

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



please ask for Leslie Manning  
direct line 0300 300 5132  
date 18 May 2009

## NOTICE OF MEETING

### DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

**Wednesday, 27 May 2009 2.00p.m.**

Venue at

**Council Chamber, Council Offices, High Street North,  
Dunstable**

Jaki Salisbury  
Interim Chief Executive

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

Cllrs 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***

As there are no strategic planning or minerals and waste matters to be considered the meeting will start at 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 13 May 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.

## REPORTS

Item	Subject	Page Nos.
7	<b>Planning Enforcement Cases Where Formal Action Has Been Taken</b>	7.1 – 7.9

To consider the report of the Director of Sustainable Communities which provides a bi-monthly update of planning enforcement cases where action has been taken covering the North and South areas and Minerals and Waste.

### Planning and Related Applications

To consider the planning applications contained in the following schedules:

#### Schedule A - Applications recommended for Refusal

Item	Subject	Page Nos.
8	<b>Planning Application No. MB/09/00561/FULL</b>	8.1 – 8.7

**Address:** Elizabeth Smith Veterinary Surgery, Ickwell Road, Upper Caldecote, Biggleswade, SG18 9BS

New Veterinary centre to replace temporary veterinary surgery, incorporating equine care facilities and garden walk area. Removal of all existing structures

**Applicant:** Elizabeth Smith Veterinary Practice

#### Schedule B - Applications recommended for Approval

Item	Subject	Page Nos.
9	<b>Planning Application No. SB/09/00159/DCA</b>	9.1 – 9.15

**Address:** Peppercorn Park/Creasey Park, Frenchs Avenue, Dunstable

Demolition of existing buildings and re-development of Peppercorn Park/Creasey Park and Brewers Hill Middle School playing fields to provide sports playing fields, a multi-use games area with floodlighting, an artificial grass pitch with

floodlighting and new floodlighting to existing pitch.  
Construction of new pavilion/community centre,  
spectator stands, garage, car parking area and  
new BMX track. Construction of sustrans  
cycleway/footpath.

**Applicant:** South Beds District Council

10 **Planning Application No. CB/09/00656/FULL** 10.1 –  
10.10

**Address:** Land rear of 2 Fairfax Close, Clifton

Erection of 1no. 4 bed dwelling with garage and  
associated access

**Applicant:** Cowlgrove Developers Ltd

11 **Planning Application No. CB/09/00624/FULL** 11.1 –  
11.6

**Address:** 24 Brittens Lane, Salford, Milton Keynes, MK17  
8BG

Two storey side extension

**Applicant:** Mr M Majoor

12 **Planning Application No. SB/09/00124/TP** 12.1 –  
12.6

**Address:** Icknield Lower School, Burr Street, Dunstable,  
LU6 3AG

Retention of temporary double classroom unit

**Applicant:** Bedfordshire County Council

13 **Planning Application No. SB/09/00174/TP** 13.1 –  
13.6

**Address:** Chalton Lower School, Luton Road, Chalton,  
Luton, LU4 9UJ

Erection of single storey rear extension

**Applicant:** Chalton Lower School



- 14      **Planning Application No. MB/09/00410/FULL**      14.1 –  
14.4
- Address:**    The Lodge, The Baulk, Biggleswade, Beds., SG18  
OPT
- Change of use from residential to a life skills centre for pupils (D1 Use). Redevelopment of garden to provide horticultural facilities for Sunnyside School and other local schools.
- Applicant:**    J C Mudd
- 15      **Planning Application No. CB/09/00621/FULL**      15.1 –  
15.8
- Address:**    All Saints Lower School, Church Street, Clifton,  
Sheffield, SG17 5ES
- Retention of Clifton pre-school temporary building including timber ramp and steps with handrails and balustrades. Relocation of play area and new planting. (Part retrospective)
- Applicant:**    The Woodlands Pre-School
- 16      **Planning Application No. SB/09/00113/TP**      16.1 –  
16.5
- Address:**    Greenleas Lower School, Derwent Road, Linslade,  
Leighton Buzzard, LU7 2AB
- Modification of planning permission SB/TP/08/0904 (pre-school classroom) to include erection of single storey extension for storage purposes, construction of a canopy over childrens' play area, construction of link canopy between pre-school and existing school building and the addition of roof lights.
- Applicant:**    Greenleas Lower School
- 17      **Planning Application No. MB/09/00529/FULL**      17.1 –  
17.5
- Address:**    Fulbrook School, Weathercock Lane, Woburn  
Sands, Milton Keynes, MK17 8NP
- Installation of a roof-mounted solar photovoltaic (PV) system on top of the flat roof of the school, including panels and fixings
- Applicant:**    Fulbrook School

18 **Planning Application No. MB/09/00517/FULL**

18.1 –  
18.15

**Address:** Land at Maulden Wood, Bedford Road, Maulden  
  
Woodlands Visitors' Centre with ancillary  
workshop units and associated parking

**Applicant:** Greensand Trust

19 **Site Inspection Appointment(s)**

Members are reminded that the Committee's next meeting will not be held until 24 June 2009, following the Council's Annual General Meeting on 18 June 2009. As a result, and in accordance with paragraph 4 of the Code of Practice for (the) Conduct of Site Investigations, the timing and arrangements for the conduct of any site inspections required prior to 24 June will be agreed by the Assistant Director, Legal and Democratic and the Assistant Director, Development Management in consultation with the Chairman of the Committee.

**Agenda Item: 7**

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**Meeting:** Development Management Committee

**Date:** 27 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

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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**

**Background**

1. 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.
2. The list briefly describes the breach of planning control, dates of action and further action proposed.
3. Actions since the last report are highlighted in bold text.
4. 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:**

This is a report for noting ongoing enforcement action.

### **Financial:**

None

### **Legal:**

None

### **Risk Management:**

None

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

None

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

None

### **Community Safety:**

None

### **Sustainability:**

None

### **Appendices:**

Appendix A – Planning Enforcement Formal Action - North

Appendix B – Planning Enforcement Formal Action - South

Appendix C – Planning Enforcement Formal Action – Minerals & Waste

## Planning Enforcement formal action (DM Committee 27th May 2009)

NORTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>1</b>	ENC/04/0282	Land at Etonbury Farm, A507, Arlesey	Unauthorised dwelling. Enforcement Notice hello	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
<b>2</b>	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	<b>Appeal received</b>			<b>Appeal has been submitted, awaiting start letter from PINS.</b>
<b>3</b>	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. <b>Planning application 09/00107/full approved for extension to barn workshop- with condition preventing retail use in the extension.</b>
<b>4</b>	ENC/06/0244	Land at The Green Man, Broom Road, Stamford	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
<b>5</b>	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. <b>Site visit 05.05.09, part of land (rear) still being used for storage. Expecting some of the cars to be moving into extension. Site meeting with agent 14.05.2009 to discuss.</b>
<b>6</b>	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

## Planning Enforcement formal action (DM Committee 27th May 2009)

NORTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
7	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 (09/00545) received to retain mobile home.
8	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 has started - written reps. Questionnaire due 25.05.09, Statement due 22.06.09
9	ENC/07/0189	Land at Langford Road, Biggleswade	Breach of Condition Notice - Pre-commencement conditions relating to 07/0181/FULL not complied with.	6-Mar-09	6-Mar-09	5-Apr-09				All details submitted, awaiting decision
10	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
11	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.
12	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.
13	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
14	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	22-Feb-09				Appeal not accepted by PINS - received too late. Need to do site visit to check if notice has been complied with.

## Planning Enforcement formal action (DM Committee 27th May 2009)

<b>15</b>	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 started, written representations. Statement due 11.05.09
<b>16</b>	ENC/08/0404	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 - Trial date set for September 09
<b>17</b>	ENC/09/1001	Kiln Farm, Amphill 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 27th May 2009)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>18</b>	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
<b>19</b>	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
<b>20</b>	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
<b>21</b>	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
<b>22</b>	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
<b>23</b>	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
<b>24</b>	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
<b>25</b>	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 - <b>Agent chased</b>



## Planning Enforcement formal action (DM Committee 27th May 2009)

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

## Planning Enforcement formal action (DM Committee 27th May 2009)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>35</b>	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	<b>Work continuing</b>
<b>36</b>	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	<b>Work continuing</b>
<b>37</b>	ENF/08/0008 Lavang Indian Cuisine, High Street, Eggington	Change of use from restaurant to mixed use of restaurant and hot food takeaway	14-Mar-08	16-Apr-08	13-May-08				Magistrate Court proceedings under preparation. Awaiting planning application
<b>38</b>	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
<b>39</b>	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
<b>40</b>	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
<b>41</b>	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
<b>42</b>	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				<b>Awaiting outcome of appeal</b>
<b>43</b>	ENF/09/0002 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				<b>Awaiting outcome of appeal</b>

## Planning Enforcement formal action (DM Committee 27th May 2009)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>Minerals &amp; waste</b>									
<b>1</b>	07/09 Land at Kiln Farm, Steppingley	Enforcement Notice - material change of use of land involving deposit of waste.	29-Sep-08	10-Nov-08	10-Aug-09			Waste removed.	Land still needs to be tipped and grass seeded to ensure full compliance with notice.
<b>2</b>	08/13 Land rear of 3 - 9 The Causeway, Clophill	Enforcement Notice - failure to remove soils & brick rubble & reinstate ground to its previous condition in breach of a condition	13-Mar-09	20-Apr-09	20-Oct-09				<b>Imported soils and brick rubble required to be removed by 20th May 2009. Monitoring outcome.</b>
<b>3</b>	07/40 Former BR Good Yard, Chiltern Green Road, East Hyde	Enforcement Notice - timber fence at waste transfer station premises.	18-Mar-09	24-Apr-09	24-Jun-09	<b>Appeal received</b>			<b>Appeal lodged (start date of 28th April 2009). To be determined by written representations procedure.</b>
<b>4</b>	08/22 Land at Totternhoe Lime Works / Totternhoe Quarry	Importation of wood waste. Two Temporary Stop Notices	29-Oct-08 & 10 Nov 08	Immediate	8-Dec-08			Not initially complied with. Activities stopped on 17 Nov 08	<b>Prosecution papers with legal services for action.</b>
<b>5</b>	06/67 Former Fullers Earth Quarry, Clophill	Enforcement Notice - failure to complete the approved restoration scheme for the site and permit public access	2-May-07	6-Jun-07	6-Oct-07	Appeal received			<b>Appeal dismissed on 12th June 2008 but appellants challenged the decision by application to the High Court. The Court ordered</b>

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Date: 13 May 2009

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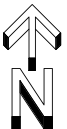
ITEM NO. 8

APPLICATION NO. MB/09/00561/FULL

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Central Bedfordshire Council.  
100049029. 2009.

Elizabeth Smith Veterinary Surgery, Ickwell Road  
Upper Caldecote

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**Item No. 8****SCHEDULE A**

<b>APPLICATION NUMBER</b>	<b>MB/09/00561/FULL</b>
<b>LOCATION</b>	<b>ELIZABETH SMITH VETERINARY SURGERY, ICKWELL ROAD, UPPER CALDECOTE, BIGGLESWADE, SG18 9BS</b>
<b>PROPOSAL</b>	<b>FULL: NEW VETERINARY CENTRE TO REPLACE TEMPORARY VETERINARY SURGERY, INCORPORATING EQUINE CARE FACILITIES AND GARDEN WALK AREA. REMOVAL OF ALL EXISTING STRUCTURES</b>
<b>PARISH</b>	Northill
<b>CASE OFFICER</b>	Mark Spragg
<b>DATE REGISTERED</b>	24 March 2009
<b>EXPIRY DATE</b>	23 June 2009
<b>APPLICANT</b>	Elizabeth Smith Veterinary Practice
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>CLLR MRS TURNER REQUESTS THAT THE APPLICATION BE DETERMINED AT COMMITTEE FOR THE FOLLOWING REASONS:</b>  <b>IN ORDER THAT THE COMMITTEE CAN BALANCE THE REQUIREMENT FOR THE PROPOSAL TO COMPLY WITH PLANNING POLICY, AGAINST THE NEED TO CONSIDER APPROPRIATE ECONOMIC DEVELOPMENT FOR RURAL BUSINESSES IN THE COUNTRYSIDE</b>
<b>RECOMMENDED DECISION</b>	<b>REFUSE</b>

**Site Location:** The site lies within the open countryside, on the north side of Ickwell Road, between the small villages of Ickwell and Upper Caldecote.

The proposed building would be located on a site formerly occupied by a polytunnel structure and ancillary parking in association with a horticultural nursery linked to Paul Chessum Roses, but which is now temporarily occupied by a modular building and associated parking, used as a veterinary surgery by the applicants. The temporary consent for the veterinary surgery was granted in February 2008 and lasts until February 2011.

The site is accessed from Ickwell Road via a gravel driveway leading to a parking area in front of the building.

## **The application:**

This application proposes a replacement of the existing temporary single storey 310sqm, 3.5 metre high modular building, with a two storey 607sqm, 7.7m high permanent building for use as a veterinary surgery.

The proposed building as detailed in the submitted drawings, would be finished with timber cladding, with a brick plinth, and a concrete tiled roof.

The veterinary practice would include separate waiting areas for cats and dogs, 4 consultation rooms, a cat ward, dog ward, 2 operating theatres, 2 X ray rooms, a laboratory, dentist area, offices, meeting room and a staff room. In addition a paddock and stables would be provided at the rear of the building to enable horses to be treated on site.

The application also proposes parking for 33 vehicles, mainly to the side of the building, with a landscaped area proposed in front of the building.

The application is accompanied by a supporting statement.

## **PPG/PPS:**

PPS1 – Delivering sustainable development.

PPS 7 – Delivering Sustainable Development in Rural Areas.

PPG13 - Transport.

## **Policy + SPG (Mid Beds Local Plan)**

LPS4 – Settlement Envelopes

CS1 - Landscape

CS19 – Development in the Countryside

DPS5 – The Built Environment

## **Planning History:**

There is an extensive history relating to the horticultural and agricultural uses on the site and the adjacent site to which it was until recently a part of. The more recent planning history is listed below:

08/00039/FULL – Siting of modular buildings for use as temporary veterinary surgery. Approved 22/02/08.

06/01003/RM – Erection of agricultural dwelling. Approved 13/03/07.

04/00611/OUT – Erection of agricultural workers dwelling. Approved 20/12/05.

03/02209/FULL – Additional plant holding area and associated facilities. Approved. 13/01/04.



03/00661/FULL – Rose and plant sales centre with indoor and outdoor sales area and associated parking (Retrospective). Approved 17/07/03.

**Representations:  
(Parish & Neighbours)**

Northhill Parish Council: Object. The proposal conflicts with Local Plan policy SC1 and Planning Policy Guidance PPS7 which seeks to resist non-essential development in the open countryside.

Third party representations: 13 letters of support have been received. The comments are summarised as follows:

- The facility is a benefit to the local community.
- The facility provides services for a wide range of animals.
- There is a shortage of equine vets within the area.

In addition to the above, a petition signed by 227 clients of the applicants has been received.

The owner of Paul Chessum Roses (also the owner of the application site) has submitted a supporting letter commenting that the company made a loss in 2006 and 2007 and that the existence of the veterinary surgery has helped to increase turnover.

**Consultations:**

Highways: No objection, subject to conditions.

Senior Engineer: A lift should be provided and an accessible disabled toilet.

Environmental Services – No objection.

**Determining Issues:**

**1. The principle of development within the Open Countryside.**

Policies CS1 and CS19 of the Local Plan both seek to protect the countryside from inappropriate development, in line with Government Guidance in PPS7. New development is not permitted within the open countryside other than for the essential needs of agriculture or forestry, unless it involves the re-use of existing buildings.

The applicants refer to Policy DM14 in the emerging Core Strategy Document which does support redevelopment of horticultural sites in the countryside subject to various criteria, including the scale and design being appropriate to the countryside setting. However, as the Core Strategy has not yet completed the statutory process associated with the LDF (Local Development Framework), its policies carry no material weight in the consideration of planning applications.

The applicants contend that the proposal development would provide an important community facility. Whilst it is accepted that the practice clearly does provide a service to many clients there are nevertheless existing veterinary practices nearby, in Biggleswade and Sandy. There are also practices providing

equine services in Shefford, Chalgrave and Dunstable. It is not considered necessary that such a practise is based in the open countryside. Indeed in terms of sustainability it would be preferable for such a facility to be located within a settlement to discourage a reliance on the motor car.

Whilst it is noted that the applicants refer to the provision of equine services and include the provision of a paddock and stables it is considered likely that the majority of visits to the premises would be in connection with domestic animals such as cats and dogs.

Furthermore, it would be possible for such a business to operate from an existing building within the open countryside, which would be in principle supported and generally encouraged by Local Plan Policy CS18.

It was considered when granting the temporary consent that three years was a sufficient timescale to enable the applicants to find a suitable permanent alternative. The applicants state that they have to date found no alternative sites which meet their criteria, and that this site best meets their needs. The applicants however have another 21 months remaining of the existing temporary consent and whilst there may not currently be alternative premises available such premises may become available during the remainder of the existing consent and as such do not justify a departure from established policy.

Given that the proposed development is contrary to current Local Plan policy and Government guidance, and that a temporary consent exists, and in the absence of any convincing justification to the contrary, it is considered that the proposal is unacceptable in principle being contrary to policies CS1 and CS19, and to the principles of restraint within the open countryside set out in PPS7. No material planning considerations have been advanced to outweigh the non compliance of the proposal with adopted policy.

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

The application site is prominently located off Ickwell Road, within a generally open agricultural area with a rural character, comprising a scattering of agricultural buildings and residential properties.

The site was previously occupied by a temporary polytunnel structure and now comprises a low roofed (3.4m high) temporary portable building. The proposal would result in a significant permanent glazed fronted, two-storey building (7.4m high), with a floorspace of 607 sqm.

The proposal also includes an extension of the temporary site to the west, providing a much larger parking area, further encroaching into the rural landscape.

It is considered that the proposed building, due to its scale, design and siting and the associated hardstanding would be clearly visible, and would appear out of character with and detrimental to the rural character of the surrounding area.

### **3. Impact on residential amenity**

There are two residential properties to the east of the site, including an extant consent for a new agricultural dwelling (06/01003/RM following outline consent 04/00611/OUT). The permission was justified on the basis of the needs of Paul Chessum Roses, owned by the owner of the current application site.

It was considered in the previous application that the temporary building would generate more traffic than the nursery use that it replaced. Similarly it is considered that this proposal being for a building almost twice the size of the existing would generate more vehicular movements than the existing building.

However, due to the location of the neighbouring properties close to Ickwell Road it is not considered that the increased traffic would have any significant adverse impact on the neighbouring properties. The Council's Environmental Health Officer has also raised no objection on environmental grounds.

### **4. Parking provision and highway safety matters.**

The application proposes utilising the existing access off Ickwell Road, which the Highways section consider to be acceptable in terms of visibility.

Parking provision is shown for 33 vehicles, including disabled parking. It is considered that such provision is acceptable and would not result in any highway safety issues.

### **Reason For Refusal**

In summary, in light of its location outside a settlement and within the open countryside the proposed development is contrary to current Local Plan policy and Government guidance. Given that a temporary consent exists, and in the absence of any convincing justification to the contrary, it is not considered that sufficient justification has been provided to justify a departure from established policy. Furthermore, due to its scale, design and siting and the associated hardstanding would be clearly visible and appear out of character with and detrimental to the rural character of the surrounding area. On the basis of the above the application is recommended for refusal.

### **RECOMMENDATION**

**REFUSE** Planning Permission for the application set out above for the following reason(s):

- 1        U        By virtue of its location within the open countryside the proposed new building and associated parking represents inappropriate and harmful development for which the applicant has failed to provide adequate justification to outweigh adopted local plan policy. As such the proposal is contrary to policy CS19 of the Adopted Mid Bedfordshire Local Plan First Review.

- 2 U By virtue of the scale, design, siting and associated hardstanding the proposed development would appear out of character with and detrimental to the rural character of the surrounding area. As such the proposal is contrary to Policies CS1 and DPS5 of the Adopted Mid Bedfordshire Local Plan First Review.

DECISION

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<b>APPLICATION NUMBER</b>	<b>SB/09/00159/DCA</b>
<b>LOCATION</b>	<b>Peppercorn Park/Creasey Park, Frenchs Avenue, Dunstable</b>
<b>PROPOSAL</b>	<b>Demolition of existing buildings and re-development of Peppercorn Park/Creasey Park and Brewers Hill Middle School playing fields to provide sports playing fields, a multi-use games area with floodlighting, an artificial grass pitch with floodlighting and new floodlighting to existing pitch. Construction of new pavilion/community centre, spectator stands, garage, car parking area and new BMX track. Construction of sustrans cycleway/footpath.</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable - Northfields</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs M Hearty and J Murray</b>
<b>CASE OFFICER</b>	<b>James Clements</b>
<b>DATE REGISTERED</b>	<b>25 March 2009</b>
<b>EXPIRY DATE</b>	<b>24 June 2009</b>
<b>APPLICANT</b>	<b>South Beds District Council</b>
<b>AGENT</b>	<b>AND Architects</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Members Decision</b>
<b>RECOMMENDED DECISION</b>	<b>Full Conditional Approval</b>

**Site Location:**

The application site is located in North Dunstable at Peppercorn Park, Creasey Park (Dunstable FC), and the playing fields at Brewers Hill Middle School. To the north the site is bounded by the former Luton-Leighton Buzzard train line which is characterised by scrubby hedge line, a line of mature conifers and the storage of containers. To the north of the former train line is French's Avenue and residential property on Peppercorn Way. To the west the site is bounded by a Sustrans route, agricultural land and Public Footpath no.37. To the south west is Brewers Hill Middle School, to the southeast residential properties (Aldbanks) and to the east, industrial development (Laurence Way).

Within the application site, Dunstable FC's ground is to the north of the proposal site. It contains a number of stands, 7 floodlights, turnstiles, changing rooms, a club house and parking area. To the east of the football ground is an earth bank. Peppercorn Park is to the south of the football ground and is an area of informal open space with a number of semi mature trees and a BMX track to the south. A Sustrans route/path crosses Peppercorn Park, which is floodlit along its length. The southern boundary of Peppercorn Park is characterised by a mature tree line. To the south of this boundary are the Brewers Hill School playing fields.

The application site is predominately flat. However, there is a gentle slope from Aldbanks towards the northeast of Peppercorn Park and from the school to the boundary with Peppercorn Park. The area is accessed from a number of locations including French's Avenue, Creasey Park Drive and from two footpaths from Aldbanks.

### **The Application:**

The application seeks the demolition of the existing Dunstable FC buildings, and re-development of Peppercorn Park/Creasey Park and Brewers Hill Middle School playing fields to provide playing fields and sport facilities. The proposal has been designed to meet the requirements for Football Foundation funding and to comply with FA Ground Grading Category C. To accord with the requirements of the funding and for security/health & safety reasons, other than the BMX track and a new and re-aligned Sustrans route, the site would not be accessible to the public, and would be secured by a 3m high fence, around the majority of the application site.

The proposal includes four playing pitches located on the school fields, varying in size for different age ranges from under 11s to under 18s and seniors. The proposal also includes 3 mini soccer pitches and a multi-use games area (MUGA). The existing Dunstable FC ground would remain in the same location, but the earth bank to the east would be removed. An artificial grass pitch (ATP) is also proposed adjacent to the existing football ground and northern boundary. Some levelling of the land will be required to achieve adequate playing pitches. It is proposed to replace the existing Dunstable FC buildings with a new single-storey pavilion/community centre, spectator stands, garage and improved car parking area.

The proposed development requires the removal of a number of existing site features. The existing BMX track would be removed and relocated to the north of the site (this would be in an area outside of the managed site to allow public access), the earth mound adjacent to the football ground would be removed to allow the siting of the ATP, and the existing tree line bounding Peppercorn Park and the playing fields would also be removed to site the playing pitches. The existing car park would be resurfaced and there would be a small increase in hardstanding to allow for the car/coach parking provision and new pedestrian paths.

The Sustrans cycle path, which currently crosses the site, would be re-located. It is proposed to clear part of the former railway line and to re-route the Sustrans path along part of its length. The cycle path would then follow the boundary of the application site, adjacent to the Dunstable FC car park, linking with Creasey Park Drive.

The main pitch would be floodlit to meet the requirements for a FA Ground Category C, and would have four new 18m high floodlights. It is proposed that the ATP would have six 15m high floodlights whilst the MUGA would have four 8m high floodlights. Both the proposed Sustrans route and car park would be lit by lighting columns 6m in height.

It is anticipated that the development would commence in early 2010, and that the sports pitches/site facilities would be managed by Dunstable Town Council. It is also anticipated that the Sustrans route would be constructed prior to the main



development and that the informal open space from the Trico site would be phased over the following two to three years, subject to the rate of development on the Trico site. The main access for the site would be through the main gates on Creasey Park Drive (operated by Dunstable Town Council's Facility Manager). Brewers Hill Middle School would access the development via the extended Aldbanks footpath.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS1 - Delivering Sustainable Development

PPG13 - Transport

PPG17 - Planning for open space, sport and recreation

### **Regional Spatial Strategy**

#### **East of England Plan (May 2008)**

ENV7 - Quality in the Built Environment

#### **Bedfordshire Structure Plan 2011**

Not applicable

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

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

R2 - Urban Open Space Strategy - Dunstable

BE8 - Design and Environmental Considerations

### **Supplementary Planning Guidance**

SPD     Green Space Strategy Draft SPD (2008)

### **Planning History**

SB/TP/00/0212            Permission for the construction of BMX track and boundary fence.

SB/TP/03/0435            Outline application SB/TP/03/0435 for residential development, business use, sports field facilities, public open space and community building was refused planning permission in July 2003 as being contrary to employment policy.

A development brief "Land at the Former Trico Site and Adjoining Areas" was adopted in August 2003 and proposed continued employment use across the full extent of the application site with residential development limited to what is now French's Gate and Peppercorn Way.

However, following the subsequent Public Inquiry the Secretary of State granted outline planning permission in May 2005 for the development subject to Section 106

unilateral obligations prepared by the appellants.

In partnership with the landowners a further development brief, "Former Trico site and Surrounding Area" was approved by the Joint Planning and Transportation Committee in March 2006 and proposed a mixed use employment and residential development incorporating a residential density of between 45 to 90 dwellings per hectare (between 270 and 540 dwellings).

**Representations:  
(Parish & Neighbours)**

Parish/Town Council	No objections.
Neighbours	None received at the time of writing.

**Consultations/Publicity responses**

Rights of Way Officer	No objection - public rights of way will not be affected.
Tree & Landscape Officer	No objections.
Ecology Officer	No objection subject to a condition - no appreciable loss of biodiversity. Where possible, hedgerows should be retained.
Open Space and Leisure Officer	No objections
Environmental Health Officer	No objections in principle. I would recommend approval of the lighting scheme subject to time/usage restrictions. Time restrictions should also be imposed on the use of the non-lit pitches.
Highways Officer	Awaiting comments.
Sport England	No objection subject to 4 conditions - "Sport England has been supportive of this since it's early inception in 2003-04 and we are satisfied that in terms of our playing fields policy it meets exception E5, in that the proposal is for indoor or outdoor facilities, where the benefits to the development of sport within the Dunstable area would outweigh the detriment caused by the loss of [a] playing field".
Right to Ride (CTC)	Objection - the new Sustrans route should be useable before the existing route is stopped-up. The Design and Access Statement overlooks cycling and cycling parking.

## Determining Issues

The main considerations of the application are;

1. Background and policy.
2. Impact of the proposal on landscape/ecology.
3. Design of the pavilion/football ground.
4. Impact of floodlighting on residential amenity.
5. Re-routing of the Sustrans Route.
6. Highway Issues.

## Considerations

### 1. Background and Policy

This application was submitted by South Bedfordshire District Council for the enhancement of community sports provision in Dunstable. The project has responded to identified strategic needs for new facilities in Dunstable (specifically the need for additional Artificial Training Pitch provision and additional grass pitch/open space provision) and has been developed through full partnership working between Southbeds/Central Bedfordshire Council, Dunstable Town Council, the Football Foundation, Dunstable FC and the Brewers Hill Middle School. The development would be funded from contributions from the Trico Section 106 Legal Agreement and funding from the FA Foundation and Central Bedfordshire.

In terms of policy, the standard for the provision of open space is set locally as it is recognised in PPG17 (Open Space, sports and recreational facilities) that national standards cannot cater for local circumstances. Weight must therefore be given to assessments taken by the Local Authority that identify need. The Local Authority undertook a review of the existing open space within the area through the Open Space Strategy 2002 and the recent Luton and South Bedfordshire Green Space Strategy Draft SPD (2008). The Open Space Strategy concluded that there is a lack of playing pitches in Dunstable.

Local Plan Policy T6 (Cycling) is a deleted policy, therefore it is appropriate to use government guidance in PPG13 (Transport) to assess the re-location of the Sustrans route. PPG13 seeks the provision of cycle routes and cycle priority measures in major new developments. It also seeks the provision of convenient, safe and secure cycle parking and the provision of cycle storage facilities.

Local Plan Policy R2 proposes measures to improve the usefulness of existing urban open space to meet the needs of existing and future population and future population of Dunstable, including:

- The provision of changing facilities at Peppercorn Park to serve the existing junior playing pitch and provision of Children's play area.
- The provision of 4 additional playing pitches in the Dunstable Area.
- The refurbishment/upgrading of existing areas of formal urban open space, including the provision of changing facilities and toilets/showers for both

sexes.

- Provision of a mini-soccer pitch and appropriate changing facilities at one of the new or existing areas of urban space to serve junior teams.

The proposed development is supported by Local Plan Policy R2 and will help alleviate the deficiencies in formal open space in the area, through making better use of the existing school playing fields as well as other areas of open space. Although Peppercorn Park would no longer be informal open space, new informal open space would be provided on the Trico site.

The other principal Local Plan Policy that relates to this proposal is Policy BE8 (Design and Environmental Considerations). This will be discussed in more detail below.

## **2. Impact of the proposal on landscape/ecology**

The proposal includes the removal of a boundary hedge/tree line between Brewers Hill Middle School and Peppercorn Park, the part removal of a scrub/tree corridor on the former railway line, and the removal of a number of trees/scrub throughout Peppercorn Park and on the earth mound adjacent to the Dunstable FC ground.

In terms of the ecological interest of the former train line, the Ecology Officer has stated that, "in general, the area comprises very common and abundant species of plant and animal and there would be no appreciable loss of biodiversity caused by the removal of this strip of vegetation as there is plenty of surrounding areas where species still occur and can use as breeding and feeding areas".

In terms of the loss of trees on the site, the Council's Tree & Landscape Officer has stated that he has no objections to the application. The site does not contain any TPOs and in accordance with Policy BE8 existing trees will be retained as far as possible. Where it would be necessary to remove trees it is proposed that they will be replaced on open space on the Trico site.

## **3. Design of the proposed pavilion/football ground**

The proposed pavilion/community centre would be located to the south of the existing football ground, and is a single-storey structure of a contemporary design, with a mono-pitch roof. It is proposed that the building would be built in 2 phases, with phase 2 being built if and when funds become available. Phase 1 measures 57m wide, 12.4m deep and 2.7&4.7m in height. Phase 2 would extend the width of the building by 18.4m.

The building would be constructed with a metal profiled roof, with metal and timber clad walls. Phase 1 would include six 16-person changing rooms, toilets, store, first aid/physio room and referees' changing room. Phase 1 will also include the provision of a 120m<sup>2</sup> community space with meeting room, bar, kitchen office/reception and refreshment counter for the community pitches. Phase 2 would be utilised as additional community space with a

meeting room and additional toilets. The front elevation of the community spaces would have large glazed areas to increase light levels. The proposed football stands including two covered/tiered 125- standing space stands, two covered/tiered 150-tip up seat stands and one covered/tiered 162- tip up seats with 3 wheel chair positions. The stands would measure 5.8m high and deep and up to 46m wide.

The pavilion has been located in the proposed position to allow for efficient movement around the site, from the entrance and car park and to access the sports pitches. The proposed pavilion and stands are of a modest size, will have no undue impact on residential amenity and will be a vast improvement on the existing facilities at the Dunstable FC ground. The contemporary design of the pavilion is well suited to the location and use, and will enhance the area.

#### **4. Impact of floodlighting on residential amenity**

Dunstable FC football ground has 7 floodlights, each approximately 12m in height. It is proposed to replace these floodlights with four new 18m high floodlights and for the addition of six 15m high floodlights for the All Weather Training Pitch. The lighting levels for these pitches have been determined by the requirements of Dunstable FC being in a FA Conference league (FA Category C ground). The other proposed lighting includes the Multi Use Games Area (four 8m high floodlights) and 6m high lighting columns which will line the Sustrans route and light the car park.

The minimum requirement for FA Amateur leagues is 120 lux (maintained level) within the pitch area and 250 lux for FA Conference leagues. The information supplied by the lighting design engineers show that the system has been designed to give an average maintained lighting level of 206 lux for the main pitch, 226 lux for the training pitch and a 206 average lux level for the multi Use Games Area. Guidance from the Institute of Lighting engineers (ILE) recommends a pre-curfew (i.e. before 23:00 hours) level of light trespass into windows of 5 lux at rural, small village or relatively dark urban areas (Category E2 - low district brightness areas); 10 lux at small town centres or urban locations (category E3 - medium brightness areas) and 25 lux at town/city centres with high levels of night time activity (category E4 -high district brightness areas. The Environmental Health Officer has stated that the category of the area around the application site is likely to be E2 and subject to a level of light trespass into windows of 5 lux.

Although there will be an increased number of floodlights adjacent to Peppercorn Way, which would have a higher lux level, the proposed floodlights would be of an improved hooded design that would reduce lateral light spill and glare, and concentrate the beam on the pitches. The lighting plan submitted with the application shows that there would only be a 2 lux overspill onto a number of properties on Peppercorn Way, therefore the lighting levels are considered to be acceptable.

Although the floodlights would be higher than the existing, this extra height helps to concentrate light and reduce light spill. The lighting columns would

also appear less bulky than the existing trellis floodlights, and at a distance of approximately 40m, separated by mature conifers (approximately 8m high), they would not have a dominant effect or impact on the character of the area.

In line with the recommendation of the Environmental Health Officer, a condition to restrict the hours of use of the floodlights and playing pitches has been recommended in this report.

## **5. Re-routing of the Sustrans Route**

Due to the restrictions on access it would be necessary to re-route the Sustrans cycle path, which currently crosses the site. It is proposed to clear part of the former railway line and to re-route the Sustrans path along part of its length. The cycle path would then follow the boundary of the application site, adjacent to the Dunstable FC car park, linking with Creasey Park Drive and the main site entrance. The new route would be a safe, direct and high quality cycle route that would directly link with the main access to the development. It is considered that the development accords with the guidance set out PPG13 (Transport).

The Right to Ride Network (CTC) has raised 2 objections/issues. Firstly, for the need to ensure that the new Sustrans route is completed and useable prior to the existing route being stopped-up. Secondly, concern that cycling has been overlooked in the Design and Access Statement, and that the application needs to specify secure cycle parking and storage.

These points have been noted. The planning application agents (AND Architects) will update the Design and Access Statement in line with these comments. It is considered that both concerns raised regarding the cycle parking and stopping-up of the Sustrans can be adequately enforced by way of condition.

## **6. Highway Issues**

At the time of writing we had not received formal comments from the Highway Officer. These comments will be made available for the Planning Committee.

## **Conclusion**

In summary, we consider that the proposed development would provide much improved and additional sports facilities for the Dunstable area, adjacent an emerging new residential development, and would alleviate the deficiency of formal open space in the area.

## **Reasons for Granting**

The proposed development accords with national guidance set out in PPS1 and PPG17, and complies with South Bedfordshire Local Plan Policy R2, BE8 and PPG13, and there are no material considerations that would warrant planning permission not being granted.

## Recommendation

That Planning Permission be Approved subject to the following:

- 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 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).
- 3 Prior to commencement of the development/use hereby permitted:
  - (i) A detailed assessment of ground conditions of the land proposed for the sports facility shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
  - (ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.The approved scheme shall then be fully implemented to the satisfaction of the Local Planning Authority.  
REASON: To ensure the quality of pitches is satisfactory.
- 4 The playing field/s and pitch/es shall be constructed and laid out in accordance with the planning application, Drawing No. 278/PL(2)101/B and the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, March 2000), unless otherwise agreed in writing with the Local Planning Authority.  
REASON: To ensure the quality of pitches is satisfactory.  
(Policies BE8 & R2 S.B.L.P.R).
- 5 Prior to the commencement of the use of the new development, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.  
REASON: To secure well managed safe community access to the sports

facility, to ensure sufficient benefit to the development of sport.

- 6 Prior to the completion of development a Management and Maintenance Scheme for a minimum period of 20 years to include measures to ensure the replacement/refurbishment of all artificial surfaces within the next 10 years and, management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the development hereby permitted.  
REASON: To ensure that new facilities are capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (PPG17 Par 14,).
- 7 Prior to the development commencing full specification details of the floodlighting and light spillage mitigation shall be submitted to and agreed in writing with the Local Planning Authority.  
REASON: In the interests of amenity.  
(Policy BE8 S.B.L.P.R).
- 8 Prior to the development commencing details of the fencing shall be submitted to and agreed in writing with the Local Planning Authority.  
REASON: In the interests of amenity.  
(Policy BE8 S.B.L.P.R).
- 9 Prior to the development commencing details of the football ground stands shall be submitted to and agreed in writing with the Local Planning Authority.  
REASON: In the interests of amenity.  
(Policy BE8 S.B.L.P.R).
- 10 Before development begins, details of the existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.  
REASON: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.  
(Policy BE8 S.B.L.P.R).
- 11 The playing pitches and floodlights shall not be used outside the hours of 8am and 11pm on all days. The floodlights for each playing pitch shall only be used when that pitch is in use.  
REASON: To protect 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 Prior to the development commencing engineering details of the BMX track to include levels and materials shall be submitted to and agreed in writing with the Local Planning Authority.  
REASON: In the interests of amenity.  
(Policy BE8 S.B.L.P.R).
- 14 The existing sustrans route shall not stopped up until the new Sustrans route has been completed and is useable.  
REASON: To ensure a satisfactory provision of cycling routes.
- 15 Before the development starts a scheme for cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the pavilion and new car park are first brought into use.  
REASON: To ensure a satisfactory provision of cycling facilities.
- 16 This permission relates only to the details shown on Drawing No's 278/PL(2)101 Rev B, 278/PL(1) 102 Rev B, 278/PL(1) 110 Rev E, 278/PL(2) 201 Rev B, 278/PL(0) 202 Rev B, 278/PL(1)201 Rev B received 16/03/2009 and the Lighting Plan received 08/05/2009 or to any subsequent appropriately endorsed revised plan.  
REASON: To identify the approved plans 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**  
R2 - Urban Open Space Strategy - Dunstable  
BE8 - Design and Environmental Considerations

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.
4.
  - 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

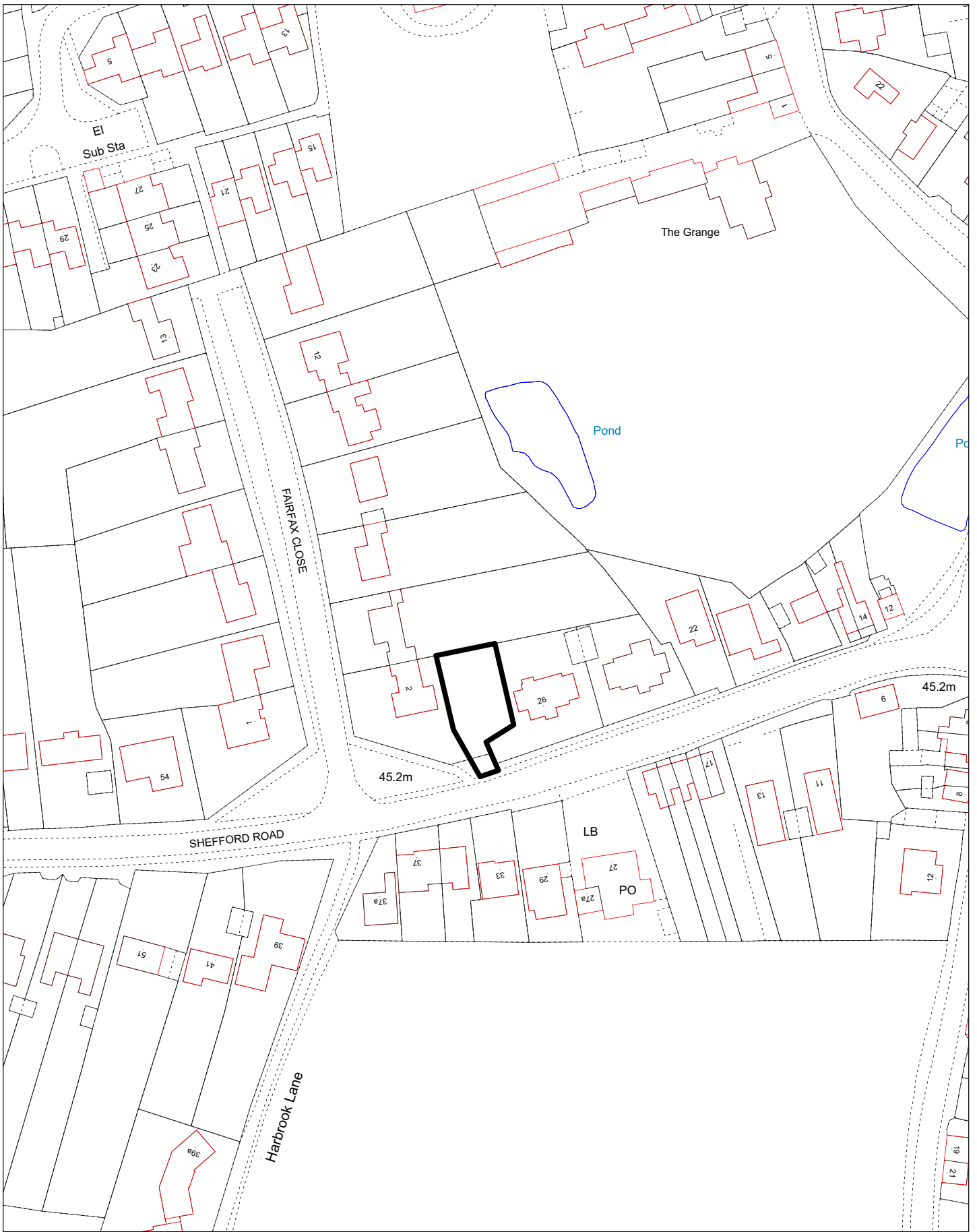
designated as being 'contaminated'. However, it should not be taken to imply that the property or adjoining land is free from contamination.

For further information contact Public Protection South.

5. The applicant is advised to contact Dave Mcbain, Licensing Officer and Maurice Clay, Team Leader Public Protection, for licensing and health and safety and food hygiene and safety matters that may arise from any grant of permission.

## **DECISION**

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Date: 27th May 2009

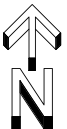
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ITEM NO. 10

APPLICATION NO. CB/09/00656/FULL

Land Rear Of 2, Fairfax Close, Clifton

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**Item No. 10****SCHEDULE B**

<b>APPLICATION NUMBER</b>	CB/09/00656/FULL
<b>LOCATION</b>	<b>LAND REAR OF 2, FAIRFAX CLOSE, CLIFTON</b>
<b>PROPOSAL</b>	<b>FULL: ERECTION OF 1NO. 4 BED DWELLING WITH GARAGE AND ASSOCIATED ACCESS.</b>
<b>PARISH</b>	Clifton
<b>CASE OFFICER</b>	Samantha Boyd
<b>DATE REGISTERED</b>	14 April 2009
<b>EXPIRY DATE</b>	09 June 2009
<b>APPLICANT</b>	Cowlgrove Developers Ltd
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>CLLR ROGERS REQUEST DUE TO BOUNDARY TREATMENT TO PROTECT THE AMENITIES OF NEIGHBOURS AND BUILDING CONSIDERED AS OVERBEARING.</b>
<b>RECOMMENDED DECISION</b>	<b>FULL CONDITIONAL APPROVAL</b>

**Site Location:**

No 2 Fairfax Close is a detached property linked to the adjacent dwelling by a single flat roof garage. The property is located in a corner position at the junction of Fairfax Close and Shefford Road and benefits from a fairly large plot with garden to the front, side and rear. Fairfax Close comprises dwellings constructed in the same materials and of similar design whilst Shefford Road has a mixed appearance with a range of dwelling types and sizes. Adjacent to the site two dwellings have recently been constructed.

The front garden is currently enclosed by a 0.5m boundary wall and is landscaped with tree and shrubs.

**The Application:**

This application seeks full planning permission for a detached four bedroom dwelling.

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

PPS 1 Delivering Sustainable Development  
PPS 3 Housing

## **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**

LPS2 Large villages

DPS5 The Built Environment

DPS9 The Built Environment

HO6 The Location of New Housing

## **Supplementary Planning Guidance**

Supplementary Planning Residential Design Guide for Mid Bedfordshire  
Guidance (Adopted 2004)

Supplementary Planning Planning Obligation Strategy 2008  
Document

## **Planning History**

09/00133/Full

Erection of four bedroom detached house - Refused 20/03/09

09/00132/Full

Erection of 1.8m high wall to enclose amenity space of No.2  
Fairfax Close following re-positioning of ground floor  
fenestration - Approved 20/03/09

## **Representations: (Parish & Neighbours)**

Clifton Parish Council

No comments received at time of writing report

Adjacent Occupiers

No comments received at time of writing report

## **Consultations/Publicity responses**

Site notice displayed

01/05/09

Highways Officer

No objections - conditions recommended.

Clifton Preservation Society

No comments received at time of writing report

## **Determining Issues**

The main considerations of the application are;

1. Policy
2. Background



3. The effect upon the character and appearance of the area
4. The impact upon the neighbouring amenity
5. Any other issues

## **Considerations**

### **1. Policy**

Clifton is categorised as a Large Village under Policy LPS2 for the purpose of the Local Plan. Policy HO6 permits new residential development within the Settlement Envelopes in principle where it can be demonstrated that there is no adverse impact upon the character and appearance of the area, the amenities of the adjacent dwellings and that a satisfactory standard of access can be achieved.

### **2. Background**

This application follows the refusal of application 09/00133/Full. The application was refused for the following reasons:

*The proposal, by reason of its siting and design, would have an unacceptable impact upon the amenities of the adjacent occupants at No. 26 Shefford Road, by way of overbearing impact and loss of sunlight as such the proposal is contrary to Policy HO6 and Policy DPS5 of the Mid Beds Local Plan First Review (2005)*

*The application contains insufficient information in the form of a legal agreement requiring contributions to local infrastructure; as such the proposal is contrary to Mid Bedfordshire District Council's Adopted Supplementary Planning Document: Planning Obligations Strategy (2008).*

In order to address the refusal reason revisions have been made that include a reduced depth and height of the rear projection. The chimney has also been deleted from the scheme and the dwelling moved forward by 400mm.

The applicant is aware that a Unilateral Undertaking is required that needs to be agreed by the Council's Solicitor.

### **3. The effect upon the character and appearance of the area**

The dwelling has been designed to complement the existing dwellings at No.s 24 & 26 Shefford Road, built around 3 years ago. Similar in appearance to the adjacent dwellings, this proposal incorporates a garage into the design of the dwelling. To the rear a gabled projection is lower in height than the front section of the dwelling to which a conservatory is attached. The type of materials to be used has not been indicated however this can be agreed at a later date as part of a condition if approval is issued.

The dwelling sits comfortably within the site set away from the boundaries with the adjacent dwellings. The space between the buildings in the surrounding area varies providing a mixed character and appearance. The rear garden has a depth of 10.5m although the width is reduced by the rear projection, however the level of amenity space is considered acceptable.

To the front of the dwelling a parking area is provided with space for 2 cars and an additional space in the garage. 1.8m brick piers are proposed along with railings and gates for part of the front boundary along with the existing soft landscaping.

It is considered that the proposed dwelling would not have a detrimental impact upon the character and appearance of the surrounding area.

#### **4. The impact on the neighbouring amenities**

Given that No. 2 Fairfax Close is located on the corner of two roads it has garden space to the front, side and rear. Approval has been granted to subdivide the rear garden on No. 2 and enclose the side area of the existing garden space to form a private garden area. Changes to the fenestration have also been approved as part of a separate application (09/00132/Full). The first floor bedroom windows on the east elevation were re-positioned to the south elevation and the rear garden located to the side of the dwelling enclosed by a new boundary wall.

These changes are required to ensure that there is no overlooking from the existing house into the garden and windows of this proposal, therefore should this application be approved a condition would need to be in place ensuring that the changes to No. 2 are implemented prior to the new house being built. Therefore this application will be considered assuming that the changes to No. 2 are in place.

The new house would be 4.8m from the rear elevation of No. 2. No windows are proposed on the side elevation of the proposed dwelling however on the rear projection a bedroom window faces the rear of No. 2. There is a distance of approximately 11m between the windows although given that the window to No.2 is a bathroom window it would be obscurely glazed therefore no adverse loss of privacy would occur. It is considered that there would be no loss of light due to the changes to the window positions and no overbearing impact given the space between the dwellings.

No. 4 Fairfax Close shares the rear boundary of the proposed dwelling. The occupant of this property has suggested that the boundary treatment for nos 24 and 26, which also share this boundary line, is applied to this proposal for continuity. There is sufficient distance between no. 4 and the proposal therefore no adverse impact is likely to occur.

26 Shefford Road is sited to the east of the proposed dwelling. The proposal would be located at just under 1m from the boundary shared with this neighbouring property. The two storey gabled projection, although set away

from the boundary would extend approximately 3m towards the rear. The single storey conservatory extends the rear for a further 2.5m with chamfered corners. The height of the rear projection is approximately 6m to ridge and 3.1 to the eaves, considerably lower than the main section of the dwelling. The proposal complies with the Council's 45 degree rule of assessing light loss.

Given the position of the dwelling (to the west) and its proximity to the boundary the two storey rear section of the dwelling would have some impact on No. 26 by way of loss of sunlight however the impact is not considered to be so great to warrant a refusal. Two small obscure glazed windows are proposed in the east elevation, however these are not considered to have a significant impact with regard to loss of privacy.

Overall it is considered that the proposal would not result in an unacceptable impact upon the amenities of No. 26 therefore the revised proposal is considered acceptable.

## **5. Highway Implications**

Highways Officers have raised no objections to the proposal subject to conditions. Therefore in terms of highway safety the proposal is considered acceptable.

## **6. Planning Obligation Strategy**

Following the adoption of the Planning Obligations Strategy SPD on 20 February 2008, the SPD provides a mechanism to ensure that smaller-scale development can fairly and reasonably contribute towards new infrastructure and facilities. The Council requires either a Unilateral Undertaking or an agreement under S106 of the Town and Country Planning Act 1990 be submitted with the planning application.

This application was submitted on 14 April 2009 and as such the proposal would attract Planning Obligations. A Legal agreement in the form of a Unilateral Undertaking has not been submitted with the application but is being prepared by the applicant. As such the proposal is considered acceptable on the proviso that a Unilateral Undertaking is received prior to a decision being issued.

## **Reasons for Granting**

The proposed dwelling is acceptable in principle in accordance with Policy HO6 of the Mid Bedfordshire Local Plan First Review 2005. The proposed dwelling would not impact detrimentally upon the character and appearance of the surrounding area and there would be no adverse impact upon the residential amenity of neighbouring properties. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2006), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policies HO6, DPS6 and DPS9 of the Mid Bedfordshire Local Plan First Review (2005). It is further in conformity with the Mid Beds Supplementary Planning Document 'Planning Obligation 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            EM01    **Prior to the commencement of the development a scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.**

Reason: To protect the visual amenities of the building and of the area generally.
- 3            TL28    **Prior to the commencement of the development 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 northern boundary of the site shall be treated in the same manner as the adjacent dwellings No.s 26 and 28 Shefford Road details of which shall be included in this scheme for approval by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the building is occupied.**

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
- 4            EM16    **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwelling hereby approved in relation to the surrounding ground levels on the site shall be submitted to and approved in writing by 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 EM10 **The ground and first floor windows in the eastern (side) elevation of the development hereby permitted shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. No further windows or other openings shall be formed in the elevation.**

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

- 6 U **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.**

- 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 TL02 **Prior to the occupation of the building 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;
- proposed and existing functional services above and below ground level;
- planting plans, including schedule of size, species, positions, density and times of 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.**

- 9 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.
- 10 U The turning space for vehicles illustrated on the approved Plan 16281/1011/B 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.
- 11 U Prior to the first occupation of the development hereby approved the alterations to No. 2 Fairfax Close Clifton approved under reference 09/00132/Full must be fully implemented. The details shall accord with the approved plans.
- Reason: In the interests of neighbouring amenity.

### **Notes to Applicant**

- 1 i) 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, Highways Help Desk P.O.Box 1395, Bedford, MK45 5AN 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.
- ii) The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395 Bedford, MK42 5AN

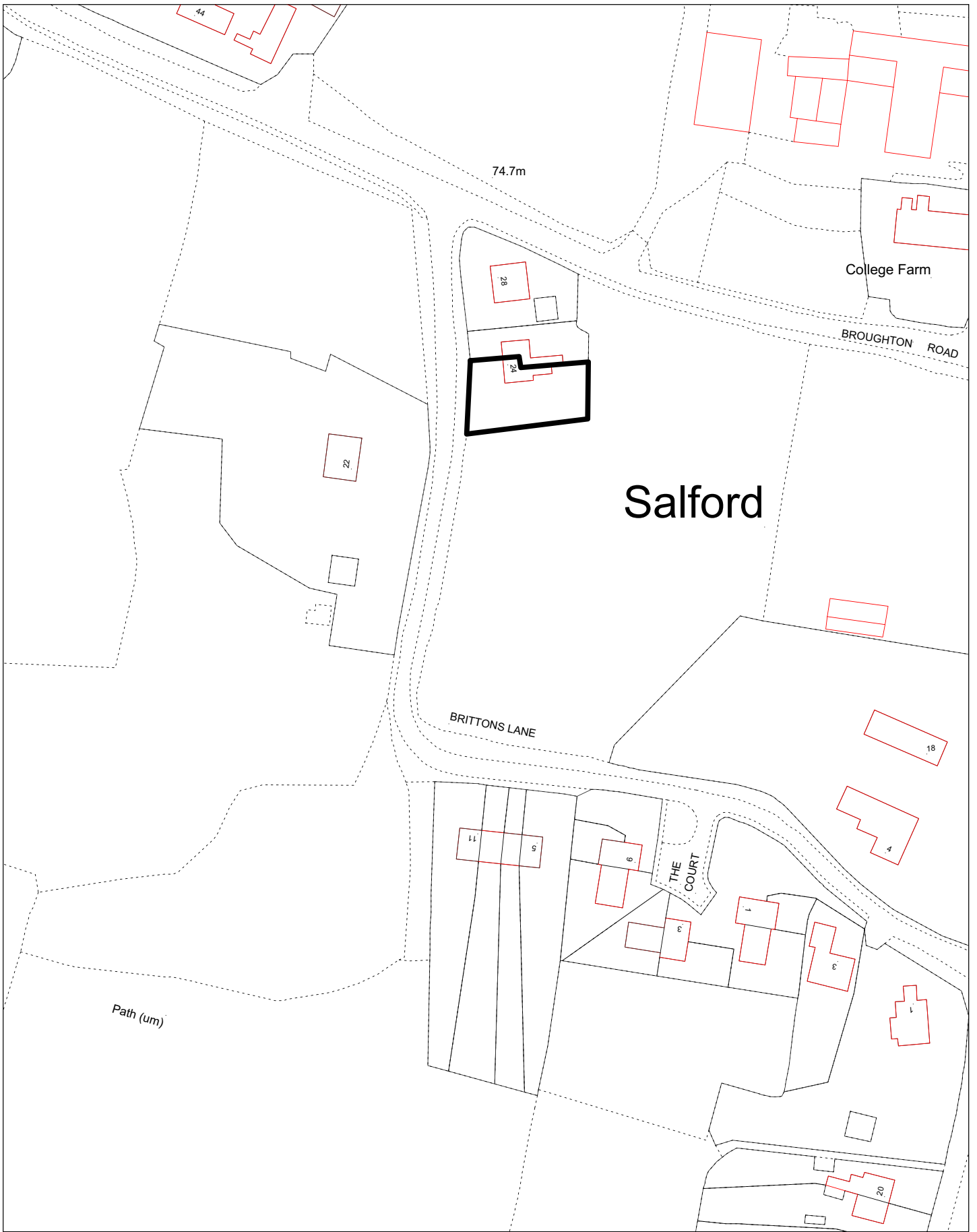
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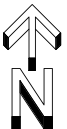
ITEM NO. 11

APPLICATION NO. MB/09/00624/FULL

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24 Brittons Lane, Salford

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**Item No. 11****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/09/00624/FULL</b>
<b>LOCATION</b>	<b>24 BRITTENS LANE, SALFORD, MILTON KEYNES, MK17 8BG</b>
<b>PROPOSAL</b>	<b>FULL: TWO STOREY SIDE EXTENSION.</b>
<b>PARISH</b>	Hulcote/Salford
<b>WARD COUNCILLORS</b>	Cllr A Bastable & Cllr K Matthews
<b>CASE OFFICER</b>	Sarah Fortune
<b>DATE REGISTERED</b>	15 April 2009
<b>EXPIRY DATE</b>	10 June 2009
<b>APPLICANT</b>	Mr M Majoor
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>CALLED IN BY COUNCILLOR A BASTABLE IN VIEW OF CONCERNS RAISED BY PARISH COUNCIL REGARDING OVERDEVELOPMENT OF THE SITE.</b>
<b>RECOMMENDED DECISION</b>	<b>FULL CONDITIONAL APPROVAL</b>

**Site Location:**

The site lies in a sporadic group of residential development which lies outside of the main built up area of the settlement of Salford in a predominantly rural location. it comprises of a semi detached red brick built cottage.

**The Application:**

This application is for the erection of a two storey side extension and the demolition of the existing detached flat roofed garage. (The Ash tree in the east corner of the site is covered by Tree Preservation Order. )

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

PPS3 Housing

**Regional Spatial Strategy**

East of England Plan (May 2008)

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

**Bedfordshire Structure Plan 2011**

## Mid Bedfordshire Local Plan First Review 2005 Policies

MBLPFR DPS6 Criteria for Extensions

### Supplementary Planning Guidance

2004 Design Guide on House Extensions and Alterations

### Supplementary Planning Guidance

#### Planning History - relevant

00/00280	First Floor side extension. Granted: 16/05/2000
03/01070	Full: Part first floor, part two storey side extension and construction of chimney to side. Granted: 04/09/2003
08/01391	Demolition of existing garage and erection of two storey barn style side extension and garage. Refused: 1/10/2008 on grounds that is an overly large addition to the detriment of the character of the house - and the erection of the garage to the front is visually intrusive in the street scene and has a detrimental impact on the cottage itself.

#### Representations: (Parish & Neighbours)

Hulcote and Salford Parish Council	Object: The front elevation was more sympathetic on the previous application which was refused, is there adequate headroom for the bathroom, is there room for a full height door to the bedroom, this extension will make it larger than permitted development, there is a large tree on the boundary, the extension will be overpowering for the pair of houses, the timber cladding to the finish is out of keeping and look untidy, this will be overdevelopment of the site.
Neighbours	Comments to be reported.

App Adv

#### Consultations/Publicity responses

Highways	No objection
Archaeology officer	No objections as long as a condition is attached to cover the safety of any archaeological deposits at the site.

## Determining Issues

### The main considerations of the application are;

1. Size, Siting and design in relation to the house, the pair of houses and the visual amenities of the area generally
2. Other Considerations

### Considerations

#### 1. **Size, Siting and Design in relation to house, the pair of houses and the visual amenities of the area generally**

The cottage is one of a pair of attractive brick built cottages which lies in rural location at the edge of the village of Salford and it has had the benefit of a first floor side extension over the ground floor side addition. This has doubled the width of the original cottage.

A recent application for the erection of a two storey side addition - following the demolition of the garage - was refused on grounds that it would by reason of its large size, siting and design appear as an overly large addition to the house to the detriment of its character and in conflict with this authority's design guide on house extensions and alterations. The proposed garage was also felt to be visually intrusive in the street scene as well as being to the detriment of the character of the cottage itself. (08/01391).

Following the concerns raised in this previous planning application the applicant has had discussions with officers and this has resulted in the submission of this revised application which is for a two storey addition with an attached one and a half storey extension. The two storey extension is to have a width of 4 metres and is to be set down from the main ridge a little so that it reads as being subservient to the main house and attached to this is to be a further section of one and a half storey proportions and this is to have a width of 2 and a half metres and is to be set down further from the main ridge so that it reads as being very subservient to the main house.

The whole addition is to be finished in timber cladding with clay tiles to the roof. There is to be a lounge at ground floor level and bedroom over -and the bathroom is to be in the lower height first floor element of the one and a half storey section

Whilst this is still a large addition to the house - which has already had a doubling in its size - and this further extension represents almost a trebling in the size of the house it is felt that in view of the fact that it is to be in two parts and will read as a subservient barn style addition to the house which will not compete with the main house but will leave the existing brick property to appear as the main dwelling it will be acceptable and will not have an unduly adverse impact on either the character of the cottage itself, the pair of cottages or the street scene generally. This accords with Mid Beds Local Plan Policy DPS6 and the design guide on House Extensions and Alterations.

## 2. Other Considerations

There are no dwellings to the immediate south of the application property. In view of the fact that the additions are being planned onto the south side of the house there will be minimal impact on the amenities of the adjoining neighbours

Comments for the tree officer are to be reported. The highways officer is not raising any objections.

### Reasons For Granting

In view of the fact that there are no objections to the principle of an extension to the house and the size, siting and design are considered to be acceptable, there is no unduly adverse impact on the amenities of neighbours and no highway objections the application is recommended for approval as being in compliance with Mid Beds Local Plan Policy DPS6 and the design guide on House Extensions and Alterations 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 AN03 **Details of a scheme of archaeological investigation of the site shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The said development shall only be implemented in accordance with the scheme thereby approved.**

**Reason: To safeguard any material of archaeological interest which exists on the site.**

- 3 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.

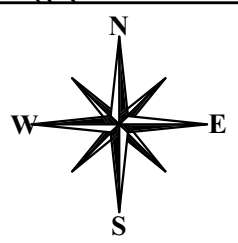
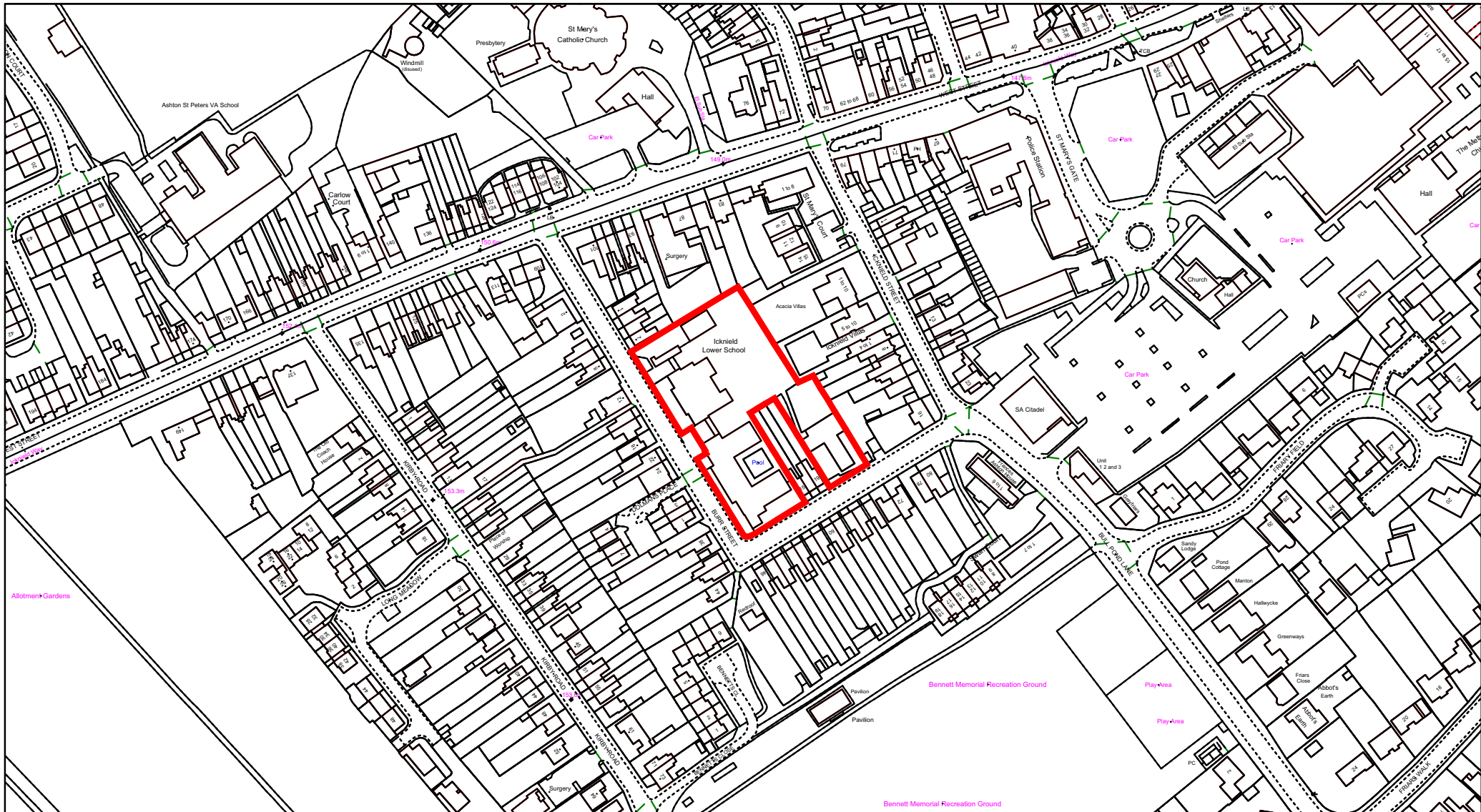
DECISION

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ITEM NO. 12 APPLICATION NO. SB/09/00124/TP

Icknield Lower School, Burr Street, Dunstable

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**Item No. 12****SCHEDULE C**

<b>APPLICATION NUMBER</b>	<b>SB/09/00124/TP</b>
<b>LOCATION</b>	<b>Icknield Lower School, Burr Street, Dunstable, LU6 3AG</b>
<b>PROPOSAL</b>	<b>Retention of temporary double classroom unit.</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable - Chiltern</b>
<b>WARD COUNCILLORS</b>	<b>Cllr T Green &amp; Cllr Mrs P Staples</b>
<b>CASE OFFICER</b>	<b>Gill Claxton</b>
<b>DATE REGISTERED</b>	<b>11 March 2009</b>
<b>EXPIRY DATE</b>	<b>06 May 2009</b>
<b>APPLICANT</b>	<b>Bedfordshire County Council</b>
<b>AGENT</b>	<b>Mouchel</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The land is owned by Central Bedfordshire Council</b>
<b>RECOMMENDED DECISION</b>	<b>Grant Planning Permission</b>

**Site Location:**

The application site comprises an Edwardian red brick lower school set on the south eastern side of Burr Street and wrapping around No's 15, 17 and 19. The school consists of two separate blocks linked together by a double glazed corridor, which also demarks the main entrance to the school.

The temporary classroom unit is located on part of the playground in the north eastern corner of the school site adjacent to the northern and eastern boundaries. The boundaries are delineated by 1.2m high wooden panelled fencing with a further 1.2m high chain link fencing above.

In support of the application, it is stated that the forecast for the school roll is that numbers of pupils will continue to increase and without the double unit the school would not be able to function effectively. The unit is screened from view from the surgery car park behind and housing to the side by a low wall, fencing, hedge and shrubbery.

The site lies adjacent to the Dunstable Conservation Area. The site is contained by residential development and the Doctors' Surgery.

**The Application:**

The application seeks planning permission for the retention of a temporary double classroom unit located along the north eastern boundary of the site adjacent to the rear boundary of No. 85 and the doctors surgery at 89/91 West Street. The unit measures 17.7m wide by 8.5m deep with a maximum height of 3.8m. The unit comprises 2 classrooms with cloakroom, toilets and store. There are external steps to a central entrance point and at either end.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS1 – Delivering Sustainable Development  
PPG15 – Planning and the Historic Environment

### **Regional Spatial Strategy**

#### **East of England Plan (May 2008)**

SS1 – Achieving sustainable development  
ENV7 – Quality in the Built Environment

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

#### **Bedfordshire Structure Plan 2011**

None relevant

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

BE8 – Design Considerations

### **Planning History**

SB/TP/77/0362	Permission for erection of store and alterations to form nursery.
SB/CC/89/0005	Permission for siting of one five bay double hatted classroom.
SB/CC/99/0001	Permission for siting of temporary double classroom unit with toilet.
SB/CC/02/0014	No objection to retention of double classroom unit.
SB/TP/05/0768	Permission for extension and alterations to existing school building.
SB/TP/07/1479	Permission for tensile fabric canopy to existing courtyard northwest of existing entrance covered way and convert existing window on southwest elevation of main northeast block into doorway.

### **Representations: (Parish & Neighbours)**

Dunstable Town Council	No objections
Neighbours	The application was publicised by the direct notification of adjoining occupiers and the display of site notices. No responses were received as a result.

### **Consultations/Publicity responses**

Highways	No objection.
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Education	No response received.
Environmental Health	No response received.

## **Determining Issues**

The main considerations in the determination of the application are:

1. Whether the proposal would have any adverse visual impact upon the character and appearance of the locality and setting of the adjacent Conservation Area.
2. Whether there would be any adverse effect on the amenity of neighbouring and nearby residential occupiers.

## **Considerations**

### **1. Impact on the character and appearance of the locality and setting of the adjacent Conservation Area**

The north eastern boundary of the school site adjoins the Conservation Area and the temporary classroom unit is located approximately 2m away from that boundary; beyond which are the long rear gardens of properties in Icknield Street. PPG15 states that planning permission would not be granted for proposals which adversely affect the character, appearance and setting of a conservation area. The temporary classroom unit would be concealed from view from the Conservation Area by the existing dwellings. Therefore, there would be no adverse effect on the setting of the Conservation Area.

Although there would be some views of the temporary classroom from the Burr Street frontage, the structure is set back some 33m from the road frontage and it would be seen in the context of the overall school buildings. Therefore, there would be no adverse visual impact on the character and appearance of the street scene and locality generally.

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

The temporary unit lies closest to the common boundary with the Doctors' Surgery on West Street. The nearest gardens belong to properties at 83 and 85 West Street and the flats at St Mary's Court and Acacia Villas. Due to the single storey nature of the structure and the presence of boundary screening I do not consider that there would be any adverse impact upon residential amenity in terms of overlooking, loss of privacy, loss of sunlight and daylight and overbearing effect.

## **Conclusion**

The temporary classroom unit is required to be retained in order to accommodate the predicted number of pupils which will exceed the capacity of the existing permanent buildings. There is no adverse effect on the character and appearance of the locality or the amenity of neighbouring residents. There are no material considerations to suggest that planning permission should not be granted again subject to it being for a further temporary period.

## **Reasons for Granting**

The proposed development complies with national guidance and Policy BE8 of the South Bedfordshire Local Plan Review in respect of the visual impact of the siting, design and external appearance of the temporary classroom on the setting of the Conservation Area, character and appearance of the street scene and amenity of neighbouring occupiers.

## **Recommendation**

Grant planning permission subject to the following conditions:

- 1 The permission hereby granted shall be limited to a temporary period expiring on 30/04/2014 after which the temporary classroom unit shall be removed from site and the land re-instated to its former condition within a period of 6 months to the satisfaction of the Local Planning Authority.  
REASON: To enable the Local Planning Authority to review the uses, buildings and structures when the permission expires.  
(Policy BE8 S.B.L.P.R).
- 2 The temporary classroom unit shall be kept in a good state of external maintenance and repair.  
REASON: To safeguard visual amenities.  
(Policy BE8, S.B.L.P.R).
- 3 This permission relates only to the details shown on Drawing No. 2001 received 23/02/09 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)**

SS1 – Achieving sustainable development

ENV7 – Quality in the Built Environment

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

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

BE8 – Design Considerations

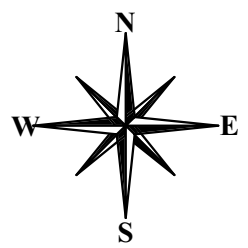
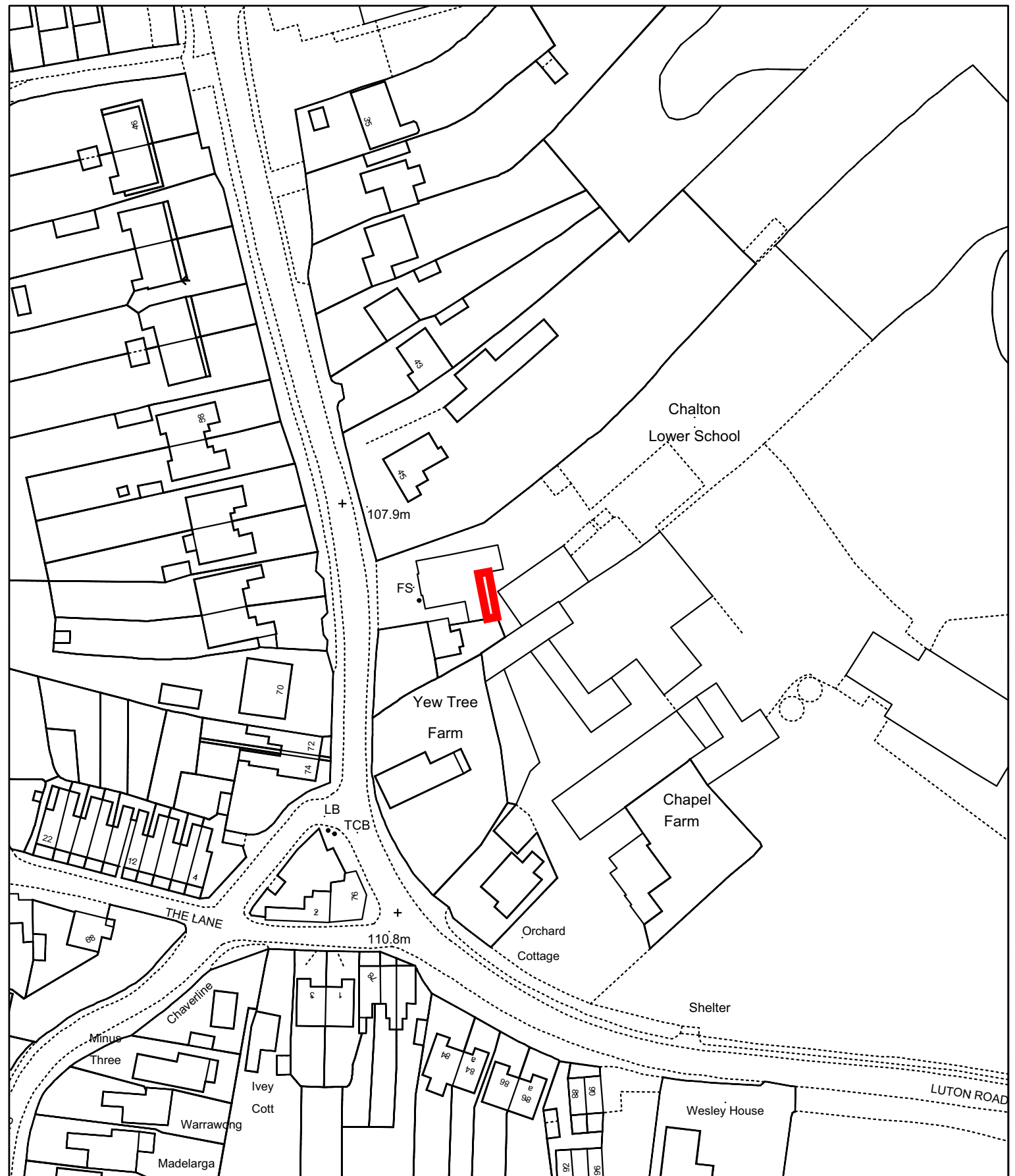
2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire 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: 14:May:2009

Map Sheet No

**ITEM NO. 13**  
**APPLICATION NO. SB/09/00174/TP**

Scale: 1:1250

**Chalton Lower School, Luton Road, Chalton, Luton**  
**13.1**

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**Item No. 13****SCHEDULE C**

<b>APPLICATION NUMBER</b>	<b>SB/09/00174/TP</b>
<b>LOCATION</b>	<b>Chalton Lower School, Luton Road, Chalton, Luton, LU4 9UJ</b>
<b>PROPOSAL</b>	<b>Erection of single storey rear extension.</b>
<b>PARISH</b>	<b>Chalton</b>
<b>WARD</b>	<b>Toddington inc Chalton</b>
<b>WARD COUNCILLORS</b>	<b>Cllr J Machin &amp; Cllr T Nicols</b>
<b>CASE OFFICER</b>	<b>Gill Claxton</b>
<b>DATE REGISTERED</b>	<b>20 March 2009</b>
<b>EXPIRY DATE</b>	<b>15 May 2009</b>
<b>APPLICANT</b>	<b>Chalton Lower School</b>
<b>AGENT</b>	<b>Newspace (Commercial Designs) Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The land is owned by Central Bedfordshire Council</b>
<b>RECOMMENDED DECISION</b>	<b>Grant Planning Permission</b>

**Site Location:**

The application site lies on the eastern side of Luton Road and comprises Chalton Lower School. The main school building is Victorian and comprises a brick building with steeply sloping pitched roof, set back some 10m from the highway boundary. There is an existing single storey rear extension. Behind the main school building is a temporary double classroom and a "Terrapin" office unit. To the east of these lies the school playground with playing field beyond. The site boundaries are enclosed by a mix of close boarded fencing and trees. The nearest property to the south is No. 49 Luton Road (a property that was formerly the School House which is Council owned but leased to Aragon Housing. It is currently occupied by a tenant) and Yew Tree Farm at No. 53. To the north is a dwelling at No. 45 Luton Road with the farm buildings at Chapel Farm abutting the remainder of the southern boundary.

**The Application:**

The application seeks planning permission for the erection of a single storey rear extension. It would be attached to an existing single storey flat-roofed rear extension. The extension would be used to provide an enlarged staffroom and easy access toilet with a new store created from the internal reorganisation of part of the existing extension. The extension would measure 8.9m wide by 2.1m deep with a flat roof to a height of 2.9m and would comprise bricks to match the existing extension.

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

PPS1 - Delivering Sustainable Development  
PPG2 – Green Belts

## **Regional Spatial Strategy**

### **East of England Plan (May 2008)**

SS1 – Achieving sustainable development

SS7 – Green Belt

ENV7 – Quality in the Built Environment

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

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

BE8 – Design Considerations

GB3 – Green Belt Villages

## **Planning History**

SB/CC/98/00001	Permission for siting of one double temporary classroom unit (Reg 3.).
SB/CC/99/0005	Permission for erection of single storey rear extension to provide a new classroom (Reg. 3).
SB/CC/02/0010	Permission for the retention of a double temporary classroom and terrapin unit (Reg. 3, BC/CC/2002/35 refers).
SB/CC/02/0015	Permission for erection of single storey front extension.
SB/CC/04/00085	Permission for erection of single storey extension to children's toilets.
SB/CC/06/00077	Permission for erection of a summer house, extension of hard play area and provision of new footpath (Reg. 3, BC/CC/2006/7 refers).
SB/CC/07/00541	Permission for the siting of a wooden shelter and erection of canopy to create covered area (Reg. 3, BC/CC/2007/0020 refers).
SB/CC/08/00756	Permission for the retention of a double temporary classroom and terrapin unit (Reg. 3, BC/CC/2008/31 refers)

## **Representations: (Parish & Neighbours)**

Chalton Parish Council	No objections .
Neighbours	The application was publicised by the direct notification of adjoining occupiers and the display of a site notice. No responses were received as a result.

## **Consultations/Publicity responses**

Highways	No objection.
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Archaeology	No objection.
Environmental Health	No objection.
Education	No response received.

## **Determining Issues**

The main considerations in the determination of the application are:

1. Principle of development.
2. Whether the proposal would have any adverse visual impact upon the character and appearance of the existing building and locality generally.
3. Whether there would be any adverse effect on the amenity of neighbouring and nearby residential occupiers.

## **Considerations**

### **1. Principle of development**

Chalton is identified as a Category 2 Green Belt village in the Local Plan in accordance with Policy GB3. While the Green Belt washes over the village, within boundaries defined in the Plan, limited redevelopment and extensions to non-residential properties will be permitted. The supporting text to the policy states that limited extensions will be modest and not disproportionate to the scale of the original building or buildings and will be capable of being accommodated within the existing infrastructure. The front third of the school site, within which the extension would be located, falls within the boundary. The proposal would be modest and would not be disproportionate to the scale of the existing building. Accordingly, there is no objection to the principle of the development.

### **2. Impact upon the character and appearance of the existing building and locality generally**

The siting, design and external appearance of the extension would match that of the existing rear extension. It would have no adverse visual impact on the character and appearance of the existing building. The location of the extension is such that it would not be visible from public vantage points and would have no adverse effect on the visual amenity of the wider area.

### **3. Impact on the amenity of occupiers of neighbouring properties**

There would be no adverse impact on the amenity of the nearest residential occupier at No. 49 Luton Road in terms of overlooking, loss of privacy, sunlight or daylight and overbearing effect due to the distance between the rear of No. 49 and the proposal, the single storey nature of the extension and the presence of boundary fencing. Similarly there would be no adverse effect on other adjoining and nearby occupiers in terms of overlooking, loss of privacy, sunlight or daylight and overbearing effect due to the modest, single storey of the development, the presence of a farm building at Chapel Farm and the distances involved.

## **Conclusion**

The extension is seeking to provide an easy access toilet; improvements to the staff room and create additional storage space from the reconfiguration of part of the internal space of the existing extension. There would be no adverse effect on the Green Belt as the development falls within that part of the village where policy GB3 applies; the extension is modest and not disproportionate to the scale of the existing building. There would be no adverse effect on the character and appearance of the existing building; the locality general or the amenity of neighbouring occupiers.

## **Reasons for Granting**

The proposed development complies with national guidance and Policies GB3 and BE8 of the South Bedfordshire Local Plan Review in respect of the principle of development, the visual impact of the siting, design and external appearance of the extension on the character and appearance of the existing school building and the amenity of neighbouring occupiers.

## **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 The external finish of the walls and roofing materials to be used for the extension shall match as closely as possible that of the existing single storey extension to which this development will be attached.  
REASON: To ensure that the development is in keeping with the existing building.  
(Policy BE8, S.B.L.P.R).
- 3 This permission relates only to the details shown on Drawing Nos. NCD/08/CSTP 1, NCD/08/CSTP 2 and NCD/08/CSTP 3 received 18/03/09 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)**  
SS1 – Achieving sustainable development  
SS7 – Green Belt  
ENV7 – Quality in the Built Environment

**South Bedfordshire Local Plan Review**  
BE8 – Design Considerations  
GB3 – Green Belt Villages

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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**Item No. 14****SCHEDULE C**

<b>APPLICATION NUMBER</b>	MB/09/00410/FULL
<b>LOCATION</b>	<b>THE LODGE, THE BAULK, BIGGLESWADE, BEDS, SG18 0PT</b>
<b>PROPOSAL</b>	<b>FULL: CHANGE OF USE FROM RESIDENTIAL TO A LIFE SKILLS CENTRE FOR PUPILS (D1 USE). REDEVELOPMENT OF GARDEN TO PROVIDE HORTICULTURAL FACILITIES FOR SUNNYSIDE SCHOOL AND OTHER LOCAL SCHOOLS.</b>
<b>PARISH</b>	Biggleswade
<b>CASE OFFICER</b>	Judy Self
<b>DATE REGISTERED</b>	23 April 2009
<b>EXPIRY DATE</b>	18 June 2009
<b>APPLICANT</b>	J.C Mudd
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>THE APPLICATION SITE IS WITHIN THE OWNERSHIP OF THE COUNCIL</b>
<b>RECOMMENDED DECISION</b>	<b>FULL CONDITIONAL APPROVAL</b>

**Site Location:**

The application site is a detached two storey dwelling known as the Lodge in Biggleswade. The property is positioned behind the Clinic which fronts onto the Baulk. To the east of the application site lies 'The Lawns Early Excellence Centre'; to the north lies 'Maythorn Care Centre' and to the west lies the residential care home known as 'Copelands'. At the time of the site visit the property appeared vacant and the gardens were overgrown.

**The Application:**

Planning permission is sought for a change of use from 'residential' (C3) to 'Non-Residential Institution' (D1) as a life skills centre for pupils. It is proposed to redevelop the existing garden to provide horticulture facilities for Sunnyside School and other local schools.

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

PPS1 Delivering Sustainable Development (2005)

## Mid Bedfordshire Local Plan First Review 2005 Policies

DPS6 Development Principles and Standards (The Built Environment)

### Current Planning History

MB/08/01973 CC: Erection of a single bay temporary unit for use as a meeting room and a consulting room - no objection  
MB/05/00094 CC: Erection of covered area (Aliport) - no objection

### Representations: (Parish & Neighbours)

Adj. Occupiers	No comments received
Site Notice Posted 7/5/09	No comments received
Biggleswade Town Council	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. Principle of development

The principle of the use is assessed within the context of Policy DPS6 (Development Principles and Standards) of the adopted Mid Bedfordshire Local Plan which states that *"the rearrangement of uses within a site....will be permitted provided they meet the following criteria:*

*(i) The proposal does not seriously harm the amenities of neighbours through undue loss of light or privacy;*

*(iv) There is no unacceptable impact upon the character and appearance of the streetscene or general locality".*

As the site is located within the settlement envelope, the principle of the development is considered to be acceptable.

#### 2. Visual impact upon the character and appearance of the area

The application proposes to change the use from residential to a life skills centre and for redevelopment of the garden to provide horticultural facilities. Given the position of the application site, and the fact that no external alterations are proposed to the building, no harm is considered to arise to the character and appearance of the area.

**3. Impact upon the neighbouring residential amenity**

It is not considered that the use of the building as a learning centre would pose any significant detriment to the amenity of neighbouring residential properties from noise or any other environmental impact, as the majority of the activities would take place inside the existing structure. The use of the garden to provide horticultural facilities for local schools may increase the level of activity on the land but this should not be to an unacceptable degree and is only likely to be during the working day.

**4. Any other implications of the proposal**

There are not considered to be any other implications.

**Reason For Granting**

The proposal is in conformity with Policies DPS6 (Development Principles & Standards) of the Adopted Mid Bedfordshire Local Plan (2005) and Planning Policy Guidance: Planning Statement 1 Delivering Sustainable Development (2005).

The principle of the use is acceptable and there would be no significant impact on the character and appearance of the area or on neighbouring amenity. In conclusion, it is considered that the proposal is acceptable and that planning permission should be granted.

**RECOMMENDATION**

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

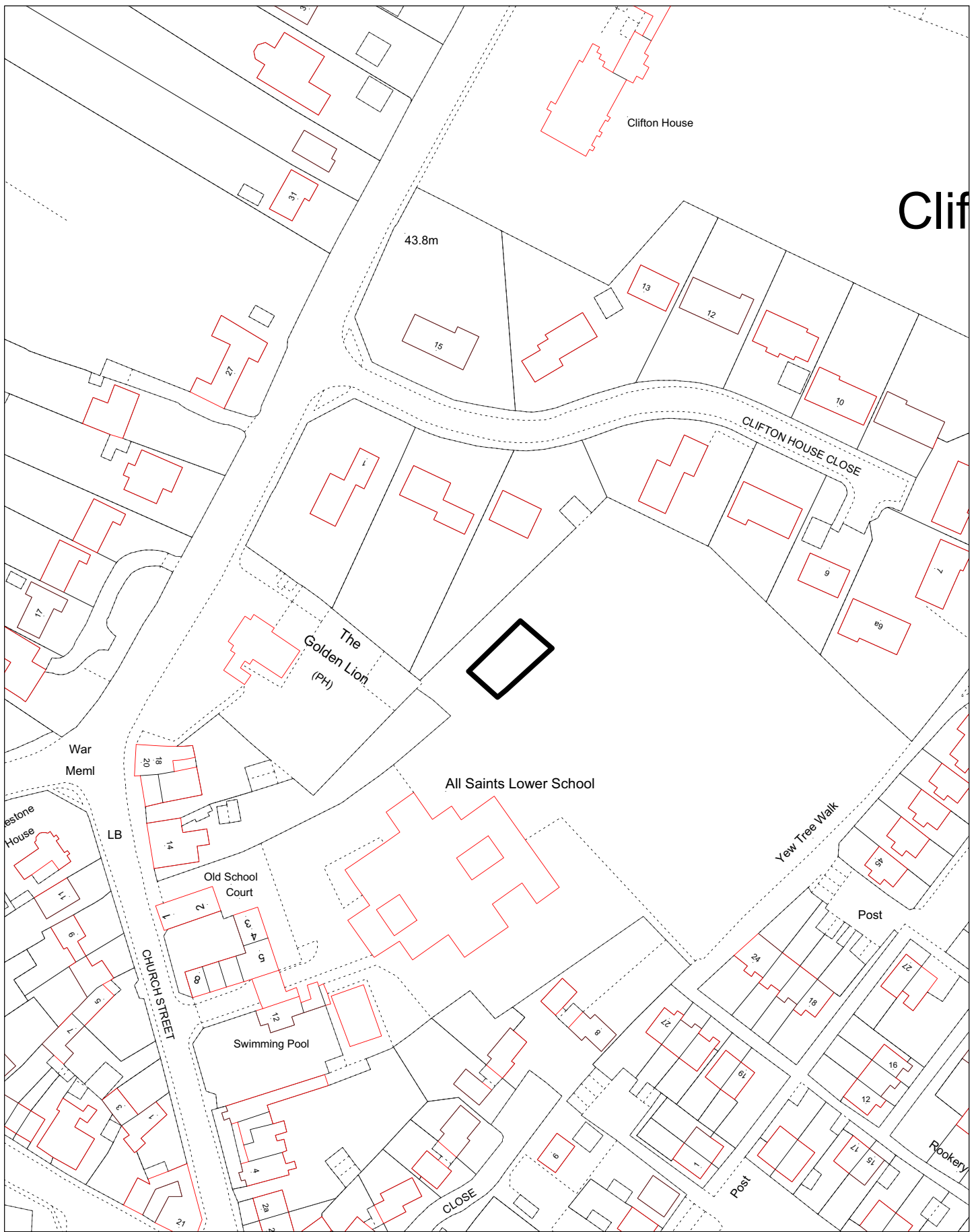
- 1        DG01    The development hereby approved shall be commenced within three years of the date of this permission.

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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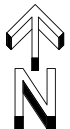
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Date: 27th May 2009

ITEM NO. 15

Scale: 1:1250

APPLICATION NO. CB/09/00621/FULL



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100049029. 2009.

All Saints Lower School, Church Street, Clifton

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**Item No. 15****SCHEDULE C**

<b>APPLICATION NUMBER</b>	CB/09/00621/FULL
<b>LOCATION</b>	<b>ALL SAINTS LOWER SCHOOL, CHURCH STREET, CLIFTON, SHEFFORD, SG17 5ES</b>
<b>PROPOSAL</b>	<b>FULL: RETENTION OF CLIFTON PRE-SCHOOL TEMPORARY BUILDING INCLUDING TIMBER RAMP AND STEPS WITH HANDRAILS AND BALUSTRADES. RELOCATION OF PLAY AREA AND NEW PLANTING. (PART RETROSPECTIVE)</b>
<b>PARISH</b>	Clifton
<b>CASE OFFICER</b>	Samantha Boyd
<b>DATE REGISTERED</b>	22 April 2009
<b>EXPIRY DATE</b>	17 June 2009
<b>APPLICANT</b>	The Woodlands Pre-school
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>CLLR TONY ROGERS REQUEST DUE TO APPLICATION HISTORY. APPLICATION IS ALSO ON COUNCIL OWNED LAND.</b>
<b>RECOMMENDED DECISION</b>	<b>FULL CONDITIONAL APPROVAL</b>

**Site Location:**

The site is located in the western corner of the playing field serving All Saints Lower School in the village of Clifton wholly within the conservation area and the settlement envelope. The playing field is bordered by residential properties to the north, east and south with All Saints Lower School located to the South West.

**The Application:**

This application seeks consent for the retention of Clifton Pre School building and its associated play area and access.

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

- PPS 1 Delivering Sustainable Development
  - PPG Planning and the Historic Environment
- 15

## **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**

CHE 11 Conservation Areas

DPS5 Built Environment

DPS15 Important Open Space, Trees and Hedgerows

DPS26 Temporary Buildings

## **Supplementary Planning Guidance**

N/A

## **Planning History**

07/01342/TPO	Removal of TPO trees to enable the siting of a temporary building - approved 25/09/07
07/01343/Full	Pre-school unit, covered play area, fenced hard play area and footpath - approved 07/11/07
08/00739/Full	Retention of Pre-school building including timber ramp and steps with balustrades, fenced play area and astro turf footpath. Withdrawn 03/06/08
08/01419/Full	Retention of Pre-school building including timber ramp and steps with balustrades, fenced play area and astro turf footpath and the erection of Acoustic fencing to rear and side boundaries. Refused 03/06/08

## **Representations: (Parish & Neighbours)**

Clifton Parish Council	No comments received at time of writing report
Adjacent occupiers	No comments received at time of writing report

## **Consultations/Publicity responses**

Site notice displayed	01/05/09
Application advertised	01/05/09
Responses received	One letter received in support of application.

## **Determining Issues**

The main considerations of the application are;

1. The principle of the development.
2. Background.
3. Effect on the character and appearance of the conservation area
4. Impact on neighbouring amenities.

## **Considerations**

### **1. The principle of the development**

The principle of the Clifton pre-school building, its impact upon the character and appearance of the conservation area and the amenities of the adjacent occupiers has been established in the original application reference 07/01343/Full which was approved on 07/11/07. However the building was not constructed according to the approved plans. Therefore this application will assess the effect that the amendments to the building have on the character and appearance of the area, and the impact on the amenities of the adjacent residential dwellings, which will be discussed in the next sections.

### **2. Background**

Due to the previous applications, listed above, it is necessary to consider the history of the site in the determination of this application.

Planning permission was granted for the siting of the temporary building for use as a pre-school facility under reference 07/01343/Full dated 07/11/2007. Following concerns raised at the time by Environmental Health Officers it was recommended that an acoustic fence be erected along the rear boundary and the edge of the play area which was sited to the south east (front) of the building. In addition the layout of the building was revised so that windows to the rear elevation served the toilets only.

It was also suggested by Environmental Health that there should be no windows in the north east elevation to reduce the impact of noise on the adjacent residential dwellings. However this amendment was not forthcoming.

The building has now been constructed but not in accordance with the approved plans. The building is 300m higher than the approved plans, and the play area has been extended and is now located to the front and north east side of the building. No acoustic fencing has been erected. Furthermore the building has been sited further away from the boundary with the property to the rear.

Due to the changes to the approved scheme the structure overlooks the garden of the property to the rear and the play area has been located closer to residential properties.

A second application (08/01419/Full) was submitted seeking to regularise the unauthorised building and address the potential impact to the neighbouring residential properties by way of loss of privacy and noise pollution. 2.7m high acoustic fencing along the shared boundary with No. 3 Clifton House Close was proposed in this application to reduce the visual impact of the structure and potential noise arising from its use. The application was refused at Development Control Committee on 14/11/08 for the following reason:

*The development, by reason of its siting, size and design would have an unacceptable overbearing impact on the adjacent dwelling, no. 3 Clifton House Close resulting in an unreasonable loss of residential amenities. As such the proposal is contrary to Policy DPS5 of the Mid Bedfordshire Local Plan (Adopted 2005).*

Following this refusal a third application has been submitted in order to address the above refusal reason.

### **3. The effect upon the character and appearance of the conservation area**

As stated in section 2 the building has been raised in height by approximately 300mm, by constructing a raised hardcore base and placing the building on top. The layout and fenestration details are different and the location and size of the external play area has changed from the original approved plans. The overall height of the current building is approximately 4m from the surrounding ground levels. This application proposed no changes to the building itself.

The main amendments to the proposal is the play area, which is to be relocated to the front of the building and will extend out to the side into the existing playing field. The timber storage shed is also to be relocated so that it is wholly inside the play area boundary. The north west boundary of the play area is to be bound with 1.95m close boarded fencing.

The structure is located within the playing fields of All Saints lower school within a corner that is not visible from the public realm.

Overall it is considered that the building and the play area would not have a detrimental impact upon the character and appearance of the area.

### **4. The impact on the amenities of the adjacent properties.**

The overall height of the current building is approximately 4m from the surrounding ground levels. Four windows to the rear elevation serve the toilets and the kitchen area and all are obscurely glazed. With the exception of the kitchen, all are high level windows. The side elevation which faces the north east boundary has four windows serving the nursery, one within the play area boundary. The submitted plans describe one of these windows as being altered to a non-opening type. It is considered that all the windows in this elevation, apart from the window within the play area should be of a non-opening type. This can be secured through a condition of approval.

The play area is to be re-located to the north east and south east sides of the building and will be enclosed with timber post fencing at 1.95m in height along the rear boundary and 1.2m in height along the boundaries which face the playing field.

The structure is sited at 2.5m from the side boundary of no. 3 Clifton House Close, approximately 16m from the dwelling. Due to the raised height of the building there will be some impact on the rear garden area of this property. Some overlooking may occur, however the windows facing the garden are obscure glazed high level windows therefore this is not considered to be significant overlooking.

The windows in the north east elevation, which serve the main nursery and kitchen have direct line of sight of the rear elevation of no. 3. These windows are not obscurely glazed.

A number of additional trees have been planted in the space between the building and the boundary of No. 3 Clifton House Close to reduce the visual impact of the building. Furthermore additional trees are proposed along the boundary to restrict any views from the windows in the north east elevation and to act as a visual barrier.

As the play area is to be re-sited further away from the boundary with no. 3 Clifton House Close, the acoustic fencing which formed part of the previous refused application is no longer considered necessary.

It is considered that the proposed revisions have attempted to address the original concerns and the refusal reason on the previous application and whilst there may be some impact from the building on the amenities of the closest neighbouring properties, the impact is not considered to be so significant to warrant refusal of the application. Therefore the application is considered acceptable in terms of its impact upon the neighbouring amenities.

## **5. Any other issues**

### **Trees**

The Tree and Landscape Officer has no major objections to the scheme however the storage shed should be moved 1.5m nearer to the main building to avoid damage to the mature trees on the site. In terms of the planting, Viburnum should be used, not Laburnum, which is poisonous. Bay trees would be too alien and are expensive, therefore other Cotoneasters such as Lacteus could be used instead. These recommendations can be dealt with by a condition on the approval.

### **Noise**

The re-location of the play area would reduce the potential noise issue from children play outdoors. The play area is located on the existing play field used by the Lower School therefore noise from children playing already exists to some degree. A condition granting temporary consent for is recommended to

enable monitoring of the Pre-School with regard to any potential noise complaints.

## Reasons for Granting

The proposal is acceptable in principle in accordance with Policy DPS5 of the Mid Bedfordshire Local Plan First Review 2005. There would be no detrimental impact upon the character and appearance of the surrounding area and there would be little 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), Planning Policy Guidance 15 (1994), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policy DPS5, Policy DPS15, Policy DPS26 and Policy CHE11 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 TP02 The building and associated development shall be retained on the site for a limited period of 5 years commencing from the date of this decision notice, at the end of which period it shall be completely removed from the site within a period of 2 months.

Reason: The application is for a temporary building and to monitor the impact of the building and its use on the amenities of the adjacent neighbouring properties.

- 2 TL02 Full details of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within two months from the date of this decision. These details shall include:-

- proposed finished levels or contours;
- 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;
- 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.

- 3 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 date of this decision; 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.

- 4 U Within 3 months from the date of this decision the play area shall be re-positioned and the storage shed shall be sited at 3.5m from the north east elevation of the building. A site plan drawn to a scale of 1:100 showing the revised position of the shed shall be submitted to and approved in writing by the Local Planning Authority. The development shall accord with the approved details.

Reason: To protect the trees within the vicinity.

- 5 U Within 3 months from the date of this decision, the windows on the north east elevation of the building, beyond the proposed play area, shall be changed to a non-opening type details of which shall first be submitted to and approved in writing by the Local Planning Authority. The development shall accord with the approved details.

Reason: In the interest of the neighbouring amenities.

**Notes to Applicant**

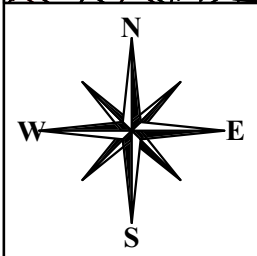
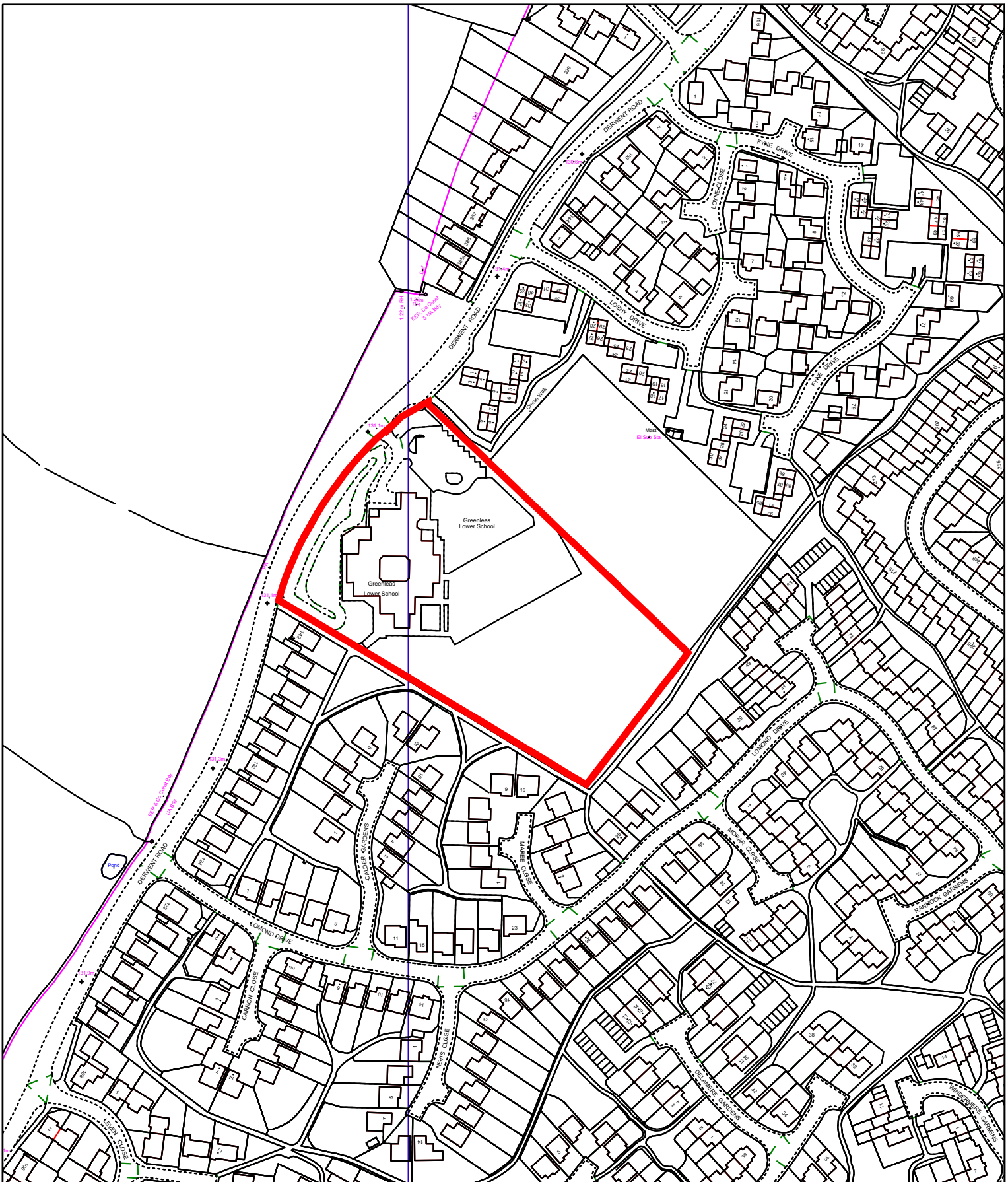
- 1 The applicant is advised that the proposed planting should be amended. Viburnum should be used not Laburnum, which is poisonous.

**DECISION**

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Date: 14:May:2009

Map Sheet No

ITEM NO. 16

APPLICATION NO. SB/09/00113/TP

Scale: 1:2500

Greenleas Lower School, Derwent Road, Linslade  
 16.1

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**Item No. 16****SCHEDULE C**

<b>APPLICATION NUMBER</b>	<b>SB/09/00113/TP</b>
<b>LOCATION</b>	<b>Greenleas Lower School, Derwent Road, Linslade, Leighton Buzzard, LU7 2AB</b>
<b>PROPOSAL</b>	<b>Modification of planning permission SB/TP/08/0904 (pre-school classroom) to include erection of single storey extension for storage purposes, construction of a canopy over childrens' play area, construction of link canopy between pre-school and existing school building and the addition of roof lights.</b>
<b>PARISH</b>	<b>Leighton Buzzard</b>
<b>WARD</b>	<b>Leighton-Linslade - Southcott</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs A Brandham, P Snelling &amp; W Forde</b>
<b>CASE OFFICER</b>	<b>James Clements</b>
<b>DATE REGISTERED</b>	<b>18 February 2009</b>
<b>EXPIRY DATE</b>	<b>15 April 2009</b>
<b>APPLICANT</b>	<b>Greensleas Lower School</b>
<b>AGENT</b>	<b>Building Advisory Service Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The land is owned by Central Bedfordshire Council</b>
<b>RECOMMENDED DECISION</b>	<b>Grant Planning Permission</b>

**Site Location:**

The proposal site is at Greenleas Lower School, Derwent Road, Leighton Buzzard. The school is located approximately 1.3 miles north west of Leighton Buzzard town centre, and is set back approximately 16 metres to south of Derwent Road, set in 1.6 hectares of land. The site is surrounded by residential properties to the south, southwest and northeast; there is a playground and field to the east. The nearest residential properties are within 10 metres of the boundary with the school. The nearest residential properties to the proposal is no.11 Calder Gardens which is approximately 20 metres distance from the proposal.

Greenleas Lower School was built circa 1984 and is a single-storey structure covering an area of 1472 m<sup>2</sup>, constructed in brick and tile. The school is set back from the highway and is set in 1.6 hectares of land which includes a staff carpark, hard surfaced play areas and playing fields. There are public footpaths to the north east, southwest and southeast.

**The Application:**

This is a proposal for the erection of a single-storey extension for storage purposes, a canopy over childrens play, a canopy link and the addition of 2 roof lights.

The single-storey storage building would be attached to the northwest corner of the pre-school classroom, measuring 2.4m deep, 4.2m wide and 2.9m in height. The

play canopy would be attached to the east of the pre-school building, measuring 8m wide, 2.7m deep and 3.4m in height. The L-shaped link canopy would be attached to the north of the pre-school and south of the existing school, measuring 7.5m long, 6m wide and 3.4m high. The proposal also includes an additional two roof lights to the pre-school building.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS1 Sustainable Development

### **Regional Spatial Strategy**

East of England Plan (May 2008)

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

### **Bedfordshire Structure Plan 2011**

None

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

BE8 Design and Environmental Standards

### **Planning History**

SB/CC/83/0001	Outline application for 300 place lower school – Granted 14/04/1983.
SB/CC/84/0287	Reserved matters application for 300 place lower school – Granted 13/07/1984.
SB/TP/01/0389	Erection of single-storey toilet accommodation – Granted 18/06/2001.
SB/TP/02/1179	Erection of a single-storey extension and covered play area – Granted 15/01/2003.
SB/TP/08/0609	Erection of single-storey extension to provide two classrooms – Withdrawn 07/07/2008.
SB/TP/08/0772	Erection of single-storey extension to provide two classrooms – Granted 03/09/2008.
SB/TP/08/0904	Erection of detached pre-school classroom - Granted permission.

### **Representations: (Parish & Neighbours)**

Leighton Buzzard and Linslade TC      No objections.

## **Consultations/Publicity responses:**

None

## **Determining Issues**

The main considerations of the application are;

1. Principles of development
2. Design and environmental considerations

## **Considerations**

### **1. Principles of development**

Greenleas School is within the settlement envelope of Leighton Buzzard. The proposed works are therefore acceptable in principle, subject to specific guidance set out in the South Bedfordshire Local Plan Policy BE8 – Design and Environmental Considerations.

### **2. Design and Environmental Considerations**

Permission was granted in 2008 (SB/TP/08/0904) for a detached pre-school classroom to the west of the school adjacent to the boundary. Building works have not yet begun on the pre-school. This application seeks to add a storage building, canopy areas and roof lights to the building already granted consent.

The play canopy will provide an external covered area so that children can access the outside play areas in all weathers, while the link canopy will join the detached pre-school with the rest of the school. The storage building will be used to store childrens' play equipment. Both the link and play canopy will be constructed in polycarbonate plastic roof sheeting and a polyester powder coated metal frame. The canopies will be open to the sides. The storage will be constructed in brick to match the existing school.

The proposals will be no closer to existing residential properties than the detached pre-school and will not replace any of the schools playing fields.

It is considered that the proposals are of a minor nature and of an acceptable design. They will not have a detrimental effect on the character of the existing school or locality and will not have a detrimental impact on amenity.

The proposal accords with Policy BE8 of the South Bedfordshire Local Plan.

## **Reasons for Granting**

The proposal is in conformity with Policies BE8 of the South Bedfordshire Local Plan Review (2004); Planning Policy Guidance PPS1.

## **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 New external brickwork shall match that of the existing building as closely as possible.  
REASON: To ensure that the development is in keeping with the existing building.  
(Policies BE8 & H8 S.B.L.P.R).
- 3 This permission relates only to the details shown on Plan A101 Revision 1, A102 Revision 1, A103 and A104 received 18/02/2009 or to any subsequent appropriately endorsed revised plan.  
REASON: To identify the approved plans 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 and Environmental Considerations

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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**Item No. 17****SCHEDULE C**

<b>APPLICATION NUMBER</b>	<b>MB/09/00529/FULL</b>
<b>LOCATION</b>	<b>FULBROOK SCHOOL, WEATHERCOCK LANE, WOBURN SANDS, MILTON KEYNES, MK17 8NP</b>
<b>PROPOSAL</b>	<b>INSTALLATION OF A ROOF-MOUNTED SOLAR PHOTOVOLTAIC (PV) SYSTEM ON TOP OF THE FLAT ROOF OF THE SCHOOL, INCLUDING PANELS AND FIXINGS</b>
<b>PARISH</b>	Aspley Guise
<b>WARD COUNCILLOR</b>	Cllr F Chapman
<b>CASE OFFICER</b>	Annabel Gammell
<b>DATE REGISTERED</b>	24 March 2009
<b>EXPIRY DATE</b>	19 May 2009
<b>APPLICANT</b>	Fulbrook School
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>LAND THE COUNCIL OWNS</b>
<b>RECOMMENDED DECISION</b>	<b>FULL CONDITIONAL APPROVAL</b>

**Site Location:**

The application site is Fulbrook Middle School which is located on the eastern side of Weathercock Lane; the school is a two storey brick built building with a single storey block to the rear. It has residential development to the north, west and south and playing fields to the east. The School is in an Area of Great Landscape Value and within the South Bedfordshire Green Belt.

**The Application:**

The installation of a roof-mounted solar photovoltaic (PV) systems on top of the flat roof of the school, including the panels and fixings.

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

PPS 1	Delivering Sustainable Development (2005)
PPS 3	Housing (2006)
PPS 22	Renewable Energy (2006)

**Regional Spatial Strategy**

East of England Plan (May 2008)

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

## **Bedfordshire Structure Plan 2011**

None

## **Mid Bedfordshire Local Plan First Review 2005 Policies**

Policy DPS6 Criteria For Extensions Mid Bedfordshire Adopted Local Plan (2005)

## **Supplementary Planning Guidance**

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

## **Planning History**

MB/07/01108/FULL Full: Two storey side and rear extension. Single storey rear extension and canopy to front elevation. - Approved  
MB/06/00776/FULL Full: Erection of protective fencing 10 metres high and 30 metres long - Approved

## **Representations: (Parish & Neighbours)**

Aspley Guise PC No comment  
Neighbours No response

## **Consultations/Publicity responses**

Site Notice Posted 20.04.09

## **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**

The solar panels would be located on a single storey flat roofed classroom block to the rear of the main school building. There is an access to the school from Burrows Close adjacent to the single storey classroom block via an iron gate; this north western boundary is marked with a low hedge, therefore the development would be visible in long views from Burrows Close. The solar panels would not be visible from Weathercock Lane. The school buildings are comprised of two large blocks, with flat roofs, the location of the solar panels would be towards the rear of the school, this location was chosen to maximize

solar gain. The solar panels would be a dark blue-black colour, they would be covered in an anti – reflecting coating to minimise their impact on the building. It is not considered that the addition of the solar panels would have a negative effect on the character or appearance of the area as the proposal is in accordance with Policy DPS6 of the Mid beds Adopted Local Plan (2005).

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

Although the solar panels would be visible from the residential dwellings on Burrows Close, it is not considered that they would have a negative impact upon the residential amenity as the development would be relatively minor. The solar panels would be angled south to benefit from solar gain, they would extend 0.55 metres off the height of the single storey roof. The southerly facing panels would be away from properties in Burrow Close and it is therefore considered that they would not impact upon the residential amenity of the neighbouring properties.

No representations have been received from neighbouring residents.

## 3. **Any other implications**

The application site is within the designated South Bedfordshire Green Belt, PPG2 sets out the criteria that development has to meet before it would be acceptable. The solar panels would not contribute to the sprawl of a large built up area, and they would not cause neighbouring towns to merge into one another. As the solar panels would be enclosed on an existing developed site the countryside would be safeguarded from encroachment. Woburn Sands is an attractive Town but the solar panels would be dark in colour and anti-reflective therefore the special character would not be detrimentally affected. In the Mid Bedfordshire Local Plan First Review (adopted 2005) the site is designated as “in fill” green belt land, as this proposal is relatively minor and would not be on green field land, it is considered that the South Bedfordshire Green Belt would be protected from encroachment.

## **Reasons for Granting**

It is considered that the proposal is **acceptable** and that planning permission should be granted subject to conditions. The scheme, by reason of its site, design and location, is in conformity with Policy DPS6 of the Mid Bedfordshire Local Plan First Review Adopted December 2005; Planning Policy Statement 1: Delivering Sustainable Development (2005) and Planning Policy Statement 3: Housing (2006) and Planning Policy Statement 22: Renewable Energy (2006). It is further in conformity with the Mid Beds Supplementary Technical 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.

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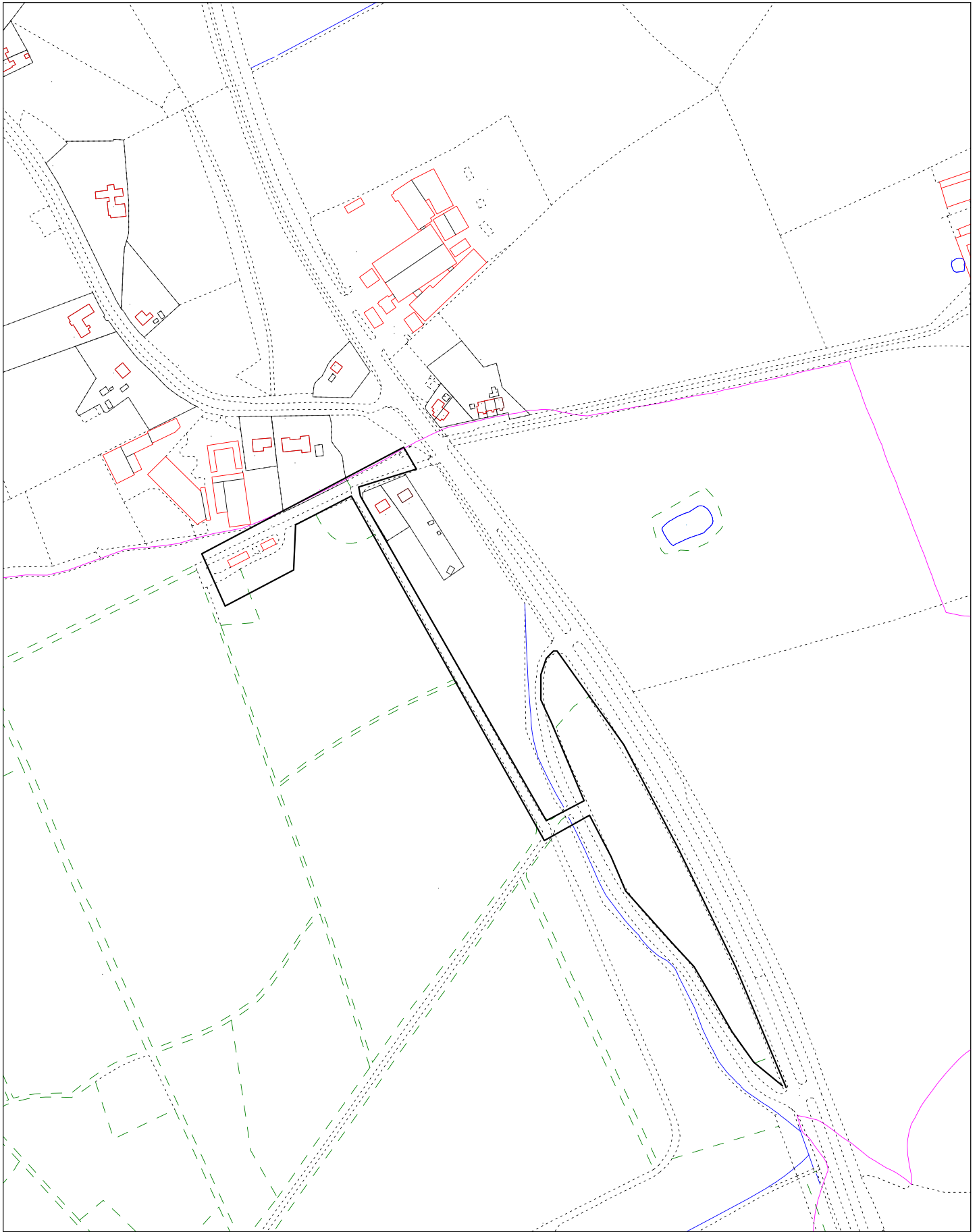
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The materials to be used for the solar panels shall accord with the details set out on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

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.

DECISION

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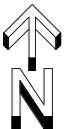
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ITEM NO. 18

APPLICATION NO. MB/09/00517/FULL  
Land at Maulden Wood, Bedford Road, Maulden

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100049029. 2009.



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**Item No. 18****SCHEDULE C**

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

This application was deferred by members at the meeting on 13<sup>th</sup> May 2009 in order that additional consultation could be undertaken with local residents and nearby parish councils. Further information will be supplied on the Late Sheet.

**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 fro 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 vegetation 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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