

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



please ask for Mr Leslie Manning  
direct line 0300 300 5132  
date 15 September 2009

## NOTICE OF MEETING

### DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

**Wednesday, 23 September 2009 2.00 p.m.\***

Venue at

**Council Chamber, Priory House, Chicksands**

Jaki Salisbury  
Interim Chief Executive

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

Cllrs P F Vickers (Chairman), A Shadbolt (Vice-Chairman), P N Aldis, A R Bastable, R D Berry, A D Brown, Mrs C F Chapman MBE, D J Gale, Mrs R B Gammons, K Janes, D Jones, H J Lockey, K C Matthews, Ms C Maudlin, A Northwood, A A J Rogers, Mrs C Turner and J N Young

[Named Substitutes:

R A Baker, D Bowater, I Dalgarno, P A Duckett, M Gibson, R W Johnstone, P Snelling, B J Spurr, J Street and G Summerfield

All other Members of the Council - on request

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

**\* there are Minerals and Waste Matters to be considered however the meeting will start at 2.00p.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 26 August 2009 and 9 September 2009.

(previously circulated)

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

5. **PETITIONS**

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

6. **DISCLOSURE OF EXEMPT INFORMATION**

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

**REPORT**

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
7	<b>Planning Enforcement Cases Where Formal Action Has Been Taken</b> To consider the report of the Director of Sustainable Communities providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.	1 - 10

**Planning and Related Applications**

To consider the planning applications contained in the following schedules:

**Schedule A - Applications recommended for Refusal**

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
8	<b>Planning Application No. CB/09/05723/FULL</b> <b>Address:</b> Hambleton, Dunstable Road, Studham, Dunstable  Erection of two storey side extension (Revised application CB/09/05198/TP)  <b>Applicant:</b> Mr & Mrs Hadland	11 - 16

**Schedule B - Applications recommended for Approval**

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
9	<b>Planning Application No. 09/05512/FULL</b> <b>Address:</b> Land to the Rear of 65 Shefford Road, Clifton  Erection of 3 no four bedroom dwellings and associated access  <b>Applicant:</b> Mr D Eldridge	17 - 36
10	<b>Planning Application No. 09/05325/FULL</b> <b>Address:</b> 10 Mount Pleasant, Aspley Guise  Full: Replacement Dwelling  <b>Applicant:</b> A & M Developments	37 - 46

- 11      **Planning Application No. CB/09/05548/FULL**      47 - 68  
**Address:**      Linpac GPG International, Luton Road, Dunstable
- Erection of two linked data centre buildings (incorporating data storage equipment servers and associated plant) Erection of boundary and secondary 3.0 m high inner security fence with security gates and gatehouse. Erection of substation building to rear with associated car parking, buried fuel tank storage, loading bay and perimeter service road. (Revised application CB/09/05002/TP)
- Applicant:**      Mr J Rooney
- 12      **Planning Application No. CB/09/05612/FULL**      69 - 76  
**Address:**      22 Market Square, Sandy
- Full: Change of use from A3/D2 to A3/A5 throughout from coffee shop/childrens play area to coffee shop/bakery to include hot
- Applicant:**      Mr C Yap-Young
- 13      **Planning Application No. MB/08/01968/FULL**      77 - 88  
**Address:**      Playing Field, Merlin Drive, Sandy
- Full: Variation of condition 11 attached to planning approval 87/01821/OUT(Application for residential development including construction A1/Sunderland Road Link Road dated 17/11/1993), to remove the requirement to provide facilities for more general sports use. Provision of play areas, and landscaping for the site.
- Applicant:**      Twigden Homes Ltd



<b>Schedule C - Any other Applications</b>
--

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
14	<p><b>Planning Application No. CB/09/05637/FULL</b></p> <p><b>Address:</b> Land rear of 91 High Street, Clophill</p> <p>Erection of a single detached dwelling with double garage and carport and a new double garage for 91 High Street following the demolition of an existing garage, store, greenhouses, boiler house and outhouse.</p> <p><b>Applicant:</b> Mr T &amp; Mrs A Palmer</p>	89 - 100
15	<p><b>Planning Application No. CB/09/05598/FULL</b></p> <p><b>Address:</b> Gravenhurst Lower School, High Street, Gravenhurst</p> <p>Intallation of 2 canopies</p> <p><b>Applicant:</b> Gravenhurst Lower School</p>	101 - 108
16	<p><b>Planning Application No. CB/09/05282/FULL</b></p> <p><b>Address:</b> Bumblebees Playgroup, Appenine Way, Leighton Buzzard</p> <p>Erection of single storey rear extension to playgroup building</p> <p><b>Applicant:</b> Mrs A Puttock</p>	109 - 116
17	<p><b>Planning Application No. CB/09/05594/FULL</b></p> <p><b>Address:</b> 18 Poplar Close, Sandy</p> <p>Full: Single Storey rear extension</p> <p><b>Applicant:</b> Mr &amp; Mrs Ash</p>	117 - 122

<b>Schedule D - Mineral Matters</b>
-------------------------------------

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
18	<p><b>Planning Application No. BC/CM/2009/1</b></p> <p>Address: Caddington Golf Club</p> <p style="padding-left: 40px;">Importation of clean inert material to form six new holes, change of use of land to a golf course and remodelling of part of the existing golf course, including landscaping and ancillary works.</p> <p>Applicant: Caddington Golf Course Ltd</p>	123 - 148
19	<p><b>Planning Application No. BC/CM/2008/27</b></p> <p><b>Address:</b> Stone Lane Quarry, Woburn Road, Heath and Reach</p> <p style="padding-left: 40px;">Restoration of the former quarry to pre-extraction levels through the importation of inert waste.</p> <p><b>Applicant:</b> Hives Planning Ltd</p>	149 - 176
20	<p><b>Site Inspection Appointment(s)</b></p> <p>In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 7 October 2009 having regard to the guidelines contained in the Code of Conduct for Planning Procedures.</p> <p>In the event of there being no decision to refer any site for inspection the Committee is nevertheless requested to make a contingency appointment in the event of any Member wishing to exercise his or her right to request a site inspection under the provisions of the Members Planning Code of Good Practice</p>	

**Agenda Item:**

---

**Meeting:** Development Management Committee

**Date:** 23rd September 2009

**Subject:** **Planning Enforcement cases where formal action has been taken**

**Report of:** Director of Sustainable Communities

**Summary:** The report provides a monthly update of planning enforcement cases where formal action has been taken

---

Contact Officer: Sue Cawthra (Tel: 01462 611369)

Public/Exempt: Public

Wards Affected: All

Function of: Council

**RECOMMENDATIONS:**

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

**Background**

- (a)** This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
- (b)** The list briefly describes the breach of planning control, dates of action and further action proposed.
- (c)** 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 Spreadsheet - North)

Appendix B – (Planning Enforcement Formal Action - South)

Appendix C – (Planning Enforcement Formal Action – Minerals & Waste)

## Planning Enforcement formal action (DM Committee 23rd September 2009)

NORTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	ENC/04/0282	Land at Etonbury Farm, A507, Arlesey	Unauthorised dwelling. Enforcement Notice 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
2	ENC/05/0178	Land at Maulden Garden Centre, Water End, Maulden	Enforcement Notice - change of use from nursery to garden centre, café and outdoor storage, construction of 6 buildings, siting of mobile home.	9-Apr-09	9-May-09	9-Nov-09	Appeal received 7-May-09			Await outcome of Inquiry, 12-Nov-09.
3	ENC/06/0078	Tythe Barn, Wood End, Tingrith	Change of use of land to retail sales & 2 timber showrooms	19-May-08	19-Jun-08	20-May-09	Appeal withdrawn 3/9/08, extension agreed to compliance period		Planning permission for barn extension. 1 cabin removed, 2nd cabin to be removed when extrn complete.	Check September 09 that both cabins removed
4	ENC/06/0244	Land at The Green Man, Broom Road, Stanford	Enforcement Notice - Kitchen extractor fan duct, & 2 masts supporting security cameras and flood lighting.	9-Dec-08	9-Jan-09		Appeal received 4/2/09	26-Nov-09	Appeal dismissed & uphold enforcement notice	Further discussions on compliance, check compliance after 26-Nov-09.
5	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. Planning application 09/1116/full refused 5/8/09 for further extension to house vehicles. Vehicles to be stored only to rear where barn extension permitted, remainder to be removed from site.

## Planning Enforcement formal action (DM Committee 23rd September 2009)

NORTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
6	ENC/05/0325	Land to rear of 197 Hitchin Road, Arlesey	Change of use of rear field for the siting of three residential caravans and the storage of waste materials, and the laying of hardsurfacing	4-Sep-09	2-Oct-09	30-Oct-09				Two enforcement notices were served, one for the change of use,s being the siting of caravans and storage of waste; the second for operational development, being the laying of hardsurfacing.
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	Planning application 09/00545 to retain mobile home, declined to determine 3-Jul-09. To remove mobile home by 6-Sep-09.
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. Written reps.			Await outcome of appeal
9	ENC/07/0189	Land at Langford Road, Biggleswade <b>Case Closed</b>	Breach of Condition Notice - Pre-commencement conditions relating to 07/01181/FULL not complied with.	6-Mar-09	6-Mar-09	5-Apr-09			All details submitted to comply with Breach of Condition Notice	Notice complied. Further discussions with Environment Agency re flood risk.
10	ENC/08/0214	Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington <b>Case Closed</b>	Breach of conditions to Permissions 02/00553 & 06/00152. Enforcement Notice - outside storage & portacabins	15-Dec-08	12-Jan-09	12-Feb-09			Land now cleared of vehicles awaiting repair. Enforcement Notice complied.	Awaiting further planning application for earth bund, hard surface, unit extension, and named occupants of units
11	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	21-Jan-10	Appeals dismissed, Enforcement notice upheld	Check compliance after 21-Jan 10
12	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	Late appeal not accepted by PINS			New application to be submitted with noise assessment.

## Planning Enforcement formal action (DM Committee 23rd September 2009)

NORTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>13</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 received 1-May-09			Council costs application to PINS. Await outcome of appeal
<b>14</b>	ENC/08/0408	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	New trial date set for Sept 09

## Planning Enforcement formal action (DM Committee 23rd September 2009)

SOUTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	ENF/04/0002	Land at Stanbridge Road, Billington, Leighton Buzzard	Change of Use of land for stationing of caravans and mobile homes	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Section C appeal dismissed, Plot 7 appeal dismissed - Further action to be discussed
2	ENF/04/0003	Land at Stanbridge Road, Billington, Leighton Buzzard	Laying of Hardcore and tarmac, erection of fencing and installation of services	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Section C appeal dismissed, Plot 7 appeal decision dismissed - Further action to be discussed
3	ENF/04/0004	Land at Stanbridge Road, Billington, Leighton Buzzard	Change of Use of land for stationing of caravans and mobile homes	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Section C appeal dismissed, Plot 7 appeal dismissed - Further action to be discussed
4	ENF/04/0005	Land at Stanbridge Road, Billington, Leighton Buzzard	Laying of Hardcore and tarmac, erection of fencing and installation of services	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Section C appeal dismissed, Plot 7 appeal decision dismissed - Further action to be discussed
5	ENF/04/0007	Land rear of Fancott Cottages, Luton Road, Toddington	Erection of Timber Clad Building for residential purposes & laying of hardcore surface	8-Sep-04	08-Oct-04	08-Jan-05	Appeal received 01 Nov 2004	No Change	Appeal withdrawn 02 Oct 2006	SB/TP/05/1217 & Section 106 Agreement approved 11 Aug 2006 allowing 2 years for compliance
6	ENF/04/0008	Land rear of Fancott Cottages, Luton Road, Toddington	Change of Use from agricultural for stationing of mobile home & storage of machinery/building materials	8-Sep-04	08-Oct-04	08-Jan-05	Appeal received 01 Nov 2004	No Change	Appeal withdrawn 02 Oct 2006	SB/TP/05/1217 & Section 106 Agreement approved 11 Aug 2006 allowing 2 years for compliance
7	ENF/05/0004	Anacapri, Harlington Road, Toddington	Construction of a roof to building on land	9-Feb-05	11-Mar-05	11-May-05	None	No change	Not applicable	SB/TP/06/1400 approved 01 Feb 2007 requiring completion of works within 2 months. Property since repossessed
8	ENF/05/0005	215 Common Road, Kensworth	Erection of a double garage and storeroom	16-Mar-05	18-Apr-05	18-Jul-05	6-May-05	6-Aug-05	Appeal dismissed & enforcement notice upheld	No compliance, to assess for further action
9	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	Priority housing application submitted
10	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	.	Appeal dismissed but period of compliance extended	Site visit to check full compliance



## Planning Enforcement formal action (DM Committee 23rd September 2009)

SOUTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
11	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	To discuss with Legal with a view to possible action in Magistrates Court.
12	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	To discuss with Legal with a view to possible action in Magistrates Court.
13	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	To discuss with Legal with a view to possible action in Magistrates Court.
14	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	Application with Planning Officer for determination
15	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
16	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 complied, assess for further action fo non compliance
17	<b>SB/ENC/07/0059</b>	<b>Land at 2A Mardle Road, Linslade, LU7 2UT.</b>	<b>Enforcement Notice, unauthorised erection of fence exceeding 1M in height adjacent to the highway.</b>	<b>20-Aug-09</b>	<b>17-Sep-09</b>	<b>15-Oct-09</b>				<b>Check compliance after 15-Oct-09</b>
18	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	Not complied, assess for further action fo non compliance
19	ENF/08/0006	Land adjacent Hillside, The Green, Whipsnade	Change of Use from amenity land to private residential & enclosure od 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	Substantial progress in compliance. Case Officer dealing with outstanding issues
20	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	Awaiting planning application

## Planning Enforcement formal action (DM Committee 23rd September 2009)

SOUTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
21	ENF/08/0008	Lavang Indian Cuisine, High Street, Eggington	Change of use from restaurant to mixed use of restaurant and hot food take-away	14-Mar-08	16-Apr-08	13-May-08				Currently no breach, premises closed
22	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	4-Sep-09		Appeal dismissed - Compliance 3 months
23	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		Await appeal for refusal of CPD for siting of 4 caravans
24	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 compliance period extended to 4 months	Legal proceedings on hold pending investigation to establish new owner of property.
25	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			Appeal dismissed - Premises closed down as at 5/6/09
26	ENQ/08/0190	112 Manor Road, Barton-le-Clay	Enforcement Notice, garden wall and gates	16-Jul-09	13-Aug-09	12-Oct-09				check compliance after 12-Oct-09
27	ENF/09/0001	7 Fisher Close, Barton-le-Clay	Change of use of amenity land to private residential garden, enclosure of land by removal of hedge, and erection of fence	11-Feb-09	13-Mar-09	7-May-09				Awaiting outcome of appeal
28	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				Awaiting outcome of appeal
29	ENF/09/0555	Setco Plastic Ltd, Setco House, Unit 7 Argan park, Foster Avenue, Dunstable	Breach of Condition Notice, condition 7 SB/TP/04/00818, change of use to B2	22-Jul-09	22-Jul-09	21-Aug-09				Planning application received, await decision

## Planning Enforcement formal action (DM Committee 23rd September 2009)

Minerals & waste	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<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		10-Oct-09	Imported rubble and planings fully removed.	Land still needs to be ripped and grass seeded to ensure full compliance with notice. At the request of the landowner, the compliance end-date has been extended by two months to 10th October 2009.
<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	19-Oct-09			Imported soils and brick rubble fully removed and land returned to its former level.	Ripping and grass seeding still to be carried out. Monitoring outcome.
<b>3</b>	07/40	Former BR Goods Yard, Chiltern Green Road, East Hyde	Enforcement Notice - timber fence at waste transfer station premises.	18-Mar-09	24-Apr-09	24-Jun-09	Appeal received			Appeal lodged (start date of 28th April 2009). To be determined by written representations procedure.
<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 2008	Prosecution papers with legal services for action. (Landowner has cleared the burnt debris from the site voluntarily)
<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			Planning Inspector dismissed appeal on 12th June 2008 but appellants challenged the decision by application to the High Court. The Court ordered that the appeals be re-determined afresh. New Public Inquiry to commence on 15th September 2009.

This page is intentionally left blank

Map unavailable from Development Management Team  
(South)

This page is intentionally left blank

**Item No. 8**

**SCHEDULE A**

<b>APPLICATION NUMBER</b>	<b>CB/09/05723/TP</b>
<b>LOCATION</b>	<b>Hambleton, Dunstable Road, Studham, Dunstable, LU6 2QJ</b>
<b>PROPOSAL</b>	<b>Erection of two storey side extension (Revised application CB/09/05198/TP)</b>
<b>PARISH</b>	<b>Studham</b>
<b>WARD</b>	<b>South West Bedfordshire</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Ken Janes &amp; Cllr Marion Mustoe</b>
<b>CASE OFFICER</b>	<b>Simon Barnett</b>
<b>DATE REGISTERED</b>	<b>12 August 2009</b>
<b>EXPIRY DATE</b>	<b>07 October 2009</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs Hadland</b>
<b>AGENT</b>	<b>A P Whiteley Consultants Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Ward Councillor Janes</b>
<b>RECOMMENDED DECISION</b>	<b>Refuse Planning Permission</b>

**Site Location:**

The property is a much altered detached dwelling located to the west of Dunstable Road. The site is flanked to the north by 'The Glen', to the west (rear) by 'Hill Top' and to the south by open fields.

**The Application:**

Planning permission is sought for the erection of a two-storey side extension with the first floor accommodation being located in the roofspace with a rear (south) facing dormer window. The extension would have a footprint measuring 5.0 metres wide by 6.5 metres deep with a pitched roof that would be slightly subordinate to that of the existing dwelling.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

PPS1 - Delivering Sustainable Development  
PPG2 - Green Belts  
PPS7 - Sustainable Development in Rural Areas

**Regional Spatial Strategy**

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

ENV7 - Quality in the Built Environment

**Bedfordshire Structure Plan 2011**

7 - Areas of Great Landscape Value

**South Bedfordshire Local Plan Review Policies**

H8 - Extensions to Dwellings  
H13 - Extensions to Dwellings in GB

NE3 - Control of Development in AGLV  
BE8 - Design Considerations

### **Planning History**

#### Under previous name of 'Deneley'

LRD/50/33 - Permission for erection of single storey rear extension.

SB/TP/83/0021 - Refusal for construction of cattery building. Appeal withdrawn.

SB/TP/84/0958 - Permission for erection of replacement detached garage.

SB/TP/85/0210 - Permission for refurbishment and extension to existing 2 bedroom bungalow to form 4 bedroom house.

SB/TP/97/0919 - Refusal for erection of two-storey side extension.

SB/TP/02/0168 - Permission for erection of conservatory to rear.

#### As 'Hambleton'

SB/TP/060823 - Permission for erection of first floor rear extension, rear balcony and installation of dormer window to side.

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

Parish Council: No objection.

Neighbours: None received.

### **Consultations/Publicity responses**

None received.

### **Determining Issues**

The main issues considered to the determination of this application are:

1. Principle of Development;
2. Design & Appearance; and
3. Impact on Residential Amenity.

### **Considerations**

#### **1. Principle of Development**

The application site is washed over by the Green Belt, where both national and local planning policy make provision for extensions to dwellings where they would be 'modest and proportionate, having regard to the original dwelling'.

The dwelling on the site has previously been significantly altered and extended, particularly in the mid 1980's when it was enlarged from being a two-bedroom bungalow to a four bedroom dwelling. These works have resulted in the footprint of the dwelling being cumulatively increased by approximately 53% over and above that originally built, and the overall floorspace being some two-and-a-half times larger than the original dwelling. The proposed extensions would result in the footprint of built development being increased to 93% larger than that of the original dwelling with the overall floorspace being increased to almost three-and-a-half times that of the original dwelling. Such a level of enlargement cannot be considered as being either modest or proportionate, and therefore clearly represents inappropriate development in Green Belt, that is by definition harmful to openness and contrary to the provisions of both PPG2 and Policy H13 of the Local Plan.

The applicant has submitted a Design and Access Statement in which he draws attention to recent planning decisions in relation to other properties in the locality. However it is a well established principle that each and every planning application is judged on its own merits having regard to the particular circumstances of the site.



Accordingly it is considered that the planning permissions referred to are not of particular relevance and do not constitute any reason to grant planning permission for development that is clearly contrary to long established planning policy.

**2. Design & Appearance**

The site is located within both the Chilterns Area of Outstanding Natural Beauty and a designated Area of Great Landscape Value but in terms of design and impact on visual amenity, the proposed works are acceptable.

**3. Impact on Residential Amenity**

The proposal has been designed such that the proposed works would not have any significant impact on the living conditions of the occupiers of adjacent dwellings.

**Recommendation: that Planning Permission be REFUSED for the following:**

- 1 The site lies within the South Bedfordshire Green Belt and the proposed extensions would, taken together with the previous extensions to this property, result in a dwelling extended to a cumulatively disproportionate degree having regard to the level of restraint appropriate within the Green Belt. The proposal therefore represents inappropriate development, harmful to the openness of the Green Belt, and contrary to the advice contained within Planning Policy Guidance Note 2: 'Green Belts' and Policy H13 of the South Bedfordshire Local Plan Review.

**DECISION**

.....  
.....

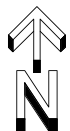
This page is intentionally left blank



Date: 09 September 2009

Scale: 1:1250

Crown Copyright. All rights reserved.  
Central Bedfordshire Council.  
100049029. 2009.



ITEM NO. 9

APPLICATION NO. CB/09/05512/FULL

Land to rear of 65 Shefford Road, Clifton

This page is intentionally left blank

**Item No. 9**

**SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/09/05512/FULL</b>
<b>LOCATION</b>	<b>Land To The Rear Of 65, Shefford Road, Clifton</b>
<b>PROPOSAL</b>	<b>Full: Erection of 3 no. four bedroom dwellings and associated access</b>
<b>PARISH</b>	<b>Clifton</b>
<b>WARD</b>	<b>Langford &amp; Henlow Village</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Clarke &amp; Cllr Rogers</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>30 July 2009</b>
<b>EXPIRY DATE</b>	<b>24 September 2009</b>
<b>APPLICANT</b>	<b>Mr D Eldridge</b>
<b>AGENT</b>	<b>Eades Hotwani Partnership</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Councillor Rogers requests that the application be determined at Committee on the grounds of overdevelopment.</b>
<b>RECOMMENDED DECISION</b>	<b>Grant Planning Permission</b>

**Site Location:**

The site to which this development relates is located in a residential area within the settlement envelope of Clifton, occupying a site area of approximately 0.21 hectares. The main part of the site comprises a rectangular shaped parcel of land within the southernmost half of the extensive 130m+ rear garden serving 65 Shefford Road. To the rear (south) of the site and beyond the settlement boundary are open fields, whilst to the west are the gardens of properties in Bunyan Close and Alexander Close. To the east of the site is the rear part of the garden serving 61 Clifton Road.

Shefford Road, in the vicinity of the application site, is generally characterised by detached dwellings set back from the road frontage. Whilst No's.65 and 61 have very long gardens other properties close to the site, including Bunyan Close and Alexander Close, have modest plots, some with relatively short gardens.

The land slopes gently from 65 Shefford Road to the rear of the application site, generally enclosed by mature trees and hedgerow of varying quality. The site contains a number of prominent trees protected by a Tree Preservation Order, mostly located along the boundary with No.61 Shefford Road, alongside the existing driveway serving No.65.

**The Application:**

This application seeks planning permission to construct three No. 4 bed two-storey detached dwellings and garages, utilising the existing second access serving No.65 Shefford Road. The access would extend parallel to the existing eastern boundary of No.65.

The proposed houses would have pitched roofs with a ridge height of 7.6 metres, and with gable projections on the front and rear elevations. Each property would have a rear garden extending to a depth of approximately 10 metres.

The application has been submitted together with a Design and Access statement, noise report, a tree survey and a landscape plan.

**PPS:**

PPS1 Delivering Sustainable Development  
PPS 3 Housing

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

Mid Beds Local Plan First Review – Policies LPS2, H06, DPS1, DPS5, DPS9, DPS11, DPS16.

Design Guide for Residential Areas in Mid Beds

**Relevant Planning History**

06/00121/FULL	Erection of 7 dwellings with associated garages. Refused 31/03/06.
06/01486/FULL	Erection of 7 dwellings with associated garages. Refused 25/01/07. Appeal dismissed 27/11/07 (appeal decision attached as Appendix to this report).
07/01032/FULL	Erection of 2 dwellings. Refused. 14/08/07.

**Representations:  
(Parish & Neighbours)**

Clifton Parish Council	Object to the application: <ul style="list-style-type: none"><li>- Undesirable form of piecemeal development.</li><li>- Parking and garaging inadequate.</li><li>- The matter of mature trees on the boundary has not been addressed.</li><li>- The access road appears to encroach on the occupants of 61 Shefford Road.</li></ul>
Adjacent Occupiers	18 letters of objections have been received. The main comments are summarised as follows:

- The application site boundary intrudes on adjoining properties.
- Impact on the boundary trees and hedging to the rear of 16 Alexander Close from the proposed house and garage of plot 1.
- Loss of amenity to neighbouring properties.
- Loss of security and increase in light pollution to Alexander Close and Bunyan Close.
- Increased flooding risk to Alexander Close.
- Out of keeping with its surroundings and will result in overlooking.
- Lack of community involvement.
- Impact on trees and local wildlife.
- The entrance would be out of keeping with its surroundings.
- Will exacerbate parking problems for No.65.
- Increased noise pollution to 74 Shefford Road.
- Inadequate access.
- Represents piecemeal development and fails to take account of the possibility of developing to the rear of 65 Shefford Road.
- Impact on existing education facilities.

## Consultations

Highways	No objection subject to conditions.
Tree Officer	No objection subject to conditions to ensure protection of trees within and adjacent to the site.

## Determining Issues

The main considerations of the application are;

1. The principle of development
2. Design of development and impact on the character of the surrounding area.
3. Impact on the amenities of neighbouring residential properties.
4. Access, parking.
5. Other issues.

## Considerations

### 1. Principle of development

The application site is located within the village settlement of Clifton, surrounded by housing, wherein residential development is acceptable in principle (Policy HO6). The same policy states that tandem development is acceptable, provided that there is no adverse effect on the amenity of adjoining dwellings and the character of the area, and that a satisfactory access can be provided.

### 2. Impact on character of the area.

Residential development to the rear of properties in Shefford Road has occurred in close proximity to the application site, including at Alexander Close/Bunyan Close, and as such a narrow tandem development would not be out of character with the area. This point was acknowledged by the Inspector in his appeal decision (para 5), in respect of a previous application on the site for seven dwellings.

The proposed houses would be of a modest scale and height (7.6m), and given their significant set back (100m+) from Shefford Road would not appear unduly prominent within the streetscene. Furthermore, the development would be largely screened by the existing house, No.65.

Unlike the previous appeal proposal, a tree and shrub survey has been carried out with details given of the amenity value of existing trees and details of those to be retained. The site contains a number of prominent trees adjacent to the access, and along the boundary with No.61, which are important within the streetscene. The access drive has been moved further away from the protected trees than previously was the case. In addition, the landscape proposals provide for a landscape corridor 1-1.5m wide comprising trees, shrubs and hedges on either side of the access, along much of its length, whereas the appeal proposal had no space for such new landscaping.

It is noted that there is an existing driveway serving No.65 with a garage (now demolished) and an outbuilding with a concrete hardstanding, in close proximity to the protected trees along the boundary and along the line of the proposed access road. As such it is considered that with appropriate construction methods an access drive could be constructed without prejudicing the future survival of the TPO trees along the boundary.

There are no significant trees at the rear part of the site close to the proposed houses and garages, a number having been recently removed.

The previous appeal proposal, as referred to by the Inspector in his decision letter (para 10), included a layout plan indicating how the neighbouring property (No.61) could be developed. The plan showed an access road running adjacent to the east elevation of No.61 and then extending parallel to the proposed access road at the rear of No.65. The Inspector was concerned that the proposed development would result in large areas of hardstanding, and that the layout of development at the rear of 65 would restrict the extent of development possible to the rear of No.61.



It is however considered that this proposal would not prejudice any future development of land to the rear of No.61.

It is also necessary to consider the Council's refusal of application 07/01032, being for two houses between the current application site and the rear of No.65. The application was refused on the grounds that it represented piecemeal tandem development. being one of the reasons for the Council refusing the 2006 appeal application. However the application was determined prior to the issue of the appeal decision, in which the principle of such backland development was not disputed by the Inspector. As such it is not considered that a refusal on such grounds could be substantiated in this case,

It is concluded that the proposal would not harm the character of the area and would comply with policies H06, DPS5, DPS11 and DPS16 of the Local Plan.

### **3. Amenity of adjoining properties**

The application site adjoins the gardens of properties in Shefford Road, Bunyan Close and Alexander Close.

The siting of plots 1 and 2 is shown in almost the same location as the 2006 appealed application, whilst the proposed garage has been moved further from the boundary. Furthermore a dwelling previously shown adjacent to the rear boundary of 11 Bunyan Close has been replaced by proposed landscaping. The Inspector (Para 15) in considering the impact of the proposal on properties in Alexander Close and Bunyan Close, concluded that due to their relatively long rear gardens (20m+) the outlook amenity and privacy of the neighbouring properties would not be unreasonably affected. It is considered that the same applies, notwithstanding the recent loss of planting along the boundary.

The inspector (para 12) also concluded that the relationship of the access, the dwellings and gardens proposed, would not adversely impact on amenities of the occupiers of No.61 Shefford Road. It is considered that the same applies to this proposal, where the siting of dwellings is no more intrusive and the access has been moved further from the boundary. Similarly, as previously, it is considered that no loss of outlook, privacy or amenity would result to the occupiers of Nos.61, 65 & 67, all of which would be located in excess of 70m from the closest part of the proposed development, being the front elevation of plot 3.

Whilst the proposed dwellings would have relatively short gardens they would nevertheless have a depth of 10m, and being wide plots with south facing gardens, would provide a reasonable level of amenity provision for future occupants.

As such it is concluded that the proposal would not adversely affect the living conditions of neighbouring occupiers and as such is in accordance with policies DPS5 and DPS9 of the Local Plan.

### **4. Highway and parking Considerations**

Parking would be provided for 3-4 cars per dwelling which is considered acceptable for such a development in this location.

The Highways section consider the proposed new access to be acceptable in terms of highway safety and have raised no objection to the proposal subject to conditions.

As such the proposal complies with Policy DPS5 of the Local Plan.

## **5. Other Issues**

A number of other issues have been raised by neighbours in respect of this application:

Site boundary – The applicants have confirmed that the site is within their ownership or the ownership of the occupier of No.65, upon whom notice has been served. Such matters, as noted by the Inspector in the previous appeal (Para 6), are not material in respect of the planning considerations of this application.

Impact on wildlife – The site is currently the garden of 65 Shefford Road and is located within the Clifton settlement envelope surrounded by residential properties. There has been no evidence provided of any protected wildlife habitat within the site and as such it is not considered that there would be any impact to justify a refusal in relation to biodiversity issues.

Flooding around the site – The site does not lie with the flood plain and as such, subject to appropriate surface water drainage it is not considered that any objection on such grounds could be substantiated.

Impact on existing education facilities - The development, by virtue of the recently adopted Planning Obligations Supplementary Planning Document would require the developer to make contributions towards infrastructure provision, including towards lower and middle schools in the vicinity. A draft unilateral undertaking in respect of these requirements has been submitted.

## **Conclusion**

In light of the above the proposal is considered acceptable, having regard to the relevant policy considerations.

## **Reasons for Granting**

Residential development is acceptable in principle and the form of tandem development proposed, incorporating adequate retention of existing trees and additional landscaping would result in a form of layout of development which would be in keeping with the character of the surrounding area.

In addition, the privacy and amenities of neighbouring properties would not be adversely affected, whilst adequate parking and a safe access would be provided. As such the proposal is in conformity with policies LPS2, H06, DPS1, DPS5, DPS9, DPS11, DPS16 of the Mid Bedfordshire Local Plan First Review 2005; Planning

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

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

- 3 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.**

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

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

**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.

- 5 **Prior to the commencement of development a scheme setting out measures for protecting trees, shrubs and other natural features during construction work shall be submitted to and approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.**

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

- 6 **Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for the extension of the dwelling or for the erection of any free standing building until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.**

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

- 7 **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.

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

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

- 9 **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.**

- 10 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

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

- 11 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

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

- 12 The proposed vehicular access shall be constructed and surfaced in a durable material to be approved in writing by the Local Planning Authority for a distance of 10.0m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 13 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.

- 14 The turning space for vehicles illustrated on the approved plan 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.

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

Reason: In the interest of highway safety.

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

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

- 17 The access driveway shall be constructed using a “no-dig” method of construction as outlined in Arboricultural Practice Note no.1 and shall, unless otherwise agreed in writing by the Local Planning Authority, retain the existing hardstanding.

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

### Notes to Applicant

1. 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, MK42 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.

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

**DECISION**

.....  
.....

This page is intentionally left blank





## Appeal Decision

Site visit made on 5 November 2007

by **Julia Gregory BSc (Hons) BTP MRTPI**  
**MCI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email:enquiries@pins.gsi.gov.uk

Decision date:  
27 November 2007

**Appeal Ref: APP/J0215/A/07/2049976**  
**65 Shefford Road, Clifton, Bedfordshire SG17 5RQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs R Burton against the decision of Mid-Bedfordshire District Council.
- The application Ref 06/01486/FULL, dated 1 September 2006, was refused by notice dated 25 January 2007.
- The development proposed is the erection of seven dwellings with associated garages and parking and formation of a vehicular access.

### Decision

1. I dismiss the appeal.

### Reasons

2. I have considered all the issues raised in representations but the main issues are the effect of the proposal on the character and appearance of the area, and the effect of the proposal on the living conditions of the occupiers of nearby dwellings in respect of privacy and overbearing appearance, and noise and disturbance. I shall focus my attention on the main issues.

### Character and Appearance

3. The dwellings would be located within the settlement envelope of Clifton where new residential development would in principle be acceptable under the provisions of policy HO6 of the Mid Bedfordshire Local Plan: First Review Adopted December 2005 (LP). This is subject to tandem development not having an adverse effect on the amenity of adjoining dwellings and the character of the area, and having a satisfactory access.
4. LP policy DPS5 requires development to relate sensitively to the character and appearance of the area, for the amenity of local residents to be protected, and for appropriate and safe provision to be made for access. Care should be taken to retain attractive features and/or views in and out of the site.
5. Residential development at depth has occurred elsewhere not far from the site and so this would not in principle be harmful to the character of the settlement. There is also variation in the design of dwellings locally and I consider that the style of the dwellings would not be objectionable. The height of the dwellings has been addressed by the use of rooms in the roof in most of the dwellings. I saw that there are other narrow backland schemes locally which have

similarities with the layout of the appeal scheme. I do not know the planning history of these schemes to be able to reach conclusions on what led to them being built. I have to consider the layout and design of this scheme in relation to the site and its surroundings and in accordance with the provisions of the development plan unless material considerations indicate otherwise.

6. I acknowledge that the position of the boundary between No 65 and No 61 is in dispute and that no details of levels have been provided. Nothing that I have to say alters any private land ownership rights. Nevertheless, an access to a standard acceptable to the highway authority could be created, and this is shown on the submitted plans. Part of No 65 would be demolished and the access drive would be constructed close to No 65. A new 1.8m high panelled fence would be erected along the back edge of the service zone. This and the side elevation of the proposed extended dwelling and pool enclosure would create an austere appearance to the entrance to the estate on one side, softened only by trees and bushes on the opposite side much of which is not within the development site.
7. No report has been submitted to address the effects of creating the access drive close to trees, some of which are covered by Tree Preservation Orders. This adds to my concern about the effect of the access and fencing on the character and appearance of the area. Although the land lies within the settlement envelope, the length and comparatively narrow width of the site results in a development which is dominated by the access road and car parking with limited areas for front gardens on plots C, D, E, F and G. This would make the appearance of the plots dissimilar to those elsewhere in the immediate vicinity.
8. Access to plots A and B would be through a narrow 2.75m wide access between the two storey dwellings on plots C and D whose side elevations would be close to the drive dominating the street scene which would create a harsh built environment. The dwellings on plots C and D would back onto the front of plots A and B. This front to back relationship, whilst providing separation distances of some 20m to secure reasonable privacy, would not be an attractive feature of the layout with boundary fences and the side and rear elevations of the dwellings on plots C and D being prominent.
9. The layout would not in my view be sympathetic to the character and appearance of the area which is on the edge of the settlement where long rear gardens with landscaped boundaries dominate. The trees and shrubs on the boundaries have not been subject to a sufficiently detailed survey to identify which are within the application site and how they would be affected. I am not satisfied that there is space for planting and a fence to be erected on the boundary with No 61. The provision of a fence to form the boundary at the back of the service strip would add to the austere appearance of this small estate. I am also concerned about the potential effect on the oak tree on plot G which is an attractive feature of the site, since it would be close to the dwelling fairly central to the back garden and dominating this area. Even if protected during construction, its position could lead to requests to lop top or fell.
10. The layout plan shows how land at the rear of No 61 could be developed. This is not part of the application site and there has been no planning application to

develop the land. Nevertheless, the land also lies within the settlement limits and the plan shows one way that the site might be developed for housing. Using a separate access, dividing and developing the whole of the area that could be available for housing into two long narrow sites, both with elements of tandem development and in a layout that would be dominated by hard surfacing does not I consider relate sensitively to the character and appearance of the area. The development here would restrict the width of the site remaining and would thereby fail to take the opportunity to make efficient use of land, or make this a good place to live. PPS1: *Delivering Sustainable Development* specifies that design which is inappropriate in its context, or which fails to take opportunities for improving the character and quality of the area and the way it functions should not be accepted.

11. I acknowledge the protracted discussions that the appellant has had with Council officers and the measure of support that has been given, but the Council was entitled to reach a conclusion contrary to the advice of their officers so long as they have provided reasons for so doing. I conclude that the development would harm the character and appearance of the area contrary to LP policies HO6 and DPS5.

#### ***Living Conditions***

12. The site would adjoin the gardens of properties in Shefford Road, in Bunyan Close and in Alexander Close. The access would run between No 65 and No 61 Shefford Road. There would be some side separation between the access road and No 61. Most of No 65 would be away from the access. Having looked at the noise information submitted, I am satisfied that the vehicular and pedestrian traffic from seven dwellings would not cause significantly harmful noise and disturbance. Whilst the general residential activity on the site would increase, I am satisfied that the relationship of gardens and dwellings to those existing would not be so close that noise and disturbance would be unacceptable.
13. The side elevations of the dwellings on plots A and D, although close to the boundary with No 61 Shefford Road, would not cause overlooking or be overbearing. The relationship of the front elevations to the end of the rear garden would not be unreasonable. Whilst the dwellings on plots E, F and G would be sited close to and facing the boundary with No 61, there are existing trees and bushes on and close to the common boundary. Nevertheless, I am concerned that within the application site itself there is little space available for planting to augment what already exists and the erection of a fence could result in some loss. I consider that the amenity of the occupiers of No 61 has not been protected and therefore that the proposal does not comply with LP policies HO6 and DPS5.
14. No 67 has a long rear garden and a common boundary would adjoin plots E, F and G. Whilst outlook would change somewhat from the house, this would not be direct. I acknowledge that the dwellings would have relatively short back gardens, slightly less than suggested by Council guidance, but the dwellings would not be so close as to unacceptably harm privacy.
15. Undoubtedly the outlook would change from those properties facing the site in Bunyan Close and Alexander Close, but these dwellings have relatively long

Appeal Decision APP/J0215/A/07/2049976

---

rear gardens. The dwellings at plot B and C would have their side elevations close to the site boundary but this would not be unreasonably overbearing or harm privacy from any dwelling. A garage block would be close to the rear of No 18 Alexander Close in close proximity to a summer house, but this relationship would not be overbearing or cause disturbance or loss of privacy.

*Julia Gregory*

INSPECTOR

DATE	CLIENT/PROJECT	TITLE
AUG 2006	Mr & Mrs R Burton Housing Development @65 Sheffield Road, Clifton	ARCHITECTURE
1:200		PLANNING
PLANNING	DRAWING TITLE	Site Plan
20255-10 C		

REVISED  
06/01/08  
FILE COPY

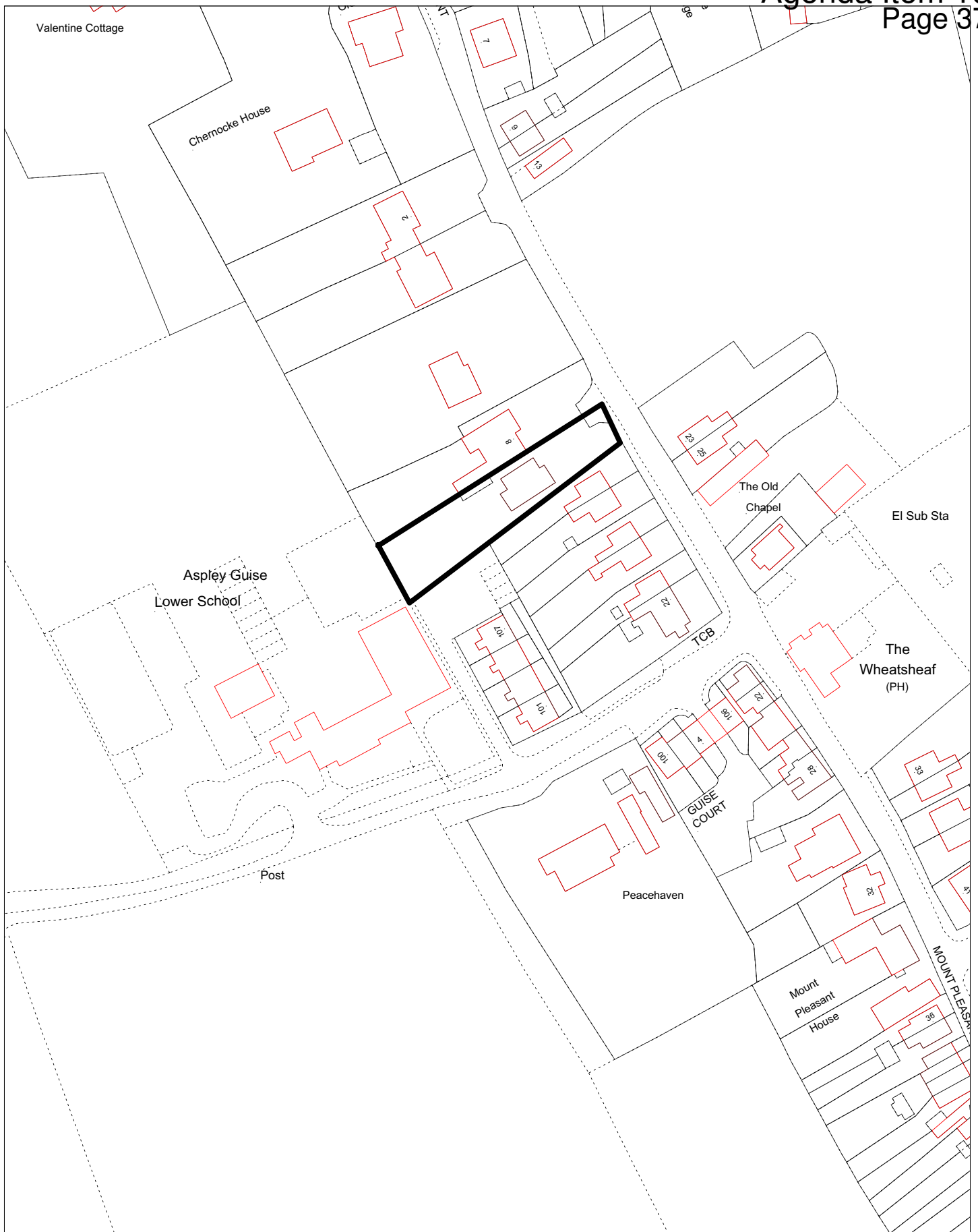
N.F.D.C.  
16 JAN 2007

- A. Date of issue: 16 JAN 2007
- B. Issue: Issue of plan
- C. Revision: Issue of plan



APPEAL  
APPLICATION  
REF. 06/01486

This page is intentionally left blank



Date: 09 September 2009

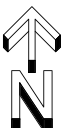
Scale: 1:1250

ITEM NO. 10

APPLICATION NO. CB/09/05325/FULL

Crown Copyright. All rights reserved.  
Central Bedfordshire Council.  
100049029. 2009.

10 Mount Pleasant., Aspley Guise, Milton Keynes



This page is intentionally left blank



<b>Item No. 10</b>
--------------------

<b>APPLICATION NUMBER</b>	<b>CB/09/05325/FULL</b>
<b>LOCATION</b>	<b>10 MOUNT PLEASANT, ASPLEY GUISE, MILTON KEYNES, MK17 8LA</b>
<b>PROPOSAL</b>	<b>FULL: REPLACEMENT DWELLING.</b>
<b>PARISH</b>	<b>Aspley Guise</b>
<b>WARD</b>	<b>Woburn and Harlington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr F. Chapman and Cllr B. Wells</b>
<b>CASE OFFICER</b>	<b>Clare Golden</b>
<b>DATE REGISTERED</b>	<b>24 July 2009</b>
<b>EXPIRY DATE</b>	<b>18 September 2009</b>
<b>APPLICANT</b>	<b>A &amp; M Developments</b>
<b>AGENT</b>	<b>Knight Architecture &amp; Design</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>AN APPLICATION FOR THE SAME SCHEME HAS PREVIOUSLY BEEN CALLED TO THE DEVELOPMENT MANAGEMENT COMMITTEE BY COUNCILLOR CHAPMAN. IT IS CONSIDERED APPROPRIATE IN THE PUBLIC INTEREST FOR THIS APPLICATION TO ALSO BE DETERMINED AT COMMITTEE.</b>
 <b>RECOMMENDED DECISION</b>	 <b>GRANT PLANNING PERMISSION</b>

**Site Location:**

The application site is located on the western side of Mount Pleasant, Aspley Guise. The site is within the South Bedfordshire Green Belt, and Area of Great Landscape Value and the rear of the site abuts a Conservation Area boundary. The local area is rural in appearance with views of the surrounding countryside evident from several vantage points. The site slopes from the rear to the front, and continues sloping downwards across Mount Pleasant, into a valley, giving the site views of the surrounding countryside. The application site is occupied by a detached bungalow with attached side garage. The dwelling house is a mirror of the adjacent dwelling No. 8.

**The Application:**

The proposal is for the demolition of the existing dwelling house, garage and rear outbuilding in order to construct a replacement dwelling. The proposed dwelling is one and a half storeys high with accommodation in the roof space. The dwelling would have four bedrooms. Access to the site would remain unchanged.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

- PPS1    Delivering Sustainable Development
- PPG 2    Green Belts
- PPS3    Housing
- PPS7    Sustainable Development in Rural Areas

**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**

CS3	Areas of Great Landscape Value
GBT3	Residential Development in the Green Belt
CHE11	Conservation Areas
DPS5	The Built Environment
DPS9	The Built Environment
DPS11	The Built Environment
DPS12	Settlement Pattern and the Separate Physical Identity of Settlements

### **Supplementary Planning Guidance**

Design Guide for Residential Areas in Mid Bedfordshire (2004)	Adopted Technical Guidance 2004
---	---------------------------------

### **Planning History**

09/00530/FULL	FULL: Replacement dwelling. <b>Withdrawn on 18.06.09.</b>
09/00530/FULL	FULL: Replacement dwelling. <b>Refused on 11.03.09.</b>
08/00427/FULL	Full: New dwelling to replace existing. <b>Withdrawn on 20.05.08.</b>

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

<b>Aspley Guise Parish Council</b>	No comments.
<b>Adjacent Neighbours</b>	Any comments received will be reported at the committee. Consultation period expires 22nd September 2009.

### **Consultations/Publicity responses**

<b>Highways</b>	Response awaited.
<b>Archaeology</b>	No objections.

### **Determining Issues**

The main considerations of the application are;

1. **Background**
2. **Impact on the Green Belt and Area of Great Landscape Value**
3. **Impact on the Character and Appearance of the Local Area**
4. **Impact on Neighbouring Amenity**
5. **Other considerations**

## **Considerations**

### **1. Background**

A planning application was withdrawn in May 2008 for the demolition of the existing dwelling, garage and rear outbuilding and erection of a replacement four bedroom dwelling. The application was withdrawn following concerns with the design of the proposal in respect of the height, front garage, relationship with the streetscene, and the impact on the residential amenities of the neighbouring property No. 12.

Following this, pre-applications discussions took place which sought to overcome the earlier concerns, the result of which was an application under MB/09/00053/FULL which was subsequently refused because of a lack of a Unilateral Undertaking. A further application, MB/09/00530/FULL for the same scheme was withdrawn on 18th June 2009 by the applicants who were unable to submit the Unilateral Undertaking- before the determination date.

The present application is therefore a re-submission of the same scheme submitted in both MB/09/00053/FULL and MB/09/00530/FULL. The Unilateral Undertaking has now been submitted and found to be acceptable by the Council.

### **2. Impact on the Green Belt and Area of Great Landscape Value**

The application site is located outside a Settlement Area, within the South Bedfordshire Green Belt and an Area of Great Landscape Value. It is acknowledged that the site is within a Green Belt Infill Only Boundary. Limited residential infill development may take place in parts of these settlements where this would not unduly harm the character of the area or compromise the openness of the Green Belt or the purposes of including land within it.

'Infill development' is defined as occurring where the site comprises a vacant plot for not more than two dwellings in an otherwise substantially built up frontage; has a frontage and depth similar in character to the adjoining plots, and does not, by reason of shape, natural features, topography or location, detract from the character of the village or the surrounding development.

The proposed development is a replacement dwelling within the Green Belt. PPG2, paragraph 3.6 states that the replacement of an existing dwelling need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. Policy GBT 3 of the Mid Bedfordshire Local Plan states that replacement dwellings are considered acceptable in principle.

The principle of the proposed replacement dwelling is therefore considered acceptable development within the Green Belt. Given the location of the site within the Green Belt Infill only boundary the key test is whether the proposal is appropriate to the local area. This issue will be discussed in detail in the following two sections of the report.

### 3. Impact on the Character and Appearance of the Local Area

The application site lies just outside of the conservation area. The streetscene is comprised of a mixture of dwelling types and architectural styles. The neighbouring property to the south, No.12 is a two storey, semi-detached dwelling which is considerably higher than the present dwelling and sits closer to the road. No. 8 to the south is a bungalow which closely matches the character and appearance of the existing application property, although it has been extended. Further to the north of the site, there are examples of one-and-a-half storey dwellings with dormer windows.

The application site has a considerable slope from the rear of the site to the front of the site, with Mount Pleasant being significantly lower than the front elevation of the existing dwelling house. The proposed dwelling would increase the height and building footprint, whilst bringing the building line closer to the street.

The main issues therefore are whether the scale and design of the proposed dwelling is considered to be in-keeping with the character and appearance of the streetscene and not unduly prominent.

With respect to the scale, the height of the proposed dwelling is considered to be a transition between the two neighbouring properties. The main ridge line of the proposed dwelling would be 0.8metres lower than No. 12 and 1.6metres higher than No.8. The use of a partially hipped roof is considered to help reduce the visual bulk of the proposal within the streetscene and when viewed from the two neighbouring properties. The width of the main house will be greater, however the existing single storey side garage will be removed and thus a separation of 0.7metres with the side boundaries of No. 8 and 1.5metres with No. 12 will remain. The footprint of the proposed dwelling would sit slightly further forward of the existing footprint and 1metre further forward of the neighbouring property to the north, No. 8. The bulk of the increase in footprint has been confined to the rear. It is considered that sufficient space around the proposed dwelling will be achieved.

With respect to the design, the proposed dwelling incorporates a partially hipped roof. This will help reduce the bulk of the roof and there are examples of dwellings with hipped roofs in close proximity to the site. The front of the dwelling incorporates a single storey front projection which is set lower than the main dwelling and provides a well defined front entrance. The proposed front projection would project slightly further than the existing front projection. The inclusion of two windows and a front door creates an active frontage which helps enhance the relationship with the streetscene.

The application site abuts a conservation area to the rear, however given the length of the rear garden, the proposal is not expected to have an undue impact on the views in or out of this area.

Subject to the use of appropriate materials, the proposed development is therefore considered to preserve the character and appearance of the streetscene.

#### 4. Impact on Neighbouring Amenity

The two neighbouring properties potentially most affected by the proposal are No. 12 to the south and No. 8 to the north.

With regards to the adjacent property No. 12, the existing dwelling house has a flank wall, some 12.5metres long between 1.5metres - 3metres from the side boundary, with a general height of 2.5metres to the eaves and 4.3metres to the ridge.

The replacement dwelling presents a flank wall some 12.3metres long. A gap of at least 1.5metres would remain between the flank wall of the proposed dwelling and the side boundary with No. 12. The proposal would bring the new dwelling slightly closer to the boundary with No. 12, with a higher eaves and roofline. However, the flank wall would be broken up with varying roof heights. For example, the first 6.6metres facing No. 12 would be at single storey level, at a maximum of 5.5metres. Following this, the roofline slopes gently to a height of 6.5metres with a partially hipped roof. There are two ground floor windows proposed which will face on to the rear garden area of No.12. These windows serve an en-suite and living room. The proposed living room window would be of a small size and any views towards No.12 will be obscured by the existing hedge and planting along this boundary. The existing dwelling incorporated three windows on this flank wall and thus the proposed dwelling will not detrimentally add to the existing relationship between the two dwellings.

It is not considered that the proposal would result in a loss of privacy, light or create an overbearing impact on the occupiers of No.12.

In terms of the impact of the proposal on the residential amenities of No. 8, the main issue is considered to be whether the proposal would result in an unacceptable loss of daylight and sunlight to this property and outlook.

No. 8 was originally constructed as one of a pair of bungalows with No. 10. This property was extended to the north with a single storey extension. A single storey carport addition has also been added to the property close to the side boundary with the application property. This structure is presently used for storage and hanging washing rather than for a vehicle and has a semi-transparent side elevation and roof.

There is one window on the south, side elevation facing the application site which serves a small kitchen. This is the only window in the kitchen. The existing carport structure presently obscures this window and the outlook from it, although some light does penetrate through it into the kitchen. However, it should be noted that light appears to enter mainly through the roof as the existing 1.8metre closeboarded fence presently restricts the amount of light that could enter through the side wall of this structure.

The proposed dwelling would breach the 25 degree rule test which is used to assess the impact of new development on the amount of light afforded to side facing windows of habitable rooms in neighbouring properties. This test considered the impact of the proposed dwelling on the amount of light afforded

to the kitchen. The property faces in a southerly direction and thus the amount of morning sunlight will be reduced by the proposed development. Although there would be a reduction in the amount, daylight will still penetrate through the roof of the carport structure. Overall, there would be a reduction in the amount of light afforded to the kitchen of No. 8 as a result of the proposal. A half hipped roof has been proposed to reduce the bulk of the roof to help reduce the amount of light lost to No.8. However, the kitchen affected is not considered to be a 'habitable room', as defined in the Council's Adopted Technical Guidance.

It is considered therefore that, unlike a living room for example, which is used more frequently for longer periods of time, a reduction in the amount of light to a kitchen would not have as much of a greater impact on the enjoyment of the dwelling house. As this window does not serve a habitable room, as outlined in Adopted Technical Guidance, and is presently mostly obscured by an existing structure, it is not considered that a recommendation of refusal on this basis would be defensible. Furthermore, no objection has previously been raised on this ground, and it would be inappropriate to introduce this now as a reason for refusal.

In terms of outlook, the outlook from the existing kitchen window is presently obscured by the carport structure, and thus it is not considered the proposed new dwelling would result in a loss of outlook from this window.

Views of the proposed new dwelling would be visible from the lounge of No.8 but due to the distance of 8metres between this property and the proposed new dwelling, and the gradual reduction in height of the roofline to the rear, it is not considered that the proposed new dwelling would have an overbearing impact in views from this room.

## **5. Other considerations**

Following the adoption on 20 February 2008 of the Planning Obligations Strategy Supplementary Planning Document, the Council requires a financial contribution for developments of one or more dwellings, as well as replacement dwellings where there would be an increase in the number of bedrooms of two or more. A unilateral agreement is therefore required for this proposal, which is an increase by two bedrooms, prior to the granting of planning permission. This contribution would go towards local infrastructure such as educational facilities, sustainable transport, health facilities and recreational open space in the Aspley Guise area.

A Unilateral Undertaking has been submitted to the Council and found to be acceptable. The final signed copy is awaited.

The consultation period with Highways expires on 22nd September 2009. Conditions have been included as on previously withdrawn application. An update will be given at the meeting.

## **Reasons for Granting**

The scheme, by reason of its site, design and location, is in conformity with Planning Policy Guidance: PPS1: Delivering Sustainable Development, PPS2 Green Belts,

PPS3 Housing, Planning Policies CS3, GBT3, CHE11, DPS5, DPS9, DPS11, and DPS12 of the Mid Bedfordshire Local Plan 2005, and East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005).

### Recommendation

That Planning Permission be granted subject to the following:

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

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

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

- proposed finished levels or contours;
- materials to be used for any hard surfacing;
- planting plans, including schedule of size, species, positions, density and times of planting;
- cultivation details including operations required to establish new planting;

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

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

- 4 **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 is occupied.**

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

- 5 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.

- 6 Before the new dwelling is first occupied, the front boundary of the site shall be set back in line with the front boundary illustrated by the red line of the application site, clear of the highway.

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

**DECISION**

.....  
.....



Map unavailable from Development Management Team  
(South)

This page is intentionally left blank

**Item No. 11**

**SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/09/05548/FULL</b>
<b>LOCATION</b>	<b>Linpac GPG International, Luton Road, Dunstable, LU5 4LN</b>
<b>PROPOSAL</b>	<b>Erection of two linked data centre buildings (incorporating data storage equipment servers and associated plant) Erection of boundary and secondary 3.0m high inner security fence with security gates and gatehouse. Erection of substation building to rear with associated car parking, buried fuel tank storage, loading bay and perimeter service road. (Revised application CB/09/05002/TP)</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Icknield</b>
<b>WARD COUNCILLORS</b>	<b>Cllr John Kane &amp; Cllr David McVicar</b>
<b>CASE OFFICER</b>	<b>James Clements</b>
<b>DATE REGISTERED</b>	<b>05 August 2009</b>
<b>EXPIRY DATE</b>	<b>04 November 2009</b>
<b>APPLICANT</b>	<b>Mr J Rooney</b>
<b>AGENT</b>	<b>Arcadium Associates Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called-in by Ward Councillor Kane</b>
<b>RECOMMENDED DECISION</b>	<b>Grant subject to Conditions and Section 106 Agreement</b>

**Site Location**

The proposal site is located on the majority of the Linpac GPG International (Ecomold) site, Luton Road, Dunstable, but does not include the warehouse to northwest of the site. The site has been used for industrial purposes since the 1940s and benefits from a B1/B8 use with permission to operate 24 hours a day. The site's most recent use was as a plastics moulding company manufacturing parts of the car industry. In 2008 the business went into receivership.

The site is approximately 0.5 miles from Dunstable town centre, situated south of the Luton Road, on an area of land measuring 3.9 hectares. The existing buildings cover an area of 19,630m<sup>2</sup> with the main factory building 18,598m<sup>2</sup>. The site has a frontage along Luton Road measuring approximately 150m, to the east are residential properties (Liscombe Road) and a BP petrol station, and to the west there are a number of industrial units on Eastern Avenue Industrial Estate. The southern site boundary abuts the former Luton-Leighton Buzzard trainline. To the south of the trainline is land used as paddocks. Blows Downs, the Chilterns Area of Outstanding Natural Beauty, a Site of Special Scientific Interest and a County Wildlife Site are approximately 140m to the south of the proposal site.

To the east of the site, the residential properties have rear gardens abutting the boundary of the proposal site, measuring approximately 30m in length. Both sides of

the boundary have a level of mature and semi-mature tree planting. On the residential side of the boundary there are a large number of leylandii and other evergreen trees. On the Linpac GPG side of the boundary there are a number of mature tree species including lime, maple, chestnut, plum and cherry. The Linpac GPG boundary also has a number of small, ancillary plant buildings including a generator house, plant storage building and oil storage building.

The original topography of the site was of a gentle slope from south to north. However, when the site was developed it was heavily landscaped to create a level surface. As a consequence the site varies in height when compared to the properties on Liscombe Road. At the southern end of the site the ground level is up to 3m lower than properties on Liscombe Road properties. The difference in height gradually reduces towards the north of the site where the boundary becomes level. The site is accessed from Luton Road and comprises 2 main blocks that were used as the factory and offices, a single-storey social club building and a number of small service buildings. The two main blocks are set back in a central position between 65 and 80 metres from the Luton Road. The main blocks are made up of buildings varying in height from approximately 7m to 16m and are predominantly constructed with a steel-frame construction and sheet cladding with some brick work. The 2-storey offices are situated on the Luton Road side of the east block and are constructed in brick. The main blocks are between 9&60m from the rear boundary of the site. The eastern block is between 12 and 17 metres from the boundary with the Liscombe Road Properties. To the north of the main buildings there is a security building with security gates and fencing, a single-storey works social club and parking area. The site along Luton Road is bounded by a steel railing and a landscape strip with a row of mature cherry and horse chestnut trees. Within the site the access road runs around the site between the two main buildings and between the eastern block and the Liscombe Road boundary.

## **The Application**

Full planning permission is being sought for the erection of a data centre comprising a linked 2-storey data centre, each with a single-storey office building, housing data storage equipment. The proposal also includes a substation, perimeter service road, loading yard, service yard and parking area to both buildings and buried fuel tanks for generator diesel supply.

This proposal is a revision of planning application CB/09/05002. The application was withdrawn by the applicant after concerns were raised by the Council regarding the height of the building, and because a Flood Risk Assessment had not been submitted with the application.

## **Data Centre**

The main purpose of a data centre is to house computer equipment to store information. This requires large uninterrupted spaces which house multiple computer servers in racks. This data centre will function as a business by renting servers for the storage of data. The predominant users are likely to be companies in banking, insurance, telecommunications and internet business.

The data centre would function 24 hours a day, 365 days a year and would be staffed on a pattern of three shifts a day. It is envisaged that there would be 150 employees including maintenance engineers, IT technicians and security operatives.

## **Buildings**

The proposal comprises two 2-storey linked data centre buildings with single-storey office buildings. The footprint of each building would measure 15,964m<sup>2</sup> with a combined footprint of 31,928. Each data centre building would measure 89m wide, 79m deep, 13.3m to the eaves and 14.8m to the ridge height.

The two main buildings would be linked by glazed curtain wall passageways: one at ground floor and the other at first floor level and would be identical in terms of size and design. The buildings are designed with a portal framed type steel structure with a barrel roof and would be constructed with metal panels/cladding and reclaimed Luton Grey brick. Within the main buildings there would be two data halls on two storeys which would be serviced by associated plant rooms. Each building would have 3 data halls on each floor, measuring 47 by 22m. Within the roof above the plant areas there would be chiller and generator compounds.

To the front and rear of the main buildings would be identical single-storey buildings measuring 18.5m deep, 75m wide and 9.5m in height, which would be used as offices and the main access for staff and visitors. They would each contain a reception, office space, toilet facilities, loading bays and communication rooms. In terms of construction the roof would be mono-pitched with a 'green roof', the elevations would incorporate significant glazing and there would be Luton Grey brick infill, metal cladding and loading bays.

The main building would be set back at angle from the Luton Road by approximately 37-56m for the single-storey reception/office element, and 72-90m for the main 2-storey element. The main building would be approximately 14 metres from industrial buildings on the Eastern Avenue Industrial estate, approximately 60m from the former trainline and between 25&30 metres from the garden boundary with Liscombe Road properties.

To the rear of the site adjacent the former trainline it is proposed to construct a sub station measuring 1,400 m<sup>2</sup>. At this stage the applicant is not able to supply full details of the sub-station. The applicant has therefore agreed to withdraw this part of the application.

## **Generators, fuel tanks and chiller units**

One of the primary requirements for the operation of data centres is the cooling of the computer equipment within the data halls. Each of the two data centre buildings would be cooled by 18 chillers which are proposed within the roof of the main buildings, to the west of the site adjacent buildings on the Eastern Avenue Industrial Estate. Backup diesel generators would also be required to produce electricity, should there be a power failure. Each data centre building would have 8 diesel generators located on the Liscombe Road side of the buildings. Both the diesel generators and chiller units would have metal screen infill panels on the sides of the building to dampen the noise.

The chillers would be used 24 hours a day and have been located on the western side of the building away from residential properties. It was originally envisaged that the diesel tanks would be located underneath the access road adjacent the Liscombe Road properties. However, following discussions with officers and

concerns raised by local residents, the applicant has amended the plan relocating the diesel tanks underneath the western access road.

### **Landscaping**

New landscape areas are proposed to the north and east perimeter. The new landscaping zone adjacent the boundaries with Liscombe Road would measure 13-18m in width and would be built up to the height of the neighbouring garden level. It is proposed to retain as many existing trees as possible.

Landscaping is also proposed to supplement and extend planting on the northern boundary and adjacent to the proposed parking areas and security gates

### **Traffic movements and Parking**

The site would be accessed from the existing access on Luton Road and would have parking to the front and rear of the site, with 198 parking spaces overall including 8 disabled spaces. There would be secure on site sheltered bicycle storage and changing facilities would be provided for staff and visitors who cycle to the site.

A Draft Travel Plan from JMP Consultants Limited has been submitted with the application. Approximately 150 staff would be expected to work at the data centre, and the applicant has stated that traffic movements would be limited to staff and small van/truck deliveries.

### **Security**

Due to the type of use, security is of a high importance. It is therefore proposed to erect two fences and utilise CCTV. The two fences would comprise an outer security fence measuring approximately 2.1m and an inner fence measuring approximately 3m in height.

## **RELEVANT POLICIES**

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

- PPS1 - Delivering Sustainable Development
- PPG4 - Industrial and Commercial Development and small firms
- PPS7 - Development in Rural Areas
- PPS9 - Biodiversity
- PPG13 - Transport
- PPS23 - Planning and Pollution Control
- PPG24 - Planning and Noise

### **Regional Spatial Strategy**

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

- SS1 - Achieving Sustainable Development
- ENV2 - Landscape Conservation
- ENV3 - Biodiversity and Earth Heritage
- ENV7 - Quality in the Built Environment
- ENG1 - Carbon Dioxide and Energy Performance
- ENG2 - Renewable Energy Targets
- T4 - Urban Transport

T14 - Parking

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

**South Bedfordshire Local Plan Review**

E1 - Safeguarding B1-B8 Employment Land  
BE8 - Design and Environmental Considerations  
T10 - Controlling Parking in New Developments

**Planning History**

CB/09/05002	Withdrawn application for the erection of two linked data centre buildings, (incorporating data storage equipment servers and associated plant). Erection of boundary and secondary fence. Erection of substation building to rear with associated car parking, buried fuel tank storage, loading bay and perimeter service road.
SB/TP/02/1272	Permission for installation of spray booth exhaust stack.
SB/TP/98/0006	Permission for the erection of first aid room, toilet accommodation and canopy.
SB/TP/97/0630	Permission for alterations to buildings including re-sheeting part of roof and elevations and construction of replacement fire escape.
SB/TP/96/0927	Permission for the change of use of the existing part warehouse area and boiler room to light industrial use and new mezzanine floor.
SB/TP/96/0877	Permission for the erection of replacement production building and one additional silo.
SB/TP/94/0638	Permission for the erection of a single storey front extension.
SB/ADV/94/0044	Advertisement Consent for the display of externally illuminated company name.
SB/81/00176	Permission for substation and switchgear.
SB/77/01186	Permission for covered bridge.
SB/73/299	Permission for continued use of 2 Romney Huts and 1 Nissan Hut.

**Representations  
(Parish & Neighbours)**

Town Council	Awaiting comments.
nos. 6, 12, 14, 15, 16, 18, 19, 23, 26, 29, 30, 31, 32, 39, 41 and 46 Liscombe Road (and two further not numbered residences in Liscombe Road).	<ul style="list-style-type: none"> <li>• Excessive noise</li> <li>• Risk of leakage and explosion from the buried fuel tanks. Should be located on the Eastern Avenue side.</li> <li>• Who will maintain the Liscombe Road side of the landscape zone.</li> </ul>
10 Liscombe Road	<ul style="list-style-type: none"> <li>• What is the management regime for the generators?</li> <li>• How will exhaust fumes be dispersed and fumes from the tanks be vented?</li> </ul>

22 Liscombe Road

- How will the building be electromagnetically screened?

Supports application - 'If rejected it would be quite possible that another application would not be made and then we would end up with another derelict building. The application is preferable to high density housing'.

### Consultations/Publicity responses

Environmental Health Officer	No objection subject to conditions to control noise levels from the chillers and generators and a condition to control hours during construction and a Code of Construction Practice.
Highway Officer	No objections subject to 2 conditions – Travel plan and gates to be set back – and a Section 106 legal Agreement for a contribution for sustainable transport.
Council Archaeologist	No objection - the location and nature of the proposed development means that there is unlikely to be a significant impact on important archaeological deposits.
Tree & Landscape Officer	No objection subject to landscaping conditions for a scheme and management.
Force Architectural Liaison Officer	No objections subject to a commuted sum in line with section 11 of the Draft South Bedfordshire Planning Obligations SPD.
Highways Agency	No objection subject to a condition for a full Travel Plan.
Environment Agency	Objection - additional drainage details required to meet part Flood Risk Assessment requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). Once these issues are resolved, one drainage condition recommended.

### Determining Issues

The main considerations of the application are:

1. Principle of development;
2. Noise and pollution;
3. Location of fuel tanks;
4. Transport;
5. Design and Environmental Considerations; and
6. Section 106 Legal Agreement.

### Considerations

#### 1. Principle of development

The proposal site is land designated in the South Bedfordshire Local Plan Review as E1 Safeguarding B1-B8 Employment Land. Policy E1 states that,



'Within main employment areas, defined on the proposals map, planning permission will not be granted for uses other than B1, B2 or B8 of the Use Classes Order 1987'.

The existing site has a B1/B8 (light industry/storage or distribution) use whilst the proposed data centre is considered to have a *suis generis* use. However, it is a *suis generis* use closely related to that of a B1 (light industry) use and is therefore considered to be acceptable.

## **2. Noise and pollution control**

The Council's Environmental Officer does not have any objections in principle to the proposed development.

### **Noise**

One of the main issues raised by residents relates to detrimental noise levels which would be created by the proposal. In support of the application an Acoustic report has been submitted by Anderson Acoustics. The report states that:

'The calculated noise levels show that the highest noise levels with all chillers operating is likely to be experienced at 1 Ash Grove where noise levels of approximately 34 db are predicted. This level is 2db below the night-time background noise level and therefore slightly exceeds recommended criteria to aim for 5 db below background. During the daytime the background noise level is 5db higher in each monitoring location and therefore noise from the chillers would be 7db below the background noise level. This indicated that daytime operation of the chillers should not lead to any adverse noise impacts....the overall findings suggest that worst case noise levels during operation of the data centre should not give rise to any significant noise impacts at the nearest residential properties to the northeast in Liscombe Road, to southwest in Long Hedge and Bartons Avenue and to the north in Bramley Court'.

The Council's Environmental Health Officer considers the findings to be broadly acceptable but has stated, 'The applicant's noise consultants have suggested noise criteria for fixed plant operating continuously, i.e. the chillers and for fixed plant operating under emergency conditions, i.e. the generators. The consultants do not consider that noise from the chillers and generators contain any distinguishable tones or impulse characteristics. I would argue that the generators would have a distinguishable acoustic feature at the Liscombe Road properties, though probably not at the further removed Barton Avenue and the Ash Grove receptors'.

The Environmental Health Officer has therefore recommended two conditions to ensure that development would meet with the recommended noise methodology set out in BS 4142:1997 so that fixed plant operating continuously (chillers) are designed a minimum of 5db below background level and that the fixed plant operating under emergency conditions (generators) are designed to a maximum of 5db above background levels.

### **Site Contamination**

In terms of site contamination the Environmental Health Officer has no

objection subject to 4 standard conditions.

### **Air Quality**

With respect to air quality, PPS23 states that air quality is particularly important when the development is proposed inside or adjacent to an Air Quality Management Area (AQMA) designated under Part iv of the Environment Act 1995. The proposed development is adjacent an AQMA that includes Luton Road. The applicant's transport consultant's conclude that the redevelopment of the site would not adversely impact on the highway network and that overall the number of trips generated by the site would be reduced. The oil storage tanks would only be required in an emergency and for servicing. The proposed development is therefore, not considered to result in a deterioration of local air quality.

### **Electromagnetic pollution**

The applicant has stated that the building would be constructed in such a way that any electromagnetic radiation from the computer servers and equipment would be retained within the building and would not affect radio or television transmission or the Liscombe Road properties.

### **Noise and pollution during construction**

In terms of noise and pollution during the construction of the development, the Environmental Health Officer has recommended a condition for a Code of Construction Practice to be submitted. This plan would include details such as a plan for community relations including a local point of contact and progress updates, hours of working, temporary hoardings, access, including emergency service vehicles, artificial lighting, highway management, including delivery times, traffic routes, wheel/road washing, provision to accommodate all site operatives', visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period and environmental controls to protect the environment from dust, air pollution, land contamination, asbestos, noise and vibration, water and effluent, pest control.

### **Generator management regime**

The generators would typically be tested for one hour at a time during normal working hours. An agreed maintenance regime would be determined by way of condition.

### **Flood Risk Assessment**

The Environment Agency has objected to the proposal because of a lack of information required to meet Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). Once these issues are resolved the Environment Agency has recommended one drainage condition.

It is anticipated that this information will be forthcoming. An update will be provided at the Committee.

**3. Location of fuel tanks**

It is proposed to locate ten 64,000 litre capacity fuel tanks underneath the proposed access road adjacent the Eastern Avenue Industrial Estate. It was originally envisaged that the diesel tanks would be located underneath the access road adjacent the Liscombe Road properties. However, the applicant has relocated the proposed diesel tanks to the opposite side of the site.

Residents have raised concern that the fuel tanks would hold more fuel than the nearby BP garage, that there is a risk of leakage, explosion, contamination and that there is limited access for emergency vehicles.

The applicant has stated that:

'The proposed fuel tanks would meet all the relevant regulations required in law, including: Building Regulations Part J (location of tanks), British Safety Standard BS799: Specifications for oil storage tanks, Environment Agency PPG 27: Installation, decommissioning and removal of underground storage tanks standards for pollution control and BN EN12285-1:2003: Workshop fabricated steel tanks. Horizontal cylindrical single skin and double skin tanks for the underground storage of flammable and non-flammable water polluting liquids.

The fuel to be stored at the Dunstable data centre is diesel not unleaded petrol. Unleaded petrol is many times more explosive and flammable than diesel. In fact unleaded petrol can be ignited from the fumes, whereas diesel cannot be lit until it has reached a temperature over 60c. Diesel is not subject to the same rules as Petrol. Petrol requires a PEA or local Petroleum Enforcement Authority (the old Petroleum Officer) to agree to petrol tanks being installed. Diesel does not fall under this category as it is very similar to heating oil as it is nowhere near as volatile.

The fuel systems at the Dunstable data centre would be rarely used and the "fuel transit" levels are extremely low (many times lower than the petrol station at the end of the road), however, in the event of a power failure, the monitoring of the fuel system is doubled-up in all cases and a "fault" results in a shut-down of that particular system on safety grounds until the fault has been remedied. The generator installation will be in line with the 'Clean Air Act' this requires exhaust flues to be above the height of the property thereby ensuring fumes are dispersed into atmosphere. The generators are connected to catalytic convertors which remove 99% of the harmful element produced during combustion'.

The Health and Safety Executive, Bedfordshire Fire and Rescue and the Council's Petroleum Officer have been consulted. However, at the time of writing their comments have not been received. Any comments received will be made available at the Committee Meeting.

**4. Transport**

In terms of traffic the proposal is likely to be an improvement over the existing use of the site. Due to the nature of the data centre the site would be predominantly occupied by data handling computers and associated plant areas. It would therefore be less populated than a general industrial site and there would be less staff than the previous use, which at times employed up to 400 people. The total number of staff employed for the proposed data centre

would be approximately 150, with around 50 people working on site per shift. Up to a maximum of 100 people could be onsite at any one time in order for the overlap in staff while employees changes shift.

Unlike the previous industrial use nothing would be produced or fabricated onsite and the use would require few deliveries. The applicant has stated the previous use had upwards of 40 HGV movements a day. The applicant estimates that the proposal is likely to generate 1 lorry movement a day.

The Highway Officer has no objection to the application subject to conditions relating to a travel plan, cycle parking provision and a contribution to sustainable transport measures (discussed below).

## **5. Environmental and Design Considerations**

Policy BE8 of the South Bedfordshire Local Plan Review sets out a number of design and environmental objectives that proposals for development should achieve. The objectives of Policy BE8 include the following:

- any natural features which are an attractive aspect of the site should be protected and conserved;
- the size, scale, density, massing, orientation, materials and overall appearance of development should harmonise with the local surroundings;
- the setting of any development should be carefully considered and attention should be paid to its impact on public views into, over and out of the site;
- the siting and layout of development should be designed to limit opportunities for crime;
- proposals should have no unacceptable adverse effect upon general or residential amenity and privacy;
- the development should make efficient use of scarce resources; it should maximise energy efficiency and conservation through the orientation, layout and design of buildings, landscaping and planting, and the use of natural lighting and solar gain; it should take full advantage of opportunities to use renewable or alternative energy sources;
- lighting should not have a detrimental impact on the surrounding area; and,
- proposals should take full account of the need for hard and soft landscaping and amenity space in order to integrate the development into its surroundings; they should demonstrate how trees and vegetation would be used to achieve visual, energy saving, wildlife and other environmental benefits.

In addition, Policy ENV7 of the East of England Plan requires that new development should

- provide buildings of an appropriate scale, founded on clear site analysis and urban design principles;
- provide a mix of building types where appropriate;
- promote resource efficiency and more sustainable construction, including maximum use of re-used or recycled materials; and
- reduce pollution, including emissions, noise and light pollution.

## **Design and impact on surroundings**

The proposed buildings are designed with a portal frame steel structure with a barrel roof, metal panels/cladding, glazed areas and reclaimed Luton Grey brick. The office buildings would have 'green roofs', and the main roofs would be coloured green with the elevations a mixture of green and white. The design is a functional but contemporary design and would be an improvement on the existing mix of standard factory buildings.

In terms of impact on the townscape and views from Luton Road, considering the existing and surrounding industrial uses and buildings, and its location set back 37&72m from the road, the proposal would not have a detrimental impact. In terms of the impact of the development on the AONB and Blows Down, whilst the building would have greater massing than the existing buildings, due to its continuous height, the building would be an improvement because it would be located 40m further from the rear boundary and would have a more appropriate colouring scheme and incorporate 'green roofs'.

## **Impact on neighbours**

In terms of the impact on properties on Liscombe Road, the proposal is considered to be acceptable. The proposed eaves height (highest part seen from Liscombe Road) is a constant 13.3m along its entire length (apart from the break between buildings), which would be lower than the highest existing buildings (16.1m), but would be up to 6.3m higher than many of the existing buildings. Although the overall massing of the proposed buildings would be greater than the existing, the buildings would be approximately 14.5m further from the boundary and dwellings. It must also be noted that there is existing mature landscaping along parts of the boundary and within the gardens, which does provide reasonable screening to a number of properties. It is proposed to incorporate a raised landscape strip along the boundary to supplement existing planting, which in the medium to long term would effectively screen the development. In the short term it is envisaged that an appropriately coloured side elevation would help to minimise the visual impact of the building.

Due to the nature of a data centre, security would be a high priority. CCTV would be used within the development and lighting would also be required for security purposes and for the loading/parking areas. The applicant has stated that CCTV would not be used to view residential areas and that all proposed lighting would be to a high environmental standard with minimum light spill. It is considered that CCTV and lighting can be adequately dealt with by way of condition.

## **Sustainability**

The proposed data centre would use a large amount of electricity to power the servers and to cool the buildings. The power consumption is estimated for up to 30MVA (mega volts per annum). This equates to an approximate increase of 3% in the electricity use of Central Bedfordshire which is approximately the average consumption of 27,500 residential properties. This would be a significant proportional increase in the areas use of electricity, especially considering that Central Bedfordshire has a Local Area Agreement to reduce carbon emissions by 10% by 2020.

Due to the heat generated by the proposal and associated cooling, remedial measures such as additional or more efficient insulation are not appropriate. The applicant has agreed to incorporate measures such as a Ground Source Heat Pump for cooling and has agreed to meet the minimum BREEAM standards of 'Very Good' for the main buildings and 'Excellent' for the office buildings. This is to be welcomed.

Policy ENG1 of the East of England Plan states: 'To meet regional and national targets for reducing climate change emissions, new development should also be located and designed to optimise its carbon performance. Local authorities should encourage the supply of decentralised, renewable and low carbon energy sources...new developments of more than 10 dwellings or 1000m<sup>2</sup> of non-residential floor space should secure at least 10% of their energy from decentralised and renewable or low carbon sources, unless this is not feasible'. This would not be feasible because to provide 10% of energy onsite would require up to seven 2MW wind turbines or 75000-310000 photovoltaic panels. This would not be possible due to lack of space. However, even if space could be found, the impact on the AONB is unlikely to be acceptable. The applicant has therefore been asked to off-set 10% of the building's energy. This is discussed in more detail below.

### **Landscaping**

New landscape areas are proposed to the north and east perimeter. To the north the landscaping would supplement and extend planting on the northern boundary and adjacent to the proposed parking areas and security gates. To mitigate the impact of the proposal on the Liscombe Road residents, it is proposed to incorporate a landscape strip between the garden boundaries and the access road (to the east of the building). The landscaping strip would measure between 13-18m in width and would be built up to the height of the neighbouring garden level and it is proposed to retain as many existing trees on the boundary as possible. A full landscaping scheme has not been submitted with the application and it is recommended that this is subject to a condition.

Residents have raised concern that tall trees would reduce light levels and would drop leaves in the autumn. The Landscape Officer has no objection to the proposal and has stated that a landscaping scheme could be designed with a mixture of suitably sized and positioned native trees, which would minimise leaf-drop and reduce the likelihood of loss of light. It should be noted, however, that the landscaping strip is to the west of the properties and therefore loss of light would be minimal.

Taking all the elements of the scheme into account, it is considered that the proposal meets the objectives of Policies BE8, ENV7 and ENG1.

## **6. Section 106 contributions**

The applicant has agreed to enter into a Section 106 Legal Agreement.

### **Bedfordshire Police (11.10 Emergency Services)**

Section 11 of the draft South Bedfordshire Planning Obligations SPD states that the basis of assessing the need for a contribution to the Police Force will be assessed on a case-by-case basis. Bedfordshire Police has requested a contribution of £19,630 based on £1 per sqm which is the rate for public art. The applicant has however offered a contribution of 50 pence per sqm. This is considered to be acceptable because the proposal is unlikely to create the policing issues caused by large housing estates or commercial developments with large concentrations of people.

### **Highway Authority (11.2 Sustainable Transport)**

The Highway Officer has stated that, 'a contribution should be made towards improvements to public transport and cycle/pedestrian network and improvements to the highway network and in particular the Dunstable/Luton Busway. The sum would total £105,000 and this should be placed in a Section 106 Legal Agreement'. The applicant has agreed to this contribution.

### **Public Art (11.11 Public Realm)**

Section 11.11 states that commercial development over 1000sqm will be expected to contribute at a rate of £1 per sq metre (£19,630). The applicant has agreed to this contribution.

### **Policy ENG1 East of England Plan - Off-setting Energy Use**

As discussed in section 5, 10% of energy production onsite is not possible. The applicant has therefore agreed to off-set a percentage of the energy used by the development. An off-setting fund would primarily be used for schools, community buildings and social housing and would be overseen by a management board. The money would be used in projects for energy efficiency measures and renewables e.g. insulation, PV cells, solar water thermal heater and Ground Source Heat Pump.

We are still in negotiations with the applicant and will update Members at the Committee Meeting.

### **Reasons for Granting**

The proposal accords with both the provisions of relevant national guidance and all relevant planning policies within the Development Plan and there are no material considerations that dictate any other decision should be made.

### **Recommendation**

To authorise the Assistant Director Development Management to issue the grant of PERMISSION subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure -  
Contributions towards Bedfordshire Police, sustainable transport measures, public art and a carbon offsetting fund.

- 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 scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

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

- 3 **Before development begins, a landscaping scheme including the management of the landscaping 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).**

- 4 **The plans and particulars submitted in accordance with Condition 3 above shall include:**

- (a) A plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter measured over the bark at a point 1.5 metres above ground level exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;**
- (b) details of the species, diameter (measured in accordance with paragraph (a) above, and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;**
- (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;**
- (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];**
- (e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.**

**In this condition “retained tree” means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.**

**REASON: to comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard the existing trees on the site. (Policy BE8, S.B.L.P.R).**



- 5 Before development begins, a scheme for screen fencing and/or screen walling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.  
**REASON:** To safeguard the amenity of the area.  
(Policy BE8, S.B.L.P.R).
- 6 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.
- 7 Before development begins, details of the levels of the proposed buildings, parking areas, landscaped areas and access roads shall be submitted to and approved in writing by the Local Planning Authority. 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).
- 8 Details and samples 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.
- 9 Prior to the commencement of development, a Code of Practice for Construction shall be submitted to and approved in writing by the Local Planning Authority. The Code of Practice would relate to demolition, site clearance, ground works, preparation and construction phases and include detail upon:-
- a) Community relations, including a local point of contact and progress updates
  - b) Hours of working
  - c) Temporary hoardings
  - d) Access, including emergency service vehicles
  - e) Artificial lighting
  - f) Highway Management, including delivery times, traffic routes, wheel/road washing
  - g) Provision to accommodate all site operatives', visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period
  - h) Environmental controls to protect the environment from dust, air pollution, land contamination, asbestos, noise and vibration, water and effluent, pest control.

**The development shall be implemented in accordance with the approved Code of Practice unless otherwise first agreed in writing by the Local Planning Authority.**

**REASON: To ensure that construction takes place in an appropriate manner with minimal inconvenience and disruption.**

- 10 The office buildings hereby approved shall be ancillary to the main data centre use of the site.  
REASON: To prevent the establishment of an independent office unit on the site.  
(Policy BE8, S.B.L.P.R).
- 11 Prior to construction above ground details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such detail shall include the location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.  
REASON: In the interests of visual amenity  
(Policy BE8, S.B.L.P.R).
- 12 The proposal hereby granted permission is for a *suis generis* use.  
REASON: For clarification and to ensure the Local Planning Authority retains full control of the future use of the land/building(s) in the interests of amenity.
- 13 The development shall not be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority, such a travel plan to include details of:
- Joint working with other local employers and shared travel plan activities.
  - Predicted travel to and from the site and targets to reduce car use.
  - Details of existing and any proposed transport links, to include links to both pedestrian, cycle and public transport networks.
  - Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.
  - Timetable for implementation of measures designed to promote travel choice.
  - Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the planning authority.
  - Details of provision of cycle parking in accordance with County Council guidelines.
  - Details of marketing and publicity for sustainable modes of transport.
  - Details of the appointment of a travel plan co-ordinator.
- No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan [or implementation of those parts identified in the Travel Plan as capable of being implemented prior to occupation]. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.  
REASON: To promote sustainable modes of transport.

- 14 Prior to the commencement of above ground development of each building, independently verified certification confirming that the mechanical and engineering plant will be formulated and designed to achieve a design Power Usage Effectiveness of 1.7 or lower shall be carried out in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

REASON: To ensure that the development is of optimum operational efficiency in order to minimise energy usage.

- 15 Prior to commencement of above ground development of each building, certification from an approved assessor demonstrating that the scheme has been designed to achieve a minimum of BRE Environmental Research Methods (BREEAM) Very Good standard for the main data storage buildings and Excellent standard for the ancillary office buildings.

REASON: To ensure that the development minimises waste, water, and energy consumption during demolition and operation phases.

- 16 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*'.

REASON: In the interests of pollution control.

- 17 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.

REASON: In the interests of pollution control and residential amenity.

- 18 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.  
REASON: In the interests of pollution control and residential amenity.
- 19 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 18, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 19, 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 20.  
REASON: In the interests of pollution control and residential amenity.
- 20 The development shall not be occupied until a management regime for the diesel generators has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.  
REASON: In the interests of residential amenity.
- 21 Fixed plant operating continuously associated with the proposed development must be designed to a level which is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant are to apply at a position 1 metre from the closest affected window of the relevant noise sensitive property.  
REASON: In the interests of residential amenity.
- 22 Fixed plant operating under emergency conditions associated with the proposed development must be designed to a level which is no more than 5dB(A) above the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant are to apply at a position 1 metre from the closest affected window of the relevant noise sensitive property.  
REASON: In the interest of residential amenity.
- 23 During construction of the development the working hours shall only be 08:00-18:00 Monday to Friday , 08:00-13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays.  
REASON: In the interests of residential amenity.

- 24 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.  
REASON: There does not appear to be drainage plans detailing the foul and surface water system and so comments cannot be provided, until the requested information is provided.
- 25 This permission relates only to the details shown on Drawing Nos. A0.210A, A0.219A and A0.220A received 27/07/2009, A0.217B received 27/08/2009 and A0.218-B & A0.212-C received 07/09/2009 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

ENV2 - Landscape Conservation

ENV3 - Biodiversity and Earth Heritage

ENV7 - Quality in the Built Environment

ENG1 - Carbon Dioxide and Energy Performance

ENG2 - Renewable Energy Targets

T4 - Urban Transport

T14 - Parking

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

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

E1 - Safeguarding B1-B8 Employment Land

BE8 - Design and Environmental Considerations

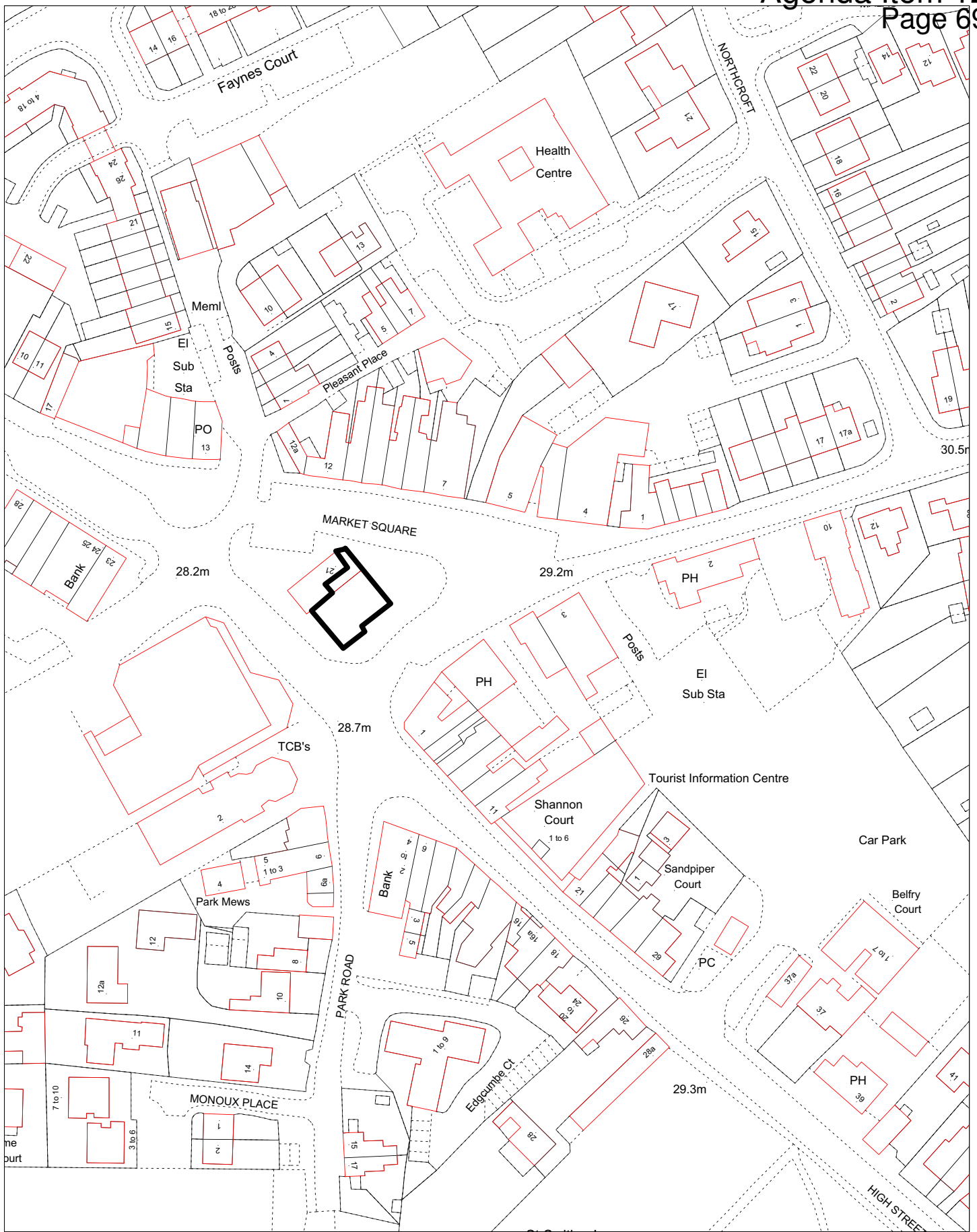
T10 - Controlling Parking in New Developments

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. 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.
5. The applicant should have regard to the Mayor of London's Best Practice Guidance (BPG) The Control of dust and emissions from construction and demolition. The BPG cites mitigation measures commensurate with the risk rating of the site.

**DECISION**

.....  
.....



Date: 09 September 2009

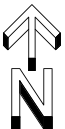
Scale: 1:1250

ITEM NO. 12

APPLICATION NO. CB/09/05612/FULL

Crown Copyright. All rights reserved.  
Central Bedfordshire Council.  
100049029. 2009.

22 Market Square, Sandy, SG19 1JA



This page is intentionally left blank



**Item No. 12**

**SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/09/05612/FULL</b>
<b>LOCATION</b>	<b>22 Market Square, Sandy, SG19 1JA</b>
<b>PROPOSAL</b>	<b>Full: Change of use from A3/D2 to A3/A5 throughout from coffee shop/childrens play area to coffee shop/bakery to include hot food. Erection of new canopy over windows and extractor units to side.</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Aldis &amp; Cllr Blaine</b>
<b>CASE OFFICER</b>	<b>Judy Self</b>
<b>DATE REGISTERED</b>	<b>06 August 2009</b>
<b>EXPIRY DATE</b>	<b>01 October 2009</b>
<b>APPLICANT</b>	<b>Mr C Yap-Young</b>
<b>AGENT</b>	<b>J &amp; J Architectural &amp; Construction Services Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Aldis due to the amount of public interest and the impact on the Conservation Area of the external alterations</b>
<b>RECOMMENDED DECISION</b>	<b>Grant Planning Permission</b>

**Site Location:**

The application site forms part of a detached building that stands in the centre of the Market Square in Sandy. The building (rendered/painted white with pitched tiled roof) is formed in two with the adjoining building currently being occupied as an optician.

The application site is the larger of the two buildings and has been divided into two units with the front area being used as a coffee shop. At the time of the site visit both units appeared closed. The site falls within the conservation area for Sandy and the surrounding retail area is characterised by a varied mix of buildings which vary in size, style and age.

The application site currently carries dual usage. As a restaurant/café (A3) and for assembly & leisure (D2) purposes as an indoor soft play area. These uses were approved in February this year and have been partly implemented.

Application 09/01026 was submitted in May this year to consolidate the usage of the building as a restaurant/café (A3) with the additional use as a hot food take-away (A5). Discussions took place during the determination of the application and it was recommended that the proposal be withdrawn pending a re-submission at a later date with some additional information.

The additional information requested accompanies the current application and all other details remain the same.

**The Application:**

This application seeks planning permission for a change of use from a restaurant/café (A3) / assembly & leisure (D2) to restaurant/café (A3) / hot food take-away (A5). Canopies to the windows and extractor units to the side. Internally the dividing wall between the two units is to be removed and the unit would be operated as one business.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

PPS 1 Delivering Sustainable Development (2005)

PPG 15 Planning & the Historic Environment (1994)

**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**

Policy DPS6, CHE 11, Mid Bedfordshire Local Plan First Review 2005  
TCS9

**Planning History**

09/01026	Full: change of use from A3/D2 to A3/A5, canopy to windows and extractor units to side – withdrawn 23/7/09
09/00001	Full: change of use from A1 to part A3 (for use as coffee shop with pastries etc – retrospective) and part D2 (for use as an indoor soft play area – approved 2/2/09)
05/00566	Full: erection of 1.8 metre high metal fence and 3 rows of barbed wire – approved 17/5/05

**Representations:  
(Parish & Neighbours)**

Sandy TC	Objects to the proposal for the following reasons:  -Impact on loss of amenity to near neighbours;  -Extended hours of business and lack of parking for people using the business;  -Works have already started.
----------	--

The site has been advertised by way of a site notice, a newspaper advert and letters sent to neighbouring residents. 2 letters have been received raising some or all of the following points:

-An additional take-away shop would result in an increase in parking problems;

-An increase in food take-aways will result in empty shops as there are not enough customers to sustain them;

-There is no need for another bakers and hot food take-away shop.

### **Determining Issues**

The main considerations of the application are;

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

### **Considerations**

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

The proposed canopies and the extractor units are the only external alteration. Whilst the proposal falls within the Conservation Area for Sandy the building is not listed. Policy CHE11 encourages the sensitive modification or alteration of existing buildings and the addition of the canopies to the windows are not considered to significantly harm the character and appearance of the Conservation Area. Whilst the addition of the extractor units would not make a particularly positive contribution to the character or appearance of the conservation area neither would they result in any adverse impact. The Conservation Officer has raised no objection and as such the proposal is considered acceptable.

Policy TCS9 states that: *'Planning permission for the use of premises food and drink uses will be granted in town centres where: The proposal would not have an unacceptable adverse effect upon the character or appearance of the locality'*.

A key element to the vitality and viability of town centres is also the diversity of use within them. 'Food and Drink' use have a significantly different characteristic from A1 retail shops and the Council recognises that a 'Food and Drink' use can add vitality and vibrancy to shopping frontages by attracting important lunchtime trade and generally helping to stimulate the town centre's economy. Whilst the comments received have been given their due consideration it is considered that the proposal is in accordance with the Council's own policy and as such is acceptable.

It is considered that overall the use / proposed works would preserve the character and appearance of the conservation area.

**2. Residential Amenity of Neighbouring Properties**

The application site is located on a central island within the town centre and there are no residential dwellings attached to the site. There is residential accommodation contained within the town centre but this is restricted to the residential accommodation above the shops positioned around the town square.

Policy TCS9 states that: *'Planning permission for the use of premises for A3 (food and drink) uses will be granted in town centres where: The proposal would not result in an unacceptable adverse impact upon the amenities of neighbours, by virtue of noise, odour, litter or disturbance'*.

No objection has been raised by the Environmental Health Officer (subject to conditions) and whilst the comments from the Sandy Town Council have been given due consideration it is considered that given the degree of separation no harm to residential amenity is considered to arise.

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

Policy TCS9 states that: *'Planning permission for the use of premises for A3 (food and drink) uses will be granted in town centres where: Convenient, off-street parking is available to serve the proposal'*.

The building is located within the heart of Sandy Town Centre and has an existing permission to be used in part as a restaurant/café (A3). The concerns raised through the consultation process have been noted, however given the town centre location and the potential parking available the proposal is considered to be in compliance with the Council's own policy and as such is acceptable.

During the consultation period comments have been received with regard to the potential impact on other similar businesses in the area. Whilst these concerns are duly noted such issues are not material considerations for planning consent.

**Reasons for Granting**

It is considered that the use / proposed works would preserve the character and appearance of the conservation area and would not result in any significant harm to residential amenity. As such the proposal is in conformity with Policies DPS6, CHE 11 and TCS9 of the Adopted Mid Bedfordshire Local Plan (2005); Planning Policy Guidance: Planning Statement 1 Delivering Sustainable Development (2005).

**Recommendation**

That Planning Permission be granted subject to the following:

- 1 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 **Equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the commercial food use continues. Full details of the method of odour abatement and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved by the Local Planning Authority prior to the installation of the equipment. The approved equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the use hereby permitted commencing.**

**Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents.**

- 3 **The kitchen ventilation system approved in accordance with Condition 2 above, 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 a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.**

**Reason: To protect neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system.**

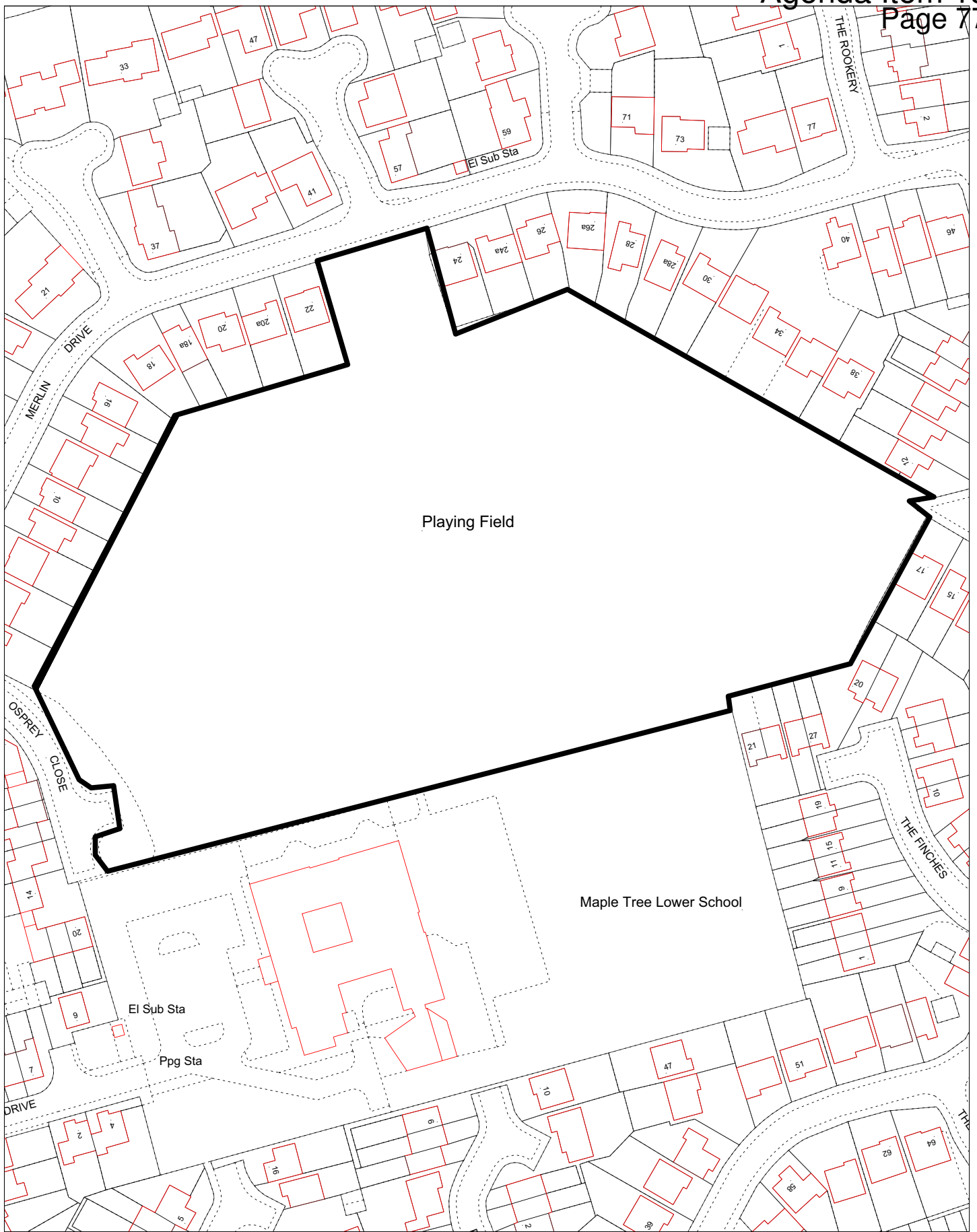
### **Notes to Applicant**

1. The applicant is advised that the provision of hot food and drink after 2300 hours are licensable activities under the provisions of the Licensing Act 2003, and an appropriate premises license will be required. The applicant is advised to contact our Licensing Department on 01462 611000 for further information on licensing matters.

### **DECISION**

.....  
.....

This page is intentionally left blank



Date: 09 September 2009

Scale: 1:1250

ITEM NO. 13

APPLICATION NO. MB/08/01968/FULL

Playing Field Off, Merlin Drive, Sandy



Crown Copyright. All rights reserved.  
Central Bedfordshire Council.  
100049029. 2009.

This page is intentionally left blank



**Item No. 13**

<b>APPLICATION NUMBER</b>	<b>MB/08/01968/FULL</b>
<b>LOCATION</b>	<b>PLAYING FIELD OFF, MERLIN DRIVE, SANDY</b>
<b>PROPOSAL</b>	<b>FULL: VARIATION OF CONDITION 11 ATTACHED TO PLANNING APPROVAL 87/01821/OUT( APPLICATION FOR RESIDENTIAL DEVELOPMENT INCLUDING CONSTRUCTION OF A1/SUNDERLAND ROAD LINK ROAD DATED 17/11/1993), TO REMOVE THE REQUIREMENT TO PROVIDE FACILITIES FOR MORE GENERAL SPORTS USE. PROVISION OF PLAY AREAS, AND LANDSCAPING FOR THE SITE.</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllr P Blaine and Cllr N Aldis</b>
<b>CASE OFFICER</b>	<b>David Lamb</b>
<b>DATE REGISTERED</b>	<b>20 October 2008</b>
<b>EXPIRY DATE</b>	<b>15 December 2008</b>
<b>APPLICANT</b>	<b>Twigden Homes Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>CLLR ALDIS: IN VIEW OF LOCAL INTEREST IN THE PROPOSALS FOR THE OPEN SPACE, AND ITS PROXIMITY TO MANY RESIDENTS</b>
<b>RECOMMENDED DECISION</b>	<b>GRANT PLANNING PERMISSION</b>

**Site Location:**

The application site is a large area of open space located within the Fallowfield residential development which is sited to the north of Sandy. The land is surrounded by existing dwellings to the north, east, and west. To the south of the site is Maple Tree Lower School.

The land is currently grassed, and it can be accessed from Osprey Close, Merlin Drive, and Kingfisher Close. The land is separated from adjoining gardens by timber fencing, and the boundary treatment adjacent to the boundary of the school is a metal palisade fence.

**Background To The Application:**

Outline planning approval was granted for the Fallowfield development in 1993. Condition 11 of that approval states:

*An area of not less than 5 acres shall be provided in a central location on the site for use as a formal public open space. It shall be laid out in accordance with details previously submitted to and approved in writing by the Local Planning Authority, incorporating a formal children's play area and facilities for more general formal sports use within five years of the first occupation of a house on the site.*

The Reason given for the condition was:

*To ensure adequate land for formal public open space is provided within the development.*

Various reserved matters applications were granted by the Council in 1996 and 1997 for the detailed layout of the dwellings. The development which amounts to several hundred properties was substantially complete approximately 10 years ago. The Condition the subject of this application has not been discharged by the authority, and this has been due to a number of reasons. There was initially a significant level of debate between the Council and the Town Council regarding the details of appropriate facilities for the site. These discussions resulted in the submission of a scheme to the Council from the developer seeking the discharge of the condition in 2002. The accompanying plans indicated the provision of a junior football pitch, two play areas, a half basketball court, landscaping and pathways around the site. A small car park of six spaces was also proposed.

Due to local objection to the proposal, the plans for the open space area were considered by the Development Control East Committee at its meeting on 5<sup>th</sup> March 2002. The Committee resolved to refuse the proposal as it wished to see a senior football pitch, a larger car park, the provision of changing facilities, and more detailed consideration be given to concerns regarding the drainage of the land.

Little progress was made on the provision of the open space over the following few years, although a number of meetings were held with the Town Council and the developer. The outcome of these meetings was the submission of further proposals for the open space area showing a junior football pitch and play areas on the land in 2006. All residents adjoining the land were consulted on the proposals by letter in November 2006, and this resulted in a significant level of public objections to the proposals. The objections primarily related to the provision of the football pitch, its proximity to residents gardens, and the level of disturbance it would generate. A summary of the consultation responses received at that time is outlined below:

- Loss of open space to football
- Increase in traffic generation
- Car parking problems
- Loss of amenity to residents through noise and general disturbance
- There are already adequate playing pitches in Sandy
- Adverse impact on highway safety

A total of 75 letters of objection were received, and also petitions signed by 419 residents. Other objections generated related to the planting proposed around the perimeter of the site and the fact it would prevent maintenance of boundary fences.

As a result of these objections, a number of meetings were held between the Town Council and local residents regarding the site. As a result of those discussions last year, the Town Council wrote to the Council asking for plans for play areas on the open space be progressed, and that any proposal for a football pitch be held in abeyance. However, as condition 11 of planning approval ref: 41/MB/87/1821 requires the provision of facilities "*for more general formal sports use*" as the condition is currently worded the Council could not approve a proposal without a football pitch or other formal sports facility.

In view of the request received from the Town Council, and given the significant delays in the provision of play facilities on the open space, the Council suggested to the developer that they make an application to vary the above condition to remove the requirement to provide facilities for formal sports use. The suggestion to the developer has resulted in this application now before the Committee.

### **The Application**

The application is seeking a variation of condition 11 of planning approval 41/MB/87/1821 to remove the requirement to provide sports facilities as part of the facilities provided on the open space area at Fallowfield, Sandy. The application is also seeking the approval of the details proposed for the open space including details of a Local Area for Play (LAP) and Locally Equipped Area for Play (LEAP) for the land, along with a basketball net, paths around the perimeter of the land, and landscaping.

Two plans have been provided for the proposal showing the layout of the open space. One of the plans shows the provision a car park for ten cars accessed from Osprey Close, the other plan has no car parking provided. In making the application, the applicant has stated that they see no reason for the provision of the car park as the football pitch has been removed from the scheme. In addition, they highlight strong reservations about providing the car parking as they are concerned that the area will become a congregation area for the local youths and their cars and will encourage anti-social behaviour. The applicant does not want to promote people driving to the play areas and creating unnecessary car journeys and they consider that local residents and the Town Council will be of the same mind. They urge the Council to approve the second set of drawings without the car park.

The two play areas and the basketball net would be located adjacent to the southern boundary of the land, and near to Maple Leaf Lower School. The LAP would be sited partly alongside the school, and partly behind fencing which encloses the rear gardens of houses in The Finches.

### **RELEVANT POLICIES:**

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

PPS1: Delivering Sustainable Development

PPG17: Planning for Open Space, Sport and Recreation

#### **Regional Spatial Strategy**

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

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

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

DPS5 - The Built Environment  
DPS11 - Landscaping  
SR5 - Recreational Open Space

**Supplementary Planning Guidance**

Recreational Open Space Strategy

**Relevant Planning History**

41/MB/87/1821            Outline application for residential development including construction of A1/Sunderland Road Link Road. Approved 17/11/93

**Representations:  
(Parish & Neighbours)**

Sandy Town Council            No objections. However, this decision in no way affects any future decision of the Council with regard to adopting the land. The Council asks that conditions be made as to the condition of the grass, car parking and a youth shelter.

Neighbours                      One letter of objection, and three letters raising concerns (two of which are from the same person) all relating to the landscaping scheme proposed as part of the application. The following issues have been raised:

- Disagrees with the planting scheme proposed for the perimeter of the open space, this was supported by 29 other residents who also signed individual sheets submitted to the Council roughly 18 months ago
- The planting is too aggressive, 7 residents have access gates through to the open space so what consideration has been given in this respect
- How can residents maintain their fences
- Planting will reduce the open feeling provided by the fencing with open slats
- One species has mildly poisonous fruit
- The species detailed could grow to a maximum of 18/20 feet
- Concerns regarding the proximity of trees to dwellings due to the risk of subsidence
- Had the impression that only indigenous trees would be used, and why is American Sweetgum being used, especially as it is such a large tree. Relocation of the trees to the centre of the field would satisfy the concerns expressed

A letter has also been received from the Fallowfield Openspace Residents Committee. It states that the group held information points for residents to view the plans for the open space. The letter states that the overall reaction was very positive with residents expressing how pleased they were to see the content of the LEAP/LAP and removal of the football pitch, changing rooms and car park. Residents were asked to vote on two main points, the inclusion of a car park and the addition of a central path from Merlin Drive to the side gate of Maple Tree Lower School. 325 residents voted which equates to 29% of households on the development, and residents also volunteered to make comments on the proposals. In summary, the remaining issues are outlined below:

- Major works are required to level the open space & install adequate drainage systems
- The perimeter path has been positively received but 99% of residents who voted wanted a central path
- 100% of residents who voted were against any form of car park
- The content & layout of the LEAP/LAP/kickwall were very well received but the location needs to be inside the perimeter path & away from the school boundary fence. Tree planting should also be added to the west side of the play areas to provide shade
- The larger trees should be moved 5m further into the open space away from the boundary fences
- The majority of residents were not in favour of a total dog ban but if one was enforced, who would monitor it ?
- Although not shown on the plans, the idea of a teenage shelter has been raised. Please confirm its location as concerns are that it may become a gathering point and lead to unsociable behaviour

**Consultations/Publicity responses**

Highways Team Community Safety	Confirmed they have no comments on the application The provision of a car park could encourage people to gather, and encourage people to use it at the wrong times, possibly playing music and revving their cars.
Play & OpenSpaces Officer	No objection
Tree and Landscape Manager	Comments will be reported in the Late Sheet.

## Determining Issues

The main considerations of the application are;

1. The principle of removing the requirement for sports facilities on the land.
2. The impact of the proposal on the character of the area.
3. The implications of the proposal on the amenities of nearby dwellings.
4. Landscaping.
5. Car Parking.
6. Highway Safety.

## Considerations

### **1. The principle of removing the requirement for sports facilities on the land.**

Condition 11 of planning approval ref: 41/MB/87/1821 requiring the provision of public open space, play areas, and outdoor sport facilities was imposed due to the normal planning requirement for residential developments to provide or contribute towards such facilities. In terms of this particular development, all previous proposals for the site have included either a junior or senior football pitch sited in the centre of the land. Whilst condition 11 does not specify a particular sport, the Town Council have historically wanted to see a football pitch provided.

The open space is surrounded by housing on three sides. Given the size, shape of the land, and the fact that play areas must also be provided, the plans proposed previously has indicated the football pitch as little as 13 metres from the rear garden boundaries of adjacent dwellings. It has been a concern locally that in view of the constraints of the site, a football pitch could not be provided on the land without generating a significant level of noise and disturbance for adjoining residents. Moreover, whilst it would be possible to provide some car parking on the site, in order to ensure that the land is used predominantly as open space and adequate play areas are provided, any car parking would need to be limited to 10 or so spaces. This could result in on-street car parking on surrounding roads when matches are being played. For the above reasons, the ability of the land to provide formal sports facilities in a acceptable way appears to be in doubt. It should be highlighted that it has only been through considering detailed layouts for the open space that these difficulties have been established.

It is also important to note the significant and strong objection to a football pitch from many local residents, when they were consulted on such a proposal in 2006. There have been no objections to this application in terms of the removal of the requirement to provide sports facilities on the land. Any concerns received relate to other elements of the proposal. Another factor of relevance is that there are existing football pitches nearby on Sunderland Road.

Having regard to the problems likely to be associated with the provision of formal sports facilities on the land, which principally relates the sites relationship with many adjoining dwellings, it is considered that the principal of removing the requirement on the applicant to provide sports facilities on the site is acceptable.

The approval of the current plans would result in a large area of grass being retained which will still allow local residents to play football and a variety of other sports on an informal basis as is probably the case now. The open space area is an important amenity for local residents which they will be able to continue to enjoy on the implementation of this scheme.

**2. The impact of the proposal on the character of the area.**

As the original planning approval for the site always intended the provision of play areas on the site and landscaping, it is not considered that the proposal would have an adverse impact on the character of the area. Play areas are not uncommon within residential developments, and the LAP and LEAP would not be harmful to the appearance on the land. The LAP proposes six pieces of play equipment and five are proposed for the LEAP.

The path around the open space will be of benefit to local residents, and it will not have an adverse impact on the locality. The provision of a car park will be discussed later in this report, but a small hard surfaced area accommodating a maximum of ten cars would not be considered to have a harmful impact on the character of the area, neither would the non provision of sports facilities.

The implementation of a comprehensive landscaping scheme would improve the open space, as there is very little landscaping on the site at present. A suitable landscaped setting for the land would be a visual enhancement for the open space, and soften the appearance of the existing buildings around the site.

**3. The implications of the proposal on the amenities of nearby dwellings.**

As the open space area is surrounded by existing dwellings on three sides, it is inevitable that there will be some impact on the amenities of these properties from any changes to the land. However, it must also be noted that the provision of play areas and public open space on the site has always been an integral part of the outline approval granted in 1993.

In terms of assessing the proposals in detail, the LEAP will be located more than 30 metres away from the nearest dwellings in Osprey Close. The LAP will be sited partly adjacent to the playing field at Maple Leaf Lower School, and partly behind the rear fenced boundary of 21/23 The Finches. Both play areas will be visible clearly from a number of neighbouring dwellings, and there is likely to be increased activity on the land once the facilities have been installed. The impact of the play areas must also be balanced against the benefits they would bring to children living on the development. There have been no objections to the play areas, and given their siting, it is not considered that they would have an overbearing impact on any nearby dwelling.

Members of the public access the site from Osprey Close, Merlin Drive and Kingfisher Close. The plans submitted with the application indicate that new paths will formalise the access onto the land from these highways, and run around the perimeter of the site. The comments provided by the Fallowfield Openspace Residents Committee indicates that 99% of residents they consulted wanted the provision of a further path across the centre of the site. However, a central path does not form part of this proposal, and if it was proposed it could limit the use of the open space for informal sports use in the future. It is not

considered that the absence of a central path would be a material planning reason to refuse the application.

#### **4. Landscaping.**

Landscaping proposals are included with the application, which consists of a native hedge mix around the perimeter of the site and tree planting adjacent to the play areas and perimeter path. Concerns have been raised individually by three residents regarding the hedge planting around the site on the basis that it would make it difficult to maintain the existing fences which demarcate the gardens of adjacent residents. Moreover, residents question what consideration has been given to the seven residents who have installed gates within their fences which adjoin the open space. The species detailed could grow to 18/20 feet which will remove the open feeling that residents currently enjoy. Other concerns relate to the planting of non native trees, their proximity to existing houses, and the fact they could cause subsidence and a loss of light.

The provision of a boundary hedge may make it more difficult to maintain the existing boundary fences. However, it is not uncommon in residential areas to only have access to one side of a boundary fence for maintenance purposes. Moreover, this concern must be balanced against the positive aspects of providing a landscaped setting for the site, and other improvements relating to encouraging biodiversity.

The comments of the Council's Trees & Landscape Manager will be contained within the Late Sheet.

#### **5. Car Parking.**

The planning application is accompanied with two plans for the open space, one without and one with a car park for 15 cars which would be accessed from Osprey Close. There are a number of dwellings which would be in close proximity to the car park, and the information provided by the Fallowfield Openspace Residents Committee indicates that 325 local residents are opposed to the provision of any car park. The Town Council have stated that the car park should be provided as the facility is for the people of Sandy, not just Fallowfield residents and there ought to be provision for the parking of vehicles other than on the narrow streets.

The requirement for the area of open space and the provision of play areas arises solely from the Fallowfield development. Whilst it may well be that other people in Sandy may visit the site, it is reasonable to assume that the majority of users of the facilities will be from the Fallowfield development and will walk to the site given its central location. If a small number of people do drive to the site there would be some capacity in surrounding roads for some on-street parking.

The Council's Community Safety Team are of the view that the provision of any area where cars can gather could encourage people to use it at the wrong times, possibly playing music and revving car engines. As such, there is the potential for any car park to accommodate anti-social behaviour, which could be harmful to the amenities of nearby residents.



For the above reasons the applicant was asked to remove the car park from the application description which they have agreed to do. A condition on the approval will remove the right of the applicant to provide the car park.

## 6. Highway Safety.

As the car park has been removed from the application, it is not considered that the proposals would have an adverse impact on highway safety. The Councils Highways Section have confirmed that they have no comments to make on the proposal.

## 7. Other Issues

The Town Council have requested that any approval granted is conditional on the provision of a youth shelter. However, condition 11 of planning approval 41/MB/87/1821 does not require such a facility and it would therefore be unreasonable to now require such a structure. This would not preclude the provision of a youth shelter in the future by any organisation which adopts the land.

## Reasons for Granting

The variation of condition 11 of planning approval ref: 87/01821/OUT and the proposals for the open space would not have an adverse impact on the character of the area or an overbearing impact on the amenities of any neighbouring properties. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policies DPS5, DPS11 & SR5 of the Mid Bedfordshire Local Plan First Review (2005).

## Recommendation

That Planning Permission be granted subject to the following conditions:

- 1 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 **All hard and soft landscape works shall be carried out in accordance with the approved details with the following exception. Provision shall be made for a 1 metre gap in the hedge planting around the site in front of any existing gate on the rear boundary of the dwellings which adjoin the site. The works shall be carried out in the first planting season following the implementation of this planning approval or in accordance with a programme agreed in writing with the Local Planning Authority.**

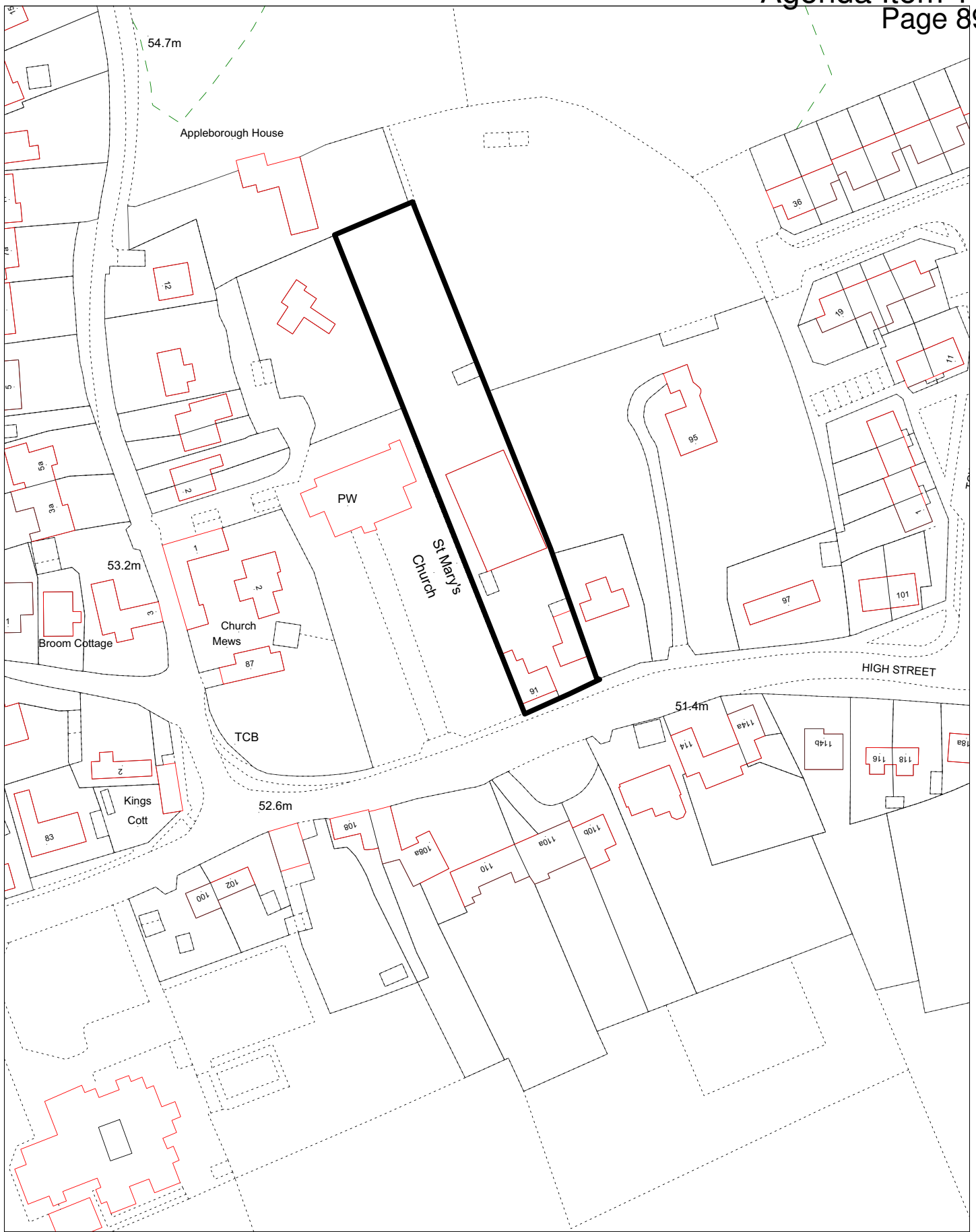
**Reason: In order to ensure that the planting is carried out within a reasonable period in the interest of the visual amenities of the area.**

- 3 Notwithstanding any details indicated on the plans hereby approved, this planning approval does not include the provision of any car parking.

Reason: In order to protect the amenities of nearby residential properties and for the avoidance of doubt.

**DECISION**

.....  
.....

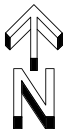


Date: 09 September 2009

ITEM NO. 14

Scale: 1:1250

APPLICATION NO. CB/09/05637/FULL



Crown Copyright. All rights reserved.  
Central Bedfordshire Council.  
100049029. 2009.

Land to the rear of 91 High Street, Clophill

This page is intentionally left blank

**Item No. 14**

**APPLICATION NUMBER** CB/09/05637/FULL  
**LOCATION** Land To The Rear And Side Of 91, High Street, Clophill  
**PROPOSAL** Full: Erection of a single detached dwelling with double garage and carport and a new double garage for 91 High Street following the demolition of an existing garage, store, greenhouses, boiler house and outhouse.  
**PARISH** Clophill  
**WARD** Maulden and Clophill  
**WARD COUNCILLORS**  
**CASE OFFICER** Mary Collins  
**DATE REGISTERED** 05 August 2009  
**EXPIRY DATE** 30 September 2009  
**APPLICANT** Mr T & Mrs A Palmer  
**AGENT**  
**REASON FOR COMMITTEE TO DETERMINE** Applicant employee of Central Bedfordshire Council  
**RECOMMENDED DECISION** Grant Planning Permission

**Site Location:**

91 High Street, Clophill is a detached property which fronts the High Street. To the side/rear of the existing dwelling is a detached brick built garage. The plot is long and the site contains a number of derelict horticultural buildings, a derelict greenhouse and redundant boiler house and chimney. The site is next to the Grade II Listed St Mary's Church and is partly within the conservation area. The site area is 0.264 hectares.

This part of Clophill is characterised by development close to and on the pavement edge with boundary walls providing a sense of enclosure. There is little backland development.

**The Application:**

Planning permission is sought for the erection of a single detached dwelling with double garage and carport and a new double garage for 91 High Street following the demolition of an existing garage, store, greenhouses, boiler house and outhouse.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

PPS 1 Delivering Sustainable Development  
PPS 3 Housing  
PPG 15 Planning and the Historic Environment

## **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**

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

LPS2 - Large Villages

LPS4 - Settlement Envelopes

DPS5 - Protection of Amenity

DPS9 - Open Space for New Dwellings

H06 - Location of new Residential Development

CHE11 - Conservation Areas

#### **Supplementary Planning Guidance**

Design Guide for Residential Areas in Mid-Bedfordshire  
Planning Obligations Strategy February 2008

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

Clophill PC

Support the application but with one important proviso. Believe the long term retention of the hedge is so important as to require a condition

Adj Occupiers

Two letters have been received from The Occupiers of Lavender House, Great Lane, Clophill. Object to the proposal on the following grounds:

- Loss of privacy
- Request dwelling sited further away as this would be less intrusive, less of an eyesore from rear windows and impact less on view
- request that a 1.8 metre high close boarded fence is erected prior to work starting

The Occupier of No. 95 High Street, Clophill raises concerns:

- Any removal of earth close to the existing wall on the eastern boundary could disturb ground due to varying levels.
- Altar window should be protected against vibration and accidental damage.

## Consultations/Publicity responses

Archaeology	The application site is likely to contain archaeological deposits relating to the development of the High Street. The proposal will have a damaging impact on those remains. No objection provided adequate provision is made to investigate and record any remains that are affected. Recommend condition attached if approval recommended
Highways	No objection, recommend imposition of conditions
Application advertised 21/08/09	No response received
Site Notice posted 21/08/09	No response received

## Determining Issues

The main considerations of the application are;

1. Principle of development
2. Visual impact upon the character and appearance of the area, the conservation area and setting of the Grade II listed church
3. Impact upon neighbouring residential amenity
4. Unilateral Undertaking

## Considerations

### 1. Principle of development

Clophill is a large village as defined by Policy LPS2 of the Mid Bedfordshire Local Plan First Review 2005. The site is within the Settlement Envelope as defined by the proposal map and Policy HO6 states that development is acceptable in principle within the Settlement Envelope.

### 2. Visual impact upon the character and appearance of the area, the conservation area and setting of the Grade II listed church

The proposed dwelling is to be sited to the rear of the existing dwelling. The proposed dwelling is one and half storey with dormers to the front elevation and rear elevation and a single storey projection to the side which is to be weatherboarded. The dwelling is 7 metres deep and to the rear elevation a gable projects by a further 4 metres.

The size of the rear garden exceeds the minimum requirement given in supplementary planning guidance Design Guide for Residential Areas in Mid Bedfordshire 2004. Adequate garden area has been retained for the existing dwelling.

As the dwelling will occupy a backland plot, it is essential that the dwelling is subservient in scale and form. The site is on rising land making the development more prominent in the vicinity, however the ground levels are to be lowered . If permission is granted this will be subject to a condition requiring details of the finished levels of the property and any change of

levels and excavation required.

Although its footprint is larger than the principal house on the High Street, its height to the ridge is lower and its scale and appearance is a cottage style associated with the conservation area and appropriate to a backland position. The proposal is considered to be subservient in scale and form to the principal dwelling fronting the High Street.

Due to the reduction in the ground level by excavation of soil around the footprint of the dwelling, the ridge height of the proposed dwelling will not exceed the eaves level of the church. Given also that the front elevation of the proposed property is set back behind the listed St Mary's church by a distance of 9 metres and the dwelling is set in from the boundary by approximately 5 metres, any views of the dwelling across the open churchyard will be recessive and distant. As such the siting of the dwelling is not considered to harm the setting of the Grade II listed church or views from the Conservation Area.

The proposed garage to the proposed property is set forward of the church with its rear wall being in line with the front of the church. The garage is set in by approximately 6 metres with the ridge line parallel to the boundary and is to be constructed in traditional materials in a traditional design. To the rear roof slope facing the proposed dwelling are two dormer windows. These windows are set in from the roof edge and there will be limited public views of them, as such they are considered acceptable. Tree planting is proposed along the boundary with the church to partially obscure views of the garage and the dwelling. The siting of the dwelling and its garage is not considered to have a detrimental impact on the setting of the listed church.

The setting back of the dwelling from the rear elevation of the church means that the side elevation of the church and the window to the altar is still unimpeded and will be in view to occupiers of the new property. Although there are no public views of this side of the church, this aspect does contribute to the appearance of the Conservation area.

The proposed new garage for the existing property is sited to the side and rear of the existing dwelling in close proximity to it. The garage relates well to the street frontage presenting a gable to the street. The area to the front of the garage and side of the dwelling will be enclosed by a new boundary wall (approximately one metre in height) which will wrap around the front and side of 91 High Street creating a sense of enclosure. The new wall and the side wall of the garage will lead the eye to the driveway serving the proposed dwelling and garage and the garage to the existing dwelling. The long linear driveway is terminated by the single storey element to the side of the dwelling.

The proposal is considered to preserve the Conservation Area and does not adversely affect the setting of a Grade II Listed Building. The buildings to be demolished are not of architectural merit worthy of retention.

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

A distance in excess of 60 metres has been achieved between the rear of the



existing property at 91 High Street Clophill and the front of the proposed dwelling. Adequate garden land has been allocated to each property. As such it is considered that the proposal will not have a detrimental impact on the amenities of the occupiers of 91 High Street.

Due to the relationship between the position of the new dwelling and the property at Lavender House in Great Lane to the rear, it is considered there will not be a detrimental loss of privacy through direct looking into first floor windows given a distance of 21 metres between the properties and the oblique views. A first floor window to the side elevation serving a bedroom faces the garden of Lavender House. Given the proposed property is set in from the boundary by 5.4 metres, it is considered that there will be potential for overlooking into the private garden to this property. As this bedroom is also served by a window to the rear elevation, it is not considered unreasonable for the side facing window to be obscurely glazed to prevent a loss of privacy through overlooking.

93 High Street and 95 High Street are not considered to be detrimentally affected by the proposal due to their separation from the proposed dwelling and the proposed garages.

If permission is recommended a condition restricting permitted development for the extension and or material alteration of the dwelling and the erection of outbuilding will be imposed to protect the amenities of neighbours.

#### **4. Unilateral Undertaking**

The Planning Obligations Strategy, wherein the construction of one dwelling or more is required to make a financial contribution towards the costs of local infrastructure and services, was adopted by the Council on 20th February 2008 and has been operative since 1st May 2008. The Draft Supplementary Planning Document was subject to a six week public consultation period between 6th July and 17th August 2007.

In accordance with national planning policy contained in PPS1, Local Planning Authorities are required to ensure that new development is planned to be sustainable. Where communities continue to grow, many require additional infrastructure, in the form of services and health care, for example.

This involves all new residential proposals having to enter into either a Section 106 Legal Agreement or a Unilateral Undertaking to provide contributions towards the impact of new developments within the Mid Beds area.

The Supplementary Planning Document is a material consideration in the determination of planning applications and refusal of planning permission is likely when development proposals do not comply with its requirements.

A Unilateral Undertaking has now been submitted in respect of this application and is currently being examined. An update will be given prior to the meeting.

#### **5. Other issues**

Concern has been raised by neighbours regarding noise and disruption that

will accompany the development and they have asked that building work is restricted to weekdays only. This is not a planning matter however the applicant will be made aware of this request.

Concern has also been raised regarding vibration and accidental damage to the altar window during construction work and to the eastern boundary wall during excavations. These are not planning matters but again will be brought to the attention of the applicant.

### Reasons for Granting

The proposal is in conformity with Policy DPS5 of the Mid Bedfordshire Local Plan First Review 2005 as the proposal relates sensitively to the character and appearance of the locality and the amenities of nearby residents is protected, DPS9 as adequate privacy for the occupiers of existing and proposed dwellings has been provided, Policy HO6 as the development will not have an adverse impact upon the amenity of adjoining neighbours or the character of the area and a satisfactory standard of access has been achieved and Policy CHE11 as it does not have an adverse impact upon the character or appearance of the Conservation Area. It is also in conformity with Planning Policy Statement: PPS 1 Delivering Sustainable Development, PPS 3 Housing and PPG 15 as the setting of a Grade II Listed Building is preserved.

### Recommendation

That Planning Permission be Granted subject to the following:

- 1 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 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.**

- 3 **No development shall take place within the application site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should be undertaken by the Council's Archaeological Service or other competent archaeological organisation approved by the Local Planning Authority.**

**Reason: To ensure that remains of archaeological importance likely to be disturbed in the course of the development are adequately recorded.**

- 4 **Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority defining those trees, hedges, shrubs and other natural features to be retained during the course of the development, and setting out measures for their protection during construction work . No work shall commence on site until all trees, hedges, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**

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

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

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

- 5 **Prior to the commencement of the development hereby approved, details of materials to be used for all external finishes including brick type, brick bond and mortar mix 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.**

- 6 **Notwithstanding the details shown on the approved plan, no development shall be undertaken until a scheme has been submitted for written approval by the Local Planning Authority indicating the positions, design, materials and types of boundary treatment to be erected. This shall include details of the construction of a wall to the boundary with 93 High Street and a front boundary wall to 91 High Street, and the retention of the hedgerow adjoining the grounds to the Church. The details shall include information on the the coping stones, brick type, brick bond and mortar mix to be used for the boundary walls. The boundary treatment shall be completed in**

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

- 7 **Prior to any building works being first commenced, detailed drawings of all proposed windows and doors to a scale of 1:10 together with a detailed specification of the materials, construction and finishes, shall be submitted to and approved in writing by the Local Planning Authority. Details shall be provided which clearly show (as appropriate)- a section of the glazing bars, frame mouldings, door panels, the position of the door or window frame in relation to the face of the wall, depth of reveal, arch and sill detail.**

**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.**

- 8 All rainwater goods shall be cast iron or cast aluminium and painted black unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the special architectural and historic interest, character, appearance and integrity of the listed building or other historic building is properly maintained and to accord with PPG15 and standard conservation good practice.

- 9 Prior to the first occupation of the dwelling the first floor window in the side elevation of the dwelling hereby approved shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and restriction on its opening, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority.

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

- 10 Notwithstanding Schedule 2, Part 1, Classes A, B, C, D, E, F, G and H of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for the extension or material alteration of the buildings hereby permitted or the erection of any building/ structure within the curtilage of the dwelling hereby approved until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties. To protect the setting of the adjacent listed church. To protect the character of Clophill Conservation Area.

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

- proposed finished levels or contours;
- materials to be used for any hard surfacing;
- planting plans, including schedule of size, species, positions, density and times of planting;
- cultivation details including operations required to establish new planting.

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

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

- 12 The scheme approved in Condition 11 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.

- 13 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.

- 14 The turning space for vehicles for the proposal and 91 High Street illustrated on the approved Drawing No CLOP-018 B shall be constructed before the first occupation of the new dwelling or the first use of the new garages.

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

- 15 The proposed development shall be carried out and completed in all respects in accordance with the access siting, width and layout and pedestrian visibility splays illustrated on the approved drawing No. CLOP-018 B and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as

its various parts are interrelated and dependent one upon another and provide adequate and appropriate access arrangements at all times.

- 16 Before the new dwelling is occupied the lengths of the existing access that are surplus to requirement shall be closed in a manner to the Local Planning Authority's written approval.

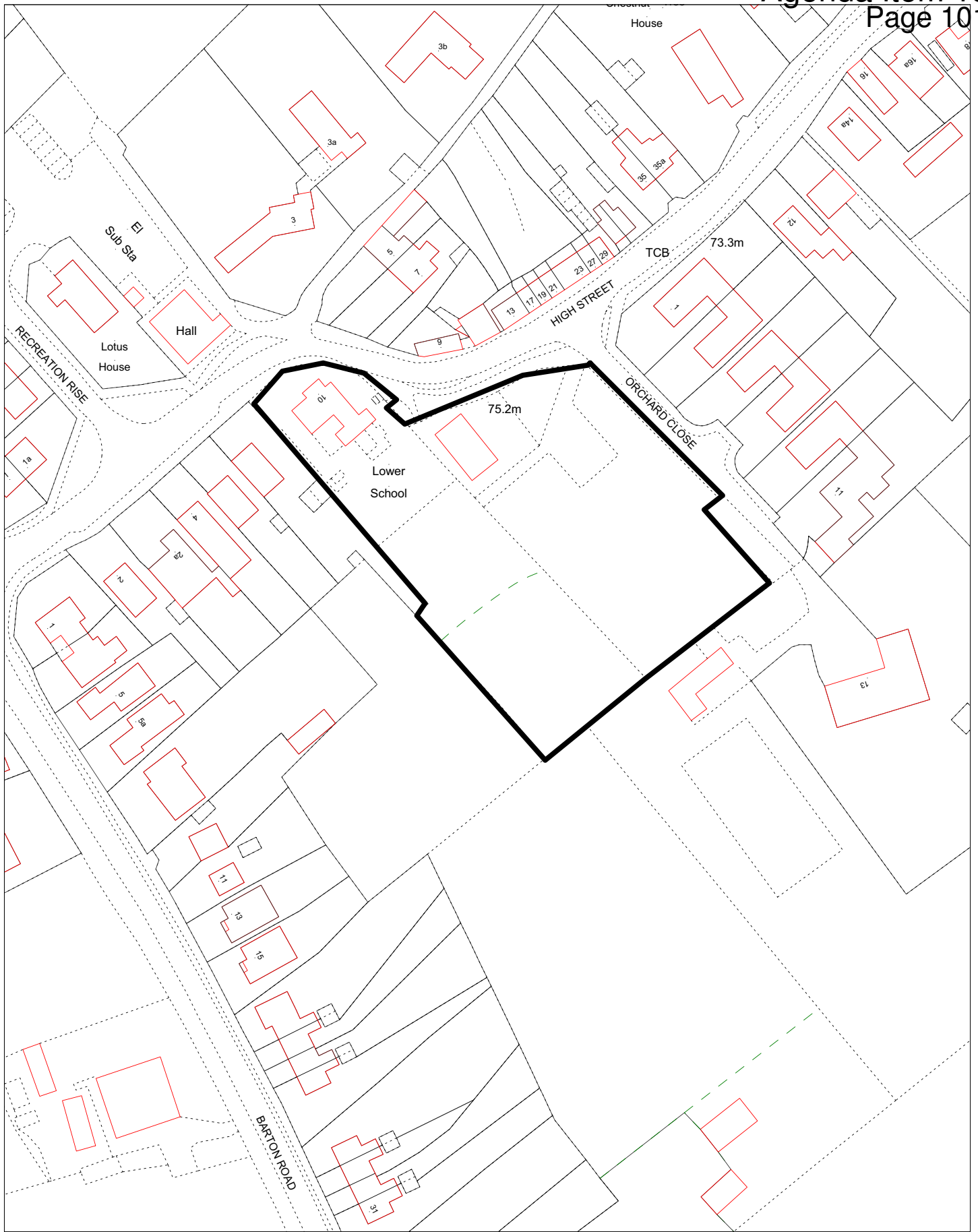
Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 17 Details of a bin collection point to serve the new dwelling shall be submitted to and approved by the Local Planning Authority and made available for use prior to the first occupation of the dwelling.

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

### Notes to Applicant

1. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN.
2. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
3. The applicant is advised that the closure of the surplus existing access shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access.

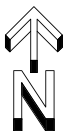


Date: 09 September 2009

ITEM NO. 15

Scale: 1:1250

APPLICATION NO. CB/09/05598/FULL



Crown Copyright. All rights reserved.  
Central Bedfordshire Council.  
100049029. 2009.

Gravenhurst Lower School, High Street, Gravenhurst

This page is intentionally left blank



**Item No. 15**

**APPLICATION NUMBER** CB/09/05598/FULL  
**LOCATION** GRAVENHURST LOWER SCHOOL, HIGH STREET,  
GRAVENHURST, BEDFORD, MK45 4HY  
**PROPOSAL** FULL: INSTALLATION OF 2 CANOPIES.  
**PARISH** Gravenhurst  
**WARD** Silsoe & Shillington  
**WARD COUNCILLORS** Cllr R Drinkwater, Cllr A Graham  
**CASE OFFICER** Sarah Fortune  
**DATE REGISTERED** 06 August 2009  
**EXPIRY DATE** 01 October 2009

**APPLICANT** Gravenhurst Lower School  
**AGENT** Mouchel Parkman  
**REASON FOR COMMITTEE TO DETERMINE** LAND OWNED BY CENTRAL BEDFORDSHIRE COUNCIL

**RECOMMENDED DECISION** GRANT PLANNING PERMISSION

**Site Location:**

The site is located on the south side of High Street in the built up area of Gravenhurst. The site supports the Gravenhurst Lower School buildings.

**The Application:**

This application is for the installation of two canopies one to be attached to an existing classroom, the other to be freestanding. (A revised plan has been submitted which clarifies that the application is only for these two canopies and not for the shed which was also shown on the original submitted site layout plan.)

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

PPG4 Industrial and Commercial development

**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**

DPS6 Criteria for extensions

## **Supplementary Planning Guidance**

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

## **Supplementary Planning Guidance**

### **Planning History - relevant**

07/01506/CC Continue siting of temporary classroom unit.  
No objection from Mid Beds DC: 21/09/2007  
Permission Granted 30/11/2007 and expires 30/11/2012

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

Parish/TC Comments to be reported to the Committee.

Adj Occupiers

1. Mr Gilbert. 19 High Street Gravenhurst: Concerned that noise levels will increase and there are many bedrooms which overlook the site of proposed canopy A. What precautions have been take to manage the noise levels, are there plans in place to cover the structure from view and are there any sound proofing options to reduce the potential impact on local residents.
2. W.A Watson. 5 Orchard Close: Concerned about the increase in noise levels in addition to noise from the new Pre School.
3. Mr and Mrs Anderson. 9 Orchard Close: The plans do not show the pre School, canopy 'A' appears to be designed to amplify noise towards Orchard Close and this will increase noise levels and concern about persistent problems of parking - as many parents park on the pavements.

Any further comments to be reported to the Committee.

### **Consultations/Publicity responses**

E.H.O. Comments to be reported to the Committee.

### **Determining Issues**

#### **The main considerations of the application are;**

1. Background
2. Impact on visual amenities of area
3. Other considerations

### **Considerations**

## 1. Background

The application is for the installation of two canopies which are to provide for covered areas for the children at the school to play.

Canopy A is to be installed on the east elevation of the temporary school building which lies to the immediate south of High Street. (This classroom has been at the site for a few years and the latest application for its retention was granted in 2007.) Canopy A is to be used by reception children of which there are currently 13 pupils. It is to provide a covered area to protect the children from the sun, enabling them to enjoy free flow play between the indoor and outdoor space to provide them with an outdoor classroom as per the early Years Foundation stage curriculum. It can also be used to provide for cover for the parents as they wait to collect their children.

Canopy B is to be freestanding and is to be sited to the south west of the site and set well back from the road it is to be used by the children from the Foundation Stage through to year 4 of which there are currently 40 pupils. It will protect them from the sun, enable them to lunch outside in hot weather, provide shaded area during breaks and lunchtime and provide them with an outdoor classroom as per the national curriculum.

There are no objections in principle/policy terms to the siting of these canopies at the school since they are additions to a well established school premises and are now being required by Ofsted to be provided so that pupils have a sheltered play area.

The main considerations are whether the siting and design of the canopies is acceptable in relation to the character and appearance of the school buildings themselves as well as the visual amenities of the wider area and whether there are unduly adverse potential impacts- by way of noise in particular - on the amenities of nearby residents - especially those living on the other side of High Street to the application site as well as in Orchard Close

## 2. Impact on visual amenities of area

Canopy A is to have a max length of 8.46 metres with a depth of 3.765 metres and is to be installed so that it will be 3.2m at its highest point down to 2.4 metres at its lowest point. It will cover an area of 24 metres squared. It is to be sited on an area of part hard play surfacing and part grass (which is to be completely hard surfaced) to the front of the temporary school unit within a partly fenced and hedged area. It is to be constructed of rounded Scandinavian Redwood supports with a clear /opal roof covering.

The temporary building onto which canopy A is to be erected is at a lower ground level than the road. However, the top of the structure will be visible from the road above the roadside hedge - since it is to be built up to the edge of the site, adjacent to High Street and is to be taller than the hedge. It will also be visible to neighbours on the other side of High Street as well as to those at the top of Orchard Close. However, it is felt that whilst it is not a particularly attractive feature in itself it is clearly a temporary structure to be attached to a temporary classroom unit and will not have an unduly adverse impact on the visual amenities of the site and the area generally.

Canopy B is to be 7.6 metres in length with a depth of 4.6 metres and is to have a pitched roof 3.52metres at its highest point and drop down to 2.4 metres at its lowest point. It will cover an area of 35 metres squared. It is to be sited on a grassed area with easy access to the playground and is to be constructed of Scandinavian Redwood.

Canopy B is to be set well back from the road where it will not be visible from the highway being to the rear of the main school building . It is also at the end of a residential garden - number 8 High Street.

This wooden canopy is the more attractive of the two and will blend in with the character of the school buildings and is felt to be acceptable in relation to the building and the visual amenities of the area generally.

### **3. Other Considerations**

A main consideration is the potential impact of these canopies on the amenities of neighbours by way of both outlook and any additional noise generated from the site. There is a hedge along the roadside boundary which will help screen part of the structure when viewed from the road. However, there clearly will be some loss of outlook to the neighbours for Canopy A but this will not be sufficient as to withhold planning permission. Canopy B will not cause any undue loss of outlook to neighbours since it is to be sited well to the end of their rear garden which is very heavily planted

The main area of concern from local residents is the potential for additional noise from the use of these canopies for outdoor play. Concerns have been raised by some local residents about the potential for the canopies to increase noise levels generated from the site in particular from canopy 'A'. However, the site of this canopy is already used in part for hardsurfaced play. The applicants have advised that the canopy should not amplify the noise made by the children. The head teacher has advised that the school is open from 9.00 am until 3.00 am and the area under Canopy A will not be used outside of these times. However, the school site is not subject to restricted hours of operation and therefore it would be inappropriate to impose such a restriction on this particular application which does not propose any change of use.

In view of the fact that this is already a play area, the times of use of the area are not to change it is considered that any additional noise as a result of the canopy (which is not likely) will not be sufficient as to sustain an objection on noise grounds.

Canopy B is well away from most neighbours so is not likely to cause undue problems to neighbours as a result of any noise generated by its use.

Comments from the Environmental Health Officer are to be reported to the Committee.

### **Reasons for Granting**

In view of the fact that the canopies are to be sited at a well established school site their size and design are generally in keeping with the character of the buildings at the site and the visual amenities of the area generally, there will be noise generated from the use of these canopies but this will not be sufficient as to sustain a reason for refusal since the site of canopy A is already used in part as a hard surfaced play area the application is recommended for approval as being in compliance with policies DPS5 and DPS6 in the Mid Beds Local Plan First Review 2005.

### **Recommendation**

That Planning Permission be approved subject to the following:

- 1 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 Canopy A shall be removed from the site by 30/11/2012.

Reason: The classroom to which Canopy A is to be attached is only a temporary one and the planning permission for this classroom expires on 30/11/2012.

This page is intentionally left blank

Map unavailable from Development Management Team  
(South)

This page is intentionally left blank



**Item No. 16**

**SCHEDULE C**

<b>APPLICATION NUMBER</b>	<b>CB/09/05282/FULL</b>
<b>LOCATION</b>	<b>Bumblebees Playgroup, Appenine Way, Leighton Buzzard, LU7 3AJ</b>
<b>PROPOSAL</b>	<b>Erection of single storey rear extension to playgroup building.</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Linslade Central</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Bowater, Johnstone, Sharer &amp; Spurr</b>
<b>CASE OFFICER</b>	<b>Gill Claxton</b>
<b>DATE REGISTERED</b>	<b>06 August 2009</b>
<b>EXPIRY DATE</b>	<b>01 October 2009</b>
<b>APPLICANT</b>	<b>Mrs A Puttock</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 Appenine Way, in the south western corner of the Beaudesert Lower School site. It comprises a single storey modular building fronting the highway which houses Bumblebees Playgroup and outdoor play area plus land currently used as school allotments. There is a dense hedge and palisade fencing along the Appenine Way frontage and a hedge and wall along the footpath which offers limited views into the school site. The boundary with the school service yard to the north is enclosed by a fence.

To the east are the school allotments and Terrapin classroom buildings. To the south is a pedestrian footpath that links Appenine Way to Mercury Way. To the south of this are the dwellings at Nos 1 and 3 Jupiter Drive. There are further residential properties to the north of the lower school in Hydrus Drive and to the west in Gemini Close, on the opposite side of Appenine Way.

**The Application:**

Planning permission is sought for an extension to the rear of the existing single storey modular playgroup building, on part of the school allotment land. The extension would measure 7.7 metres wide by 7.4 metres deep, giving a gross floor area of just under 57 square metres. It would be used to provide 16 additional playgroup places for children aged 2.5 to 5 years old plus an office and store room. In support of the application it is stated that:

- The existing building provides for 24 playgroup places per session. There are two sessions per day Monday to Friday: 9am - 11.30am and 12.15pm - 2.45pm. The extension would take this up to 40 places per session.
- The total playgroup roll is 66 children. Of these 15 (23%) have siblings in the Beaudesert Lower School.

- There is Central Government funding for free places for 3 to 4 year olds but the younger children pay a fixed fee per session. The playgroup delivers the Early Years Foundation Stage Curriculum and follow the 'Every Child Matters' agenda.
- There are 6 adults in the teaching room with the children and there is an administrator who works in a separate office. The ratio of adults to children is 1:4 which is higher than the national standard of 1:6.
- All staff park within the lower school site. There is no provision for parents/carers to park within the school or playgroup grounds for drop off/collection.
- The extension will enable the playgroup to take on 16 further children giving a total of 40 per session in order to meet local demand. There is an intention to recruit additional staff but not necessarily 4 more to maintain the 1:4 ratio. The parking for the additional staff could be accommodated within the lower school site.

## **RELEVANT POLICIES:**

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

PPS1 - Delivering Sustainable Development

PPG13 - Transport

### **Regional Spatial Strategy**

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

ENV7 - Quality in the Built Environment

T2 - Changing Travel Behaviour

T8 - Local Roads

T9 - Walking, Cycling and other Non-Motorised Transport

### **Milton Keynes and South Midlands Sub-Regional Strategy**

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

BE8 - Design Considerations

### **Planning History**

SB/TP/04/0008                      Permission for portable building for use by Playgroup and Beaudesert School.

### **Representations:**

#### **(Parish & Neighbours)**

Leighton Linlade Town Council                      No objections.

Occupiers of 2, 4 and 8 Gemini Close and 55 Hydrus Drive

Object for some or all of the following reasons:

- the extra vehicle movements and demand for parking that would be generated if the application were approved would add to an already dangerous situation at school starting and finishing time.
- the vehicle parking creates visibility problems and endangers children.

- the Council's Highways section has a working party looking into this issue.
- there are no off-road dropping off and collection points which means Gemini Close and the access to individual properties are often blocked. Drivers are rude and abusive when asked to move.
- there is noise disturbance from car stereos.
- playgroup should move to the Vandyke School site where access is better and traffic problems would be less.

### Consultation/Publicity responses

Environmental Health Officer	No objections.
Highways Officer	No objection in principle subject to a condition requiring the submission of a Travel Plan prior to the commencement of development and any additional conditions required by the Sustainable Transport Team to follow.
Bucks and River Ouzel Internal Drainage Board	Notes that the method of surface water disposal has not been specified. Requests that this matter is dealt with by a suitably worded condition.

### Determining Issues

The main considerations in the determination of the application are:

1. Impact upon the character and appearance of the surrounding area;
2. Impact on residential amenity;
3. Traffic, parking and highway considerations; and
4. Other matters.

### Considerations

#### 1. Impact upon the character and appearance of the surrounding area

In design terms, the proposal would be well screened by the existing building and established boundary treatments and would match the appearance of the existing playgroup building. From any public vantage points it would not be readily visible, although there would be limited views from the footpath linking Appenine Way to Mercury Way. Accordingly, it is considered that the proposal is acceptable in terms of its visual impact on the surrounding area.

#### 2. Impact on residential amenity

The nearest residential properties to the extension are Nos 1 and 3 Jupiter Drive. Their rear garden boundaries are sited some 10 metres from the closest point of the extension. Given the distances involved, the single storey nature of the development and the presence of existing boundary treatment there would be no loss of amenity to occupiers of these properties in terms of loss of sunlight, daylight, privacy, overlooking or overbearing effect.

It is not considered that an additional 16 children at any one playgroup session would have an adverse material impact on the amenities of local residential

properties in terms of noise and disturbance. The playgroup day ends by 2.45pm and the building is set against the backdrop of the adjacent lower school buildings and playing fields.

It is noted that some of the third parties who have objected to the application have made representations about noise from car stereos. It is not considered that this results in such a diminution of residential amenity to warrant a refusal of planning permission.

### **3. Traffic, parking and highway considerations**

It is acknowledged that there is traffic congestion at school drop-off and collection times in the morning and afternoon. However, many of those attending the playgroup will be going to the site or being collected along with siblings at the Lower School, so not all playgroup pupils will be generating additional trips at the morning and afternoon peak. The Highways Officer has raised no objection in principle to the proposals. Congestion at school drop off and collection is an inevitable feature of the area surrounding schools, is of a relatively short duration and not of itself a reason to withhold planning permission.

However, in order to look at opportunities for minimising congestion, it is recommended that a condition be imposed requiring the submission of a Travel Plan as a consequence of this application. Among other things, the Travel Plan could encourage staff to cycle or car share, for example. With a further requirement to annually monitor, review and update it, this should over time lead to a reduction in car-borne traffic attending the playgroup.

### **4. Other matters**

The proposal does not involve the loss of any school playing field space.

The comments of the Buckingham and River Ouzel Internal Drainage Board can be addressed by condition.

## **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 development on the character and appearance of the locality, the amenity of neighbouring occupiers and highway/parking considerations.

## **Recommendation**

That Planning Permission be GRANTED 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 The external finish of the walls and roofing materials to be used for the extension to the playgroup building shall match that of the existing building as closely as possible.

REASON: To ensure that the development is in keeping with the existing building.  
(Policy BE8, S.B.L.P.R).

- 3 **Before the commencement of development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in full within 6 months of the building being occupied. Thereafter, the Travel Plan shall be monitored and reviewed annually, with a written report to be submitted to and agreed in writing by the Local Planning Authority which updates the plan and monitors the progress in meeting the agreed targets for reducing car journeys.**

**REASON: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport.**

- 4 **Before development begins, details of the proposed method of surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works as approved shall be constructed in accordance with the approved details before the development is first occupied or brought into use.**

**REASON: To ensure satisfactory drainage of the site.**

- 5 This permission relates only to the details shown on Drawing No. BPG/01 received 14/07/09 or to any subsequent appropriately endorsed revised plan.  
REASON: To identify the approved drawing and to avoid doubt.

### **Notes to Applicant**

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

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

ENV7 - Quality in the Built Environment

T2 - Changing Travel Behaviour

T8 - Local Roads

T9 - Walking, Cycling and other Non-Motorised Transport

#### **Milton Keynes and South Midlands Sub-Regional Strategy**

#### **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

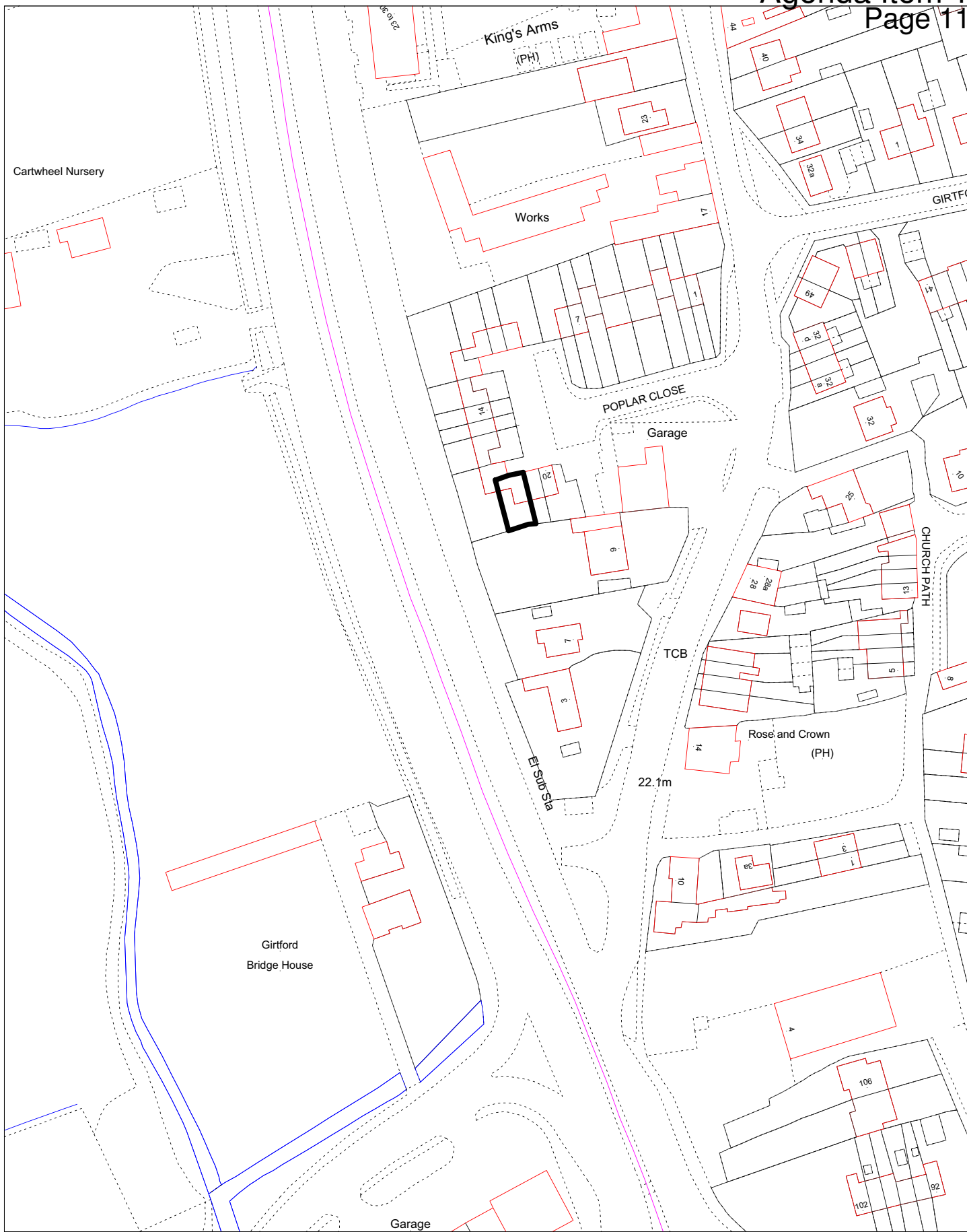
Bedfordshire Local Plan Review (SBLPR).

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.
4. In connection with Condition 3 above, The Travel Plan shall contain details of some or all of the following:
  - plans for the establishment of a working group involving the playgroup, parents and representatives of the local community;
  - pupil travel patterns and barriers to sustainable travel;
  - measures to reduce car use; and
  - an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review.

For further advice and guidance on the preparation of the Travel Plan, please contact the Sustainable Transport Team, Planning & Development Strategy, Sustainable Communities, Central Bedfordshire Council, Borough Hall, Bedford, MK42 9AP - Tel: 01234 276329.

**DECISION**

.....  
.....



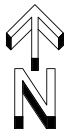
Date: 09 September 2009

Scale: 1:1250

ITEM NO. 17

APPLICATION NO. CB/09/05594/FULL

18 Poplar Close, Sandy, SG19 1HH



Crown Copyright. All rights reserved.  
Central Bedfordshire Council.  
100049029. 2009.

This page is intentionally left blank



**Item No. 17**

**APPLICATION NUMBER** CB/09/05594/FULL  
**LOCATION** 18 POPLAR CLOSE, SANDY, SG19 1HH  
**PROPOSAL** FULL: SINGLE STOREY REAR EXTENSION.  
**PARISH** Sandy  
**WARD** Sandy  
**WARD COUNCILLORS** Cllr P Blaine and Cllr N Aldis  
**CASE OFFICER** Annabel Gammell  
**DATE REGISTERED** 31 July 2009  
**EXPIRY DATE** 25 September 2009  
**APPLICANT** Mr & Mrs Ash  
**AGENT** Roger Pitt Designs  
**REASON FOR COMMITTEE TO DETERMINE** A MEMBER LIVES IN ADJOINING PROPERTY

**RECOMMENDED DECISION** Grant Planning Permission

**Site Location:**

The application site is 18 Poplar Close in Sandy, which is a two storey, mid terrace, L-shaped residential dwelling which is constructed from brown brick with white window and door frames and fascia detailing. The dwelling has a conservatory and garden to the rear, there is on street parking to the front. Poplar Close is a small residential cul-de-sac to the west of Sandy town centre, the road is adjacent to the A1. The houses within the cul-de-sac were constructed at a similar time in complimenting styles.

**The Application:**

This application seeks permission for a single storey rear extension.

**RELEVANT POLICIES:**

**National Policies (PPG + PPS)**

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

**Regional Spatial Strategy**

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

**Bedfordshire Structure Plan 2011**

Not applicable

**Mid Bedfordshire Local Plan First Review 2005**

Policy DPS6 – Extensions and Alterations

## South Bedfordshire Local Plan Review Policies

Not applicable

## Supplementary Planning Guidance

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

## Planning History

None

## Representations: (Parish & Neighbours)

Sandy TC:	No objections
Adjoining neighbours:	No comments received

## Consultations

The Environment Agency	Application site falls in Cell D2 of Environment Agency's PPS25 Flood Zone Standing Advice Matrix Version 2. No further action is necessary.
The Internal Drainage Board	Application site falls in Flood Zone 3, the development is not likely to increase the flood risk, the design of the extension should be compatible with flood resilient standards.
Site Notice Posted 11.08.09:	No comments received

## Determining Issues

The main considerations of the application are;

1. The effect upon the character and appearance of the area.
2. The impact on neighbouring amenities.
3. Other considerations.

## Considerations

- 1. The effect upon the character and appearance of the area.**

The proposal is for a single storey rear extension would measure some 3.5 metres by some 3.6 metres. The extension would not project further than the existing rear elevation, as it would be located in a recessed area, between the existing side elevation and a close board fence some 1.8 metres high which demarcates the boundary of the property. It is proposed that the height of the extension would be some 3.8 metres with a mono pitched roof sloping away from the existing dwelling.

The extension would appear subservient to the host dwelling by reason of the fact it is lower in height, and set in from the boundary, which is in accordance with the guidance as set out in the MBDC Technical Guidance: 'Extensions and Alterations: A Design Guide for Householders' (2004).

Materials to match those on the host dwelling would be used and overall it is considered that the proposed extension would not have a detrimental impact on the character or appearance of the surrounding area. This is in accordance with Policy DPS6 of the Mid Beds Adopted Local Plan (2005).

Due to the fact the design accords with the guidance and also because it is unlikely to be visible within the public realm it is not considered that the proposed extension would have a detrimental impact upon the character or appearance of the surrounding area. This is in accordance with Policy DPS6 of the Mid Beds Adopted Local Plan.

**2. The impact on neighbouring amenities.**

The property is a centre terrace, which is a corner plot between numbers 17 and 19 Poplar Close, it is judged that the single storey extension would not cause a significant impact upon any neighbouring properties. The extension would be next to the boundary with number 17, there are no windows on the number 17 side in this shared elevation, and the extension would only be partially visible over the close board fence. The extension would be on the opposite side of the dwelling from number 19, and as it would not project further than the existing rear elevation it would not cause a significant impact upon this neighbour. It is considered that this extension in this location would not cause a significant impact upon any adjoining neighbours in terms of loss of privacy, light or overbearing impact.

No comments have been received from any neighbouring property.

**3. Any other implications**

The application site is within a Flood Risk Area, but it is considered that as it is of such a minor scale it should not significantly increase the risk of the area flooding.

**Reasons for Granting**

The proposed single storey rear extension on this residential dwelling would not detrimentally impact upon the character and appearance of the surrounding area and there would be no detrimental impact upon 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 Statement 3 (2006), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policy DPS6 of the Mid Bedfordshire Local Plan First Review (2005). It is further in conformity with the Mid Beds Supplementary Technical Guidance 'Extensions and Alterations: A Design Guide for Householders' (2004).

**Recommendation**

That Planning Permission be granted subject to the following:

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

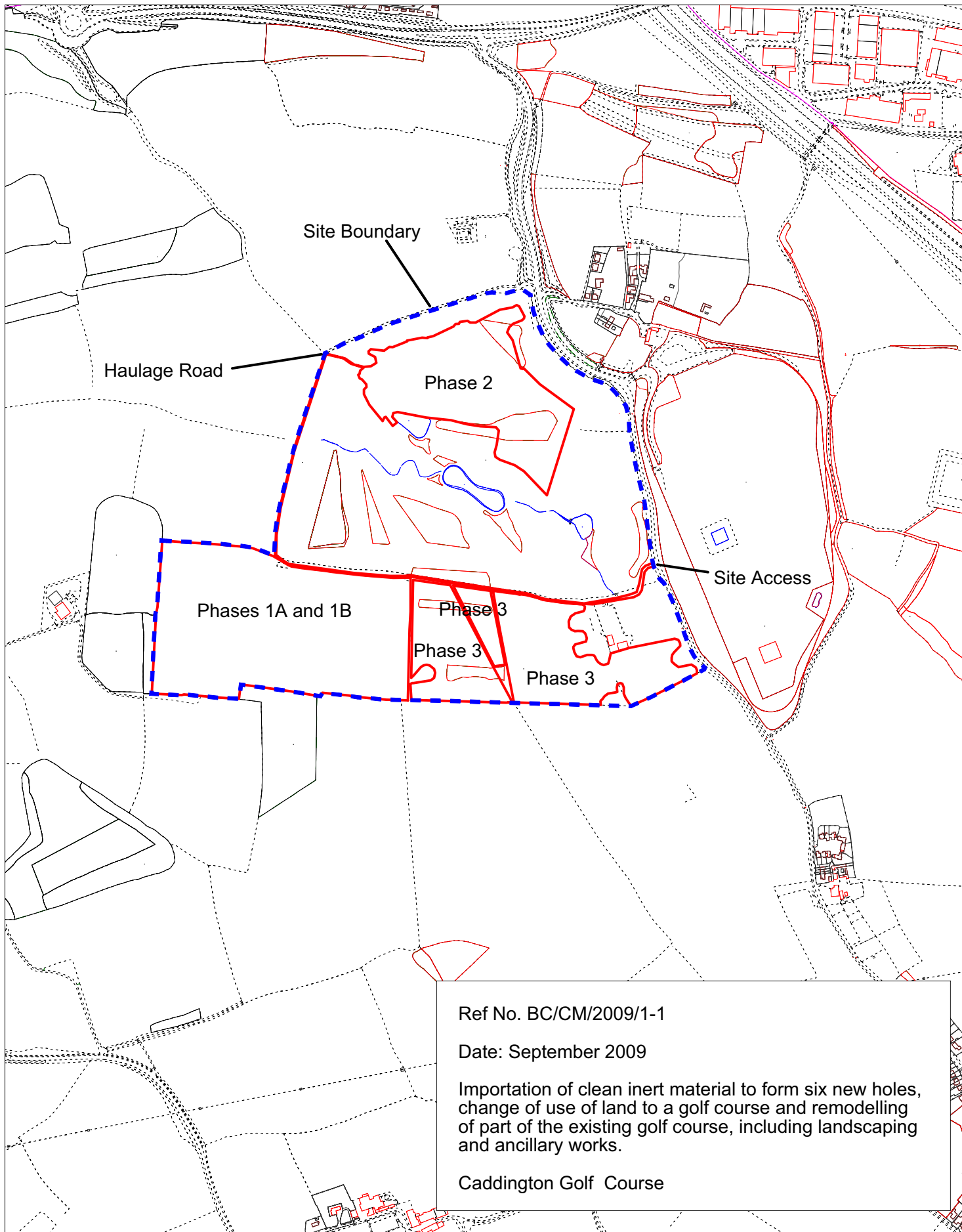
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

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

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

**DECISION**

.....  
.....



Ref No. BC/CM/2009/1-1

Date: September 2009

Importation of clean inert material to form six new holes, change of use of land to a golf course and remodelling of part of the existing golf course, including landscaping and ancillary works.

Caddington Golf Course

This page is intentionally left blank

**Item No. 18**

**SCHEDULE D**

<b>APPLICATION NUMBER</b>	<b>BC/CM/2009/1</b>
<b>LOCATION</b>	<b>Caddington Golf Club</b>
<b>PROPOSAL</b>	<b>Importation of clean inert material to form six new holes, change of use of land to a golf course and remodeling of part of the existing golf course, including landscaping and ancillary works</b>
<b>PARISH</b>	Caddington
<b>WARD &amp;</b>	South East Bedfordshire
<b>COUNCILLORS</b>	Councillors Stay and Gammons
<b>CASE OFFICER</b>	James Delafield
<b>DATE REGISTERED</b>	7 January 2009
<b>EXPIRY DATE</b>	29 April 2009
<b>APPLICANT</b>	Caddington Golf Club Ltd
<b>AGENT</b>	Savills L&P Ltd
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Development in the Greenbelt/Chilterns AONB</b>

**RECOMMENDED DECISION**                      **Approval subject to conditions.**

**SITE LOCATION:**

Caddington Golf Club is located to the north of Caddington and to the south-west of Chaul End. The site is accessed from the eastern boundary off Chaul End Road, approximately 3 kilometres from Junction 11 of the M1 (see plan reference BC/CM/2009/1-1). The site is approximately 53ha and is predominantly used as an 18 hole golf course. The exception is a field in the southwest corner of the site which is currently used by a model aircraft club. The existing clubhouse and greenkeepers building are located in the south-eastern corner of the site, with adjacent car parking provision for 93 cars. There is an extant planning consent for alterations and extensions to the existing clubhouse and for the extension and relocation of the existing greenkeepers building (ref SB-TP-08-0793). As part of that planning consent, car parking provision will increase to 130 spaces.

The site lies within the Chilterns Area of Outstanding Natural Beauty (AONB), Green Belt and Area of Great Landscape Value (AGLV). The site is bounded to the east by Chaul End Road, beyond which lies a compound, used by Vauxhall Motors for the storage of vehicles. Arable land immediately surrounds the site to the north, west and south. Twentynine Wood also borders a section of the western boundary, beyond which lies a communications mast.

Three public footpaths (No. 6, 7 and 8) cross the site. Footpath 46 runs along the north-eastern and eastern boundary of the course, before crossing Chaul End Road near the main entrance to the golf course and joining with footpath A8.

The nearest residential properties are located in Chaul End, approximately 135 metres away from the site boundary of the golf course.

## **THE APPLICATION:**

The proposal is for the importation of inert waste material to form six new holes within the field in the southwestern corner of the site and to remodel parts of the existing golf course. The field is outside of the area previously permitted for use as a golf course. Therefore, the creation of the six new holes within the field would see a change of use of this land to a golf course.

The total area of land involved is 27.2 hectares, and will include the majority of the southern half of the site and a 6.8 hectare section within the northern half. The project will be carried out in four phases and it is anticipated that the overall construction will take 3 years. When complete the development will provide a lengthened and enhanced 18 hole golf course and a new 9 hole academy golf course.

The development will require the importation of approximately 800,000 tonnes of inert waste derived from construction, demolition and excavation projects. The haulier, McGee Group, will carry out the importation of material using their fleet of vehicles. A maximum of 200 HGVs will deliver material to the site per day (an average of 20 per hour), and will access the site from the A5065 onto Chaul End Road. The proposed operating hours for the site are 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 14:00 hours on Saturdays. No operations will take place on Sundays or Public Holidays. A site compound will be erected on site within the first phase, and will include wheel cleaning facilities, site office and portaloo.

It is stated that a key element of the proposal is the strategy to markedly improve drainage on the site. The applicants reports that the current drainage regime is not robust and will often result in the course flooding and being unplayable on many days throughout the year. The applicant has reported that levels will be raised on site up to a maximum high point of 8.2 metres above existing contour levels to create effective movement of water for drainage purposes. A water flow analysis plan is included within the application, and details the proposed drainage regime. Water will be retained on site through a series of new and existing ponds and will be used for irrigation purposes. The design is also intended to enhance the aesthetic appearance; biodiversity; safety (for golfer and users of the public rights of way) and playability of the course.

Implementation of the project will be carried out in accordance with a Construction Method Statement (CMS) detailing all logistical requirements, and a Construction Environmental Management Plan (CEMP) that will include measures to minimise the effects of the construction upon the receiving environment. During the construction period, footpaths will be retained but with appropriate safety barriers and controlled cross over points.

## **RELEVANT POLICIES:**

### **National Policies (Planning Policy Guidance & Planning Policy Statements)**

PPS 1 – Delivering Sustainable Development

PPG 2 – Greenbelts

PPS 7 – Sustainable Development in Rural Areas

PPS 9 – Biodiversity and Geological Conservation

PPG 17 – Planning for Open Space, Sport and Recreation

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

ENV2 – Landscape Conservation

### **Minerals and Waste Local Plan (2005)**



Policy W17 - Land raising  
 Policy W21 - Inert waste landfilling  
 Policy GE5 - Green Belt  
 Policy GE7 - Protection of the Chilterns AONB  
 Policy GE9 - Landscape protection and landscaping  
 Policy GE11 - Protection of sites of national nature conservation importance  
 Policy GE13 - Species and habitat protection and enhancement  
 Policy GE14 - Archaeology  
 Policy GE18 - Disturbance  
 Policy GE19 - Flooding  
 Policy GE20 - Water resources  
 Policy GE21 - Public rights of way  
 Policy GE23 - Transport

**Minerals Policy Statements**

MPS2 - Controlling and Mitigating the Environmental Effects of Mineral Extraction:  
 Annex 2 Noise (2005)

**PLANNING HISTORY**

SB TP 1983 1115	Change of use from agriculture to recreational purposes (about 17 acres)
SB TP 1984 0439	Change of use of land (approx 6 acres) for recreational use for flying model aircraft
SB TP 1985 240	Continuation of use of land for purpose of flying model aircraft
SB TP 1987 208	Continuation of use of land for flying model aircraft
SB TP 1987 738	New Clubhouse
SB TP 1991 207	Extension to Golf Course
SB TP 2000 588	Erection of workshop/machinery store, resurfacing of existing car park and alterations to front elevation of clubhouse to provide pro shop
BC CM 2006 7	Retention of existing earth bund and formation of new bund by reduction of height of existing bund by 0.75m.
SB TP 2008 793	Alterations and extension to existing clubhouse and re-siting and extending existing greenkeepers building

**REPRESENTATIONS**

Cllr Richard Stay	Supports the proposal.
Caddington Parish Council	<p>Support the proposal in principle. Do not consider that this is a breach of green belt policy because this is already existing leisure land as a golf course. The land proposed for the new holes is also land used for leisure purposes. Consider that this will not be detrimental, but an improvement to enhance drainage and patrons use.</p> <p>If the application is granted, would like to impose the following conditions:</p> <ul style="list-style-type: none"> <li>○ If the extension area is removed at any time, the land automatically reverts to its original status</li> <li>○ Lorry movements should be no more than 7 per hour</li> <li>○ No vehicles must at any time wait to enter the site on</li> </ul>

Chaul End Road

- If at any time it is deemed there is a severe traffic flow problem, operations shall cease until a new traffic scheme is put in place that is acceptable to all parties.

Would also like to request that an Environment Agency officer is on site to monitor the imported materials to make sure they are suitable.

Neighbours

Zouches Farm, Caddington – no objection in principle, although raises the following concerns:-

- Increase surface water runoff from land raising, which could alter productivity of adjacent farmland and also affect trees and wildlife.
- The valley which passes through the golf course is also a natural watercourse and channels a lot of water in the winter.

**Consultations/Publicity responses:**

**Campaign to Protect Rural England**

Do not formally object but raise concerns about the scale of the project, particularly with regard to:-

- The prolonged disfigurement of the existing pleasant landscape enjoyed by those walking the public footpaths which lie across it.
- The sheer number of turning movements on and off Chaul End Road, which present a very major safety hazard.

CPRE urge the closest of scrutiny and conditioning of the proposal to ensure that landscape enhancement, as promised, will indeed be the eventual outcome of the project, and that is achieved without unacceptable levels of disturbance and disruption in the interim.

As regards conformance with general planning policies for the countryside as set out in PPS7 *Sustainable Development in Rural Areas* provision of paragraphs 21, 34 (ii) and 35 (ii) are relevant, and there is a clear need to be satisfied that the outcome of the proposal would not be such as to involve conflict with these.

**Environmental Health Officer**

Does not object in principle. The applicant should verify that any material brought onto the land is not going to cause the land to be contaminated. Any assessment of material brought on to the land should be risk based and use the appropriate, authoritative and scientifically based guideline values. Samples of material should also be taken before any is deposited on site.

A further assessment of noise has been carried out on request with regard to guidance within Minerals Policy Statement 2. MPS 2 sets a maximum noise level of 55dB(A)LAeq,1 hour or 10dB above the background noise levels, whichever is lower. It also allows for increased daytime limits of up to 70dB(A)LAeq, 1hour for certain activities including the construction of new permanent landforms for periods up to 8 weeks in a year where it is clear this will bring longer term environmental benefit to the site or its environs. These limits should be imposed as a condition.

With regard to health and safety, the applicant should provide the local authority with a method statement that addresses the

potential conflict of movements of haulage lorries, golfers and walkers using the land while the construction takes place.

- London Luton Airport** Has no safeguarding objection to the proposal subject to the following requirements:-
- The golf club is in proximity of our easterly flightpath and as such we require that the golf club deter the nesting or congregating of large fowl in and around their ponds.
  - In order to map known bird attractant sites within a 13km circle of the aerodrome we would require the clubs permission to carry out an annual bird survey on an arranged basis.

**East of England Development Agency** Has no substantive comment to make on the proposal.

**East of England Regional Assembly** Comment that the application is in general conformity with the RSS.

**Natural England** Has no objection, subject to conditions. In addition to the surveys and mitigation measures proposed in the application, detailed mitigation plans for water voles and amphibians should be agreed in writing prior to works commencing. If any other protected species are found on site, prior to or during the development, all works must cease and Natural England should be consulted immediately for further guidance on the matter. In addition, a management plan should be agreed in writing to ensure the long term maintenance of biodiversity across the site, with sufficient resources secured to implement such a plan.

**Chiltern Society** Support the application because of the carefully researched replanting of indigenous species, which will improve the visual amenity and biodiversity of the area. The development would be a marked improvement in the landscape value in this part of the AONB. No footpaths will need to be diverted, although paths should be clearly marked to prevent walkers being exposed to danger. The Society understands that the development will not be seen from the present boundary of the course, and does not cut across the scarp face of the Chilterns. The fact the development is to be completed over three phases will minimise the effect on visual amenity and reduce adverse disruption to wildlife habitat.

**Chiltern Conservation Board** Does not object in principle of an extension to the golf course, but objects to the planning application as submitted for the following reasons:

- The Board can see no justification for raising the land other than to allow for the deposition of waste in a place which is considered to be wholly inappropriate.
- The land raising would lead to an artificial landscape, full of false hills, valleys and water features that would bear no relation to the character and form of the surrounding land within the AONB which gently undulates and slopes generally up from east to west. The development would therefore have detrimental impacts on the landscape of the AONB.

- Concern about the volume of traffic movements on the local highway network (although welcome assurance that no lorries will travel south along Chaul End Road).
- Importation and deposition of waste will have impacts on ground water unless there is to be careful policing of what is brought onto the site.
- The changes in land levels and land form and the very busy nature of the site due to the huge number of vehicle movements would have detrimental impacts on the enjoyment of the AONB by members of the public.

**Central Bedfordshire  
Rights of Way Officer**

Comments that ideally the opportunity should have been taken to deal with the layout of the whole course to resolve all conflict issues experienced between golfers and walkers.

However, the majority of issues relating to rights of way are outside of the development area and the applicant has carried out/proposed a number of measures to try to address some of the conflict issues which exist across the course. These include removing a bunker which affects footpath 7; the general movements of fairways, greens and tees away from existing public rights of way; improved visibility for golfers and walkers; and increased signage for walkers. Welcomes their support for addressing the remaining issues where the public footpaths cross fairways and greens in due course.

It is noted that the applicants state that no temporary closures/diversions of public rights of way will be necessary. It should be conditioned that all of the public rights of way across the course should therefore remain clear and usable to the public at all times.

It should also be conditioned that further information be submitted on proposed safety measures and barriers intended for where public rights of way will cross haul roads.

It is all noted that new additional sections of permissive footpath are to be provided. The golf club could dedicate these as new public rights of way. It would up to the Council, however, to decide whether or not they wished to accept such paths, due to the additional maintenance and liability burden this would place on council taxpayers. Usually, the Council would be looking for the provision of routes which would offer the greatest public benefit through the enhancement of the recreational public rights of way network.

**Beds Rights of Way  
Association**

Do not oppose the proposed development *per se*, but have concerns that the proposed remodelling may obscure the existing views for walkers using the footpaths. The maximum remodelling height should be specified as a condition of any permission granted.

**Central Bedfordshire  
Highways Officer**

Comments that the majority of the route from the golf club to the A5065 is to a satisfactory standard. The junction at Chaul End Road with the strategic highways network at the A5065 is adequate for the proposed additional traffic. Chaul End Road from the golf club access northwards for approximately 300

metres has a lower standard than the rest of the route to the A5065. The width of this section is inadequate to safely accommodate two passing HGVs passing and this additional HGV traffic would result in an unacceptable danger to traffic on the highway and damage to the verges. It is recommended that a condition be included on any approval of planning permission to require the applicant to enter into an agreement under section 278 of the Highways Act to deliver improvements to this length of the highway before implementation. Subject to the satisfactory highway improvements, the highway network could accommodate the proposed maximum number of 200 HGVs entering the site per day.

**Environment Agency**

Following the submission of further information on flood risk, the E.A raises no flood risk objection to the proposal. The information provided indicates that the surface water run-off can be effectively managed without risk to other properties.

Conditions are required with regard to ecology and biodiversity, including the submission of a biodiversity management plan; provision of buffer strips around ponds and drainage ditches; and a great crested newt protection plan.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground water.

**DETERMINING ISSUES**

The main considerations of the application are:

1. **Principle of the Development**
2. **Archaeology**
3. **Biodiversity**
4. **Flood Risk**
5. **Water Quality**
6. **Rights of Way**
7. **Transportation**
8. **Disturbance**
9. **Landscape and Visual Impact**
10. **Area of Outstanding Natural Beauty & Green Belt**

**Considerations**

**1. Principle of the Development**

In the Letter to Chief Planning Officers: Large-scale Landscaping Development Using Waste, dated 20<sup>th</sup> January 2009, it is stated that both CLG and Defra consider that landscaping developments involving importing over 100,000 tonnes of waste likely to be waste disposal operations, given that they would not have been undertaken if the material used to construct the landscaping were not waste. It is important that the application is considered by the waste planning authority in the

context of the authorities' planning policies for waste.

The proposal is to import approximately 800,000 tonnes of inert waste material over three years to create six new holes and to remodel parts of the existing course. In creating the six new holes in the southwest field, the proposal would see a change of use of this land to a golf course.

Due to the nature of the proposal, and in terms of the Minerals and Waste Local Plan (MWLP), the development can be considered to constitute both land raising and inert landfilling. Policy W17, *land raising*, states that permission will not be granted for land raising unless there is clear overall planning benefit arising from the proposal. Policy W21, *inert waste landfilling*, states that permission will not be granted for landfill of inert wastes except where proposals contribute to the restoration of old mineral workings or provide a demonstrated environmental benefit. The accompanying text adds that use of inert waste in the restoration of old mineral workings will be prioritised in preference to new landfill, landscaping or bunding works. Landscaping works will only be permitted where a genuine need or environmental gain can be demonstrated.

The applicant has stated that the need for the proposal stems from the commercial situation of the golf club. The current levels of membership are low, and the applicant has attributed this to the standard of the facilities, stating that they have not developed in line with the recognised standards for golf, and are falling behind other competing venues in the area. To address this, firstly an application for alterations and an extension to the clubhouse was submitted to South Beds District Council and approved. Secondly, it is their intention through this proposal to make the course more accessible and attractive to golfers of all levels. Through this proposal the layout of the course is to be reconfigured, with 6 new holes to be added. When completed the development will provide a new 9 hole academy course and a lengthened and enhanced 18 hole course.

In addition to improving the playability of the course the applicant considers that the design will,

- Improve drainage of the site, ensuring the course can remain playable for longer periods of the year;
- enhance the existing public footpaths;
- encourage natural habitats for wildlife;
- enhance the landscape in keeping with the natural characteristics of the Chilterns AONB.

The impacts of the proposal on rights of way, ecology and landscape will be discussed in more detail later in this report. In terms of benefits it is recognised that the proposal will, through landscaping, see the replacement of non-native planting with more locally indigenous trees; the creation of new habitat and the enhancement of existing habitat; and some improvements to the rights of way network to minimise conflict between golfers and walkers.

Improving the commercial situation of the golf club will help secure the existing 10 full time and 11 part time jobs, and it is stated that a further 4 full time and 5 part time jobs will be provided. It is also recognised that the proposal will result in key recreational benefits to users of the golf course, which include a new 9 hole academy course, enhancement of the existing course and improvements to the drainage of the site.

The drainage issue in particular has been a key factor in the design of the proposal, with strategic high points being designed into the land raise around the course, so to

initiate the momentum of flow and ensure the surface water drains off the golf holes as quickly as possible. The applicant has reported that the current drainage regime is not robust and will often result in the course flooding and having to close on many days throughout the year. Based on this evidence provided and from officers site visits, it is accepted that pooling water is an issue on site, particularly in winter, and there is a need to address this if the course is to remain playable for longer periods of the year. It is considered that the drainage scheme put forward would achieve efficient drainage of the site, and allow the course to open for more days throughout the year.

It is considered that the need for the proposal has been demonstrated by the applicant and planning benefits have been identified. Before concluding that clear overall planning benefit would result from the proposed development it is necessary to assess against the impacts of the proposal, which is undertaken throughout the following sections.

## 2. **Archaeology**

When considering proposals for waste development, Policy GE14, *archaeology*, of the MWLP, states that the preservation of sites of major archaeological importance and their settings will be required.

It is established in the application that the development site contains some evidence of archaeological remains, including crop and soil marks of probably medieval and post-medieval field systems and evidence of post-medieval quarrying. Evidence from the surrounding area also indicates that the site has significant archaeological potential, which Central Bedfordshire Archaeological Officer comments would certainly be of national and potentially of international significance. He adds that although creation of the existing golf course will have had some impact on archaeological remains, they are still likely to survive within the site, particularly in the extension area to the south west.

The effects of the proposed development on archaeological remains are identified in the application. They are largely associated with various types of ground disturbance from installing drains, to large areas of topsoil stripping preparatory to land raising and landscaping. The applicant suggests that compaction from land raising will not be a problem. Central Bedfordshire Archaeological Officer comments that the proposed mounding does have the potential to compact fragile archaeological remains. He adds that the importation of material could also cause damage to archaeological remains though plant lorry and machine movements.

Based on an assessment of the archaeological potential of the development site, the applicant concludes that no archaeological deposits have been identified which require preservation *in situ*. As raised above, the site has the potential to contain *in situ* Palaeolithic deposits; however these are likely to be located relatively deep and beneath the zone of disturbance likely to be caused by the development.

Central Bedfordshire Archaeological Officer concludes that the impact of the development on archaeological remains can be mitigated by a programme of archaeological investigation in advance of or during development. Details of the scheme of investigation can be agreed post consent, if the application was granted. Subject to the imposition of a planning condition to this effect, it is considered the proposal accords with policy GE14.

## 3. **Biodiversity**

Policy GE11, *protection of sites of national nature conservation importance*, of the MWLP states that permission will be refused for proposals that would harm SSSI or

National Nature Reserves, unless the reasons for the development clearly outweigh the nature conservation value of the site.

Blow's Downs SSSI is situated approximately 1.5 kilometres to the west of the site. A total of 12 County Wildlife Sites (CWS) are located within 2.5km of the site, the nearest being The Linces CWS, approximately 250 metres to the north, and Stanners Wood, approximately 250 metres to the northwest. Natural England considers it is unlikely that the proposal will result in any significant impacts to these sites. On such advice, and in view of the distance of these designated sites from the golf course boundary, it is considered that the proposal will not result in harm to their nature conservation value.

Policy GE13, *species and habitat protection and enhancement*, of the MWLP states that planning permission will be refused for proposals that would adversely affect rare or threatened species or their habitats, except where any adverse effect would be overcome by appropriate on or off site mitigation measures, or, the adverse effects are reduced as far as practicable and are clearly outweighed by other planning benefits of the proposal and appropriate mitigation and/or compensation measures are taken.

The County Ecologist commented that the applicant has speculated about the possible presence of great crested newts, water voles and various reptiles, which is hardly a sensible basis to properly consider the protected species impacts of the development. They have concluded that some may be there and therefore the short term impact might be significant but the long term impact, if habitat is developed appropriately, is likely to be insignificant.

Planning Policy Statement 9, *Biodiversity and Geological Conservation*, states that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all material considerations may not have been addressed in making the decision.'

Following this guidance, the County Ecologist commented that he would not normally recommend leaving the conservation of the protected species mentioned to planning conditions. He adds however, that not all the site will be disrupted and it is relatively new habitat much of which seems to have limited biodiversity value. He concludes that ultimately, even if all species are present, there will be sufficient undisturbed area for all populations to be protected.

Natural England has also considered this guidance within PPS 9. However, again taking into account the phased nature of the proposal, they consider that whilst insufficient survey information has been provided, the requirement for additional surveys and mitigation measures can be addressed by conditions. Natural England also require that a management plan be agreed in writing to ensure the long term maintenance of biodiversity across the site, with sufficient resources secured to implement such a plan. The requirement for a biodiversity management plan is shadowed by the Environment Agency. The EA have also requested conditions be imposed on any permission granted requiring the provision and management of a 5 metre wide natural buffer zone alongside ditches and around the ponds, and that all planting within the buffer zones should be locally native plant species only, of UK genetic origin.

Subject to the imposition of planning conditions to this effect, it is considered the proposal accords with policy GE14.

#### **4. Flood Risk**

Policy GE19, *flooding*, of the MWLP states that permission will not be granted for



waste development proposals in flood plains of flood risk areas where such proposal would significantly reduce the capacity of the flood plain, or impede the flow of flood water thereby increasing the risk of flooding elsewhere.

The site is located within Flood Zone 1, defined as an area which has less than 0.1% annual probability of river flooding in any year. It is located amongst chalk hills, devoid of substantial natural surface water bodies due to the high permeability of the chalk. The site itself however, is covered with impermeable clay layer which the applicant has attributed to the significant ponding of surface water on site. Whilst such flooding is experienced on site, the applicant comments that the natural topography of the site, forming a natural bowl, ensures it does not currently occur anywhere offsite, with surface water ultimately captured by excavated ponds in the centre of the site.

Through consultation on the application, concern has been raised over the potential for the land raising to direct surface water runoff from the site onto the neighbouring farmland. The applicant has commented that the changes in topography are entirely based on the existing topography, and the site will still largely reflect a natural bowl. However, it is the intention that the design will achieve the rapid clearance of surface water from playing surfaces and as such this will increase the volume of water entering the network of drainage ditches and interconnected ponds.

To ensure that drainage could be managed effectively and not impact upon surrounding properties, the Environment Agency requested additional flood risk information from the applicant. This was required to address the implications of flooding from a 1 in 100 year rainfall event, with the appropriate climate change allowance.

The applicant has calculated that the site (53.4ha) would need to provide flood capacity of 40,050m<sup>3</sup> to attenuate a 1 in 100 year rainfall event (71.5mm), plus 5% for climate change. An additional water catchment plan was provided demonstrating the available flood storage capacity within the Caddington Golf Course site, which totals 42,100m<sup>3</sup>. This mainly comprises the existing water catchment basin within the valley through the centre of the site. In addition the capacity of the existing ponds and those to be created was been taken into account.

Following the assurance that that the surface-water runoff can be effectively managed without risk to other properties, the E.A removed their objection to the proposal. It is therefore accepted that the proposal would not increase the risk of flooding elsewhere, and as such conforms to policy GE19 of the MWLP.

## **5. Water Quality**

Policy GE20, *water resources*, of the MWLP states that permission will not be granted for waste development proposals where the proposals would have an unacceptable impact on the quality of groundwater and/or surface water drainage, and the flow of groundwater on or in the vicinity of the site.

Concern has been raised by consultees that the deposited waste material could potentially contaminate groundwater. Caddington Parish Council has requested that an officer from the Environment Agency is present on site to monitor the suitability of imported materials.

The Environment Agency has confirmed that the use of inert waste for the construction of golf course will require a waste exemption. They would not routinely monitor such an operation, as it is considered a low risk activity, but they may carry out random monitoring.

The deposit of clean and validated inert waste material should not give rise to contamination of land or groundwater. By definition, inert material is that which does

undergo any physical, chemical or biological transformations, and would include uncontaminated earth and excavation waste such as bricks, concrete, stone etc.

Central Bedfordshire Environmental Health Officer has made the applicant aware in his comments that the ownership of land shown to be contaminated may accrue legal and financial liabilities under Part IIA of the Environmental Protection Act 1990. He adds that the applicant should verify that any material brought onto the land is not going to cause the land to be contaminated. Any assessment of material brought on to the land should be risk based and use the appropriate, authoritative and scientifically based guideline values. Samples of material should also be taken before any is deposited on site.

Subject to a condition requiring that only inert material is deposited on site it is considered that the proposal accords with Policy GE20 of the MWLP.

## 6. Rights of Way

Policy GE21, *public rights of way*, of the MWLP states that proposals that would lead to disruption of the public rights of way network in either the short or long term will only be granted where suitable alternative arrangements are made, or if this is not possible, disruption is reduced as far as practicable and is clearly outweighed by other planning benefit.

Three footpaths (No. 6, 7 and 8) pass through the existing golf course, all roughly in a north to south direction. Footpath 46 runs along the north-eastern and eastern boundary of the golf course, crossing Chaul End Road near the entrance to the golf club and joining with footpath A8. A number of permissive paths are also provided along the northern and western boundaries of the course.

There have been a number of reports of contention between golfers and walkers using footpaths across the existing course over the last few years with complaints made to both the Golf Club and the Council. Central Bedfordshire Rights of Way Officer has attributed this to the difficulty some walkers find in navigating their way across the course. Although not part of this application, the applicant has stated that it is their intention to enhance the existing footpaths, in attempt to address this conflict between user groups. Footpaths will be integrated more fully into the golf course design, by encouraging users through mowing regimes, to follow the contours of fairways or other features. They add that the proposed landscaping should also result in a more pleasing use of the footpaths. A significant amount of signage and routing along footpaths and at junctions will be erected, along with notices around the course, ensuring both walkers and golfers are aware of the health and safety issues. A further permissive route is also to be offered, joining footpath 6 through the middle of the site with footpath 46 along the eastern boundary.

Central Bedfordshire Rights of Way Officer comments that ideally the opportunity should have been taken to deal with the layout of the whole course to resolve all conflict issues experienced between golfers and walkers. However, it is recognised that the majority of issues relating to rights of way are outside of the development area and the applicant is to carry out a number of measures to try to address some of the conflict issues which exist across the course. These include removing a bunker which affects footpath 7; the general movements of some fairways, greens and tees away from existing public rights of way; improved visibility for golfers and walkers; and increased signage. She also welcomes their support for addressing the remaining issues where the public footpaths cross fairways and greens in due course.

With regard to the construction, it is noted that the applicants state that no temporary

closures/diversions of public rights of way will be necessary. All of the public rights of way across the course will therefore remain clear and usable to the public at all times, although a number of safety barriers and cross over points will be required. Central Bedfordshire Rights of Way Officer requests that further information be submitted through a scheme on these proposed safety measures.

It is considered through the implementation of appropriate safety measures during construction that disruption to users of the public rights of way will be reduced as far as practicable, in accordance with Policy GE21 of the MWLP.

## 7. **Transportation**

Policy GE23, *transport*, states that permission will only be granted for waste development where the material is capable of being transported via the strategic highway network. The suitability and capacity of available access routes will be taken into account.

The applicant has stated that the proposal will result in a maximum of 400 HGV movements<sup>1</sup> at the site per working day over a 30 month construction period. Access to the site will be gained from the main golf club entrance off Chaul End Road. All vehicles will be routed along Chaul End Road from/to the A5065, which has good road connectivity to Junction 11 of the M1.

Consultees have raised concerns about the proposed number of additional HGV movements along Chaul End Road and the safety implications of lorries queuing and turning into the site. Concern has also been raised that HGVs may ignore the route proposed by the applicant and travel through Caddington.

The applicant has commented that only one haulage company will be used in the operation and the movements of their fleet of vehicles will be monitored by satellite systems. It is considered that suitable conditions can be attached to any grant of planning permission to control and monitor HGV movements into and out of the site. This includes the requirement for a CCTV system, with remote access, to monitor HGV movements

With regard to the suitability of the access route, Central Bedfordshire Highways Officer comments that the junction at Chaul End Road with the strategic highway of the A5065 is adequate for the proposed additional traffic. He adds that the majority of the route along Chaul End Road is also to a satisfactory standard. However, the road is of a lower standard from the golf club access northwards for approximately 300 metres. The current width of this section is inadequate to safely accommodate two passing HGVs passing and this additional HGV traffic would result in an unacceptable danger to traffic on the highway and damage to the verges. He therefore recommends that a condition be included on any grant of planning permission to require the applicant to enter into an agreement under section 278 of the Highways Act to deliver improvements to this length of the highway before implementation. Subject to the satisfactory highway improvements, he also considers that the highway network could accommodate the proposed maximum number of 400 HGV movements per day.

The applicant has agreed to widen the road as part of this proposal. However, this does raise further issues in terms of landscape impact, which are considered in a subsequent section.

With regard to concerns of HGVs queuing to enter the site on Chaul End Road, the location of the site compound, situated within phase 1 of the development, 300 metres along the access road from the site entrance should ensure that this will not

---

<sup>1</sup> A vehicle entering the site and then exiting the site is classed as 2 movements.

occur. Details of the facilities proposed within the site compound are included with the application. This includes a dry wheel spinner, rhino wheel cleaner and hand held power washer wheel cleaner.

Subject to improvements to sub-standard length of Chaul End Road, outside of the site entrance, and other conditions controlling the number of HGV movements and the route taken, it is considered that the proposal conforms to Policy GE23 of the MWLP.

## 8. **Disturbance**

Policy GE18, *disturbance*, of the MWLP states that proposals which are likely to generate disturbance from noise, dust, mud on the highway, illumination, litter, birds or pests will only be granted where the impact of any anticipated disturbance is reduced as far as practicable and is outweighed by other planning benefits of the proposal.

The nearest sensitive receptor to the site is Chaul End, located approximately 135 metres to the northeast of phase 2 of the proposed development area. Phases 1 and 3 are a considerable distance away from noise sensitive receptors. The proposed hours of operations are 0800 to 1800 Mondays to Fridays and 0800 to 1400 on Saturdays. The application includes a noise assessment, which predicts maximum noise levels during operations in phase 2 of 71.1dB at the nearest sensitive receptor within Chaul End. It is stated that this is a worst case scenario, when operations are at closest proximity to residential properties and has not taken account of local topography variations and landscaping. The applicant originally assessed predicted noise levels with reference to the Department of Environment Advisory Leaflet (1976) *Noise Control on Building Sites* which specifies that noise limits outside the nearest occupied room should not exceed 70dB(A) in rural areas. Central Bedfordshire Environmental Health Officer had commented that this is not the appropriate guidance for this type of activity. The more appropriate standard is Minerals Policy Statement 2 *Controlling and Mitigating the Environmental Effects of Mineral Extraction Annex 2*, which specifies that the maximum noise levels set should be 55dB(A) or 10dB above the background noise levels. It also allows for increased daytime limits of up to 70dB(A)LAeq, 1hour for certain activities including the construction of new permanent landforms for periods up to 8 weeks in a year where it is clear this will bring longer term environmental benefit to the site or its environs. The applicant has undertaken a further assessment with reference to this guidance and considered that construction noise can be limited to 70dB(A) for a period of 6 weeks whilst the construction of the permanent landform occurs within closest proximity to the noise sensitive properties. As operations continue in this phase moving away from these properties the worst effects will become gradually less. Due to the nature of the project and the existing topography which slopes down away from the properties, as the construction continues so will the amount of mounding available to baffle noise, effectively becoming a self-mitigating process. Whilst the applicant has not provided specific measures to mitigate noise levels at properties at Chaul End, a number of measures are proposed to limit noise levels across the site to protect the amenity of walkers and golfers during operations. These include the use of quieter versions of construction plant and use of temporary noise barriers where appropriate. It is proposed that these measures form part of a Construction Environmental Management Plan (CEMP) to be held onsite and to be agreed by planning condition. Central Bedfordshire Environmental Health Officer has raised no objection to the proposal but considers the limits set within MPS 2 should be imposed as a condition.

The deposit of inert materials onto land can cause dust problems, particularly during dry summer months. HGVs travelling along internal haul roads can also generate a

significant amount of airborne dust. The applicant has reported that procedures for dust suppression will again form part of the CEMP and will include the dampening of the surface of working areas and haul routes during the construction period.

Wheel wash facilities will be provided within the compound which will minimise the risk of mud or other debris being transferred onto the highway.

The site falls within London Luton Airport's Bird Strike Zone which could have implications in terms of the creation of the proposed water bodies. London Luton Airport have no safeguarding objection to the proposal, but since the golf club is in proximity of the easterly flight path, they have requested conditions that require the golf club incorporate management procedures to deter the congregating of large water fowl and allow them access to the site annually to monitor bird populations. The three main water bodies at the site already exist and it is not considered that the additional small ponds to be created will significantly increase the risk of bird strike. The applicant has stated that they would allow the London Luton Airport open access to the site to monitor bird populations.

Subject to conditions requiring the control of noise, dust and mud on the highway it is considered that the proposal conforms to Policy GE18 of the MWLP.

## **9. Landscape and Visual Impact**

Policy GE9, *landscape protection and landscaping*, of the MWLP states that development which is likely to have an adverse effect on the landscape character of the area will only be granted where any adverse effect is reduced as far as practicable and is outweighed by other planning benefits of the proposal.

The landscape character of the area is set out in the County Council's South Bedfordshire District Landscape Character Assessment (LCA). Chapter 11b assesses the landscape character of the Caddington – Slip End Chalk Dipslope, in which the site is located. Falling within the Chilterns AONB, this northern section of the Chalk Dipslope landscape is defined by a broad plateau landform, which gently undulates to form a series of subtle valleys. Medium sized deciduous and mixed woodland blocks are also a prominent feature.

The applicant has undertaken an assessment on the predicted effects on landscape character and visual amenity once the development is complete and vegetation established. The assessment predicts the most apparent changes to the landscape to visitors of the site will be the increase in native tree planting, particularly in the south of the site. The removal of non-native coniferous species in the northern part of the site will be the second most apparent change. The applicant considers that these changes will create a distinct wooded landscape to the south and an equally distinctive open plateau to the north, which is synonymous with the character of the wider landscape, set out within the LCA. It is stated that the change in topography is likely to be a less noticeable feature in the landscape once the planting has matured and that the dominant topographical feature will remain the central valley with its lakes. Overall, the assessment concludes that the proposal will have a positive effect on the landscape and of little significance to the surrounding AONB.

Central Bedfordshire Landscape Enhancement Officer welcomes the removal of all conifers on site and the planting of more locally indigenous trees, although has raised concerns that the proposal would result in excessive remodelling of landscape, which is out of context with local landscape character and setting within the Chilterns AONB. She adds that even with extensive planting, it cannot be guaranteed that the changes will not be apparent from the local footpaths and have some impact on the wider AONB setting and status. The Chilterns Conservation Board has objected to the application on landscape grounds as they consider that

the extent and form of the land raising proposed would lead to an artificial landscape that is out of keeping with the surrounding area.

The applicant has contested that the design is wholly consistent with the natural topography of the site and generally follows the pattern of existing contours. They refer to cross sections taken through the natural valley through the centre of the course, which shows changes in ground levels of up to 12 metres. They add that the mown field is currently uncharacteristic of the Chilterns land form, and the design would be an improvement upon that and more in keeping with the local landscape character.

In response to a highway issue, the applicant has proposed to widen a section of Chaul End Road to safely accommodate passing HGVs. Central Bedfordshire Landscape Officer has raised concern that the removal of parts of the grass verge could be detrimental. The applicant has undertaken a road survey and has stated that widening by a maximum of 50cm is required, which would impact upon the grass verge but would not require the removal of any hedges.

After considering the advice of Central Bedfordshire Landscape Enhancement Officer and the Chilterns Conservation Board, it is considered that the extent of land raising proposed is likely to have some adverse effect on the landscape character of the area. However, it is considered that the planning benefits proposed will outweigh the adverse effect, which can through suitable planting required by planning condition be reduced as far as practicable. The proposal therefore does not conflict with Policy GE9 of the MWLP.

## 10. Green Belt & Area of Outstanding Natural Beauty

### Green Belt

The site is located within South Bedfordshire Green Belt. Planning Policy Guidance 2 (PPG2): *Green Belts*, states that there is a general presumption against inappropriate development within the Green Belt and that it is for the applicant to show why permission for such development should be granted. It goes on to state that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Criteria for assessing the appropriateness of a development are set out with PPG2.

With reference to this guidance within PPG2, the applicant considers that it does allow for the proposed final use as it states that essential formal recreational uses are appropriate within the Green Belt provided they maintain its openness and do not detract from the purposes<sup>2</sup> for including land within the Green Belt. The applicant considers that the openness of the Green Belt will be unaffected and that the proposal does not contravene any of the purposes for including land within the green belt.

However, as previous established the proposal is considered a waste related

---

<sup>2</sup> PPG2 lists these five purposes of including land in Green Belts as:

1. to check the unrestricted sprawl of large built-up areas;
2. to prevent neighbouring towns from merging into one another;
3. to assist in safeguarding the countryside from encroachment;
4. to preserve the setting and special character of historic towns;
5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

development, which is considered inappropriate development in the context of PPG2 unless it maintains openness and does not detract from the purposes for including land within the Green Belt. Furthermore, Policy GE5, *Green Belt*, of the MWLP states that for waste development, planning permission will only be granted where very special circumstances can be demonstrated that justify the proposal. It adds that for all waste development the proposal should preserve the openness of the Green Belt and minimise conflict with the purposes of its designations.

Although raising concerns, Central Bedfordshire Landscape Officer's has not objected to the proposal. It is considered that through the imposition of planning conditions that the openness of the landscape can be ensured, and therefore the proposal does not conflict with PPG 2. It is also considered that the applicant has demonstrated the very special circumstances that could justify the proposal. The proposal therefore complies with Policy GE5 of the MWLP.

#### Area of Outstanding Natural Beauty

The application site is located within the Chilterns Area of Outstanding Natural Beauty (AONB). National planning guidance for AONB's is set down in Planning Policy Statement 7 (PPS7): *Sustainable Development in Rural Areas*. Paragraph 21 states that AONBs "have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas."

PPS7 goes on to state that major developments should not take place in these designated areas, except in exceptional circumstances. Because of the serious impact that major developments may have on these areas of natural beauty, and taking account of the recreational opportunities that they provide, applications for all such developments should be subject to the most rigorous examination. Major development proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of applications within AONBs should include an assessment of:

- (i) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- (ii) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- (iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

PPS7 recognises that there is scope for leisure related developments in statutorily designated areas, subject to appropriate control over their number, form and location to ensure the particular qualities or features that justified the designation are conserved. PPG17, *Planning for Open Space, Sport and Recreation*, states that in Areas of Outstanding Natural Beauty local planning authorities should look to meet the demands for sporting and recreational activities where the proposals are consistent with the primary objective of conservation of the natural beauty of the landscape.

With regard to regional guidance, Policy ENV2, *Landscape Conservation*, of the East of England Plan 2008, states that within the AONBs priority over other considerations should be given to conserving the natural beauty, wildlife and cultural heritage of each area.

At a local level, Policy GE 7 *Protection of the Chilterns Area of Outstanding Natural Beauty*, states that permission will only be granted for waste development in the

Chilterns AONB where it is demonstrated to be in the public interest.

i) On reflection of the need for the development, which is in summary, to provide a better quality and economically viable golf facility, it is considered that this is a not national consideration. Although visitors to the club may travel from further afield, it is expected that the majority of members of the golf club will live in the surrounding area, and thus the golf club provides a relatively local facility.

It is not clear what would happen to the golf club if the development was not permitted. The golf club already provides an 18 hole course with clubhouse facilities, although one that is reported to be struggling to attract members because of the standard of the facilities provided. The worst case scenario is that the golf club would close. If so, 10 full time and 11 part time staff would lose their jobs and members their club.

The other issue to be considered is that of the need for a new facility for the disposal of inert waste material. The applicant has provided information on the source of the material to be used, with the majority to be supplied from current and potential future construction projects secured by McGee Group in London. Therefore a consistent supply of inert material appears to be available to Caddington Golf Club.

ii) Since the application is for improvements to an existing golf club, it is considered that there is little scope to look to develop a golf course elsewhere outside of the designated area. The other option is to meet the need, particularly drainage, through a different layout to the proposed. The applicants are insistent that the proposed layout is the optimum to address issues of drainage and ensure the course remains open for as long as possible.

iii) The detrimental effects on the environment, the landscape and recreational opportunities, and the extent to which they could be moderated have been discussed in the sections above.

Specific concerns with regard to wildlife and cultural heritage have not been highlighted. Concerns have been raised on the impact of the proposal on the landscape character, although Central Bedfordshire Landscape Officer has not objected to the proposal. It is considered that suitable planting can be required by condition to moderate the adverse effects. Recreational opportunities will be provided through the creation of the 9 hole academy course.

It is considered that the proposal does constitute the exceptional circumstances required by PPS 7, and that allowing the proposal to proceed would be in the public interest. Therefore the development complies with PPS 7 and Policy GE 7 of the MWLP.

## **CONCLUSIONS**

Due to the nature of the proposal and location of the site within the South Bedfordshire Greenbelt and the Chilterns Area of Outstanding Natural Beauty, planning policy has required that a balancing exercise be undertaken, weighing up whether very special circumstances (Greenbelt) and exceptional circumstances (AONB) exist which could outweigh any harmful impacts of the proposal.

The proposal is in general conformity with relevant development plan policies. However, concerns have been raised with regard to the impact of the proposal on the landscape character of the area.

It is recognised that there are significant benefits with the proposal. It will improve a golf facility which is reported to be struggling to attract members, through enhancement of the 18



hole course and provide further recreational opportunities through the creation of a new 9 hole academy course. The improvements to drainage in particular will ensure the course can remain open for more days throughout the year. Improving the commercial situation of the golf club will help secure the existing 10 full time and 11 part time jobs, and potentially provide an additional 4 full time and 5 part time jobs. The proposal will also, through landscaping, see the replacement of non-native planting with more locally indigenous trees; the creation of new habitat and the enhancement of existing habitat; and some improvements to the rights of way network to minimise conflict between golfers and walkers.

It is considered that these planning benefits outweigh the adverse effects on the landscape, Green belt and Chilterns AONB. Also, it is felt that if permission were granted, appropriate planning conditions can be imposed to adequately control the development.

## **RECOMMENDATION**

It is recommended that planning permission be approved subject to the following conditions:

1. Planning permission shall extend to the area edged with a thick black line on the attached plan no. BC/CM/2009/1-1. The development shall be carried out in accordance with the planning application received on 7 January 2009 and additional information submitted on 22 April 2009, 8 June 2009 and 18 June 2009, except where modified by other conditions of this permission and except for any minor amendments which may be agreed in writing by the Local Planning Authority.

*(Reason: To define the permission and allow for minor amendments)*

### Time Limits

2. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.

*(Reason: To comply with section 51 of the Planning and Compulsory Purchase Act 2004)*

3. The waste operations hereby permitted shall cease on, or before, three years of the date of commencement and the restoration of the site, excluding the aftercare requirements, shall be completed within a further 12 months of the cessation date.

*(Reason: To ensure that operations are completed within an acceptable timescale and to prevent the prolonged disturbance to the local environment)*

### Phasing

4. Except for such modifications as may be approved in writing by the Local Planning Authority, the site shall be worked in four phases as shown on plan GGD-165-2015, and subsequent phases shall not proceed without the written consent of the Local Planning Authority, which shall be dependent on progress in the restoration of the previous phases, in accordance with the approved scheme.

*(Reason: to provide for a satisfactory restoration of the site)*

5. Upon completion of each phase as shown on plan GGD-165-2015, a topographical survey shall be carried out and submitted to the Local Planning Authority. The survey should demonstrate that the phase has been restored in accordance with the contours shown on drawing no. GGD-165-2016.

*(Reason: To provide for a satisfactory restoration of the site)*

#### Hours of operation

6. Unless otherwise approved in writing by the Local Planning Authority, no operations authorised or required under this permission, including HGV movements to and from the site, shall take place except between the hours of 07:00 hours to 17:00 hours Monday to Fridays and 07:00 hours to 13:00 on Saturdays.

*(Reason: To protect the amenities of neighbouring properties)*

7. No operations hereby approved shall take place on Sundays or Public Holidays.

*(Reason: To protect the amenities of neighbouring properties)*

#### Access

8. There shall be no access to the site other than the existing site access off Chaul End Road as shown on plan BC/CM/2009/1-1.

*(Reason: In the interests of highway safety)*

9. No HGVs shall deliver waste material to the site unless and until improvements to Chaul End Road northwards of the golf club entrance have been agreed in writing with the Local Planning Authority and subsequently, implemented in full.

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

#### Vehicle Movements

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be not more than 400 HGV<sup>3</sup> movements<sup>4</sup> entering and exiting the site in any one working day (pro-rata for part days).

*(Reason: In the interests of highway safety)*

11. No HGV's shall turn right out of the site access onto Chaul End Road.

*(Reason: To minimise the danger, obstruction, and inconvenience to users of the highway and of the site.)*

---

<sup>3</sup> All vehicles over 7.5 tonnes gross vehicle weight.

<sup>4</sup> A vehicle entering the site and then exiting the site is classed as 2 movements.

12. No HGVs shall deliver waste material to the site unless and until a CCTV camera has been installed which monitors the entrance to the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of;
- the columns and cameras to be used,
  - the area covered,
  - the capability for remote access viewing,
  - The removal of the CCTV following completion of the works.

The CCTV system shall thereafter be implemented only in accordance with the agreed scheme.

*(Reason: To allow the monitoring of traffic movements)*

13. No HGVs shall deliver waste material to the site unless and until a method statement that addresses the potential conflict of movements of HGVs, golfers and walkers using the site during operations has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be carried out in full.

*(Reason: To address health and safety)*

#### Public Rights of Way

14. All public rights of way across the course should remain usable at all times.

*(Reason: to minimise disturbance to users of the public rights of way)*

#### Environmental Protection

15. No operations shall take place in each phase until the limits of waste disposal delineated on the ground in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

*(Reason: To define the limits of the permission and allow for monitoring of other planning conditions)*

16. At all time adequate precaution shall be taken to keep roads free of mud and dust arising from the site.

*(Reason: To minimise any disturbance by reason of dust and in the interest of highway safety)*

17. No HGVs shall leave the site without first passing through the wheel cleaning system, as shown on the facilities set up, drawing no SK 002.

*(Reason: To prevent the transport of mud onto the highway and in the interest of highway safety)*

18. Except for temporary operations, the free field Equivalent Continuous Noise Level,  $L_{Aeq,1hr}$ , due to operations in the site, shall not exceed 55 dB  $L_{Aeq,1hr}$ , when measured at the boundary of any residential dwelling. For temporary

operations such as site preparation, soil and overburden stripping, screening, bund formation and removal and final restoration, the free-field noise level due to work at the nearest point to each dwelling shall not exceed 70dB<sub>L<sub>aeq</sub></sub><sup>1hr</sup>, when measured at the boundary of any residential dwelling. Temporary operations shall not exceed a total of eight weeks in any calendar year.

*(Reason: To minimise any nuisance to nearby residents by reasons of noise)*

19. No development shall take place on site unless and until a scheme detailing measures to be undertaken in the event of any complaint about noise, has been submitted and approved in writing by the Local Planning Authority. The scheme shall include details of;
- monitoring location;
  - monitoring frequency and duration;
  - equipment used for monitoring;
  - the logging of all weather conditions and on site and off site events occurring during measurements including 'phased out' extraneous noise events;
  - any breaches of the prescribed noise levels, together with recommended noise mitigation measures.

*(Reason: To enable compliance with prescribed noise levels for on-site operations to be adequately monitored and assessed in the event of complaints about noise being received)*

20. In the event of any complaint about noise arising from on-site operations being received by the Local Planning Authority, the applicant shall carry out noise monitoring in accordance with the scheme approved under condition 19, with the results reported to the Local Planning Authority in writing.

*(Reason: To enable compliance with prescribed noise levels for on-site operations to be adequately monitored and assessed in the event of complaints about noise being received)*

21. No development shall commence on site until a detailed scheme for the suppression and control of dust has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be carried out in full.

*(Reason: To protect the amenities of residents in the locality from the effects of any dust arising from operations on site).*

22. No vehicles shall exceed a speed of 15mph within the application areas.

*(Reason: To minimise any nuisance to nearby residents by reason of dust)*

23. No floodlighting shall be used on site until a scheme for floodlighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter, no floodlighting shall be used unless in accordance with the approved scheme.

*(Reason: To minimise disturbance to the local environment).*

24. Nothing other than inert material shall be imported to or tipped on the site.

*(Reason: To exercise control over the development and protect the amenities of neighbouring properties)*

25. Topsoils and subsoils in each phase shall not be stripped, stored and replaced except in accordance with a scheme of soil handling and machine movements, which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be carried out in full.

*(Reason: To protect the structure of the soils and to ensure the satisfactory restoration of the site)*

#### Archaeology

26. No development shall take place unless and until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be carried out in full.

*(Reason: To ensure that archaeological remains likely to be disturbed in the course of the works are adequately investigated and recorded)*

#### Wildlife Protection

27. No development shall take place on site unless and until a detailed mitigation plan for the surveying and protection of all legally protected/BAP species during operations has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the approved scheme shall be carried out in full.

*(Reason: To ensure the protection of protected species.)*

28. No clearance of vegetation or soil stripping shall take place except between September and March, being outside the bird nesting season, unless a prior survey has been undertaken to ensure no nesting birds will be disturbed, and only then with prior notification to the Local Planning Authority.

*(Reason: To ensure the protection of nesting birds.)*

#### Landscaping, Restoration and Aftercare

29. No development shall take place on site unless and until a detailed landscaping scheme for planted areas has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for:

- Retention and safeguarding of existing trees;

- A specification of the number, species, size and location (existing and new) of the trees to be transplanted, together with details of additional mature stock if required;
- A specification detailing the species, size, number, and location of all other trees, shrubs and hedgerows to be planted;
- Grassland and aquatic mixes;
- Details of topsoils proposed for planted areas together with details of ripping and other soil amelioration treatments, if required.
- Maintenance of all trees, shrubs and hedgerows for a period of 5 years from the date of planting;
- Progressive implementation;
- Annual monitoring meetings;
- Any other matters as relevant.

(Reason: To ensure a satisfactory restoration of the site)

30. No development shall take place on site unless and until a scheme for the aftercare and management of the restored ponds and grassland areas has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include,
- Provision for the establishment and development of wildlife conservation features;
  - The provision and upkeep of protective fences;
  - Measures to protect the ecological habitats from potential use of fertilizers and pesticides.
  - Maintenance of an annual cutting regime appropriate to the development of grassland habitats;
  - Annual monitoring meetings;
  - Implementation of the approved management scheme amended as necessary at the annual meetings for a period of 5 years from completion of planting.

(Reason: to secure ecological enhancement)

#### Miscellaneous

31. Throughout the period of landfilling and restoration operations, a copy of this planning permission including all documents, plans and details of pre-development schemes shall be displayed on the site during working hours in a location which is readily accessible to any person undertaking the development.

(Reason: For the avoidance of doubt)

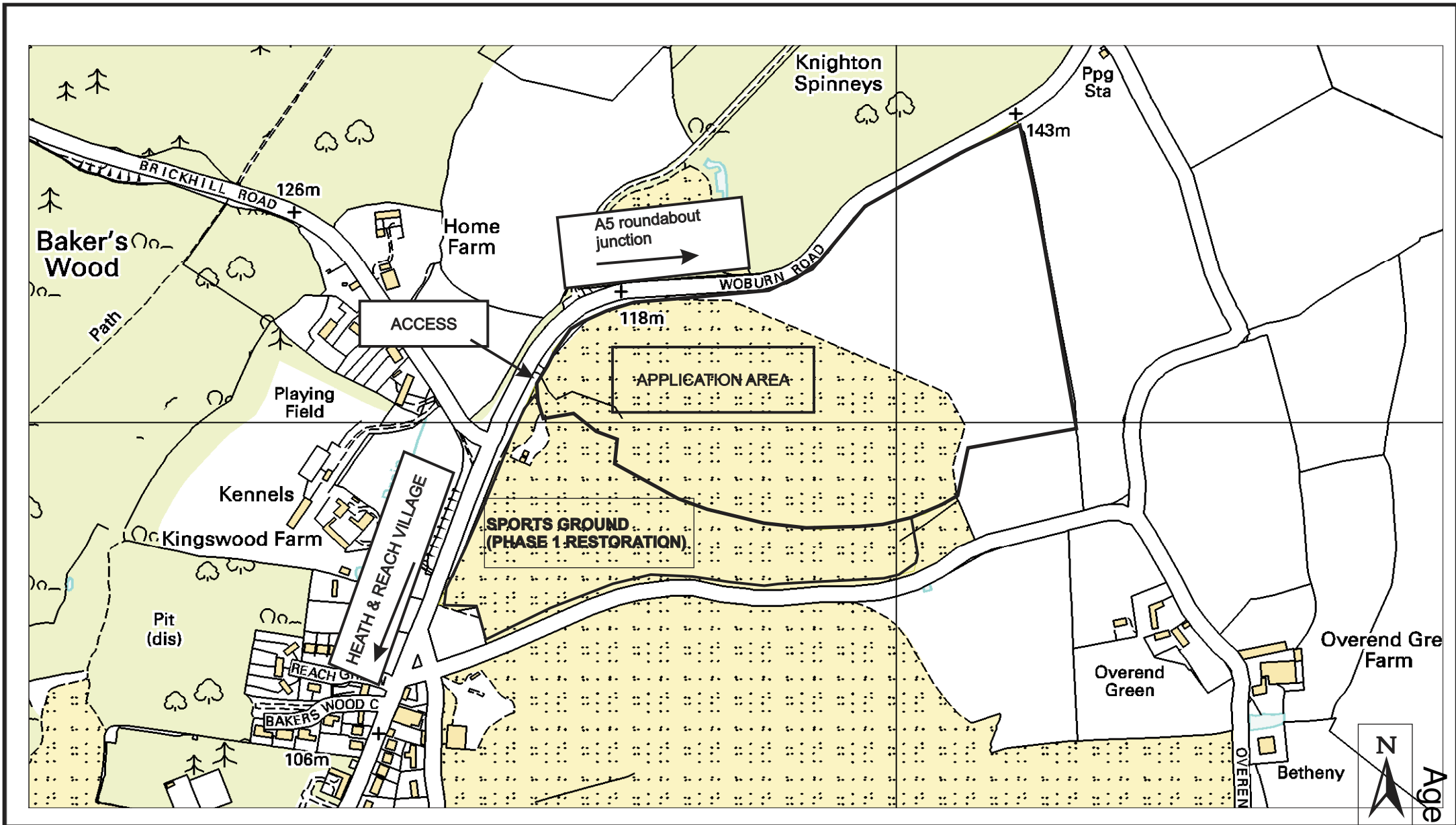
*NB Where conditions include the phrase "Except as may be/unless otherwise approved in writing by the LPA....", this is to allow for exceptions to be approved for temporary periods for special circumstances or minor amendments to be made.*





This page is intentionally left blank





**Title:** Restoration of the former quarry to pre-extraction levels through the importation of inert waste.  
**Stone Lane Quarry, Woburn Road, Heath and Reach**

**Date:**  
 September 2009

**Scale:**  
 1:5000

**Ref No:**  
 BC/CM/2008/27-1

**Roy Romans,**  
 Team Leader -  
 (Minerals and Waste),  
 P.O. Box 1395,  
 Bedford,  
 MK43 5AN.  
 Tel: 0300 300 8000.



Central Bedfordshire Council  
 and Bedford Borough Council

working together



This page is intentionally left blank

**Item No. 19**

**SCHEDULE D**

<b>APPLICATION NUMBER</b>	<b>BC/CM/2008/27</b>
<b>LOCATION</b>	<b>STONE LANE QUARRY, WOBURN ROAD, HEATH AND REACH</b>
<b>PROPOSAL</b>	<b>RESTORATION OF THE FORMER QUARRY TO PRE-EXTRACTION LEVELS THROUGH THE IMPORTATION OF INERT WASTE.</b>
<b>PARISH</b>	Heath & Reach Parish Council
<b>WARD &amp; COUNCILLORS</b>	Plantation – Cllr Shadbolt & Cllr Rawcliffe
<b>CASE OFFICER</b>	Anita Taylor
<b>DATE REGISTERED</b>	5 <sup>th</sup> September 2008
<b>EXPIRY DATE</b>	26 <sup>th</sup> December 2008
<b>APPLICANT</b>	Arnold White Estates
<b>AGENT</b>	Hives Planning Ltd
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>SIGNIFICANT OBJECTIONS &amp; DEVELOPMENT IN THE GREEN BELT</b>
<b>RECOMMENDED DECISION</b>	<b>APPROVE SUBJECT TO S106 AGREEMENT AND PLANNING CONDITIONS</b>

**Site Location:**

Stone Lane Quarry is situated to the north of Heath and Reach village in Leighton Buzzard. The Quarry is located approximately 400 metres to the north of the village and is accessed off Woburn Road which leads out of the village to the A5. The site extends to an area of approximately 13 hectares and sits within the South Bedfordshire Green Belt.

It is bounded to the north by Woburn Road, to the west by a restored area of the quarry (now playing fields), to the south by Bryants Lane, and to the east by a field currently used as grazing land. On the opposite side of Woburn Road are King's and Baker's Wood & Heaths, designated Sites of Special Scientific Interest (SSSI).

**The Application:**

The application, including submission of an Environmental Statement, is for the infilling of the quarry void with imported inert waste, to include soils comprising predominately sands, clays, silts, gravels and chalk as well as brick and concrete rubble. The infilling will enable the site to be put back to pre-extraction levels. It is estimated that 1.25 million m<sup>3</sup> of material would be needed to fill the void at a rate of 150,000 m<sup>3</sup> per annum. At this throughput it is anticipated that the infilling operation would take between 8 to 10 years to complete involving seven working phases.

It is proposed that a maximum of 110 HGV movements<sup>1</sup> enter and exit the site per working day. The applicants will upgrade the access to allow for the appropriate visibility into and out of the site entrance to be maintained.

During infilling operations a site compound will be established adjacent to the entrance of the site which will include car parking, wheel cleaning facilities, weighbridge, staff facilities, and plant and material storage area. The hours of operation would be from 07:00 to 18:00 Monday to Friday with no operations taking place on Saturdays, Sundays, or Public Holidays.

Once infilling operations cease and the site has been restored it would be returned to a mix of agriculture (energy crop) and meadow grassland with public access. The applicant proposes a rights of way programme which will involve a mixture of permissive footpaths, bridleways and footpaths that will become public rights of way, and open access to part of the site for a minimum period of 20 years.

In addition to information provided within the application further information / amendments have been submitted by the Applicant on 31<sup>st</sup> October 2009, 4<sup>th</sup> December 2008, 9<sup>th</sup> April 2009, and 11<sup>th</sup> August 2009.

## **RELEVANT POLICIES:**

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

Planning Policy Guidance 2: Green Belts  
Planning Policy Statement 10: Planning for Sustainable Waste Management

### **Regional Spatial Strategy**

East of England Plan (May 2008)

### **Bedfordshire and Luton Minerals and Waste Local Plan (January 2005)**

W1	Key principles
W21	Inert waste landfill
GE1	Matters to be addressed in planning applications
GE3	Environmental improvement of the Greensand Trust area
GE5	Protection of Green Belt land
GE9	Landscape Protection and landscaping
GE11	Protection of sites of national nature conservation importance
GE14	Archaeology
GE18	Disturbance
GE20	Water Resources
GE21	Public rights of way
GE23	Transport: suitability of local road network
GE26	Restoration
GE27	Aftercare

---

<sup>1</sup> A vehicle entering the site and then exiting the site is classed as 2 movements.

## South Bedfordshire Local Plan Review Adopted 2004 (SBLPR)

### Planning History

Extraction of sand from Stone Lane dates back to the 1940s. Stone Lane quarry was worked in 2 phases. Phase 1 was granted planning permission for restoration using imported inert waste material in 1997 (planning permission no. 13/1996). An extension of time was granted in 2000 to allow infilling operations and restoration to continue for a further year. Phase 1 has been restored to playing fields and a small community woodland and mountain bike area.

The current approved restoration scheme is for a low level restoration of the site to grass seeded slopes and bare open ground at the base of the pit to allow natural regeneration. Mineral operations have continued at the site and are expected to cease this summer. The slopes at the quarry are steep and unstable in places. Slips have occurred on the northern and southern slopes of the quarry and remedial action has been necessary.

IDO: 1480 13/1996	Winning and working of sand. Consolidation of earlier planning permissions for sand extraction and the restoration of part of the site with inert waste.
3/2000	Extension of time of 13/1996 permission for one year
10/2007	Change of use of part of restored community woodland to a mountain bike area for local community use.

### Representations: (Parish & Neighbours)

**Responses were made in connection with initial consultation on the application and also following consultation of further information submitted by the Applicant on 9<sup>th</sup> April 2009.**

#### **Heath and Reach Parish Council**

Was initially in favour of infilling this particular quarry in principle, provided that its conditions area met on the grounds that the quarry is too dangerous to remain as it is and because of the requirement to restore FP10 not only to its original line but also to a safe and manageable profile. Further to the submission of additional information by the Applicant the Parish Council strongly objected to the proposals as stating that their concerns had not been addressed The Council expresses concerns regarding;

- There is no material benefit to the local community beyond the restoration of landscape and original line of FP10. Consideration should be given to providing full public access to the whole site, the ceding of the

sports ground car park to the Council, the provision of a separate area for sports ground parking, the provision of additional formal sports ground space and onsite facilities, and the sports field and woodland be made freehold.

- Consideration given to alternative plans for the site, i.e alternative profile requiring less material and therefore less than 8-10 years to complete, which would shorten the impact to the community.
- Detailed planning regarding the highways works that are required and consideration of the downgrading of Woburn Road to the C194.
- The potential timescales and more detailed planning regarding anticipated impacts.
- The establishment of three permanent rights of way and improvements to the diverted FP10 during infilling.
- The quantity of material to be taken in per annum and the potential for more material to be taken in. There would need to be assurance that no other material would be introduced and defined schemes in the event that material has not been available so the 10 year period is not exceeded.
- Impacts of the development in terms of increased surface water run-off in particular relation to the adjacent sports pitches, noise and vibration, dust, hours of operations, mud on the highway.
- Further clarification on how the agricultural activities would be managed and in relation to access from adjacent roads.
- Funds to be paid on an annual basis to ensure two extra gulley cleaning exercises are completed each year, the upgrading of the road to the A5, and a resolution of the current surface water drainage issues at the adjacent sports pitches.
- The access slip road needs to provide for vehicles in “convoy” as it could lead to HGV’s using Brickhill Road as a turning circle. The information should be reviewed. There are concerns regarding safety in relation to the access.
- A lack of parking facilities will not encourage users to the restored site.

#### Representations

**Two letters** were received as a result of publicity which was carried out in the form of site notices, neighbour notifications, and a local newspaper advertisement. In

principle both support the application but raise the following issues and concerns;

- Benefits to the community are somewhat limited and little is offered to compensate for the additional 8-10 years of disruption. The applicant should help the community to achieve some of the goals in the Parish Plan 2007-2020.
- Restoration of Footpath 10 is a legal obligation.
- The applicant could meet social obligation to the community by ceding to the Parish Council, or selling for a token amount, the land on which the sports ground and temporary building stand, and the land now use for the car park.
- Consideration given to infilling to a lower level.
- The strengthening of the landscaping, restoration, aftercare and management schemes through open access, additional rights of way, planting more trees, additional measures.
- The installation of CCTV to monitor the road conditions.
- The proposed timeframe should be made legally binding.
- The type of waste which will be tipped at the site should be stringently controlled.
- Permission should not be granted for both Stone Lane and Reach Lane, priority should be given to this application.

**Consultations/Publicity responses:**

<b>GO EAST</b>	Note the contents of the application
<b>East of England Development Agency</b>	Comment that the proposal is not considered to be of a strategic nature and therefore the Agency has no comments in relation to the application.
<b>The Leighton Buzzard Society</b>	Comment that whilst accepting quarry restoration is on-going, thought and care is needed. Urge that consultation is carried out with Heath and Reach Parish Council.
<b>Campaign to Protect Rural England</b>	State that there is no need for this landfill and the application should be refused, raising the following concerns; <ul style="list-style-type: none"><li>• much of the waste stream is ideal for recycling as</li></ul>

aggregate,

- Waste recycling is the main priority under the Government's Waste Strategy,
- 'inert waste' that cannot be recycled would need on-going and thorough inspection of each load,
- there are already an adequate number of sites licensed for the small arisings of generally inert waste which cannot be recycled

Comment that Stone Lane is a substantial site. If this were licensed the rate of input of suitable material would be such that any restoration date would not only be indeterminable but also very long term.

**Ramblers  
Association  
Bedfordshire Rights  
of Way Association**

Do not object to the proposal and welcome the eventual return of footpath 10.

The restoration scheme would bring the original line of footpath 10 back into use by infilling the quarry with inert material. It is estimated that 1.25 million cubic metres of material be disposed, at around 150,000 cubic metres per annum. This would take over 8 years to complete resulting in the original line being unusable for over 16 years. State that the circular path is welcome and ask that a S106 agreement to dedicate the temporary diversion route as a public footpath is made a condition for the grant of permission.

**Natural England**

Comment that the application is adjacent to Kings and Bakers Wood and Heaths SSSI, and potential impacts include noise, dust and loss of supporting habitat. The site and its surround are also thought to have potential for protected or notable species. Natural England do not object to the proposal and are satisfied that these issues are adequately addressed within the application and that provided the mitigation measures included at section 8.7 of the ES are carried out in full it is not thought that this application will result in any additional impact upon the SSSI. The restoration scheme is broadly supported and a valuable addition to the green infrastructure. Restoration of the original footpath is supported.

Add that further detail is needed as to the final species of the grassland and the scheme should aim to be ambitious in terms of the amount of species-rich grassland it can establish. The applicant should source mixes from local bodies and areas left to generate naturally are supported.

In terms of soils and agriculture Natural England comments that use of soils from the waste stream to achieve beneficial after-uses is commended, but it should be ensured that the growth of crops is not compromised by compaction and that soil forming materials are suitable. Advise that the applicant



should adopt the best practices identified in the “Good Practice Guide for Handling Soils” (MAFF, 2000).

**Environment Agency** Initially objected to the application and recommended refusal of the application on the basis that the Flood Risk Assessment (FRA) did not comply with requirements as set out in Planning Policy Statement 25. The FRA failed to adequately consider; how run-off will be restricted to the Greenfield rate; pre extraction conditions would have allowed surface water to infiltrated but the proposed clay cap will prevent infiltration; further work to demonstrate no increase in run-off.

This objection was withdrawn following conformation by the Applicant that restoration levels closely replicate the original ground levels.

The Agency comments that information regarding mitigation and enhancement is insufficient. Restoration should include a long term management plan, more public access, provision for education and recreation, and enhancement of habitats for wildlife.

Advisory comments are afforded to the Applicant regarding the need for an Environmental Permit.

**Greensand Trust** The Trust object to the application as there is insufficient detail on the final restoration of the site. The Trust also states that the issue of routing of lorries in relation to the village needs to be resolved. Comment that the proposal is only justified if the long term future of the site as public open space can be secured. This does not preclude the inclusion of other after uses such as agriculture and forestry operations but could create habitats and provide a significant local recreation facility.

Add that the inert fill should be prior screened for recycling, and the diversion of FP10 and the permissive path through the Stone Lane Community Woodland should be dedicated to permanent rights of way before infilling, in addition to the reinstatement of FP10.

**Central Bedfordshire Council  
Environmental  
Health Officer** Does not object to the proposed operations. States that planning conditions should be applied to control noise emissions particularly at noise sensitive properties with noise limits set and a scheme for compliance noise monitoring. The applicant should ensure that any material brought onto the land is verified so as not to cause the land to be determined contaminated.

**Central Bedfordshire Council  
Archaeologist** Comments that archaeological remains within the quarry have been removed but there are a series of well preserved earthworks to the south east. Has concerns regarding the protection of the earthworks and would like a condition placed on any grant of permission to secure a method

statement for their protection.

**Central Bedfordshire  
Council Landscape  
Officer**

Does not object in principle to the scheme but does not feel that the landscape structure proposed is in scale with the site and more internal planting is needed. More information is needed on the long term aftercare of the site.

**Central Bedfordshire  
Council Highways  
Officer**

Initially requested that further information be provided pertaining to traffic generation, and the improved access, and expressed concern that the provision of the visibility splay to the right of the access would require substantial re-grading of the highway verge and adjacent land with subsequent implications.

Having reviewed the additional information has no objection on highway grounds. Requires a visibility splay of 2.4 metres by 90 metres, a wheel wash, and that the gates be open during operational hours.

**Central Bedfordshire  
Council Rights of  
Way Officer**

Has the following comments to make;

- It is disappointing to note that the routes being offered around the perimeter are shown as 'permitted' paths. The paths should be dedicated as formal rights of way.
- Considerable public access will not be provided until the short rotation crop has established. This could be 10 years before fencing is removed and access allowed.
- The application refers to the original application which required Footpath 10 to be reinstated on its original line, unfortunately with the post extraction levels this could only be achieved through a series of steps. This would now be unacceptable as due consideration must be given to the Disability Discrimination Act and a large flight of steps would make it unusable to the majority of local residents.
- The circular path around the inner edges of the site is welcome but it is not clear whether this is to be permissive path or dedicated as a public right of way.

A section 106 agreement to dedicate this perimeter route as a Public Footpath should be made a condition of any permission given. Footpath 10 has been diverted for 20 years and this proposal would keep the path closed for a further 7 to 10 years. A condition could be made to ensure that by restoration year 5 (or sooner if possible) the public access being offered in this scheme is laid out on the ground and open to public use, and that Footpath 10 is fully reinstated on its original route.

## Determining Issues

The main considerations of the application are:

1. Green Belt
2. Environmental Considerations – Disturbance and Pollution Control
3. Highways and Transportation
4. Restoration
5. Rights of Way

## Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan is the adopted Regional Spatial Strategy (East of England Plan) (May 2008) and the emerging Minerals and Waste Development Framework. During this transitional period the saved policies of the Bedfordshire and Luton Minerals and Waste Local Plan (adopted January 2005) (MWLP) form the local policy framework against which applications should be determined. Relevant national guidance is Planning Policy Guidance 2 (PPG2): *Green Belts*, Planning Policy Statement 10 (2005): *Planning for Sustainable Waste Management* (PPS10), and the Waste Strategy for England (2007), Circular 05/2005, *Planning Obligations*.

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

Policy W1 of the MWLP, *key principles*, states that planning permission for waste management proposals will only be granted if the proposal; contributes to meeting the strategic aim of the Plan to reduce the amount of waste which goes to landfill, takes account of the waste hierarchy, should not significantly impede development options further up the hierarchy, and conform with the proximity principle. The proximity principle seeks to ensure that waste is disposed of as close to the source of origin as possible.

Stone Lane Quarry sits in the south-east of Bedfordshire with adjoining local authorities being Aylesbury Vale and Milton Keynes. The area is identified as a key growth area (*Milton Keynes and South Midlands Sub-Regional Strategy*) and as such will attract a large amount of development in order to meet the targets for the creation of new homes and jobs in the region. Stone Lane would provide an inert waste disposal facility for Central Bedfordshire in addition to the Milton Keynes and Aylesbury Vale districts. Its location would accord with the proximity principle in respect of wastes arising from the above

areas. The Applicant expects that there will be an equal portion of waste arising from within Bedfordshire as outside of the County boundary. It is not considered that the granting of permission for inert landfill at Stone Lane will impede upon development options further up the waste hierarchy. For reasons set out above, the proposal accords with Policy W1 of the MWLP.

The proposal is to restore Stone Lane Quarry through the importation of inert waste. Policy W21 of the MWLP, *inert waste landfill*, states that the Minerals Planning Authority will not grant planning permission for landfill or other disposal to land of inert wastes except where proposals contribute to the restoration of old mineral workings or provide a demonstrated environmental benefit. Stone Lane Quarry has been worked for mineral in two phases dating back to the 1940's. Phase one of the mineral working was filled with inert waste to pre-extraction levels. The approved restoration scheme for Phase 2 is currently low level with a mixture of grassland and bare ground to allow for natural regeneration. Mineral operations are expected to cease this summer leaving a large void with steep sandstone and sand slopes. By filling the existing void with inert waste it is proposed to restore the land to pre-extraction levels. As such the proposal accords with policy W21.

### **Green Belt**

There is a presumption against inappropriate development which is harmful to the Green Belt. Planning Policy Guidance 2 (PPG2): *Green Belts* lists the five purposes of including land in Green Belts as:

- 1.1.1. to check the unrestricted sprawl of large built-up areas;
- 1.1.2. to prevent neighbouring towns from merging into one another;
- 1.1.3. to assist in safeguarding the countryside from encroachment;
- 1.1.4. to preserve the setting and special character of historic towns;  
and
- 1.1.5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The purpose most relevant to this proposal is safeguarding the countryside from encroachment. The impact upon the openness of the Green Belt is assessed below.

PPG2 states that the Applicant should show why permission for inappropriate development should be granted. It goes on to state that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This means that the inappropriate nature of the development needs to be outweighed by other considerations in order to justify development in the Green Belt.

Policy GE5, *Green Belt*, of the MWLP states that for waste development planning permission will only be granted where very special circumstances can be demonstrated that justify the proposal. For all minerals and waste related development the proposal should preserve the openness of the Green Belt and minimise conflict with the purposes of its designations, and for waste

development very special circumstances can be demonstrated that justify the proposal.

It is recognised that mineral extraction is a type of development which may be permitted within the Green Belt providing that the development does not conflict with the purposes of including land in the Green Belt and that high environmental standards are maintained and the site is well restored. As this policy sits alongside policy W21 it must follow that in certain instances the filling of these former quarries with inert material is accepted within the Green Belt. The application does not propose to raise ground levels beyond original levels and as such it is not considered that once restored that site will impact upon the openness of the Green Belt to such a degree as to warrant refusal of the application on those grounds. As such, and in terms of policy set out within PPG2, the proposal does not constitute inappropriate development within the Green Belt.

Nevertheless, policy GE5 of the MWLP requires demonstration that very special circumstances apply to justify the proposal. Since approval of the extant restoration scheme at Stone Lane it has become apparent that the slopes are unstable and there have been recent slippages of material. The lack of overburden on site to enable a safe restoration of these slopes means that some amount of material will need to be imported to the site to restore Stone Lane effectively. In addition to contributing to the restoration of old mineral workings the Applicants are willing to enter into agreement with the Council to create public access to the site once restoration has been completed. The restoration of the site to pre-extraction levels will enable the reinstatement of Footpath 10 to its original line (having been diverted around the perimeter of the site to allow for quarrying to take place).

When considered against the surrounding land use the proposal will have little impact upon the openness of the Green Belt and will not conflict with the other purposes of including land within the Green Belt. It is considered that the benefits of the proposal constitute the very special circumstances required to comply with Policy GE5 of the MWLP.

### **Environmental Considerations – Disturbance and Pollution Control**

Policy GE18, *disturbance*, of the MWLP states that planning permission for mineral and waste development proposals which are likely to generate disturbance from noise, vibration, dust, mud on the highway, fumes, gases, odour, illumination, litter, birds and pests will only be granted where the impact of the anticipated disturbance is reduced as far as practicable and is outweighed by other planning benefits of the proposal. Furthermore, policy BE8 of the SBLPR advises that proposals likely to generate disturbance and other pollution emissions must ensure that they do not unacceptably disturb or otherwise affect adjoining properties and uses. Due to the nature of inert waste it is unlikely that the proposal will result in added disturbance from fumes, gases, birds, and pests.

The nearest residential properties to the site are Red Lodge 150 metres to the north-east, properties at Overend Green 190 metres to the south-east, the

north end of Heath and Reach village 200 metres to the south-west, and properties along Brickhill Road 120 metres to the north-west. A Site of Special Scientific Interest (SSSI), Kings & Bakers Wood & Heath, lies 350 metres to the north.

Chapter 11 of the Environmental Statement assesses the effects of noise and vibration associated with the proposed restoration. The base of the quarry sits between 18 metres (west) and 40 metres (east) below the surrounding ground levels. As such the quarry will provide a noise barrier whilst filling progresses through the initial phases. Once filling has commenced in phase 5 it is anticipated that noise levels from the development will be at their highest within Kings Wood. Phases 6 and 7 bring ground levels to those of the surrounding area so that screening provided by the sides of the quarry becomes insignificant. In order to mitigate against the noise levels during these later phases the Applicant proposes to erect a temporary noise bund along the western boundary of the site during phase 4 development to protect nearby residential properties.

There is a potential for the creation of dust and the transfer of debris on to the highway from the proposed operations at Stone Lane. The Applicant proposes to have a wheel cleaning facility and wheel shaker on site to minimise the risk of debris being transferred on to the highway. It is anticipated that along with the coarse nature of the dust emanating from the site, the vegetative screening, and the spatial separation between the source and potential receptors, dust impacts upon Kings Wood SSSI and local residents will be minimised. Nevertheless the Applicants propose a dust management strategy to involve dust suppression and containment techniques.

Central Bedfordshire Environmental Health Officer does not object to the proposal but comments that planning conditions be used to apply absolute control on noise emissions with limits being set at noise sensitive properties. Central Bedfordshire Highways Officer suggests that a wheel wash condition is placed on any grant of planning permission.

Subject to the inclusion of planning conditions ensuring that the proposed mitigation measures are implemented, the risk of disturbance is reduced as far as practicable and as such the proposed development does not conflict with aims of Policy GE18 of the MWLP, or Policy BE8 of the SBLPR.

Policy GE20, *Water Resources*, of the MWLP states that permission will not be granted for minerals and waste development proposals where the proposal would have an unacceptable impact on the quality of quantity of groundwater and/or surface water drainage, and the flow of groundwater on or in the vicinity of the site.

The Applicant considers there is no significant risk of flooding and the proposed works would not increase the risk of flooding elsewhere. Surface water drainage measures would restore the site to its natural condition and control run off from the site. The Environment Agency initially objected to the

application but removed their objection on the basis that the post landfilling contours represented the pre extraction contours.

The importation of inert waste materials will require an Environmental Permit from the Environment Agency, which will be subject to a groundwater risk assessment, and it will be necessary to engineer a liner to contain the wastes and protect the underlying major aquifer. An Environmental Permit can only be issued upon the grant of a relevant planning permission.

The Applicant will construct swales and ditches to control the surface water run off. The Council considers that it would be beneficial to place a condition on any grant of planning permission requiring the approval of a surface water management strategy prior to the commencement of filling operations in order to agree detail of the swales and ditches. With the appropriate mitigation the application complies with policy GE20 of the MWLP.

### **Highways and Transportation**

A full transport assessment was commissioned to assess the impacts of the proposal on the local and regional highway network. Policy GE23, *transport: suitability of local road network*, states that where access to a proposed development site can only be achieved by road permission will only be granted where the material is capable of being transported to and from sites via the strategic highway network. It goes on to state that the suitability and capacity of available access routes will be taken into account and proposals which use significant lengths of unsuitable roads will not be permitted unless suitable improvements can be agreed.

The site lies approximately 1.3km to the south of the roundabout junction of Woburn Road and the A5, which forms part of the strategic highway network. It is proposed that 55 lorry loads of inert waste will be delivered to the landfill per working day (110 HGV movements). The transport assessment shows that the A5, and Woburn Road roundabout junction would operate well within its capacity taking into account the additional vehicle movements resulting from this proposal. The Applicant offered to enter into agreement with the Council to ensure that all HGV's entering and exiting the site do so via the A5 roundabout junction, thereby avoiding Heath and Reach village.

Access to the site from Woburn Road is currently achieved by a simple T junction. The Parish Council expresses concern that standing traffic may occur on Woburn Road. Initially the Applicants proposed to construct an auxiliary left-turning lane so that HGV's entering the site from the north could leave the main carriageway and reduce speed ready for the left turn into the site without impeding on traffic flows. However, at the request of the Council's Highways Officer further survey work was carried out by the Applicant. Revised plans for the access were submitted which removed the left-turning lane. These show that visibility at the entrance will be maintained for a distance of 90 metres to a depth of 2.4 metres. The Council's Highways Officer has no objection to the application on the grounds that the above works are undertaken by the Applicant prior to landfilling operations. It is also suggested that conditions be placed on any grant of planning permission

pertaining to a wheel cleaning system, and a requirement for the gates to be open during operational hours.

A lorry ban restricting HGV movements exists within Heath and Reach and Leighton Buzzard. This restricts HGV's from travelling through the area. HGV's would be able to collect waste material from a location within the area but would be required to enter and exit the ban area via the shortest route. The lorry ban is regulated by Bedfordshire Police. As this legal obligation exists it is not considered that a routing agreement is necessary in this case. Officers are satisfied that conditions placed on any grant of planning permission would provide adequate assurance that HGV's would not enter / exit the site through Heath and Reach village, apart from for local collections of inert waste.

The development proposals meet the aims of policy GE23 in that the site is located near to the strategic highway network and the Applicant has agreed to make suitable improvements to the access route.

### **Restoration**

Policy GE26 of the MWLP, restoration, requires all proposals for non permanent facilities to include high quality restoration of the site within a reasonable timescale. Normally this will be for agriculture, forestry, nature conservation and/or amenity/recreation. Following landfilling the site would be put to a mix of agricultural use with an energy crop and meadowland in addition to the provision of limited public access onto the site. Natural England comment that the restoration scheme will be a valuable addition to the green infrastructure of the area but request further detail on the composition of the meadow grassland.

The Parish Council expresses major concern regarding the timescales for this scheme, particularly in the current economic climate. The site has the potential to receive approximately 1.25 million cubic metres of inert waste. It is estimated that the maximum rate of disposal would be around 150,000 cubic metres per annum. As such the infilling operation would take around 7 to 10 years to complete. As part of the application schematic phasing drawings have been provided to show the restoration occurring in 7 phases. Officers have sought assurance that if filling did not occur at the rate it is anticipated then a fall-back restoration scheme could be approved which would meet the existing timescales. Following on from this it is considered that to achieve a condition could be placed on any grant of planning permission requiring an annual update of the restoration operations and a requirement that if restoration is falling behind schedule, a new, lesser scheme is submitted to the Council for approval.

Subject to the above, it is the Council's opinion that the proposal accords with policy GE26 of the MWLP.



### **Rights of Way**

Prior to mineral extraction taking place at Stone Lane Footpath 10 (FP10) ran across the quarry from north-west to south-east. This was diverted following the granting of planning permission to carry out the extraction. The footpath now runs around the northern and eastern boundary of the quarry. The temporary diversion shall remain in place until the quarry has been restored under the current planning permission. If the footpath were restored along its original line today it would involve navigating the steep and unstable slopes which exist at the quarry. By allowing the proposed development to take place it would enable the original line and form of the footpath to be reinstated.

Policy GE21, *public rights of way*, of the MWLP states that planning permission that would lead to disruption of the public rights of way network in either the short or long term will only be granted where suitable alternative arrangements are made to maintain or enhance public access opportunities, or, where no such arrangements can be made, disruption is reduced as far as practicable and is clearly outweighed by other planning benefits of the proposal. It goes on to state that restoration of a non-permanent land use will require enhanced or extended opportunities for public access. The proposed development would lead to the continuing disruption of FP10 for a further 10 years.

Initially the Applicants proposed to reinstate FP10, retain the diverted FP10 route as permissive, and retain a permissive path running from Woburn Road to Bryants Lane around the western boundary of the site. The Ramblers Association did not object to the proposal and welcomed the eventual return of FP10. Central Bedfordshire Rights of Way Officer and Bedfordshire Rights of Way Association requested a Section 106 (S106) legal agreement to dedicate the perimeter route as a public footpath.

Following negotiations between the Applicant and the Council a revised scheme was put forward (see Appendix 1 for illustrative map). This included the creation of; a definitive footpath along Woburn Road (A-C); a permissive footpath to run along the eastern boundary to join Bryants Lane (B-D); the reinstatement of FP10 (A-D); and the creation of a definitive bridleway running along the eastern boundary of the site from Woburn Road to Bryants Lane (bypassing the mountain bike facility leased and managed by the Greensand Trust) (E-F). In addition part of the restored meadow land would be accessible to the public under a permissive access agreement (Area Z).

It is considered that, subject to the signing of a S106 legal agreement to ensure the above rights of way network are implemented, the proposal will enhance and extend opportunities for public access in accordance with Policy GE21.

### **Other Policy Considerations**

## Landscape

Policy GE3 of the MWLP, *environmental improvement of the Greensand Trust area*, states that the Council will require proposals within the Greensand Trust area, including schemes for restoration and after use, to support the aims and objectives of the Greensand Trust. The most relevant objective of the Greensand Trust in this case is to develop, improve, and promote public rights of way networks. The Greensand Trust comment that the proposal would only be justified if the long term future of the site as public open space can be secured and request that a more detailed restoration proposal is submitted.

Once the site is restored this will enable the reinstatement of Footpath 10 along its original route. The Applicant is also proposing to retain the diverted route of footpath 10 as a permissive route and is willing to enter into agreement with the Council to allow public access to the agricultural meadowland and informal access to the areas of energy crop once established (subject to ongoing management) for a period of 20 years post restoration. The proposal accords with objectives of the Greensand Trust in that it will result in improved public access to Stone Lane. A condition requiring a detailed restoration and aftercare scheme could be placed on any grant of planning permission. Taking account of the above, the proposal does not conflict the policy GE3 of the MWLP.

Policy GE9, *landscape protection and landscaping*, of the MWLP states that development which is likely to have an adverse effect on the landscape character of the area will only be granted where any adverse effect is reduced as far as practicable and is outweighed by other planning benefits of the proposal. Prior to the commencement of landfilling operations it is proposed to reinforce the boundary planting to the north and east of the site along Woburn Road and the diverted footpath route. The Applicant also proposes to undertake additional boundary screening by planting a tree and hedge screen around the north, east, and southern perimeter of the site. The purpose of this planting would be to provide a visual screen of the filling operations to users of the diverted FP10 route. Whilst the additional landscaping does not offset the adverse effect of the proposed development, once completed the site will be more sympathetic to the local landscape character. As such the application accords with policy GE9.

Policy GE11, *protection of sites of national nature conservation importance*, of the MWLP states that planning permission that would result in harm to designated SSSI's or National Nature Reserves (NNR) will be refused, unless the reasons for the development clearly outweigh the nature conservation value of the site. Stone Lane quarry is located across Woburn Road from King's Wood NNR and King's and Baker's Wood and Heaths SSSI. The Environmental Statement assesses the potential impacts of the development on the above sites. It concludes that the impacts after mitigation (identified in section 8.7 of the ES) will be limited to the effect of noise on breeding birds. The impact will be minimal until phase 5 when short term increase in the levels of noise will arise. Natural England comment that provided the mitigation measures are carried out in full the application will not result in an

additional impact to the SSSI and that species interests will not be harmed by future works. Taking into account the above, the proposal accords with policy GE11 as it is considered the NNR and SSSI will not be harmed as a result of the development.

### Archaeology

Policy GE14, *archaeology*, of the MWLP states that when considering proposals for minerals and waste development the Planning Authority will require the preservation of sites of major archaeological importance and their settings through a number of specified routes. The likelihood of the quarry containing archaeological remains is very low due to the level of mineral extraction which has taken place. However, it is likely that land to the south and east of the site were medieval arable fields consisting of ridge and furrow that give the land a slightly corrugated appearance. The Environmental Statement identifies that the proposal could lead to damage being caused to the ridge and furrow on the adjoining agricultural land. The Council considers that this risk could be mitigated against by the erection of a stand-off fence between the activities at the former quarry and the land in question. Once completed the development would improve the setting of the historic landscape in accordance with policy GE14.

### **Reasons for Granting Permission**

It has been concluded that the proposal does not constitute inappropriate development in the Green Belt as defined by PPG2.

Whilst the development has the potential to cause adverse impacts by reason of noise and dust it is the Council's opinion that such impacts can be reduced as far as practicable and controlled by the use of appropriate planning conditions.

Initial consultation of the application raised several objections to the application which through negotiations with the Applicant have been overcome and withdrawn. The Campaign for Rural England maintain their objection to the application on the grounds that there is no need for the proposed development in terms of a waste management option for Bedfordshire. The proposal is in accordance with policies identified within the relevant development plans and there are no other material considerations that would warrant refusal of the application. Planning Policy Statement 10 states that when proposals are consistent with an up-to-date development plan Waste Planning Authorities should not require applicants for new waste management facilities to demonstrate a quantitative or market need for the proposal. In accordance with this need for the development has not been assessed above.

In addition to any planning controls the site will be licensed and monitored by the Environment Agency.

## RECOMMENDATION

It is recommended that, subject to the signing of a S106 legal agreement to allow for the provision of the public rights of way, planning permission be granted subject to the planning conditions listed below.

### **Draft planning conditions and reasons for the restoration of Stone Lane Quarry using imported inert waste material:**

#### Permission Area

1. Planning permission shall extend to the area edged with a thick black line on the attached plan reference BC/CM/2008/27-1. The development shall be carried out in accordance with the planning application dated August 2008 and the accompanying supporting information as supported and amended by further information dated 31<sup>st</sup> October 2009, 4<sup>th</sup> December 2008, 9<sup>th</sup> April 2009, and 11<sup>th</sup> August 2009, except for minor amendments which may be agreed in writing by the Planning Authority.

(Reason: To define the permission and allow for minor amendments)

#### Time limits

2. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Planning Authority within 7 days of such commencement.

(Reason: To comply with section 51 of the Town and Country Planning Act)

3. The waste operations hereby permitted shall cease on, or before, ten years of the date of commencement and the restoration of the site, excluding the aftercare requirements, shall be completed within a further year.

(Reason: To ensure the development is completed within an acceptable timescale)(Policy GE26 of the MWLP)

4. Except for such modifications as may be approved in writing by the Planning Authority, the site shall be worked in seven phases as shown on plans 01892/003 to 01892/010 and subsequent phases shall not proceed without the written consent of the Planning Authority, which shall be dependent on progress in the restoration of the previous phases, in accordance with the approved scheme.

(Reason: To ensure a high standard of development and restoration of the site)(Policy GE26 of the MWLP)

Access

5. No development shall take place on site unless and until details of the works required to provide a visibility splay of 2.4 metres by 90 metres are submitted to and approved in writing by the Planning Authority and thereafter implemented in full  
  
(Reason: In the interests of highway safety)(Policy GE23 of the MWLP)
6. No HGV's<sup>2</sup> exiting the site access onto the public highway shall turn left out of the site.  
  
(Reason: To ensure that HGV's do not travel through the village of Heath and Reach and in the interests of highway safety)(Policy GE23 of the MWLP)
7. No waste shall be delivered to the site unless and until the wheel wash and wheel shaker shown on drawing no. 2007.2576.001 Rev B have been provided. Thereafter no HGV exiting the site shall do so without first passing over the wheel cleaning facilities.  
  
(Reason: To maintain safe highway conditions in the interests of highway safety)(Policy GE23 of the MWLP)
8. No waste shall be delivered to the site unless and until a sign, the design and content of which has been previously approved by the Planning Authority, has been erected at the entrance instructing all drivers of heavy goods vehicles to turn right out of the site. The sign shall be maintained for the duration of the use of access for the purposes hereby permitted and removed thereafter.  
  
(Reason: To ensure that HGV's do not travel through the village of Heath and Reach in the interests of highway safety)(Policy GE23 of the MWLP)
9. Unless otherwise approved in writing by the Planning Authority, there shall not be more than 110 HGV movements<sup>3</sup> entering and exiting the site in any one working day (pro rata for part days).  
  
(Reason: To restrict throughput capacity at the site and in the interests of highway safety)(Policy GE23 of the MWLP)
10. A record of daily HGV movements shall be maintained on site at all times and submitted to the Planning Authority at the end of every six month period from the beginning to the conclusion of operations.  
  
(Reason: To enable the monitoring of other planning conditions)
11. Access gates shall not be closed during operational hours.  
  
(Reason: In the interests of highway safety)(Policy GE23 of the MWLP)
12. No waste operations shall take place unless and until a CCTV camera has been installed which monitors the entrance to the site

---

<sup>2</sup> All vehicles over 7.5 tonnes gross vehicle weight.

<sup>3</sup> A vehicle entering the site and then exiting the site is classed as 2 movements.

in accordance with a scheme to be submitted to and approved in writing by the Planning Authority. The scheme shall include details of;

- the columns and cameras to be used,
- the area covered,
- the capability for remote access viewing by the Planning Authority.

The CCTV system shall thereafter be implemented only in accordance with the agreed scheme.

(Reason: To allow the monitoring of traffic movements and the condition of the site entrance and public highway)

#### Hours of operation

13. Unless otherwise agreed in writing by the Planning Authority no operations authorised or required under this permission shall take place on site except between the hours of 07:00 and 18:00 Monday to Friday. There shall be no operations on site on Saturdays, Sundays or Public Holidays.

(Reason: To minimise disturbance to nearby residential properties and to protect the amenities of the surrounding environment)(Policy GE18 of the MWLP)

#### Marking of limits

14. No operations shall take place until the limits of waste disposal have been marked out on site in accordance with a scheme which has first been submitted to and approved in writing by the Planning Authority.

(Reason: To define the limits of the permission and allow for monitoring of other planning conditions)

15. Prior to the commencement of development a scheme of fencing shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide for protective fencing for the sensitive historic ridge and furrow areas during the landfilling process.

(Reason: To protect archaeological features)(Policy GE14 of the MWLP)

#### Environmental Protection

16. No waste other than solid inert waste material shall be deposited on the site.

(Reason: to prevent the possible contamination of the groundwater and protect the amenities of neighbouring properties)(Policy GE 17 of the MWLP)

17. No subsoils or topsoils shall be spread, unless and until a topographical survey of the site has been submitted to and approved by the Planning Authority.

(Reason: to provide for a satisfactory and orderly method of working and eventual restoration of the site)(Policy GE 26 of the MWLP)

18. The development shall not commence unless and until a scheme for the control and monitoring of dust has been submitted to and approved in writing by the Planning Authority and be implemented on commencement of the development. The results of the dust monitoring shall be submitted to the County Planning Authority in accordance with the scheme.

(Reason: to protect local amenity)(Policy GE 18 of the MWLP)

19. No development shall take place on site unless and until a scheme for surface water drainage has been submitted to and approved in writing by the Planning Authority and thereafter implemented in full. Such a scheme shall include details and locations of the drainage swales and ditches.

(Reason: To prevent the possible contamination of groundwater and of flooding)(Policy GE17 and GE19 of the MWLP)

20. No development shall take place until a scheme for the monitoring and control of noise has been submitted to and approved in writing by the Planning Authority and thereafter no development shall take place except in accordance with the approved scheme. The scheme shall include:

- (a) Noise monitoring locations
- (b) Except for temporary operations, the free-field equivalent continuous noise level  $L_{Aeq}$  (1 hour), attributable to the operations subject to this permission, shall not exceed 55 dB  $L_{Aeq, 1 \text{ hour free field}}$ , or 10dB(A) above the existing background noise level.
- (b) For temporary operations, including site preparation, soil and overburden stripping, bund formation and removal and final restoration, the free field noise level at the points in (a) shall not exceed 70 dB  $L_{Aeq, 1 \text{ hour free field}}$  for a total of eight weeks in any calendar year, except as may be agreed in writing by the Planning Authority.
- (c) Noise monitoring and recording procedures.
- (d) Presentation of results.
- (e) Noise suppression measures.
- (f) Procedures to be adopted in the event of the maximum permitted noise levels being exceeded.

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

Erection of buildings, plant, machinery

21. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Orders, detailed proposals of any new or replacement buildings, fixed plant and machinery to be

erected shall be submitted to the Planning Authority for approval in writing and the details shall be implemented as approved.

(Reason: To enable the Planning Authority to exercise control over any development within the site which could be detrimental to the amenities of the area)(Policy GE 9 and GE18 of the MWLP).

22. No external lighting shall be installed except in accordance with a scheme which shall be submitted to and approved in writing by the Planning Authority.

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

#### Restoration and aftercare

23. No development shall take place on site until a detailed restoration scheme has been submitted to and approved in writing by the Planning Authority. Such a scheme shall include provision for:

- a. The species, size, number, and location of the energy crop and seed mix of meadow grassland,
- b. measures to be undertaken for their protection from weeds and vermin.
- c. a timetable for implementation.

(Reason: To ensure a satisfactory restoration of the site)(Policy GE26 of the MWLP)

24. No development shall take place until a five year scheme for the aftercare and management of the restored land has been submitted to and approved in writing by the Planning Authority.

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

#### Monitoring

25. An Annual Environmental Monitoring Report for operations hereby permitted shall be submitted to the Planning Authority by 30 June each year for the preceding financial year (1 April to 31 March). The report shall contain the following;

- a. A statement of operations over the past year, to include noise, traffic, rates of processing, progress on restoration;
- b. Identification of any problems caused by these operations and action taken to address these;
- c. A statement of future planned operations over the next year;
- d. Identification of any potential problems which could be caused by future operations and the action to be taken to address these;
- e. Quantities of waste imports, and amount of void space remaining;



(Reason: The safeguard the amenities of the surrounding area and to assist the County Planning Authority in the forward planning process)

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

This page is intentionally left blank