff which could increase the risk of flooding to property downstream where property is vulnerable. The design of the surface water drainage should therefore be such that greenfield runoff from all impermeable areas does not exceed 1 litre per second per hectare. The applicant has indicated that surface water from the stable will be discharged into a soakaway. This should be designed to Building Research establishment Digest 365 in order to ensure that the soakaway is adequate.

Decision

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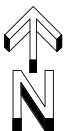


Date: 27 April 2009

ITEM NO. 16

Scale: 1:1250

APPLICATION NO. MB/09/00347/FULL



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Fairfield Lower School, Dickens Boulevard, Stotfold

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Item No. 16**SCHEDULE C**

APPLICATION NUMBER	MB/09/00347/FULL
LOCATION	FAIRFIELD LOWER SCHOOL, DICKENS BOULEVARD, STOTFOLD, HITCHIN, SG5 4FD
PROPOSAL	FULL: INSTALLATION OF PLAY EQUIPMENT.
PARISH	Stotfold
CASE OFFICER	Judy Self
DATE REGISTERED	27 February 2009
EXPIRY DATE	24 April 2009
APPLICANT	Fairfield Park Lower School
REASON FOR COMMITTEE TO DETERMINE	THE LAND IS OWNED BY CENTRAL BEDFORDSHIRE COUNCIL
RECOMMENDED DECISION	FULL CONDITIONAL APPROVAL

Site Location:

The application site is a Fairfield Park Lower School which was opened in September 2007 to serve the newly constructed Fairfield Park development. The school has been designed in a Victorian style to complement the hospital building and occupies a corner plot with Dickens Boulevard to the south and Nickleby Way to the west. The school building is set back from both roads by landscaping. The school site is demarked by 1.8m high height wrought iron railings. The school forms part of the Fairfield Park Development and as such is subject to planning guidance detailed in the Fairfield Park Urban Development Strategy (UDS).

The school comprises of a main single storey building which has been built around a small courtyard. The proposed play area would be positioned to the north of the main building.

When the school was constructed in 2007, the playground was not at that time provided with equipment to encourage active play. This has become a standard feature in most school playgrounds and as there is adequate space within the grounds. The school, therefore, feels that it is important to add a dedicated active play area to aid the children's physical development.

Planning permission is sought for the installation of play equipment. There are nine separate items of adventure play equipment.

PPG:

PPS 1 Delivering Sustainable Development (2005)

Policy + SPG:

(Structure Plan + Mid Beds Local Plan)

Policy DPS6 Mid Bedfordshire Local Plan First Review 2005

Fairfield Park Urban Development Strategy (UDS)

Planning History

08/02210	Full: Erection of single storey pre-school building – approved 15/1/09
08/00938	Full: Erection of timber storage shed and a teaching and learning timber play lodge – approved 9/7/08
07/00578	CC: Erection of canopy to create covered area – approved 26/4/07
06/00024	CC: New 150 place Lower School, incorporating a nursery unit with associated ancillary facilities

Representations: (Parish & Neighbours)

Stotfold TC	No comments received
Adj. Occs	No comments received
Site Notice Posted 16/3/09	No comments received

Consultations

Sport England	No objection
Fairfield Park Residents Assoc.	No comments received
Fairfield Hall Assoc.	No comments received
Work Environment Team	No comments to make
Play & Open Space Officer	No comments received

Determining Issues

The main considerations of the application are;

1. Visual impact upon the character and appearance of the area.
2. Impact upon the neighbouring residential amenity.
3. Any other implications of the proposal.

Considerations

1. **Character and Appearance of the Area**

The proposed play area would be located adjacent to the existing playground to the north of the site. The school is on a corner site with Dickens Boulevard and Nickleby Way and the play area would be positioned approximately 17m away from the boundary with the public pathway which services properties 29-35 Nickleby Way. Whilst the proposal would be visible from some public vantage points it is not considered that the proposal would adversely affect the character and appearance of the area.

2. Residential Amenity of Neighbouring Properties

Careful consideration has been given to the size and scale of the play equipment. The maximum height of the tallest construction is approximately 2m. The principle properties that may be affected by the proposal are nos. 29-35 Nickleby Way which are positioned a minimum of 20m way. All other properties are adequately well removed so as not to be affected. Whilst there would be some visual impact as a result of the proposal given the degree of separation no harm to residential amenity is considered to arise.

Whilst the addition of the play area could result in some additional noise, given the degree of separation to the nearest residential dwellings and the nature of the school site, no significant harm to residential is considered to arise.

3. Any other implications of the proposal

The play area would result in only a small area of the playing field being lost. No objection has been raised by Sport England and as such the proposal is considered to be acceptable.

There is no specific provision for play equipment within the Urban Development Strategy (UDS) for Fairfield Park but given the nature of the proposal it is considered to be in keeping with the use of the school site.

Reasons for Granting

The proposal is in conformity with Policies DPS6 of the Adopted Mid Bedfordshire Local Plan (2005); Planning Policy Guidance: Planning Statement 1 Delivering Sustainable Development (2005); By reason of its size and design the play equipment would not harm the character of the area or the amenities of any nearby dwelling.

RECOMMENDATION

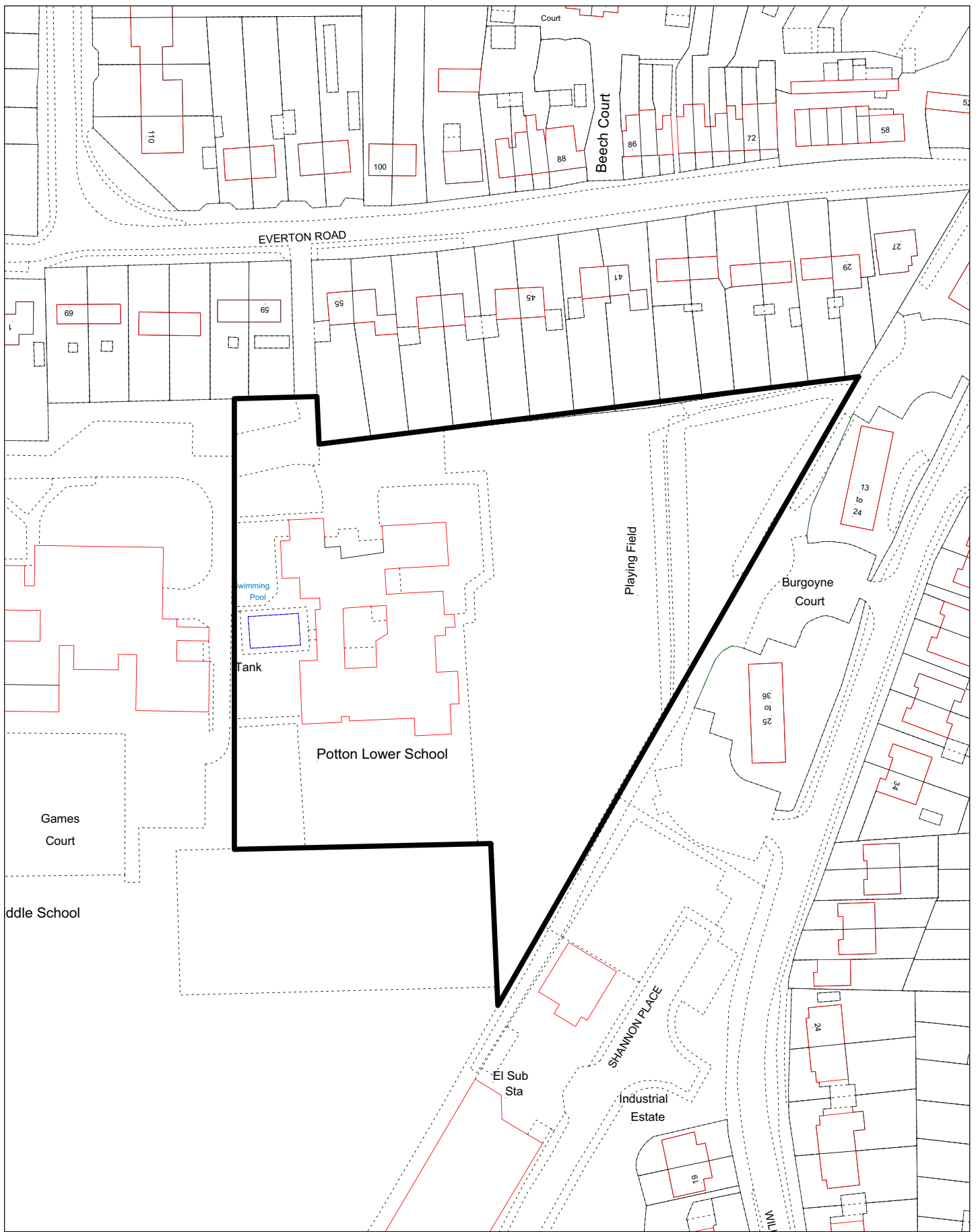
APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1 DG01 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

Decision

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Date: 27 April 2009

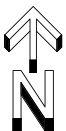
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ITEM NO. 17

APPLICATION NO. MB/09/00288/FULL

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Potton Lower School, Everton Road, Potton, Sandy



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Item No. 17**SCHEDULE C**

APPLICATION NUMBER	MB/09/00288/FULL
LOCATION	POTTON LOWER SCHOOL, EVERTON ROAD, POTTON, SANDY, SG19 2PB
PROPOSAL	FULL: CONSTRUCTION OF SINGLE STOREY BUILDING FOR USE AS PRE-SCHOOL AND AFTERSCHOOL CLUB; AND THE PROVISION OF 14 ADDITIONAL CAR PARKING SPACES
PARISH	Potton
CASE OFFICER	Kate Phillips
DATE REGISTERED	18 February 2009
EXPIRY DATE	15 April 2009
APPLICANT	The Board of Governors Potton Lower School
REASON FOR COMMITTEE TO DETERMINE	The land is owned by Central Bedfordshire Council
RECOMMENDED DECISION	FULL CONDITIONAL APPROVAL

Site Location:

The application site is Potton Lower School which is set back from Everton Road adjacent to Burgoyne Middle School in a predominantly residential area of Potton. The site comprises of various single storey school buildings and playgrounds and playing fields. There is some allocated parking on the approach to the school buildings and cars also park on grassed areas adjacent to the buildings. To the west of the main school buildings is a disused swimming pool.

The Application:

This application seeks permission for the construction of a single storey building for use as a pre-school and after school club; and also the provision of 14 additional car parking spaces. The building would be sited in the location of the existing disused swimming pool.

RELEVANT POLICIES:**National Policies (PPG + PPS)**

PPS 1 Delivering Sustainable Development (2005)

Regional Spatial Strategy

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Bedfordshire Structure Plan 2011

Not applicable

Mid Bedfordshire Local Plan First Review 2005

Policy DPS6 – Criteria for Extensions

South Bedfordshire Local Plan Review Policies

Not applicable

Supplementary Planning Guidance

Not applicable

Planning History

MB/08/02399/FULL	Full: Single storey extension for use as a Pre-school and afterschool club and associated external works and provision of additional parking spaces for the school. - WDN
MB/97/00908/TD	TELECOMMUNICATIONS DETERMINATION: SITING OF EQUIPMENT CABIN AND 15 METRE HIGH MAST WITH 6 SECTOR ANTENNAE AND TWO DISH ANTENNAE - Telecom Prior Approval not required
MB/83/00833/CC	COUNTY COUNCIL: ERECT A 2.75M CHAIN LINK REPLACEMENT FENCE ALONG BOUNDARY
MB/78/1527A/CC	COUNTY COUNCIL: SINGLE TEMPORARY CLASSROOM
MB/78/01527/CC	COMPLETION OF LOWER SCHOOL

Representations: (Parish & Neighbours)

Potton TC	Support, although there is concerns that there is inadequate parking.
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Consultations/Publicity responses

Site notice posted	24.2.09
Highways	No objection, subject to conditions

Determining Issues

The main considerations of the application are;

1. The effect on the character and appearance of the surrounding area
2. The impact on the residential amenity of neighbouring properties
3. The impact of the proposal upon highway safety
4. Any other implications of the proposal

Considerations

1. **Effect on the character and appearance of the area**

The single storey building for use as a pre-school and after school club would be visible from the entrance drive to Potton Lower School and it would be visible from the adjacent school's site (Burgoyne Middle School). However it would not be visible from Everton Road as the school's site is set behind a row of residential properties.

The design of the building is considered to be modest and in keeping with the other school buildings. It is therefore not considered that the construction of this building would have a detrimental impact upon the character and appearance of the surrounding area. Furthermore, the building would be sited in the location of the existing disused swimming pool which is currently fenced up for safety reasons. The removal of these temporary fences and the replacement with a permanent building would be an improvement.

With regards to the provision of 14 additional car parking spaces, given that cars are currently parking on grassed areas around the school's site which creates unsightly muddy patches and a disorganised atmosphere, it is considered that laying out and providing official car parking spaces (roughly in the same places as the cars are currently parking anyway) would be a welcome improvement also.

Overall, it is not considered that the character and appearance of the area would be unduly affected by the construction of the building or the provision of the extra car parking spaces.

2. **Impact on the residential amenity of neighbouring properties**

The single storey building for use as a pre-school and after school club would be no closer to any nearby residential dwellings than the existing school buildings and it should therefore not impact upon anyone's residential amenity in terms of overlooking, loss of light/ outlook or overbearing impact. It is also considered to be sufficiently removed from any residential dwellings so as not to cause any more disruption from noise than could be reasonably expected from a school site.

The Highways Officer believes that the proposal will result in increased traffic generation in and around the school and also on-street congestion. The Design and Access Statement disagrees with this statement because the pre-school will start after school has commenced and the after-school club would finish 2 hours after the end of school. Any disruption to nearby properties as a result of traffic associated with the new building and car-parking spaces is not considered to be any worse than one would expect from a school site. On balance, the proposal is therefore considered to be acceptable in this respect.

With regards to the provision of 14 additional car parking spaces, given that cars are already parking in roughly the same places as those proposed, it is not considered that allocating proper spaces would have a detrimental impact

upon anyone's residential amenity.

3. Highway safety

The Highways Officer believes that the proposal will result in increased traffic generation in and around the school and also on-street congestion. However, on balance, they are satisfied that the proposal is acceptable subject to conditions.

The Highways officer has also noted that that school bus(es) do not leave the site in forward gear but reverse out of the access where they have difficulty reversing into the road because of the on street parking/dropping off caused by the school, which is unacceptable. It is felt that due to the increase in traffic/congestion as a result of the proposal a suitable turning area for vehicles within the cutilage of the site should be provided. A condition to ensure this could be attached to any planning permission granted.

4. Any other implications

There are no further considerations to this application.

Reasons for Granting

The proposal for the construction of a single storey building for use as a pre-school and after school club, and also the provision of 14 additional car parking spaces, would have no detrimental impact upon the character and appearance of the surrounding area and neither would there be a detrimental impact upon the residential amenity of any neighbouring properties. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policy DPS6 of the Mid Bedfordshire Local Plan First Review (2005).

RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1 DG01 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 U **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off street parking during construction in the interests of road safety.

- 3 U **Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, including a turning area, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.

- 4 U Parking bays 20, 21 and 22 as indicated on the submitted plan A207 Revision A shall measure a minimum of 2.4m wide by 6.0m long each.

Reason: To provide adequate sized parking bays.

- 5 U Before the premises are occupied parking bays 8 to 22 shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 6 U The development shall not be brought into use until a turning space suitable for a coach or fire appliance has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.

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

- 7 DG17 The permission shall extend only to the application as amended by plans A200 Revision - A; A202 Revision - A; A207 Revision - A; A208 Revision - A received 19.3.09.

Reason: For the avoidance of doubt and to ensure that the development is implemented in accordance with the plans formally approved by the Local Planning Authority.

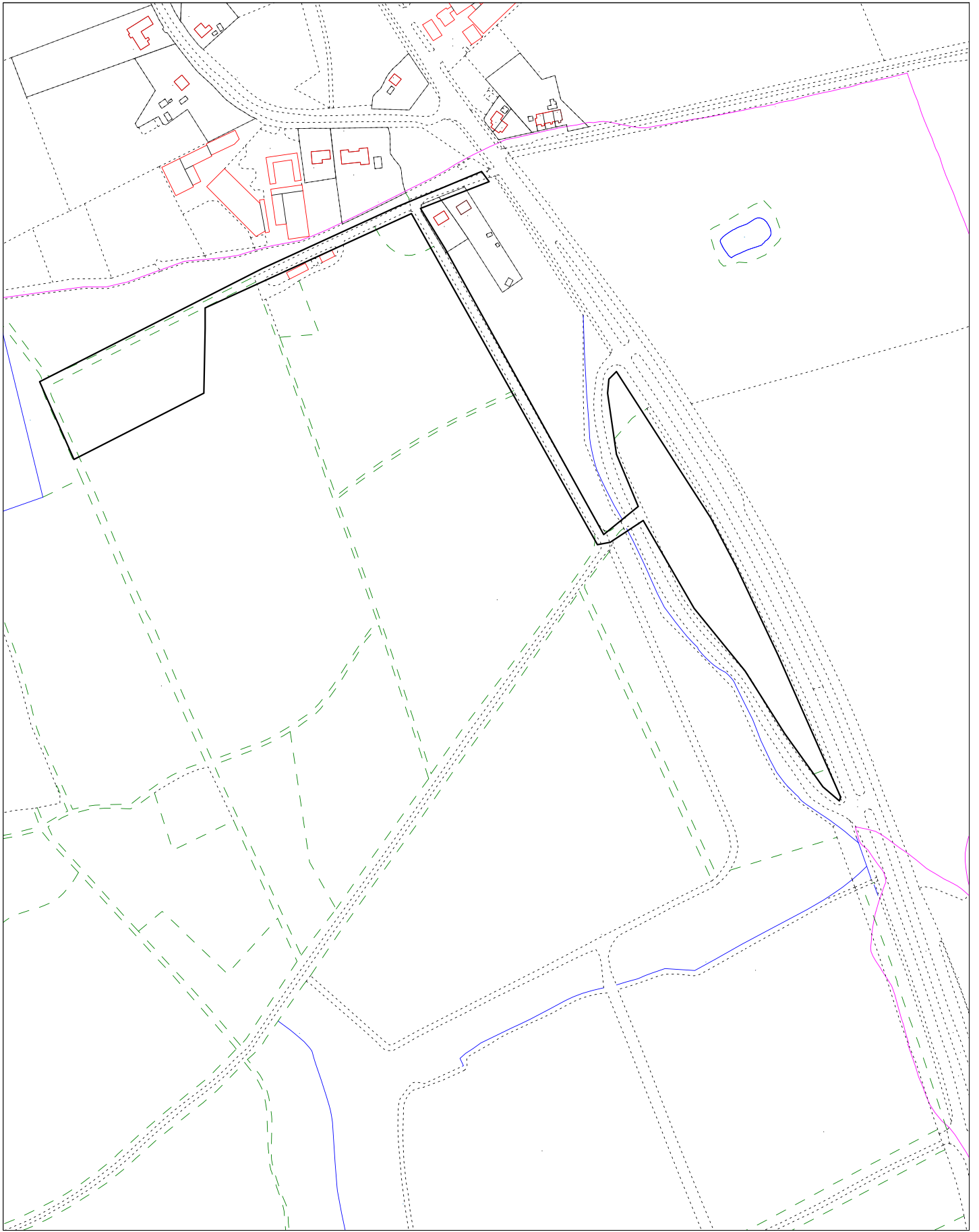
Notes to Applicant

- 1 The applicant is advised that all cycle and scooter parking, existing and proposed, should be covered and secure.
- 2 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 Bedfordshire Highways, PO Box 1395, Bedford MK42 5AN
- 3 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.

Decision

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Date: 28 April 2009

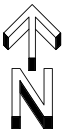
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ITEM NO. 18

APPLICATION NO. MB/09/00517/FULL

land at Maulden wood, Bedford Road, Maulden

18.1



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Item No. 18**SCHEDULE C**

APPLICATION NUMBER	MB/09/00517/FULL
LOCATION	LAND AT MAULDEN WOOD BEDFORD ROAD MAULDEN
PROPOSAL	FULL: WOODLANDS VISITORS CENTRE WITH ANCILLARY WORKSHOP UNITS AND ASSOCIATED PARKING.
PARISH	Maulden
CASE OFFICER	Sarah Fortune
DATE REGISTERED	18 March 2009
EXPIRY DATE	13 May 2009
APPLICANT	Greensand Trust
REASON FOR COMMITTEE TO DETERMINE	PART OF SITE OWNED BY CENTRAL BEDFORDSHIRE COUNCIL
RECOMMENDED DECISION	Full Conditional Approval

Site Location:

The site lies to the west of the A6 trunk Road in the parish of Maulden at the eastern edge of Maulden woods which lies at the top of the distinctive landscape feature of the Greensand Ridge. Maulden woods covers 160 acres and is an attractive mix of semi natural mixed deciduous and coniferous woodlands and acid grassland.

The land contained between the layby and the A6 is owned by the former Beds County Council (now Central Bedfordshire Council). The land to the further west is owned by the Forestry Commission and is predominantly an SSSI.

The Application:

This application is for a working Woodland Centre and includes the creation of a new Visitor Centre in the woods - to include a cafe, shop, education and community facilities, an office and a volunteer base for the Greensand Trust. Existing Forestry Commission sheds are to be 'turned into' workshop incubator units for woodland related businesses -helping them to get started and develop markets and supply chains etc..

RELEVANT POLICIES:

National Policies (PPG & PPS)

- PPS7 The Countryside
- PPS9 Nature Conservation
- PPG17 Planning for Open Space, Sport and recreation.
- PPS22 Renewable Energy
- PPS1 Climate Change supplement.

Regional Spatial Strategy

East of England Plan (May 2008): policies ENV3 and E6
Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Bedfordshire Structure Plan 2011

Mid Bedfordshire Local Plan First Review 2005 Policies

- CS1 Protection of landscape character.
- CS3 Development within or close to AGLV.
- CS7 Countryside Management Projects and support of the aims of the Greensand Trust.
- CS19 Development in the countryside is exceptionally permitted.
- CS25 The development of retailing facilities in the countryside. Need to demonstrate that the viability of local shops not undermined.
- NC3 County Wildlife Sites.
- DPS5 Protection of amenity.
- DPS16 Encourage the retention and management of trees and other landscape features.
- DPS20 Require development to maximise energy conservation.
- EMP6A The extension of industrial and commercial uses in the countryside permitted within or beyond their curtilage etc...
- EMP7 Proposals for small scale tourist related development that can only be located in the countryside will be encouraged..
- EN2 Encourages schemes using renewable energy
- EN4 Support proposals for the development of active solar systems.

Supplementary Planning Guidance

South Bedfordshire Local Plan Review Policies

Not applicable

Supplementary Planning Guidance

Planning History

None relevant

Representations: (Parish & Neighbours)

Maulden Parish Council
Haynes Parish Council

Supports

No objections. Some concerns about the travel and access arrangements. There appears to be no parking for buses or school units. Concerned about extra traffic to and from the site. A6 is a fast road. Ideal solution would be for there to be a roundabout on the Old Main road junction. Parking arrangements are not clear. Are there to be parking meters? This could encourage people to find alternative free parking - and congestion could build up in the lay by or in Haynes West End. These concerns need to be addressed with highways and conditions attached to ensure that these matters are addressed. .

Neighbours

9 Bunkers Drive Cotton End: Comments regarding the potential charging for the car spaces, scant mention of the lay by outside of the clubhouse, will parking regulations be in order for the lay by, why should people pay for something that they have already paid for, are there plans to do work on the clubhouse lay by.

West End Haynes: No objection - there appears to be no parking provision for the workshops so assume there will be little traffic to them, the A6 has been a difficult access/exit for many years and pleased that the entrance to the area will be from the main gate. Highways need to look at the access arrangements. Of the view that the Greensand Trust is a way of regaining the care that this SSSI deserves.

App Adv

Consultations/Publicity responses

Highways	Revisions are required to the access and parking arrangements. Comments on any revised plans to be reported verbally. (Highways are being pro-active in assisting with the revisions.)
Natural England	No objection as long as all works take place in strict accordance with those described in the application. Conditions and Notes recommended.
Wildlife Trust	No objections as long as conditions are attached to any consent. If the scheme is carried out sensitively it has great potential to enhance the Maulden Woods.
RSPB	No obs received
Butterfly Conservation	No obs received
Ecology Officer	No obs received
Tree Officer	No objections in principle as long as conditions are attached to any consent to ensure that trees are safeguarded
EHO	No objections subject to conditions and comments.
Refuse officer	Please forward Site Waste Management Plans as appropriate
Beds Bat Group	No objections as long as the mitigation is put in place as in the Mitigation report.
Marston Vale	Support. There is a strong accord between the activities of the Trust and those of the Forest of Marston Vale.
Forestry Commission	No objections in principle.

Determining Issues

The main considerations of the application are;

1. Background and Policy
2. Siting, size and design in relation to visual amenities of area
3. Impact on amenities of neighbours
4. Access and parking
5. Wildlife

Considerations

1. Background and Policy

The Working Woodlands Centre concept has been around a long time. It has been identified as an important project in the Greensand Ridge Local Development Strategy and coupled with the opportunities to bid for funding for the project it means that the time is now right to take the project forward.

The project is led by a partnership between the Greensand Trust and the Forestry Commission - with Central Bedfordshire Council. It is a forward thinking proposal to create a visitor facility at a popular Bedfordshire attraction and provide an opportunity to stimulate the rural economy associated with woodlands and wood products - creating and sustaining local jobs.

It is to be a hub for access and information, acting as an exemplar in positive woodland management and carbon reduction. Its objectives are to enhance the bio diversity and heritage value of these woodlands and ensure that they are sensitively managed. It is to provide opportunities for a diverse range of communities to engage and participate in the management of their environment and learn new skills. The existing Forestry Commission sheds are to be turned into workshop incubator units for wood and woodland related businesses helping them to get started and develop markets and supply chains. It will also create new jobs through the development of woodland enterprise infrastructure and tourism. It will provide the necessary infrastructure to develop tourism opportunities acting as a focal point for access linking with routes into Maulden and providing information to visitors. It will also provide a hub for the sustainable growth of the woodland enterprise, encouraging collaboration and skill sharing. It is also hoped to improve the appearance of Deadman's Hill lay - by reducing anti social behaviour.

Maulden Woods covers some 160 hectares and is an attractive mix of semi natural and mixed deciduous and coniferous woodlands and acid grassland. It is recognised as one of the largest and most important remnants of ancient woodland in Bedfordshire with the majority of the site being designated as Site of Special Scientific Interest SSSI. The site supports an exceptionally rich range of invertebrates including those which are both rare locally and nationally. There are also several rare and uncommon plant species as well as vast expanses of Bluebells.

The woodland also supports a range of mammals including bats, badgers and has a large number of muntjac deer. There is a good breeding bird population supporting a range of woodland bird species. Hazel dormice and adders have been successfully reintroduced. The site is accessed via the A6 Deadman's Hill lay-by.

With regard to national policy advice there are a number of Central Government Policy documents which are relevant to this proposal. In particular PPS1 (Climate Change Supplement) states that its principles must be used as a material planning consideration if the Local Planning Authority has not produced

an up to date DPD. (The DPD has not been formally adopted.). This proposal does clearly take full account of this Policy document.

Policy PPS7 encourages sustainable developments which are accessible, support countryside based enterprises and activities which contribute to rural economies and take account of the need to protect rural resources using renewable energy resources. This Policy document also states that tourism and leisure activities are vital to many rural economies and the provision of facilities for tourist visitors is vital for the development of the tourism industry in rural areas. Facilities need to enhance visitors enjoyment.

PPS9 relates to Biodiversity and Geological Conservation and requires that these matters are taken into account in the consideration of planning proposal.

PPG17 requires the planning system to encourage sport and recreation whilst PPS22 requires that renewable energy is incorporated into proposals where possible.

In Policy terms the proposal is specifically mentioned in the Greensand Ridge Local Development Strategy (2008) under the 'Swiss Army Life multi use centres theme'. It also accords with the four outcomes of the Natural England - Strategic Direction 2006-9. The proposal is also located within one of the 11 strategic corridors identified as being key to the development of the GI network and the need to enhance the facilities at Maulden Woods is acknowledged. The draft Mid Bedfordshire GI plan also acknowledges the importance of this project. With regard to Bedfordshire's Sustainable Communities Strategy (2003-13) - the project also contributes to the priorities relating to growing the Beds economy and raising the profile of the county, protecting and enhancing the environment delivering good health and well being etc.. The proposal will also help to address weaknesses identified by the Bedfordshire Tourism Growth Strategy including a low familiarity rating and a stagnation in visitor spending through the creation of a high profile facility.

There are some policies in the Mid Beds Local Plan First Review 2005 which are also relevant to this proposal. Policy SR8 relates to Sports and Leisure facilities in the Countryside. This policy provides for such development in the countryside outside of Settlement Envelopes provided that various criteria are satisfied. In particular, there must be a need for the facility to be located in the countryside - including the need for any new buildings - the design and appearance of the development must be such that it is capable of being satisfactorily assimilated into the countryside, there should be a safe access, the needs of the disabled must be met, there must be no adverse impact on the amenities of neighbours etc..

Policy CS7 states that this council will support the aims and objectives of the Greensand Trust. Policy NC3 states that development proposals likely to have an adverse impact on the nature conservation interest of a County Wildlife Site will only be permitted where the need for the development clearly and

demonstrably outweighs the nature conservation value of the site.

Policy CS3 refers to the need to safeguard Area of Great Landscape Value and Policy DPS5 refers to the need for new community facilities to ensure that there is no unacceptable adverse impact on the amenities of neighbours and that landscaping measures, safe access for cars, cyclists and pedestrian is included in any proposal.

The Forestry Commission is the Government Department who have responsibility for trees and woodland and they have advised that they have no objections to the proposal since it complies with DEFRA National Strategy 'A Strategy for England's Trees, Woods and Forests and it also relates to the Regional Woodland Strategy for the East of England 2003 which specifically refers to Tourism and Woodland produce and Timber production and marketing. The Commission has advised that any removal of trees should be the subject of a planning condition.

2. Siting , size and design relation to visual amenities of area.

There are two main areas to the planning application - as well as the existing lay by. The lay by is currently in a poor condition and needs safety improvements along with a more welcoming and safer environment to encourage the use of Maulden woods to all visitor groups.

The two main site areas in the application are known as Site A and Site B.

Site A is the lay-by where the proposal centres around a new visitors facility. This includes a small working woodland retail facility promoting local produce and wood work related products, a small cafe, WC facilities and an education room -as well as accommodation for the Greensand Trust. This is the more public focused facility providing visitor's facilities to lay-by users and specific destination user groups. It is to be connected to the workings of manufactured produce from the incubator workshop units to Site B. This site is also to contain external play areas and education areas - with enhanced landscaping and secure car parking facilities.

Site A currently has no buildings. It is proposed to build the Woodland Centre between the A6 and the existing lay by. It is to be a fairly large, flat roofed building having a max length of about 72 metres and a max width of about 42 metres, a general height of about 6 metres - with a higher section in the centre to 8.5 metres height - and is to be built in simple untreated timber cladding and green tint high specification glazing etc.. The building is to include facilities for office space for the Greensand Trust, meeting room, education area, kitchen, toilets, indoor and outside eating areas and a sales area. This site also contains an external play, vegetable patch, reed bed area and an external demonstration space and education areas.

To the north of this building is to be a Biomass boiler/store and bin store -

alongside which is to be a new private parking area for the Greensand Trust staff.

Site B is located to the north and is currently accessed by an existing access point directly from the A6 and this area will be for the site of the incubator working woodland workshop units for use by the Greensand Trust and also available for business start up users.

Site B proposes to remove 4 derelict buildings and replace these with a single unit to house 5 workshop facilities for woodland related uses. The building is to be single storey, 4 metres in height to the eaves, 29 metres in length and 8 metres in width and is to provide additional accessible timber storage and working height for timber product use and is to be constructed from a steel frame with metal green painted cladding panels, metal roller shutters and metal pedestrian access doors. The building is intended to be robust and security conscious designed to use natural light only through fixed roof lights. The colour will assist with blending the facility into the woodland area.

3. Impact on amenities of neighbours

The visitors facility is to be sited such that it is over 160 metres from the nearest residential dwellings to the north - Apple Tree Cottage and Pear Tree Cottage. The building at site B for the workshop units is to be built on the site of the existing derelict buildings which have been used for offices for the Forestry Commission. There are five dwellings that are reasonably near to this site - the nearest neighbour is the riding centre at Woodside - as well the dwellings known as Dramadditon and Arkle Lodge

With regard to the potential impact on the outlook of these neighbours from the building itself and the comings and goings to it is felt that loss of amenity will not be very great as it is to be designed to be in keeping with the surroundings and the buildings are to be used by people working at the site and this is only likely to be a few people. The Environmental Health Officer is of the view that noise is not anticipated to be very great but is recommending that conditions be attached to the permission to control the hours of use of the workshops as well as control of noise levels from the machinery itself.

4. Access and Parking

Access to site A is to be from the lay by and there is to be solar panel controlled gates and solar panel controlled parking meters through to the secure parking area. There are to be 80 parking spaces provided in this car parking area which lies to the north of the new woodland building with the potential for a further 40 spaces which include a series of disabled and family marked out spaces close to the centre. There is also to be a cycle storage facility located close to the main visitors centre building. There are to be hard landscaped pathways from the car

parking area to the new building A.

To the north of Building A is to be a private parking area and boiler delivery access point and this is away from the general public areas for reasons of security and safety etc..

Site B is currently accessed by an existing access point directly from the A6. The proposals are for access to site B to be from the main Maulden Wood entrance. This is a safer and more sustainable solution for access to the site.

There is an existing routeway through the wood which connects Site B down to the entrance to the wood and near to the proposed visitors centre. The introduction of this as the primary connection between Site A and Site B would mean an improvement to the current set up of a direct access point to the A6 highway at the single file traffic - head of the hill. The proposed connection to the lay-by would mean access to forestry related vehicles to the lay by with a safer entry point to the A6 where it has dual carriageway specification.

The County Highways Officer has raised comments regarding the access arrangements to the site so a meeting has been held with the applicants and revised plans are to be submitted for consideration by the highways officer. Comments on these revised plans will be reported verbally to the Planning Committee.

5. Wildlife, drainage, landscaping and other Considerations

The development lies in Flood Zone 1. A flood risk assessment has been submitted with the application and this concludes that the risk of flooding from all sources is very low provided that an integrated drainage system is provided. No comments have been received from the drainage authorities.

The application has also been accompanied by an ecological survey and mitigation report. This report looks in depth at the various Flora and Wildlife at the site and makes recommendations of mitigation measures to ensure that Protected Species are safeguarded - in particular Bats and Dormice. The Bat Group of Bedfordshire does not raise any objections to the proposals and Natural England have advised that they do not believe that the special interest features of the SSSI will face a permanent adverse impact and are not objecting as long as all the works take place in strict accordance with the details provided in the application. Areas of woodland to the north and south of the visitor centre are to be managed sympathetically and also, as long as the work sheds are constructed sensitively, then the areas of woodland around the site are likely to be safeguarded as long as certain measures are incorporated. Natural England is also of the view that as long as the mitigation measures outlined in the accompanying report are carried out then the impact to biodiversity will be minimised.

The tree officer has looked at the accompanying tree report and has advised

that he has no objections in principle to the works particularly in view of the fact that an extensive tree survey has been carried out by the applicants and this includes comments on the management of the trees. He is requesting that conditions be attached to any consent to ensure that the trees are safeguarded during the works to take place.

The proposals provide for resin bonded and bark pathways, solar lighting, sedum roofs, wood burning stoves, and organic paints etc..

It is intended to minimise on site construction waste by reuse of soils to create bunds, using renewable resources mainly centre around timber products etc.. The landscaping condition is to require details of these bunds to be submitted to the Local Planning Authority for approval. There is to be a generous waste storage and recycling facility at site A and the predominantly timber waste from site B will be used in the biomass boiler for Site A.

Reasons For Granting

In view of the fact that there are no policy objections to the proposal in principle, the size, siting and design are generally in keeping with this very rural location in the woodlands, there is minimal impact on the amenities of neighbours, the ecological implications are acceptable as long as conditions are attached to any consent, there are no drainage objections and the access and parking arrangements are now acceptable the application is recommended for approval as being in compliance with both Central Government Policy advice and Mid Beds Local Plan policies.

RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1 DG01 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 EM05 Details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to complement the visual amenities of the locality.

3 TL02 Full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- details of any bundling to be created at the site including details of their siting, profile and surface treatment.
- materials to be used for any hard surfacing and construction methods for the path and parking areas. No dig methods must be used in root protection areas.
- details of trees, shrubs and bramble to be removed at the site and details of any replacement trees - including species and size.
- details of construction details of foundations.
- planting plans - including details of planting for screening along the eastern boundary of the site - and a schedule of size, species, positions, density and times of planting;
- cultivation details including operations required to establish new planting;
- details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.

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

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area and to safeguard tree roots

4 TL04 The scheme approved in Condition 3. shall be carried out by a date which shall be not later than the end of the full planting season immediately following the completion of the development.

Thereafter the planting shall be adequately maintained for a period of five years from the date of planting. Any of the trees or shrubs or both which die or are removed, or which become severely damaged or seriously diseased (during the said period of five years) shall be replaced with trees or shrubs or both, as the case may be, of similar size and species to those originally required to be planted and the same shall be maintained until properly established.

Reason: In order to ensure that the planting is carried out within a reasonable period in the interest of the visual amenities of the area.

5 TL28 A scheme shall be submitted for written approval 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 building(s) is/are occupied.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

- 6 U The workshops hereby permitted shall not operate except between the hours of 0800 hours to 1800 hours Monday to Friday, 0900 hours to 1700 hours on Saturdays and 1000 hours to 1600 hours on Sundays and Bank or Public Holidays, without the prior agreement in writing of the Local planning Authority.

Reason: To protect the amenity of neighbouring residents.

- 7 U All plant, machinery and equipment installed or operated in connection with this permission shall be so enclosed, operated and /or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is not a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling.

Reason: To protect the amenity of neighbouring residents.

- 8 U **Prior to commencement of the development hereby permitted the applicants shall submit in writing full details of the bio mass plants to be installed at the Visitor Centre on the development. The details shall include boiler capacity, fuel type, flue height calculations, the content and amount of all emissions to air likely to arise from the plant when in operation, and the measures to be instigated to adequately control such emissions. The approved details shall be fully implemented prior to the plant coming into operation unless otherwise agreed by the Local Planning Authority.**

Reason: To prevent pollution of the environment and protect local air quality.

- 9 U The lighting of the Working Woodland Centre must be sensitively designed. Prior to the opening of the Centre details of external lighting to be installed on the development hereby permitted , including the type and design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority. The recommendations in the Ecological Survey

Summary and Mitigation Report and guidance from the Bat Conservation Trust should be adhered to. Only the details thereby approved shall be implemented.

Reason: To prevent obstructive light and glare having an adverse impact on surrounding uses and safeguard bats in the Maulden Wood.

- 10 U All individual contractors must be briefed prior to undertaking any operations on site, so that they have a clear understanding of the ecological importance of the application area and hence the strict need to undertake the works in a sensitive manner. They should be provided with a clear protocol to be followed and a named ecological supervisor should any ecological issue arise during works, (e.g. protected species being found during works.)

Reason: To safeguard the ecology of the site.

- 11 U A long term management plan for enhancement of the lay-by site and the Deadmans Hill RNV should be provided to and agreed in writing with the Local Planning Authority prior to the centre being opened. This will include details such as planting schemes and a regular management regime to ensure that wildlife interest is restored and increased. Only the approved management plan shall be implemented.

Reason: To safeguard the ecology of the site.

- 12 U As recommended in the Ecological Survey Summary and Mitigation Report a reptile and amphibian terrestrial habitat survey needs to be carried out at an appropriate time of year and suitable mitigation implemented - should any be found. This needs to be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the wildlife at the site.

- 13 U The recommendations in the Hazel Dormice survey must be followed.

Reason: To ensure that the dormouse population in Maulden Wood is not affected by the development hereby approved.

- 14 U The area approved for retail sales associated with the use of the site hereby permitted shall be restricted to that as shown on the accompanying approved Plan No. 1319/02/02 and no additional area shall be used for retail sales without the prior approval in writing of the Local Planning Authority.

Reason: To define the permission hereby granted since the site lies in a rural location where there are strict controls over retail developments

- 15 U Details of gates and meters to be erected in association with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and only the approved details shall be implemented.

Reason: To safeguard the visual amenities of the area.

Notes to Applicant

- 1 The applicants are advised that the premises may require registration as a commercial food business under the Food Premises (Registration) Regulations 1991 and will need to comply with the standards contained in the relevant Food Hygiene Directives and Regulations. Further information may be obtained for the Public Food Team on 0300 300 800.
- 2 The legislation controlling species is explained in Part 1V and Annex A of ODPM Circular 06/02005 Biodiversity and Geological Conservation - Statutory Obligations and their impact within the planning system. The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licenses required as described in part 1V B of the Circular.
- 3 The applicant is advised that the following generic good practice mitigation measures are adapted and followed at the site:

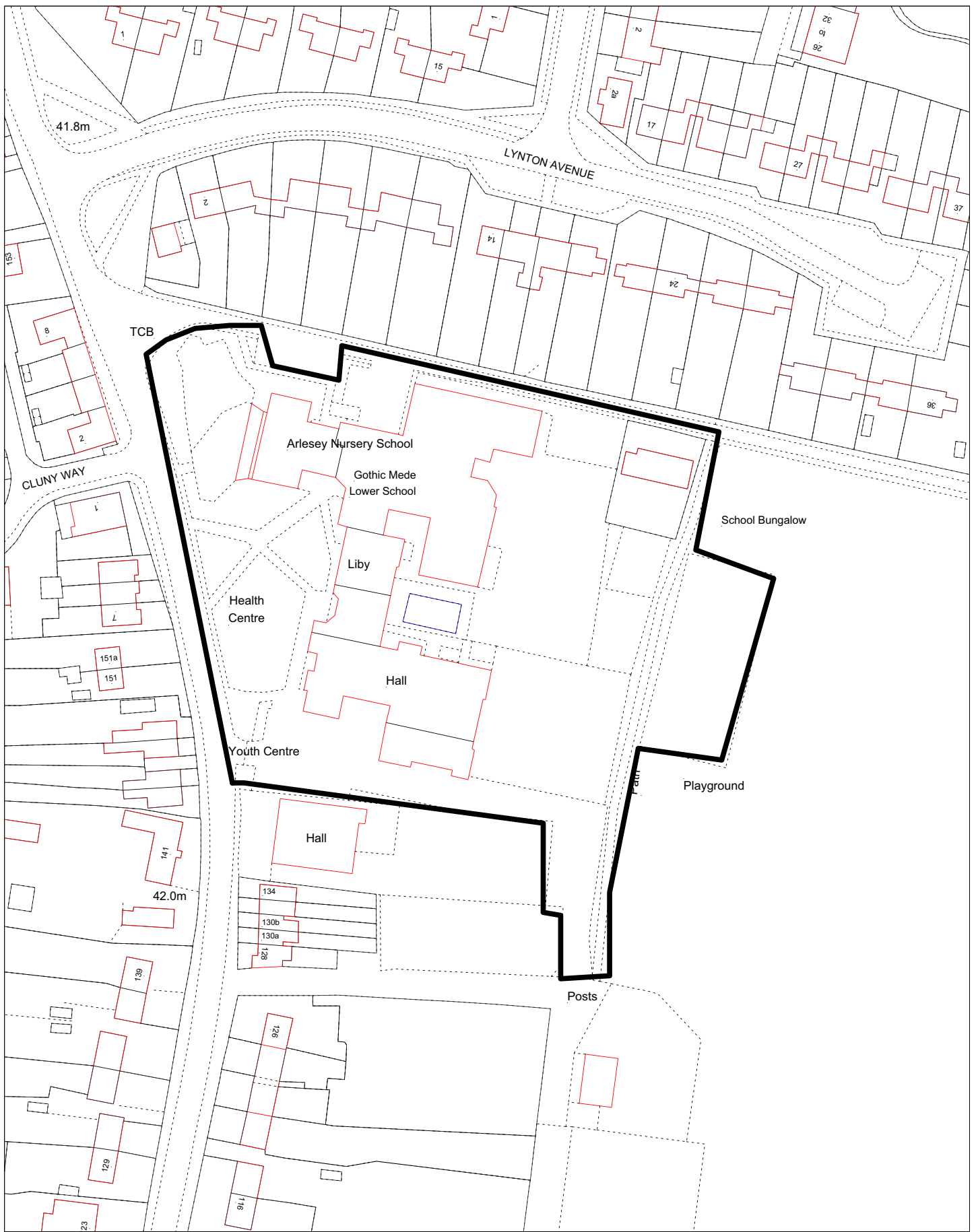
Cover any trenches overnight to prevent newts falling into them.
Do not leave any piles of bricks, tiles, building rubble etc.. lying around as newts may attempt to take refuge and/or over winter in them
Store any building materials above ground on pallets.
Put building waste into skips or take off site immediately.
Mow any lawns regularly and/or strim any vegetations required for building to discourage newts.
Dismantle any existing potential hibernation sites, e.g. brick rubble, by hand during the summer months;
Safeguard the pond and around the pond from damage during construction and provide enhancements for great crested newts by pond and terrestrial habitat management.
- 4 The applicant is advise to take note of the letter dated 14 April 2009 from

English Nature attached.

Decision

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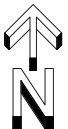


Date: 29 April 2009

ITEM NO. 19

Scale: 1:1250

APPLICATION NO. MB/09/00262/FULL



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Central Bedfordshire Council.
100049029. 2009.

Gothic Mede Lower School, High Street, Arlesey

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Item No. 19**SCHEDULE C**

APPLICATION NUMBER	MB/09/00262/FULL
LOCATION	GOTHIC MEDE LOWER SCHOOL, HIGH STREET, ARLESEY, SG15 6SL
PROPOSAL	FULL: RETRACTABLE POOL ENCLOSURE FOR EXISTING OUTDOOR SWIMMING POOL.
PARISH	Arlesey
CASE OFFICER	Kate Phillips
DATE REGISTERED	24 February 2009
EXPIRY DATE	21 April 2009
APPLICANT	Dunstable Pools
REASON FOR COMMITTEE TO DETERMINE	THE LAND IS OWNED BY CENTRAL BEDFORDSHIRE COUNCIL.
RECOMMENDED DECISION	FULL CONDITIONAL APPROVAL

Site Location:

The application site is Gothic Mede Lower School in Arlesey. The site comprises of various school-related buildings on the east side of the High Street. The school's swimming pool (the subject of this application) is located within the centre of the site surrounded by buildings and the school's playground. It is not visible from outside the school's site.

The surrounding area is mostly residential in character apart from the school-related buildings and the adjacent village hall and health centre. To the east are playing fields.

The Application:

This application seeks permission for a retractable pool enclosure for the existing outdoor swimming pool.

RELEVANT POLICIES:**National Policies (PPG + PPS)**

PPS 1 Delivering Sustainable Development (2005)

Regional Spatial Strategy

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Bedfordshire Structure Plan 2011

Not applicable

Mid Bedfordshire Local Plan First Review 2005

DPS6 – Criteria fo Extensions

Supplementary Planning Guidance

Not applicable

Planning History

MB/03/00968/CC	County Council: Extension to provide new classroom and office - No objection to County Matter
MB/98/00543/CC	COUNTY COUNCIL: CONTINUED SITING OF SINGLE TEMPORARY CLASSROOM
MB/95/00499/CC	FULL: TEMPORARY CLASSROOM. - No objection
MB/89/01746/FA	FULL: STORAGE SHED FOR PLAYGROUP - Full Conditional Approval
MB/83/0328A/CC	COUNTY COUNCIL: EXTENSIONS TO EXISTING SCHOOL AND COMMUNITY CENTRE - No objection
MB/83/00328/CC	COUNTY COUNCIL: RESITING OF DOUBLE CLASSROOM UNIT WITH TOILETS AND ERECTION OF DOUBLE CLASSROOM UNIT - No objection
MB/77/01155/CC	COUNTY COUNCIL: ERECTION OF TWO DOUBLE ELLIOTT TEMPORARY CLASSROOMS - No objection

Representations: (Parish & Neighbours)

Arlesey TC No objection

Consultations/Publicity responses:

Site notice posted 2.3.09

Determining Issues

The main considerations of the application are;

1. The effect on the character and appearance of the surrounding area
2. The impact on the residential amenity of neighbouring properties
3. Any other implications of the proposal

Considerations

1. Effect on the character and appearance of the area

Although the retractable pool enclosure would be no higher than the adjacent buildings, it would be higher than the adjacent timber fence. However, given the location of the swimming pool within the school grounds and the fact that it is not visible from outside the school's site it is not considered that the erection of the retractable pool enclosure would detrimentally impact upon the character and appearance of the surrounding area. Furthermore, it is considered that a proper cover would be an improvement on the current situation whereby the pool is covered with a plastic sheet. The proposal is therefore considered to be in accordance with Policy DPS6 of the Mid Bedfordshire Local Plan First Review 2005.

2. Impact on the residential amenity of neighbouring properties

The location of the swimming pool is in the centre of the school's grounds, mostly surrounded by buildings. All nearby residential dwellings are adequately removed so as not to be affected by the proposal.

3. Any other implications

There are no further considerations to this application.

Reasons for Granting

The proposal to erect a retractable pool enclosure for the existing outdoor swimming pool would have no detrimental impact upon the character and appearance of the surrounding area or the residential amenity of any nearby properties. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policy DPS6 of the Mid Bedfordshire Local Plan First Review (2005).

RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1 DG01 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

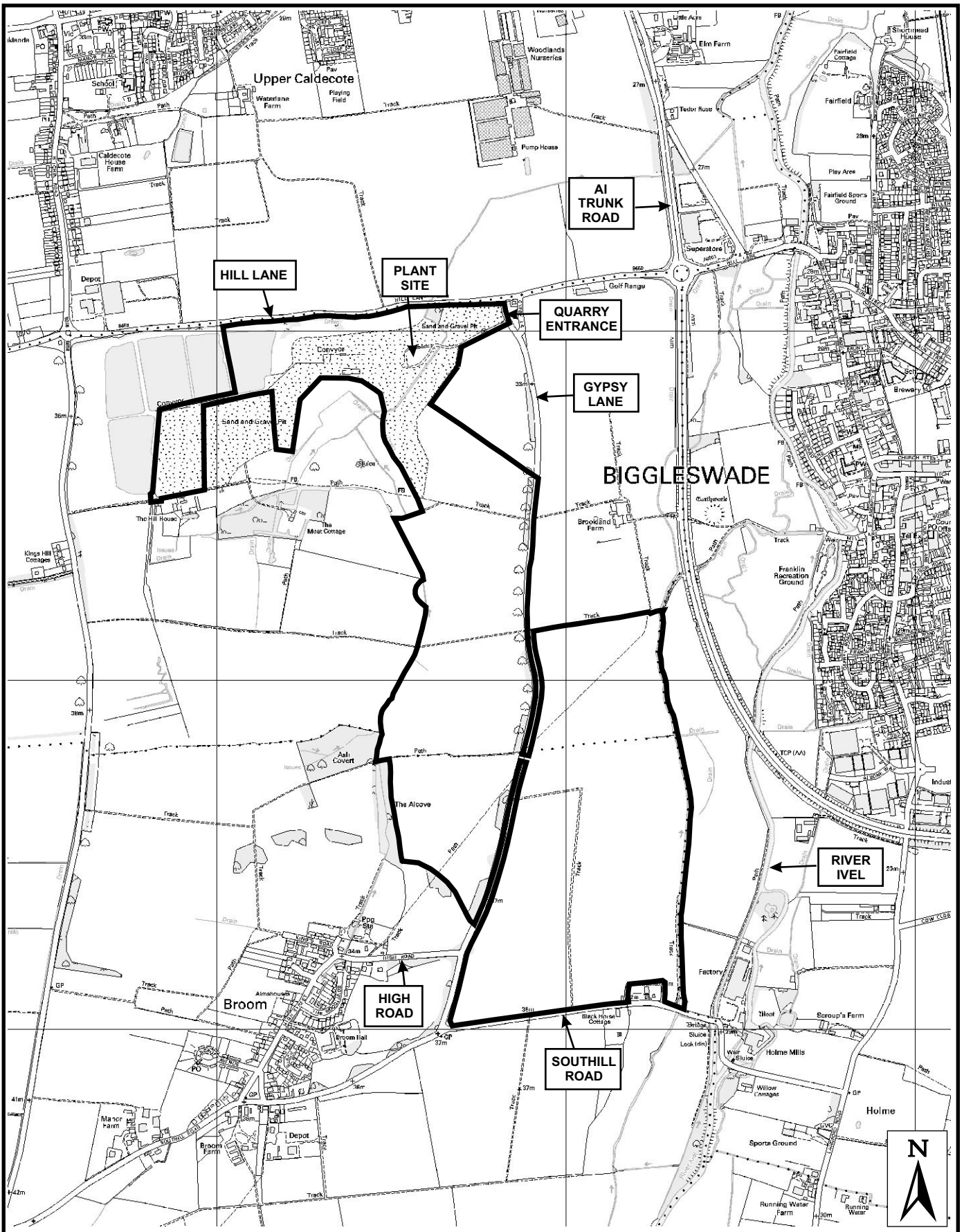
- 2 U The materials to be used for the development hereby approved

shall be as detailed in the application, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the visual amenities of the general area.

DECISION

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Title:
Variation of condition 12 of Planning Permission 21/2006 to allow importation of cement at Broom Quarry, Gypsy Lane, Broom.

Date:
APRIL 2009

Scale:
1:15,000

Ref No:
BC/CM/2005/6-1

Roy Romans,
Team Leader -
(Minerals and Waste),
P.O. Box 1395,
Bedford,
Tel: 0300 300 8000.



Central Bedfordshire Council
and Bedford Borough Council
working together

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Item No. 20

SCHEDULE D

APPLICATION NUMBER	BC/CM/2009/5
LOCATION PROPOSAL	BROOM QUARRY, GYPSY LANE, BROOM VARIATION OF CONDITION 12 OF PLANNING PERMISSION 21/2006 TO ALLOW THE IMPORTATION OF CEMENT
PARISH	Old Warden and Southill
WARD & COUNCILLORS	Houghton Conquest, Haynes, Southill & Old Warden – Cllr Baines / Cllr Barker
CASE OFFICER	Anita Taylor
DATE REGISTERED	29 th January 2009
EXPIRY DATE	30 th April 2009
APPLICANT	Tarmac Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	SIGNIFICANT OBJECTION RECEIVED FROM LOCAL RESIDENT APPROVE SUBJECT TO CONDITIONS

Site Location:

The application site is located within the existing quarry plant site, located to the north of Broom village and approximately 1.5 kilometres to the west of Biggleswade (see plan reference BC/CM/2005/6-1). Access to the site is gained from Gypsy Lane which runs off Hill Lane (B658) from the A1.

The Application:

This planning application is submitted alongside an additional application under the requirements of the Town and Country Planning (General Permitted Development) Order 1995 which requires prior written approval by the Local Planning Authority for the erection of a concrete batching plant at the site.

The concrete batching plant consists of a ground hopper that feeds aggregates, via a conveyor, to bins dedicated to concrete production. These discharge aggregate in measured batches into separate mixer units. Cement is stored in sealed silos fitted with a reverse jet filtration to prevent escape to atmosphere during charging. The maximum height of the structure is 12.4 metres.

The application is to vary condition 12 of planning permission 21/2006 to allow the importation of cement to the quarry. Condition 12 currently reads;

“Except as may otherwise be agreed in writing by the County Planning Authority, no materials shall be brought onto the site for processing or storage other than Type 1 and single sized aggregates for storage and sale in accordance with the details set out in the application dated 24 October 2000.”

It is proposed that the concrete batching plant will have an output of approximately 12,000 m³ per annum. The ready mixed concrete comprises aggregates (being sand and gravel from the quarry), cement bought on to site, and admixtures (non hazardous modified organic materials) bought on to site. The concrete batching plant and associated activities will operate in line with the current permitted operating hours (07:00 to 18:00 hours Mondays to Fridays and 07:00 to 13:00 hours on Saturdays).

Cement will be delivered to the site by road tankers and then pneumatically pumped into the storage silo. Admixtures will be delivered and stored in containers within bunded tanks. The bunded area is designed to contain 110% of the volume of liquid that can be stored in the tank. HGV's accessing the site will adhere to the routing agreement accessing the quarry via Hill Lane and the A1 Trunk Road.

It is proposed that the concrete batching plant will result in an additional 2HGV trips per day (4 movements¹).

RELEVANT POLICIES:

Minerals and Waste Local Plan (January 2005)

GE1 Matters to be addressed in planning applications
GE18 Disturbance
GE23 Transport: Suitability of local road network

Planning History

Planning permission was granted in June 1995 for the extraction of sand and gravel at Broom Quarry. This permission was subject to a section 106 legal agreement which covers a number of issues including traffic routing, highway works, advance planting, installation and monitoring of boreholes and a management agreement. Mineral extraction began in 1997 and was worked progressively in ten phases. Extraction was completed in October 2007 in line with the original timescales.

An extension to Broom Quarry was granted in November 2006 following the completion of a S106 agreement in respect of dedication of public rights of way and long term management of the site. Mineral extraction began in October 2007 and will take place for 3.5 years with a further year for restoration

Representations: (Parish & Neighbours)

Northhill Parish Council	Have no objection to the proposal.
Adj Occupiers	1 Hill Lane – Object to the development for the following reasons; <ul style="list-style-type: none">○ An increase in the number of HGV's, to include cement mixers, on Hill Lane / Gypsy

¹ A vehicle entering the site and then exiting the site is classed as 2 movements.

Lane and an increase in users of Gypsy Lane.

- The B658 is a fast, windey road and there have been a number of accidents and near misses from traffic turning out of Gypsy Lane.
- The level of traffic on Hill Lane during peak times and the queuing of traffic from the A1 past residential properties on Hill Lane.
- The concrete batching plant will be used to take sand from the Stanford Quarry (assumed to mean Broom South Quarry).
- Concrete dust could be blown towards properties and the prevalent wind direction would increase noise emanating from the site.

Consultations/Publicity responses:

**Central Bedfordshire
Council Environmental
Health Officer**

Has no objection to the variation to allow 1 delivery of cement per day and delivery of additive mixture each fortnight.

**Central Bedfordshire
Highways Officer**

Has no objection but comments that the existing access arrangements for the quarry are to a good standard and operate satisfactorily. The proposal does not significantly affect the number of HGV movements associated with the site. Accident data for the last three years does not indicate a problem at the Gypsy Lane / Hill Lane junction, with the only reported accident being at night and therefore not connected to the quarry use.

Environment Agency

Has no objection to the application but makes advisory comments to ensure that discharges are clean and uncontaminated, and oils and other chemicals are stored in bunded areas.

**Bedfordshire and River Ivel
Internal Drainage Board**

Have no objection to the proposal.

Determining Issues

The main considerations of the application are:

1. Highway Impact
2. Disturbance – Noise and dust

Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan is the Bedfordshire and Luton Minerals and Waste Local Plan (adopted January 2005) (MWLP).

The Council is considering an application for written approval for the erection of a concrete batching plant under the requirements of the Town and Country Planning (General Permitted Development) Order 1995, Part 19, Class B1.

To enable the use of the concrete batching plant it is necessary for the applicant to import cement and admixtures to mix with sand extracted from Broom Quarry. These will be delivered to the site by road tankers and form the purpose for this application.

Policy GE1 of the MWLP, *matters to be addressed in planning applications*, sets out the information required for the planning authority to fully consider issues in order to safeguard the environment whilst making an appropriate level of contribution to local and regional need for minerals and waste facilities. The applicant has provided sufficient information, including a noise assessment, design and access statement, and a detailed supporting statement. As such the relevant development plan policies are assessed below.

Highways

Policy GE23, *transport: suitability of local road network*, states that where access to a proposed development site can only be achieved by road permission will only be granted where the material is capable of being transported to and from sites via the strategic highway network. Broom Quarry is accessed via a purpose built junction onto Gypsy Lane approximately 60 metres south of its junction with the B658. In accordance with a Section 106 legal agreement all HGV's must leave the site via the A1 which is approximately 500 metres to the east of the Gypsy Lane / B658 junction, unless delivering to neighbouring villages.

On average the quarry attracts 80 HGV trips per day (160 movements). The extant permission for mineral extraction at Broom Quarry does not restrict the number of HGV's by way of a specific planning condition. The imported element of the concrete batching plant will involve 1 delivery per day of cement and 1 delivery per fortnight of admixture. The applicant predicts that 6 percent of the sand and gravel currently sold from Broom will be diverted to the plant resulting in a reduction of 5 loads per day. The sale of cement will result in 1 additional trip per day. By deducting the directly sold aggregate sales per day it is calculated that in total only an additional 2 HGV trips (4 movements) per day would be attracted to Broom Quarry.

The Council's Highways Officer does not object to the proposal and comments that the access arrangements for the quarry are to a good standard and operate satisfactorily. Accident data does not indicate any problem at the Gypsy Lane / Hill Lane junction. It is not considered that the application will significantly alter the traffic generation at Broom Quarry. The

site is within close proximity to the strategic highway network with a suitably designed access. Taking into account the low level of additional traffic the application is considered to be in accordance with Policy GE23 of the MWLP.

Disturbance

Policy GE18, *disturbance*, of the MWLP states that planning permission for minerals and waste development which are likely to generate disturbances from noise, vibration, dust, and mud on the highways will only be granted where the impact of any anticipated disturbance is reduced as far as practicable and is outweighed by other planning benefits of the proposal.

The quarry operators monitor and control dust in accordance with a monitoring regime approved by the Council. All traffic associated with the proposal will pass through the existing wheel wash facility to prevent mud and debris being transported onto the public highway. The cement will be delivered to the site by road tankers and then pneumatically pumped into the storage silo. The admixtures will also be delivered by road tanker but will be stored in containers with bunded tanks. It is not considered that the proportionate increase in vehicle movements associated with this proposal will result in an increased risk of dust or the deposit of debris on the highway from the quarry.

The increase in HGV movements entering and exiting the quarry is considered to be insignificant when assessed against the current HGV movements at the site. It is not anticipated that the extra 2 HGV deliveries per day will result in an increase risk of nuisance as a result of noise and indeed Environmental Health do not object to the proposal. The proposal does not conflict with Policy GE18 of the MWLP.

Reasons for Granting

The proposal is incidental to the use of the land for mineral extraction. The increase in HGV movements associated with the concrete batching plant will not result in a significant impact upon the surrounding highway network. It is not considered that the delivery and transfer of the cement and admixtures will have a detrimental impact to the local environment or amenity.

The proposal is in accordance with the relevant development plan policies and there are no other material considerations that would warrant refusal of the application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Planning permission shall extend to the areas edged with a thick black line on the attached plan no. BC/CM/2005/6-1 and development shall be carried out in accordance with the planning application dated 18 February 2005, and accompanying supporting information, as amended by letter dated 21 June 2005 and revised drawing number B92/148a, and clarified by letter dated 14 September 2005, e-mail

dated 18 October 2005 and letters dated 19 October 2005 and 8 November 2005, and subsequent application dated 23 January 2009, except for minor amendments which may be approved in writing by the Minerals Planning Authority.

Reason: To define the permission.

Time Limits

2. Upon the use of the access for the delivery of cement and / or admixtures to the quarry for use in the concrete batching plant, written notification shall be sent to the Mineral Planning Authority within 7 days of commencement. Thereafter this permission shall be deemed to be implemented.

Reason: To comply with section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall cease and the restoration of the site including the closure of the Gypsy Lane underpass, but excluding the aftercare requirements, shall be completed within five years from the commencement of mineral extraction, which date shall be notified to the Council within one week of commencement.

Reason: To ensure that the development is completed within an acceptable timescale. (Policy GE 24 of the Bedfordshire and Luton Minerals and Waste Local Plan 2005 (MWLP)).

Phasing

4. Except for such modifications as may be approved in writing by the Minerals Planning Authority, the site shall be worked in three phases as shown on drawing no. B92/144, and extraction in phases 12 and 13 shall not proceed without the written consent of the Minerals Planning Authority, which shall be dependent on satisfactory progress in the restoration of the previous phases, in accordance with the approved scheme.

Reason: To ensure a satisfactory restoration of the site and to provide for the eventual restoration of the site. (Policy GE 26 of the MWLP)

Access

5. Unless otherwise agreed in writing by the Minerals Planning Authority, the conveyor tunnel under Gypsy Lane shall be maintained and restored in accordance with details approved under scheme reference BC/CS/2007/8 approved on the 14th March 2007.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.

6. Unless otherwise approved in writing by the Minerals Planning Authority, no mineral shall be exported from the site to the east of Gypsy Lane except via the conveyor.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.

7. The temporary access shall be closed and with the conveyor tunnel under Gypsy Lane shall be restored in accordance with the approved restoration scheme and the details approved under condition 5.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.

Soils, Overburden and Materials

8. Unless otherwise approved in writing by the Minerals Planning Authority, no stripping of topsoil, subsoil or overburden shall take place except in accordance with the MAFF (2000) 'Good Practice Guide for Handling Soils' and practices set out in scheme reference BC/CS/2006/68 approved on 19th March 2009.

Reason: To provide for the satisfactory restoration of the site. (Policy GE 6 of the MWLP)

9. Soils and overburden shall only be removed when the materials can be handled without damage to their structure.

Reason: To safeguard the soil resource and provide for the satisfactory restoration of the site. (Policy GE 6 of the MWLP)

10. Except as may otherwise be agreed in writing by the Minerals Planning Authority, the storage of minerals shall be confined to the plant site area and the height of the stock piles shall not exceed the height of the surrounding screen bunds.

Reason: To protect the amenities of the area. (Policy GE 9 of the MWLP)

11. Except as may otherwise be agreed in writing by the Minerals Planning Authority, no materials shall be brought onto the site for processing or storage other than;

- a. Type 1 and single sized aggregates for storage and sale in accordance with the details set out in the application dated 24 October 2000.
- b. Cement and admixtures for processing and sale in accordance with the details set out in the application dated 23 January 2009.

Reason: To protect the amenities of the area.

Erection of Buildings, Plant and Machinery

12. Notwithstanding the provisions of the Town and Country Planning General Development Orders, detailed proposals of any new or replacement buildings, fixed plant and machinery to be erected shall be submitted to the Minerals Planning Authority for approval in writing and the and the details shall be implemented as approved.

Reason: To enable the Minerals Planning Authority to exercise control over any development within the site which could be detrimental to the amenities of the area. (Policy GE 9 of the MWLP)

13. All building, plant, machinery and foundations shall be removed from the site when they are no longer required for the purposes for which

they were installed or erected or within six months from the date of cessation of mineral extraction, whichever is the sooner, and all land covered by such buildings, plant, machinery and foundations shall be restored in accordance with the scheme required under condition 26 of this permission and the scheme approved under planning permission 7/1995 for the land to the west of Gypsy Lane.

Reason: To provide for the satisfactory restoration of the site. (Policy GE 26 of the MWLP)

14. No external lighting shall be installed except in accordance with the lighting scheme approved on 7th April 2008 and the lighting attached to the concrete batching plant as set out within the planning application dated 23rd January 2009.

Reason: To protect the amenities of the area. (Policy GE 18 of the MWLP)

Protection of Water Resources

15. Except as may otherwise be agreed in writing by the Minerals Planning Authority the monitoring, control and maintenance of groundwater levels shall be carried out in accordance with the scheme referenced BC/CS/2006/72 approved on 20th February 2007. Monitoring results shall be reported monthly to the Minerals Planning Authority.

Reason: To safeguard groundwater levels. (Policy GE 20 of the MWLP)

16. Discharge from the dewatering shall only take place at points downstream of the extraction areas.

Reason: To ensure satisfactory drainage of the site. (Policy GE 20 of the MWLP)

17. Sand washing effluent shall not be discharged to a watercourse but retained on site and all reasonable precautions shall be taken to ensure that water courses are not polluted.

Reason: To prevent water pollution. (Policy GE 17 of the MWLP)

18. All oil, fuel and or chemical storage tanks, buildings and ancillary handling facilities such as pumps and valves shall be contained within an impervious bunded area of at least 110% of the tank capacity.

Reason: to prevent contamination of the groundwater. (Policy GE 17 of the MWLP)

Dust

19. Except as may be otherwise agreed in writing by the Minerals Planning Authority the monitoring and control of dust shall be carried out in accordance with scheme reference BC/CS/2007/11 approved on 14th March 2007. Monitoring results shall be reported to the Authority in accordance with the scheme.

Reason: to minimise any nuisance to nearby residents by reason of dust. (Policy GE 18 of the MWLP)

20. The wheel cleaning facility shall be maintained at all times in accordance with the approved scheme, referenced BC/CS/2006/73.

Reason: In the interests of amenity and to prevent the deposit of mud or other extraneous material on the highway. (Policy GE 18 of the MWLP)

Noise

21. Except as may be otherwise agreed in writing by the Minerals Planning Authority noise monitoring shall be undertaken in accordance with the details set out in scheme reference BC/CS/2006/71 approved on 20th February 2007. The scheme includes:

- (a) Except for temporary operations, the free-field equivalent continuous noise level L_{Aeq} (1 hour), attributable to the operations subject to this permission, shall not exceed the limit specified as follows:

Brookland Farm	55 dB L_{Aeq} , 1 hour free field
High Road, Broom	50 dB L_{Aeq} , 1 hour free field
Black Horse Cottage	55 dB L_{Aeq} , 1 hour free field
Hill Lane Cottage	55 dB L_{Aeq} , 1 hour free field
Moat Cottage	50 dB L_{Aeq} , 1 hour free field
Hill Barn	50 dB L_{Aeq} , 1 hour free field

- (b) For temporary operations, including site preparation, soil and overburden stripping, bund formation and removal and final restoration, the free field noise level at the points in (a) shall not exceed 70 dB L_{Aeq} , 1 hour free field for a total of eight weeks in any calendar year, except as may be agreed in writing by the Minerals Planning Authority.

- (c) Noise monitoring and recording procedures.
(d) Presentation of results.
(e) Noise suppression measures.
(f) Procedures to be adopted in the event of the maximum permitted noise levels being exceeded.

Reason: To minimise disturbance to nearby residents by reason of noise. (Policy GE 18 of the MWLP)

Hours of Operation

22. Except as may otherwise be approved in writing by the Minerals Planning Authority, and except as set out in (a) below no operations authorised or required under this permission shall be carried out except between the following times:

0700 to 1800 hours Mondays to Fridays
0700 to 1300 hours Saturdays

No operations shall be carried out on Public or Bank Holidays or Sundays unless otherwise agreed in writing by the Minerals Planning Authority.

- (a) Up to two employees may be permitted to enter the site between 0630 and 0700 hours Monday to Saturday to remove security measures at the site.

Reason: To safeguard the amenities of the area. (Policy GE 18 of the MWLP)

Archaeology

23. Archaeological investigations and management shall take place in accordance with the Archaeological Resource Management scheme, referenced BC/CS/2006/74, approved on 19th February 2007.

Reason: To enable the preservation, protection, management and recording of hitherto hidden archaeological features. (Policy GE 14 of the MWLP)

Landscaping, Restoration and Aftercare

24. Unless a survey by a competent ornithologist, which shall be submitted to the Minerals Planning Authority, prove that no breeding birds are present, no ground clearance works or removal of trees shall take place in the bird breeding season from March to August.

Reason: To avoid disturbance to nesting birds on site. (Policy GE 13 of the MWLP)

25. Advanced tree and hedgerow planting undertaken during the 2006-07 planting season, in accordance with scheme reference BC/CS/2006/70, shall be maintained throughout the duration of the mineral working and any trees or shrubs which die or are damaged during this period shall be replaced with others of a similar size and species and maintained until satisfactorily established.

Reason: To enhance the appearance of the area and provide for the satisfactory restoration of the site. (Policies GE 9 and 10 of the MWLP)

26. The site shall be restored in accordance with the concept shown on submitted drawing no. B92/148a, dated June 2005. Development shall take place in accordance with the detailed restoration scheme approved on 20th March 2007 under scheme reference number BC/CS/2006/67. Except as may be agreed in writing by the Minerals Planning Authority, the approved scheme shall be implemented in accordance with the timetable and completed within one year of the cessation of mineral extraction at the site or of the working being otherwise discontinued.

Reason: To enhance the appearance of the area and provide for the satisfactory restoration of the site. (Policies GE 21 and 26 of the MWLP)

27. Aftercare and management of the restored land shall be undertaken in accordance with details approved under scheme reference BC/CS/2006/69 approved on 19th March 2007.

Reason: To provide for the satisfactory restoration of the site. (Policy GE 27 of the MWLP).

28. Details of annual sales and remaining reserves of minerals from the site shall be submitted to the Minerals Planning Authority. These details shall include the following
- a) Category of mineral (building sand/concreting sand/gravel)
 - b) Quantity of each category in tonnes.

The period provided for shall be from 1 January to 31 December each year and the information shall be provided by 31 March for the preceding period.

Reason: To enable monitoring and assist the Minerals Planning Authority in the forward planning of mineral resources. (Policy M2 of the MWLP)

29. An Annual Environmental Report shall be submitted to the Minerals Planning Authority by 31 March each year for the previous period from 1 January to 31 December. The report shall contain the following:

- i) A statement of operations over the past year, to include progress on mineral extraction and restoration, and a summary of monitoring of noise, dust and groundwater.
- iii) Identification of any problems caused by the operations and action taken to address these.
- iv) A statement of future planned operations over the next year,
- v) Identification of any potential problems which could be caused by future operations and the action to be taken to address these.

Reason: To enable monitoring and assist the Minerals Planning Authority in the forward planning of mineral resources. (Policy M2 of the MWLP)

N.B. Where conditions include the phrase "Except as may be / unless otherwise agreed in writing by the Minerals Planning Authority...", this is to allow for exemptions to be approved for temporary periods for special circumstances or minor amendments to be made.

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Item No. 21

SCHEDULE D

LOCATION	Land at Old Bridge Way, Shefford
REASON FOR COMMITTEE TO CONSIDER	Report requested by members at meeting of Development Management Committee on 8 April 2009.

Site Location:

This 0.2ha site, which was previously used as a laundry, lies on the junction of the High Street and Old Bridge Way Shefford. The front quarter of the site, to the north of a line parallel with St Francis Way, lies within the designated Shefford Conservation Area.

Purpose of this Report:

At their meeting on 8th April 2009 members of the Development Management Committee granted conservation area consent to application 09/00217/CAC for demolition of buildings on this site. This would facilitate the redevelopment of the site for the erection of a retail foodstore, for which outline planning permission has been granted (06/01418/S73) on 12th March 2009.

In considering the application for conservation area consent members expressed concern at the condition of the site, and requested that a report be brought back to the meeting of Development Management Committee on 13th May 2009 to advise on the potential for the Council to require the demolition of buildings on the site to the betterment of the locality and Conservation Area

Consultation:

Approaches have been made to Building Control, Environmental Health, and Community Services. Each was asked to comment on whether they were aware of concerns at the site and whether they were able to use powers to improve the situation. The responses were as follows:

Building Control

Indicated that they have an ongoing dangerous structure file, which means they are monitoring the site on a monthly basis. The boundary wall adjacent to Old Bridge Way is potentially dangerous where a tree inside the boundary has caused the wall to bow and crack. The building towards the rear of the site has suffered roof spread and building control officers would wish to see that building demolished as soon as possible. However

the current stance is that the structures are not sufficiently dangerous to the public to warrant enforcement action.

Environmental Health

Environmental health have received complaints regarding unauthorised access on, to, and, into the buildings associated with this site with local youths continually breaching the security of the site. They do have powers to require the repair and improvement or demolition of a building where it is harmful to the amenity of a neighbourhood but do not consider the level of nuisance expressed to them would currently justify such action.

The site is known to contain hazardous materials within the construction of the existing buildings, and there is a concern that unauthorised access into the site could be damaging these materials through vandalism.

Community Services

Officers commented that apart from reports of some damage last year, they are not aware of any problems associated with the site.

Therefore, from the above consultations, it is evident that although the state of the buildings and the potential for vandalism is a continuing problem, the concern is not presently great enough to warrant the demolition of the building under the relative powers of Building Control or Environmental Health.

Planning Considerations:

Despite having Conservation Area consent for the site's demolition first granted in early 2004 and renewed last month, the buildings remain in situ. In the normal course of events it is unlikely that the demolition will take place in advance of confirmed building works to redevelop the site. Though the permissions are extant, there can be no assumption that the site owner will undertake the demolition until such expenditure is justified in terms of the redevelopment of the site. Since the permission for redevelopment is only in outline, and a reserved matters submission is yet to be considered, it is unlikely that clearance will be undertaken without some form of proactive intervention.

However, It is evident that the site and buildings, in their state of disrepair and due to their prominent location, continue as an adverse visual impact to the local area and the Shefford Conservation Area, highlighted in the Conservation Area leaflet as a site where enhancement is to be encouraged.

Powers exist under Section 215 of the Town and Country Planning Act 1990 for Local Planning Authorities to remedy the condition of land in the interests of the amenity of an area. A notice under Section 215 will take effect not less than 28 days after the notice is served and will require the specified works to be implemented in a given timeframe. In default the Local Planning Authority can arrange for direct action to be taken.

The ODPM has produced Best Practice Guidance on the use of 215 notices (2005). This confirms that the scope of works that can be required is wide, and can include tidying, repairs, repainting and demolition. The guidance notes that the serving of a notice must not require works that would result in a breach of planning control. Given that the conservation area consent is extant, there would be no breach in terms of the demolition of the detached building and the surrounding wall. However, further research would be necessary in terms of the brick building attached to the dwelling at 35 High Street, Shefford, as its demolition would normally need to be the subject of a prior notification given its attachment to a residential property.

The guidance recommends pre-notice discussions with landowners, but notes that this should not be allowed to result in undue delay in action. Indeed, the guidance notes that in many cases such discussion can avoid the need to serve a notice. Such negotiation will also enable officers to consider the extent to which the various structures within the wider development site would be deemed appropriate for immediate action and which are appropriate for retention at this point in time.

There is a right of appeal against a notice under Section 217 on any of the following grounds:

- That the condition of the land to which the notice relates does not adversely affect the amenity of the area;
- That the condition of the land to which this notice relates is directly related to the carrying on of operations or a use of land which is authorised at the site;
- That the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of the area; and,
- That the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.

The appeal is first made to the magistrate's court who may quash the appeal or vary the terms of the notice.

There is a further right of appeal to the Crown Court by the appellant or by the local planning authority who served the notice in question, under Section 218 of the Act.

Conclusion:

Given the condition of the site and its prominent position close to the town centre and partially in the conservation area for Shefford, it is appropriate that further investigation be undertaken using the powers given under Section 215 of the Town and Country Planning Act 1990 which make provision to require the tidying and/or demolition of a site in the interests of the general amenity of an area.

Best Practice Guidance recommends that discussions are first held with the landowners before formal action is undertaken. It is also considered appropriate to advise immediate neighbours and the Town Council of the suggested course of action, in particular as full clearance of the site would have implications for the resident in the adjoining property at 35 High Street.

Recommendation:

That officers investigate the current ownership of the premises and undertake early discussion with the site owners with a view to achieving the tidying and /or clearance of the site, as appropriate, in advance of the commencement of any building works associated with its subsequent redevelopment.

That the immediately adjacent residents to the site and the Town Council be advised of the intentions of the Local Planning Authority.

That liaison be undertaken with Environmental Health regarding the potential of the site to contain hazardous materials and the need to employ safe practices in any works undertaken.

That if such discussions with site owners are not positive in terms of the tidying of the condition of the site then formal action be pursued under Section 215 of the Town and Country Planning Act 1990.