

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



please ask for Miss H Bell
direct line 0300 300 4040
date 7 December 2009

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 16 December 2009 2.00 p.m.*

Venue at

Priory House, Chicksands

Richard Carr
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

****As there are no Strategic Planning or Minerals and Waste Matters to be considered 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 18 November 2009
(previously circulated)

4. **MEMBERS' INTERESTS**

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

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

5. **PETITIONS**

To receive Petitions in accordance with the 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

Item	Subject	Page Nos.
7	Planning Enforcement Cases Where Formal Action Has Been Taken	1 - 24

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.

Planning and Related Applications

To consider the planning applications contained in the following schedules:

Schedule A - Applications recommended for Refusal

Item	Subject	Page Nos.
8	Planning Application No. CB/09/06477/FULL	25 - 42

Address: Hadenham Farm, Gravenhurst Road, Shillington
FULL: Siting of a temporary agricultural workers dwelling

Applicant: Mr and Mrs Murtagh-Edmundson

Schedule B - Applications recommended for Approval

Item	Subject	Page Nos.
9	Planning Application No. MB/08/02093/FULL	43 - 70

Address: Shefford Town Football Club, Ivel Road, Shefford

FULL: Residential development comprising 59 houses and apartments, with associated access road, parking facilities and amenity space.

Applicant: Lagan Homes & Coleman Properties Ltd.

- | | | |
|----|---|--------------|
| 10 | Planning Application No. CB/09/06296/OUT | 71 - 82 |
| | Address: Land off Chapel Close, Clifton | |
| | Outline: Residential development of 12 no. dwellings with all matters reserved except access. | |
| | Applicant: Alderwine Ltd | |
| 11 | Planning Application No. CB/09/06351/FULL | 83 -
100 |
| | Address: Land rear of 65 Shefford Road, Clifton | |
| | Erection of 2 no 3 bed dwellings with associated access and garaging | |
| | Applicant: Mr R Burton | |
| 12 | Planning Application No. CB/9/06194/RM | 101 -
112 |
| | Address : Land to the rear of 3 The Causeway, Clophill | |
| | Reserved Matters: Erection of 2 detached dwellings and change of use of area of land to rear from horticulture to paddock. Pursuant to outline planning | |
| | Applicant : Blackmore Development Ltd | |
| 13 | Planning Application No. CB/09/00830/FULL | 113 -
132 |
| | Address: 129 Clophill Road, Maulden | |
| | FULL: Demolition of existing buildings and erection of four new dwellings. | |
| | Applicant: Mr Rayner | |
| 14 | Planning Application No. CB/09/06200/FULL | 133 -
142 |
| | Address: Land adjacent Crown Cottage, Market square, Potton | |
| | FULL: Demolition of existing building and erection of four new dwellings. | |
| | Applicant: Moatside Properties Ltd | |

- 15 **Planning Application No. CB/09/06400/FULL** 143 -
152
- Address:** Unit 53, Silsoe Research Institute, Wrest Park,
Silsoe
- FULL: Change of use from B1 to D1 Day School
- Applicant:** On Track Education Services Ltd
- 16 **Planning Application No. CB/09/06293/FULL** 153 -
160
- Address:** Apartment G57, Fairfield Hall, Hitchin Road,
stotfold
- FULL: Instatement of window to rectify breach of
planning permission and alteration of existing
elevation to create French Doors in the location of
window.
- Applicant:** PJ Liversey Country Homes (Southern) Ltd
- 17 **Planning Application No. CB/09/06294/LB** 161 -
166
- Address:** Apartment G57, Fairfield Hall, Hitchin Road,
Stotfold
- Listed building Consent: Re instatement of window
to rectify breach of Listed Building Consent and
alteration of existing elevation to create French
Doors in the location of a window.
- Applicant:** PJ Liversey Country Homes (Southern) Ltd

Schedule C - Any other Applications

18. **PLANNING APPLICATION NO. CB/09/06441/FULL**
- Address:** 83 Fallowfield, Ampthill
- Full: Two storey side extension to replace existing garage.
Single storey rear extension.
- Applicant:** Mr Wall

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

In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 20 January 2010 having regard to the guidelines contained in the Code of Conduct for Planning Procedures.

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

Agenda Item:

Meeting: Development Management Committee

Date: 16th December 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 16th December 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 not complied with.	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 - 3rd, 4th and 5th February 2010.
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, currently being built.	1 cabin removed, 2nd cabin to be removed when extn complete.
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. Revised planning app to be submitted
5	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. Await result of Ombudsman complaint.
6	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
7	ENC/08/0214	Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington	Breach of conditions to Permissions 02/00553 & 06/00152. Enforcement Notice - outside storage & portacabins	15-Dec-08	12-Jan-09	12-Feb-09			Land now cleared of vehicles awaiting repair. Enforcement Notice complied.	Awaiting further planning application for earth bund, new surface, unit extension, and named occupants of units, planning app received.

Planning Enforcement formal action (DM Committee 16th December 2009)

NORTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
8	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	In process of purchasing/renovating property to move to
9	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 planning application received 09/06135/full	Await outcome of planning application.
10	ENC/09/1015	Land south of Pond Farmhouse, 7 High Street, Pulloxhill	Enforcement Notice - unauthorised carrying out of engineering operations and works consisting of excavation of site.	30-Nov-09	11-Jan-10	10-Feb-10				
11	ENC/09/1038	Land and store rear of 26-28 Blunham Road, Moggerhanger	Breach of Condition Notice. Condition 3 delivery hours	27-Oct-09	27-Oct-09	26-Nov-09			Complied	Further monitoring to ensure compliance
12	ENC/09/1046	Land at 63 Hitchin Road, Stotfold	Enforcement Notice - The keeping of ponies without planning permission.	30-Sep-09	28-Oct-09	25-Nov-09	Appeal received			Await outcome of appeal
13	ENC/09/1079	Arcade Nursery, A507 Stotfold Road, Arlesey	BOCN - breach of condition 3, no retail sales	21-Oct-09	21-Oct-09	20-Nov-09				Planing application 09/06700/full submitted for extension and retail sales

Planning Enforcement formal action (DM Committee 16th December 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 - With Legal for further action
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 dismissed - With Legal for further action
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 - With Legal for further action
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 dismissed - With Legal for further action
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. SB/TP/05/1217 & Section 106 Agreement approved allowing 2 years for compliance.	New planning application to be submitted
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. SB/TP/05/1217 & Section 106 Agreement approved allowing 2 years for compliance.	New planning application to be submitted
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. PCN sent 02.11.09, response required 23.11.09

Planning Enforcement formal action (DM Committee 16th December 2009)

SOUTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/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	Prosecution 2008, no compliance. Further prosecution adjourned
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	Not complied, to assess for 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	Not complied, discussed with Legal, further action being taken.
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	Not complied, discussed with Legal, further action being taken.
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	Not complied, discussed with Legal, further action being taken.
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		Not complied	Planning permission refused to retain	Discussions with Officers to achieve acceptable shopfront
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.	Non-compliance with Notice - letter sent to owners requesting proposed action to resolve breach
17	ENC/07/0059	Land at 2A Mardle Road, Linslade, LU7 2UT.	Enforcement Notice, unauthorised erection of fence exceeding 1M in height adjacent to the highway.	20-Aug-09	17-Sep-09	15-Oct-09	21-Sep-09		Appeal submitted	Await outcome of appeals against refusal of planning permission and Enforcement Notice.
18	ENF/08/0003	Bury Spinney, Thorn Road, Houghton Regis	Use of offices for residential purposes	3-Mar-08	4-Apr-08	2-May-09	7-May-08	22-Jul-09	Appeal dismissed but compliance period extended to 6 months	Not complied, discussed with Legal, further action to be taken.
19	ENF/08/0006	Land adjacent Hillside, The Green, Whipsnade	Change of Use from amenity land to private residential & enclosure of land by fence and hedge	9-Apr-08	9-May-08	5-Jun-08	13-Nov-08	13-Feb-09	Appeal dismissed but compliance periods extended	Substantial progress in compliance. Further tidying and planting taking place

Planning Enforcement formal action (DM Committee 16th December 2009)

SOUTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
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	Substantial progress in compliance. Further tidying and planting taking place.
21	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 part dismissed - Compliance 3 months.	Not complied, discussed with Legal, further action to be taken.
20	PCN/08/0011	Land at Woodside Farm & Wild Fowl Park, Mancroft Road, Aley Green, Luton	Enforcement Notice - unauthorised engineering works for construction of hardstanding.	30-Nov-09	11-Jan-10	varied				
21	PCN/08/0011	Land at Woodside Eggs and Animal Farm, Woodside Road/Mancroft Road, Slip End, Luton	Enforcement Notice - unauthorised change of use.	30-Nov-09	11-Jan-10	varied				
24	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	Appeal received	20-Oct-09	Appeal Dismissed - Enforcement Notice to be complied with by 20.11.09	Discussed expediency of further action
25	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	Appeal received	20-Oct-09	Appeal Dismissed - Enforcement Notice to be complied with by 20.11.09	Discussed expediency of further action
26	ENF/09/0555	Satco Plastic Ltd, Satco 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			Not complied with	Planning application 09/05770/FULL approved. Does not resolve B2 use. Discussed with Legal for further action
19	ENC/09/1157	Land at 19 Sundon Road, Streatley	Enforcement Notice - erection of brick-built two-storey building.	30-Nov-09	11-Jan-10	5-Apr-10				

Planning Enforcement formal action (DM Committee 16th December 2009)

Minerals & waste	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	07/09	Land at Kiln Farm, Steppingley	Enforcement Notice - material change of use of land involving deposit of waste.	29-Sep-08	10-Nov-08	10-Aug-09		10-Oct-09	Land restored to a condition fit for agricultural use.	Notice fully complied with. Ripping of land and grass seeding carried out, as observed during inspection on 12 October 2009.
2	08/13	Land rear of 3 - 9 The Causeway, Clophill	Enforcement Notice - failure to remove soils & brick rubble & reinstate ground to its previous condition in breach of a condition	13-Mar-09	20-Apr-09	20-Oct-09			Imported soils and brick rubble fully removed and land returned to its former level.	Ripping and grass seeding completed at end of September 2009. All steps of the notice satisfactorily complied with.
3	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	23-Nov-09	Appeal dismissed and enforcement notice upheld.	Planning application for an alternative non-timber fence received and validated on 27th November 2009. Further action in respect of notice put on hold pending outcome of application.
4	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	Trial in Luton Magistrates Court set for 22nd January 2010.
5	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		Enforcement notice quashed.	The Inspector determined that the notice was invalid as it does not specify with sufficient clarity the steps required for compliance. It is open to the Council to issue a revised enforcement notice and that course of action is currently under consideration.

Meeting: Development Management Committee

Date: 16th December 2009

Subject: Dunstable Section 215 Update Report

Report of: Director of Sustainable Communities

Summary: Report to update Members on the Section 215 project currently underway in Dunstable. Please find attached the matrix showing works that have been completed, works underway, and what further action is to be taken.

Forty sites have been contacted regarding the external condition of land and buildings, the attached matrix are in addition to the ones included in the Development Management Committee Agenda of 21st October 2009.

Contact Officer: Annabel Gammell, Planning Officer
Vicki Davies, Planning Officer
Public/Exempt: Public
Wards Affected: Dunstable, Dunstable Downs
Function of: Council

Appendices:

Appendix A – Matrix relating to Section 215 work.

Appendix B – (heading)

Appendix C – (heading)

Background Papers: (open to public inspection)

None

None

None

Location of papers: Priory House, Chicksands

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Planning Enforcement Success Stories of Section 215 Action:

Enforcement case number	Location	What has been done	Date	What is to be done in future	Other information
CB/EN/09/1242	35 High Street South, Dunstable - KFC	<ol style="list-style-type: none"> 1. Window frames repainted at 1st floor level 2. Items stacked against windows at 1st floor level removed 	Photos taken of completed works 2/11/09		Works complete
CB/EN/09/1277	60-72 High Street North – above Argos, Iceland etc	<ol style="list-style-type: none"> 1. Window frames above no64 at 1st & 2nd floor level repainted 2. Missing tiles above no68 replaced 3. Bargeboard no62-no68 repainted 	Photos taken of completed works 2/11/09		Works complete
CB/EN/09/1262	71 High Street North, Dunstable - Vacant	<ol style="list-style-type: none"> 1. Window and door frames repainted 2. Broken glazing replaced 3. Windows cleaned 4. Missing tiles replaced 	Photos taken of premises being refitted 17/11/09		Works complete
CB/EN/09/1280	25 High Street South, Dunstable – Pennys Fashions	<ol style="list-style-type: none"> 1. Missing tiles replaced 2. Woodwork around sign covered by new sign 	Photos taken 19/10/09	1. Repaint window frames & cills at 1 st & 2 nd floors	Agree timescale for completion of works

CB/EN/09/1229	46 High Street South, Dunstable – Smith, Brown & Sprawson Solicitors	<ol style="list-style-type: none"> 1. Grass and weeds removed from parking area to rear of building 2. Window frames repaired and repainted 3. Missing render repaired 4. Walls repainted 5. Canopy over front entrance repaired & repainted 6. Graffiti removed 	Photos taken of completed building 2/11/09	Works complete
CB/EN/09/1299	37 High Street South, Dunstable – Cash Converters	<ol style="list-style-type: none"> 1. Window frames on side elevation repainted 2. Access door on side elevation repainted 	Photos taken of completed works 19/10/09	Works complete
CB/EN/09/1239	1B West Street, Computer Friendly	<ol style="list-style-type: none"> 1. Window and door frames repainted 	17/11/09	Agree timescale for completion of works
CB/EN/09/1297	27 High Street South, The Straw Hatter	<ol style="list-style-type: none"> 1. Wooden area behind the “Straw Hatter” repainted 2. Window and door frames cleaned 3. Blue tiles both sides of shop front cleaned 	Photos taken of completed works 2/11/09	Works complete

CB/EN/09/1237	27-29 West Street, Yum Yums Cafe	<ol style="list-style-type: none"> 1. Side dutch blind removed 2. Rotten wooden side panel replaced with white PVC 3. Repaint bargeboard 4. Mend the remaining blind 	Photos taken 01/10/09	1. Replace the removed blind	Agree timescale for completion of works
CB/EN/09/1240	41 High Street South, Southern Fried Chicken	Scaffolding erected – works commenced	Photos taken 1/12/09	<ol style="list-style-type: none"> 1. Replace missing tiles 2. Repaint the walls white (where currently white) around the signage on front elevation 3. Repaint 1st floor render white 	
CB/EN/09/1251	59 High Street North, Old Post Office	<ol style="list-style-type: none"> 1. Doors and door frames cleaned 2. Steps to entrance cleaned 3. Windows cleaned 4. Broken glazing replaced 5. Litter from pigeon defences removed 6. Fly posters removed 7. Canopy cleaned 	Photos of completed works taken on 17/11/09		Works complete
CB/EN/09/1261	57 High Street North, Dunstable - Vacant	1. Shopfront & windows cleaned	26/11/09	1. Repaint canopy over shop – should be complete w/c 30/11	Landowner agreed to undertake works to external areas of shop

CB/EN/09/1276	69 High Street North, Dunstable Community Church	<ol style="list-style-type: none"> 1. Repainted ground floor window frames, cills, porch area and pillars white 2. Repainted wood under roof overhang white 3. Repaint area at bottom of building black. 	Photos taken of completed building 2/11/09	Works complete
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Enforcement case number	Location	What has been done	Date	What is to be done in future	Other information
CB/EN/09/1242	Garages to the rear of shops no 54-70 Langdale Road, Dunstable	<ol style="list-style-type: none"> 1. Removal of items from within remaining structure of garage 2. Demolish remaining parts of walls of the garage 3. Remove remaining parts of roof 	27/11/09		Works complete

Planning Enforcement formal Section 215 Action Taken – Notices served 19th & 23rd October 2009

Enforcement Case Number	Location	What has been required	Date of 1 st Letter	Date of 2 nd Letter	Date of Notice	Compliance Date	Result	Further Action
CB/EN/09/1227	16 High Street South, Dunstable – Flurry's Snack Bar	Repair and repaint window frames at 1 st & 2 nd floor level Repaint window cills, surrounds, plinths & bargeboard Clean brickwork & remove pigeon droppings	27/8/09	5/10/09	19 th October 2009	Works commenced 26/10/09	Awaiting completion of works – should be complete by mid-December	None at present
CB/EN/09/1220	18 High Street South, Dunstable – Chilli 'n' Spice (Vacant)	Repair woodwork above shop sign and repaint Clean windows and window and door frames Repaint walls, window and door frames Repair and clean sign or remove sign and "make good" area uncovered Replace broken windows, remove whitewash and flyposters Clean walls at 1 st floor level Repaint wooden detailing and window cill at 2 nd floor level	27/8/09	5/10/09	19 th October 2009	Not yet complied	Had meeting with landowner on 23/11/09 – agreed to do works by Christmas	None at present

CB/EN/09/1225	The Priory Public House, Chiltern Road, Dunstable	1. Repair & repaint window frames and bargeboards 2. Clean windows and glazing in doors 3. Remove weeds and overgrown vegetation from paving & flowerbeds and mow grassed areas 4. Remove rubbish from site 5. Replace broken windows 6. Secure loose wiring 7. Repair/replace wooden gates to rear of property	27/8/09	5/10/09	19 th October 2009			No further action at present time as correct landowner now identified and 1 st letter sent regarding condition of the property
CB/EN/09/1223	23 High Street North, Justbuffet.co m	Remove all woodwork above and around canopy Repaint all window frames at 1 st and 2 nd floor level Remove redundant hanging basket Remove redundant "Imperial Dynasty" sign Repaint cream render at 1 st floor level Mend or remove lighting at 1 st floor level	27/08/09	05/10/09	19 th October 2009	Works commenced 30 th November 2009	Awaiting completion of works	None at present
CB/EN/09/1221	5 High Street South, The	1. Repaint woodwork around shop frontage	27/08/09	05/10/09	19 th October	Not yet complied		Pass file to Legal

	Money Box	<ol style="list-style-type: none"> 2. Repair and repaint rotten woodwork 3. Clean windows 4. Remove whitewash from windows 5. Remove fly posters 6. Repair and repaint all window frames and surrounds at 1st and 2nd floor levels 7. Repaint northern and western elevations at ground, 1st, 2nd floor levels 8. Replace broken window on 3rd floor 9. Secure loose wiring 								Department in order to commence legal proceedings
CB/EN/09/1251	59 High Street North, Old Post Office	<ol style="list-style-type: none"> 1. Clean door and door frames 2. Clean steps to entrance 3. Clean windows 4. Replace broken glazing 5. Remove litter from pigeon defence 6. Remove fly posters 7. Clean canopy 	02/09/09	05/10/09	19 th October 2009	Photos of completed works taken on 17/11/09			None – works complete	
CB/EN/09/1254	38 High Street South, Dunstable - Vacant	<ol style="list-style-type: none"> 1. Replace missing tiles 2. Repaint window and door frames on front & rear elevations 3. Repair damaged 	03/09/09	15/10/09	23 rd October 2009	Not yet complied with – works to be complete by Christmas			None at present	

CB/EN/09/1224	The Winston Churchill, Church Street	render and repaint wall forming side elevation	<ol style="list-style-type: none"> 1. Repair and repaint the woodwork on all four elevations 2. Removal of unnecessary/redundant wall furniture such as cigarette bins and broken lamps 3. Removal of all graffiti from the exterior of the building 4. Removal of all redundant signage 5. Removal of all fly posters 6. Replacement of all windows which are cracked, missing or broken 7. Remove or mend the canopy of the side (eastern) elevation 8. Clean all windows 9. Secure all loose wiring in a discreet and appropriate fashion 10. Clean brick work at ground and first floor level on all 4 elevations 11. Repaint the first floor areas which are currently painted peach 	27/8/09	5/10/09	21 st October 2009	Not yet complied with – landowner advises that they are currently selling property		Pass file to Legal Department in order to commence legal proceedings
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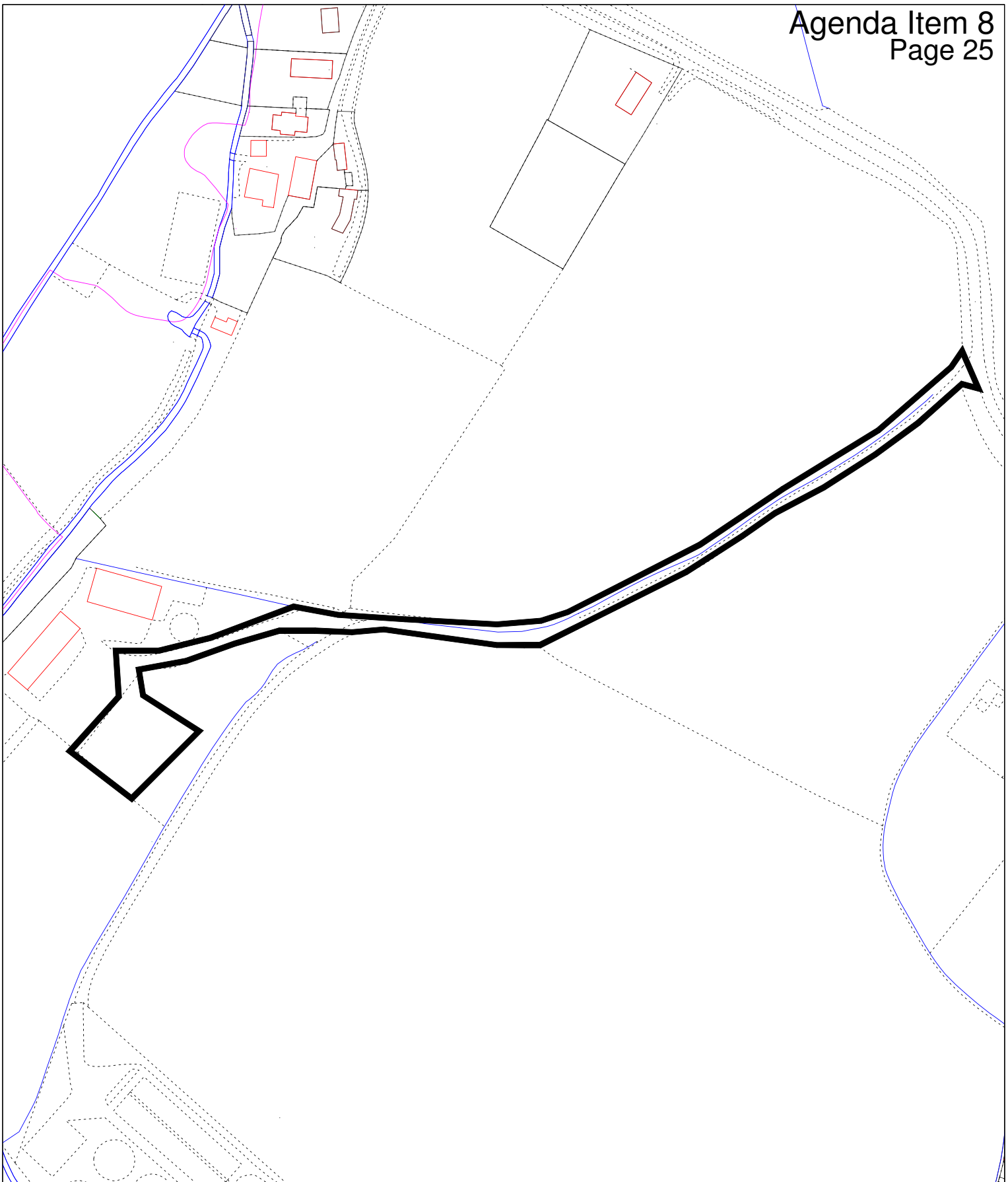
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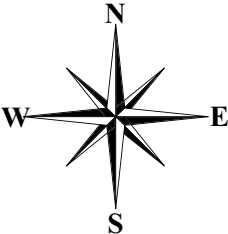
Planning Enforcement Progress of Section 215 Action:

Enforcement case number	Location	What needs to be done	Progress to date	Next steps	Other information
CB/EN/09/1264	22 High Street South, Dunstable – (Walkinz) Vacant	<ol style="list-style-type: none"> 1. Repair and repaint shopfront 2. Clean window and door glazing 	Windows and shopfront to be cleaned shortly	Maintain contact with landowner who is taking legal action against tenants	Landowner also owns 20 High Street South (CB/EN/09/1230)
CB/EN/09/1230	20 High Street South, Dunstable – (Lunaria Designs) Vacant	<ol style="list-style-type: none"> 1. Repair and repaint shopfront 2. Remove sign and make good 3. Clean window and door frames & sign on rear elevation 4. Remove boarding on rear elevation windows and replace broken glazing 	<p>Boarding removed from windows on rear elevation.</p> <p>Windows and shopfront to be cleaned shortly</p>	Maintain contact with landowner who is taking legal action against tenants	Landowner also owns 22 High Street South (CB/EN/09/1264)
CB/EN/09/1250	21 High Street North, Dunstable – Papa Johns	<ol style="list-style-type: none"> 1. Replace broken glazing 2. Repaint window frames & cills at 1st & 2nd floor level 3. Clean brickwork and stonework 4. Repaint decorative fascia on roof overhang 	<p>Canopy cleaned</p> <p>Landowner agreed to undertake other works over next few months</p>	Maintain contact with landowner	

<p>CB/EN/09/1263</p>	<p>48 High Street North, Formerly Pizza Hut</p>	<p>1. Repaint woodwork on wooden sign 2. Remove posters 3. Clean whitewash from windows 4. Repaint window cills and frames on 1st and 2nd floors</p>	<p>Pizza Hut have agreed to carry out the works, they have gone out to tender and are expecting to start works shortly</p>	<p>Have requested completion of section 330 notice to ascertain ownership details with a view to serving section 215 notice</p>	
<p>CB/EN/09/1246</p>	<p>8-10 West Street, West Street Pharmacy</p>	<p>1. Removal of temporary signage 2. Removal of "Body Basics" signage 3. Repaint blue door 4. Removal of fly posters 5. Removal of blackboard from side wall</p>	<p>Owner identified, discussion regarding works.</p>	<p>Owner will need an application for a permanent sign, we are in discussion and he intends to submit an application for Advertisement Consent shortly</p>	<p>The owner is conscious of the need for sensitive design as it is central to the Conservation Area.</p>
<p>CB/EN/09/1225</p>	<p>The Priory Public House, Chiltern Road, Dunstable</p>	<p>1. Repair & repaint window frames and bargeboards 2. Clean windows and glazing in doors 3. Remove weeds and overgrown vegetation from paving & flowerbeds and mow grassed areas 4. Remove rubbish from site 5. Replace broken windows</p>	<p>Owner identified – 1st letter sent</p>	<p>Send 2nd letter if no response received by 10/12/09</p>	

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	CASE NO.
	Date: 03:December:2009	
	Map Sheet No	
Scale: 1:2500		

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Item No. 8

APPLICATION NUMBER	CB/09/06477/FULL
LOCATION	Hadenham Farm, Gravenhurst Road, Shillington
PROPOSAL	Full: Siting of a temporary agricultural workers dwelling.
PARISH	Shillington
WARD	Silsoe & Shillington
WARD COUNCILLORS	Cllr Drinkwater & Cllr Graham
CASE OFFICER	Hannah Pattinson
DATE REGISTERED	04 November 2009
EXPIRY DATE	30 December 2009
APPLICANT	Mr & Mrs Murtagh-Edmundson
AGENT	Wills & Co
REASON FOR COMMITTEE TO DETERMINE	Cllr Drinkwater due to the contentious nature of the application site
RECOMMENDED DECISION	Refuse

Site Location:

The site to which the proposed temporary agricultural workers dwelling is proposed is a livery stables known as Hadenham Farm, to the north west of the village of Shillington.

The overall site comprises 23 Hectares of former arable land which has been converted to grassed paddock, a single covered block of 24 stables and a steel framed agricultural building, and an outdoor menage, an unlawful residential caravan and a steel container for the storage of tack. Other horses are kept in the surrounding paddocks on a grazing livery basis, or brood mares which are brought in for breeding and training.

The Application:

This application proposes the erection of a temporary agricultural workers dwelling. The proposed temporary agricultural workers dwelling would be a timber log cabin comprising a utility room, kitchen, office, diner lounge, family bathroom, and four bedroom with the master bedroom have the benefit of an en suite bathroom.

This application follows various refusals of planning applications and dismissed appeals for the retention of a mobile home for an equestrian worker.

A statement of justification has been provided on behalf of the applicant.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS 7

Regional Spatial Strategy

East of England Plan (May 2008)

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

Core Strategy and Development Management Policies (November 2009)

Policy DM4

Planning History

MB/05/00418	Erection of covered yard box, covered menage and agricultural workers dwelling. Refused. Appeal dismissed. In respect of the proposed dwelling, the Inspector concluded that an existing functional need on the site had not been established.
MB/06/00527	Erection of covered box yard, covered menage and agricultural workers dwelling. Refused.
MB/07/00649	Change of use of part hay store to provide 10 box stables.
MB/07/01160	Exercise ring, 2 steel containers for secure storage of saddlery and equine equipment and portacabin. Approved.
MB/07/01191	Retention of residential caravan. Refused. Appeal dismissed. In respect of retention of the residential caravan, the Inspector concluded that it had not been demonstrated that the need for someone to ensure the health and safety and welfare of horses could not be fulfilled by the applicants own nearby home by use of remote electronic surveillance. The Inspector said it would be premature to conclude the need for someone to be on hand at most times could only be met by on site overnight accommodation (criterion iv test of PPS7). He concluded (para 13) that all 5 criteria of Policy CS11 and PPS7 should be satisfied and that he was "not aware of any exceptional circumstances that would justify a departure from strict adherence to this policy and advice".
MB/09/001189	Retention of residential caravan. Refused.

**Representations:
(Parish & Neighbours)**

Shillington Parish Council	Support the application on the condition that (a) the consent be temporary for a limited period of 3 years commencing from the date of the decision notice, and (b) the dwelling shall only be occupied by someone employed in the equine business operated from the site.
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Neighbours

One letter of objection raising concern as to the need for temporary agricultural workers dwelling on site.

Consultations/Publicity responses

IDB		No objection subject to a relevant condition.
Agricultural Advisor		Objects on the grounds that the functional need could be fulfilled other existing accommodation in the area which is suitable for occupation by the workers concerned.
EA		No comment
Highways		No objection
Community Officer	Safety	No comments received
Shillington Design Association	Village	Do not support as outside the settlement envelope and appears larger than necessary.
Gravenhurst Council	Parish	No comments received

Determining Issues

The main considerations of the application are;

1. The Principle
2. Impact upon the Character and Appearance of the Area
3. Impact upon Residential Amenity

Considerations

1. The Principle

The principle of this development has been dealt with in depth in consideration of previous applications for a residential caravan on site and the relevant subsequent appeal decisions. As such the previous decisions are a material considerations in determining this application and are attached at the end of this report.

The main consideration as to the appropriateness of the proposal is Annex A of PPS7, which provides 5 criteria which should be satisfied:

- i) Clear evidence of a firm intention and ability to develop the enterprise

The site has already been developed to an extent that the Inspector in the recent appeal concluded that a full time worker is required. It is accepted that the site has been developed by virtue of additions to the facilities and provision of additional stabling.

In addition the applicant is proposing to start an Alpaca enterprise to further develop the enterprise.

- ii) Functional Need

Functional need, as set out in PPS7 is where workers are needed to be on hand day and night for essential care at short notice.

In the most recent appeal the Inspector was of the opinion that given the number of horses on site and the veterinary evidence put forward regarding the possible incidence of colic and other illnesses that it was important for someone to be on hand at most times. He concluded that criterion ii) was satisfied.

iii) Clear evidence that the enterprise has been planned on a sound financial basis.

The Inspector was satisfied by the evidence provided in the recent appeal that "the thrust of activities over the last 5 years demonstrate a sound financial basis to the enterprise".

iv) The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable for occupation by the workers concerned.

Of particular relevance to this application is the applicants existing dwelling which as referred to in the previous appeal letter is within a few minutes drive away and as the Inspector considered (para 7) could satisfy the functional needs of the site in the event of any identified risks to animal health or welfare.

The Inspector noted (para 7) that there has been no recorded attempt to steal or harm horses on site and that PPS7 makes clear that protection of livestock against such threats does not itself justify a dwelling.

The Inspector (para 8 & 9) concluded that a reliable remote audible alarm system would be effective. The Inspector was of the opinion that remote electronic surveillance had not been properly explored to justify a requirement for a person to remain permanently on site in overnight accommodation.

On the basis of the above it is necessary to determine whether this issues has been addressed.

No information has been included with this application exploring the possibility for remote audible alarm systems. It is not considered that the introduction of a small alpaca herd would warrant a dwelling on site and that clear demonstration would be required to indicate that a remote audible alarm system is not suitable.

v) Other normal planning requirements

If the other criterion had been met it is considered that the siting/appearance of the proposed log cabin and the access are acceptable in terms of the character, appearance of the area and does not result in a detrimental impact upon neighbouring amenity. In addition the proposed access is considered to be acceptable.

It was agreed by the Inspector that a full time worker is necessary to support the enterprise (para 3).

Para 9 of Annex A states that an Agricultural Dwelling should be of a size relative to the established functional requirement. The proposed Log Cabin is much larger in size that is considered to be necessary for the functional

requirement of this unit. As such it is not considered that the proposed dwelling is appropriate in this context.

2. Impact upon the Character and Appearance of the Area

The proposed log cabin would be located within the complex of buildings. The complex of buildings is lower than the highway and as such would be relatively well screened. As such the proposal would not detrimentally harm the character and appearance of the area.

3. Impact upon Residential Amenity

Due to the topography of the site and the location of nearby residential properties it is not considered that the proposal would result in a detrimental impact upon neighbouring amenity.

Conclusion

In conclusion taking into consideration the previous appeal Inspectors findings it is concluded that the application fails to provide sufficient justification for a temporary agricultural workers dwelling on the site on the basis of the criterion set out in Annex A of PPS7. Given that the appeal against the Councils refusal to allow the retention of the residential caravan on the site was dismissed in October 2008 it is not considered that the introduction of Alpacas and additional justification since that determination is sufficient to justify the need. In addition it is not felt that the size of the proposed agricultural workers dwelling is appropriate to the functional need of the holding.

Reasons for Refusing

The proposed development is not in accordance with the criterion laid out within National Planning Policy Statement: PPS7.

Recommendation

That Planning Permission be refused subject to the following:

- 1 The proposal involves the provision of a temporary agricultural workers dwelling outside any defined Settlement Envelope, for which no satisfactory justification has been made on functional need, and the size of the proposed dwelling is considered to be inappropriately large. As such the proposal is contrary to Planning Policy Statement 7.

DECISION

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05/00418



Appeal Decision

Hearing held on 13 July 2006
Site visit made on 13 July 2006

by **Mike Moore** BA(Hons) MRTPI MCIT MIHT

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

Planning

AO

J11

*Clr Holden **

*Clr Gale **

*Clr Vickers **

*Clr Mrs Drankwater **

*Clr Whiteman **

Decision file

The Planning Inspectorate
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Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

19 AUG 2006

Appeal Ref: APP/J0215/A/05/1182861

Hadenham Farm, Gravenhurst Road, Shillington

- 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 J Murtagh Esq against the decision of Mid-Bedfordshire District Council.
- The application Ref 05/00418/FULL, dated 5 March 2005, was refused by notice dated 18 May 2005.
- The development proposed is the erection of covered box yard, covered manège and agricultural worker's dwelling.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. While the description of development on the planning application form refers to an agricultural worker's dwelling it is clear from the written submissions that this element of the appeal proposals relates to a dwelling for an equestrian worker. At the Hearing both main parties agreed that the latter was a more appropriate and accurate description and I consider that no interests would be prejudiced if it were changed to this. Accordingly, I have determined the appeal on the basis of an amended description referring to an equestrian worker's dwelling.
2. At the Hearing the main parties agreed that the post code for the appeal site was SG5 3HQ.

Main Issues

3. The main issues are:
 - Whether the case for the proposed dwelling based on horse-related activities is sufficient to justify an exception to policies designed to protect the countryside; and
 - The effect of the proposed development on the character and appearance of the area.

Planning Policy

4. The development plan includes the Bedfordshire Structure Plan 2011 (SP) adopted in 1997 and the Mid Bedfordshire Local Plan: First Review (LP) adopted in 2005. Amongst other matters, SP Policy 35 and LP Policies CS19 and HO6 seek to resist development in the countryside and in the case of new dwellings require that a specific need can be demonstrated. LP Policies CS11 and CS24 include criteria by which new dwellings associated with horse related activities will be assessed, including their visual impact. Proposals for the keeping of horses in the countryside are supported in LP Policy CS23 provided, amongst other things, building design is of a high standard and their siting is sensitive in landscape terms. The aim of protecting the countryside and local landscape character is include in LP Policy CS1. Reference has been made to other development plan

policies but I consider that those mentioned above are the most relevant to the main issues in this appeal.

5. Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) indicates that isolated new houses in the countryside will require special justification for planning permission to be granted. Where that justification relates to the essential need for a worker to live permanently at or near their place of work in the countryside the detailed advice in Annex A of PPS7 should be followed.

Reasons

Case for the dwelling

6. The holding to which the appeal proposals relate comprises some 23.5ha of land. Most of this is grassland used either for hay making to provide winter fodder or as grazing paddocks for horses. There is a group of buildings on which a commercial horse enterprise is focused. They include a covered horse yard providing 24 stables and a hay and straw barn. On my visit I saw that there were also temporary structures providing a tack store and a mess room. There is an outdoor manège.
7. The main buildings and the manège were provided following the grant of planning permission on appeal in 2003 (Ref. APP/J0215/A/03/1107639). It was envisaged at that time that they would be used for a small stud to accommodate 5 brood mares. The offspring would be kept until 4 years old and then sold on, resulting in about 20 horses being accommodated each winter. In the event, however, the business has developed differently as a livery. The appellant's written submission indicates that in addition to the 24 horses that are stabled inside another 8 remain outside on a grazing livery arrangement. At the time of the Hearing I was informed there were 28 horses on site and that there was a waiting list for the livery accommodation.
8. The appeal proposal is for the erection of a second covered box yard of similar size and appearance to that existing which would double the number of horses that could be stabled. The existing manège building would be covered and a single-storey dwelling would be provided for the full time worker who runs the enterprise. The livery business would be expanded and at the Hearing I was informed that brood mares, currently in Ireland, would be relocated to the site for stud purposes.
9. Both the development plan and PPS7 require special justification for isolated new houses in the countryside in terms of both a functional and a financial test. PPS7 states that there should be a clearly established existing functional need. In that respect the future proposals to expand the business are not part of my consideration for this test. However, in the evidence given at the Hearing the appellant indicated that there was a need based on the existing level of activity, principally in animal welfare terms but also to a lesser extent on security grounds. The Council accepts that the business needs a full-time worker. On the basis of the available evidence I concur with the Council's view. I therefore turn to whether that requirement is such that the worker would need to be readily available at most times.
10. The Council had been concerned that the previous 2003 appeal proposals would cause harm to the character and appearance of the area. Although this scheme did not include a dwelling the Council was concerned that one could be justified on animal welfare grounds and, if that appeal was allowed, such a proposal would come forward and potentially add to

Appeal Decision APP/J0215/A/05/1182861

the visual harm it had identified. The Inspector concluded that on the evidence before him the proposal was not of such scale and intensity that it was likely to justify the erection of a dwelling. This conclusion was based on a proposal for a stud farm and not a livery operation. While issues of disease and health are common to both I consider that the presence of breeding mares and foals would raise particular animal welfare issues not normally associated with a livery.

11. The welfare of the horses in livery stables is shared between the operators and the individual horse owners and their vets. The equestrian worker is the appellant's daughter who lives in a nearby village. The business has operated to date on that basis and I have seen no evidence that there have been particular animal welfare problems arising from this arrangement. Furthermore, the evidence given at the Hearing as to whether remote electronic surveillance of the horses was a feasible alternative option to an on-site dwelling was inconclusive. In my view, such possibilities would need to be fully explored. I have taken account of the appellant's veterinary evidence, including the possible frequency of colic in the numbers of horses present. I have also had regard to the Council's view expressed at the Hearing that if there were over 30 horses the functional test would be satisfied in this respect. However, while there is about this number at present I am not persuaded that the animal welfare needs of the livery business on the current scale are such that a worker would have to be readily available at most times or on hand day and night. A clearly established existing functional need has not therefore been demonstrated.
12. I was informed that there has been an incident of theft of equipment at the site and a concern over a number of hay barn fires in the area, as a result of which the appellant's son-in-law has on occasions stayed overnight. However, to date there have been no animal related break-ins. The site already has an intruder alarm system and close circuit television systems are now commonly used to provide security. PPS7 indicates that although security matters may contribute on animal welfare grounds to the need for a new dwelling they will not by themselves be sufficient to justify one. I do not regard the circumstances here as so special that I would come to a different conclusion in this case.
13. In terms of the financial test both PPS7 and LP Policy CS11 require that the unit and the activity concerned have been established for at least three years and have been profitable for at least one of them. The appellant has produced accounts for three years from 2003/4 to 2005/6. They show that the business has been growing over this period. No worker's salary was paid in 2003/4. The gross income of the enterprise has risen from about £4,300 in 2004/5 to almost £15,000 in the second year and £38,000 in the third. A loss was incurred in the middle year but the others were profitable.
14. The accounts for the equestrian enterprise have been extracted from those of a larger business and the Council expressed some misgivings about this. However, the appellant's accountants have given the assurance that the enterprise trades in its own right as a division of the overall business and has not been cushioned financially. I have considered the accounts on that basis.
15. I was informed that the existing buildings were constructed by autumn 2003 but it is evident from the accounts that the activity on which the case for the dwelling is based has not been established for three years. The appellant has indicated that this period will soon be reached but PPS7 sets this as a minimum requirement. The Council stated at the Hearing that in its view in the long term the business could be successful. While the shortfall in the time

period is not so significant a factor that in this case my decision should turn on it, this nevertheless adds weight to my conclusion on the functional test.

16. The appellant has undertaken a survey of the availability and cost of properties to buy or rent in the vicinity of the appeal site and concludes that there are no appropriate alternative dwellings. However, the equestrian worker is currently the appellants' daughter who lives in a neighbouring village in any event. I have had regard to the absence of any bridleways close to the site and the possible effects of additional horses on the local roads as a result of the appeal proposals. In my view, none of these factors are so significant that they would outweigh the other considerations I have taken into account in assessing the need for the proposed dwelling.
17. My conclusion is that the case for the proposed dwelling based on horse-related activities is insufficiently strong to justify an exception to policies designed to protect the countryside. As such, the proposed dwelling would not accord with the objectives of SP Policy 35 and LP Policies CS11, CS19, CS24 and HO6.

Character and Appearance

18. The appeal site is in rolling countryside. The proposed buildings would be adjacent to the existing structures at the bottom of a hill that slopes down from Gravenhurst Road. While the landscape has a generally open character there are field boundary trees and a hedgerow that in some directions provide effective screening to the current buildings from nearby settlements. In my opinion, the appeal proposals would be similarly screened in those directions. The main views of the site and the proposed development would be from Gravenhurst Road, particularly around the entrance to the access road, and, more distantly, from a public footpath (FP31) that rises beyond. In both instances the existing and proposed buildings would be seen against a backdrop of the boundary trees and hedges.
19. The previous appeal Inspector concluded that the now existing structures would be well screened in immediate to middle distance views and would appear in longer distance views as a rural farmyard. I consider that the design and materials of the proposed covered boxyard and manège would be appropriate to the rural location. The buildings would be grouped with those existing. However, including the dwelling there would be 3 more structures on the site. The covered manège would be significantly larger than the existing buildings both in terms of its height and the area of ground on which it stood. Furthermore, on my visit I saw a number of horseboxes and vehicles on the site which were conspicuous in the view from Gravenhurst Road. I consider that the additional stabling would result in significantly more parking of equestrian related vehicles. When taken together with the substantial increase in the built form on the site I consider that this would have a significant detrimental visual impact that would not be mitigated by existing landscaping. Some additional landscaping could be undertaken. However, in my view an appropriate scheme would take a considerable time to establish and I am not convinced that it could provide adequate screening.
20. In the light of these considerations I conclude that the proposed development would have a material adverse effect on the character and appearance of the area. It would therefore conflict with the aims of LP Policies CS1 and CS23 in this regard.

Appeal Decision APP/J0215/A/05/1182861

Conclusions

21. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

22. I dismiss the appeal.

M J Moore

INSPECTOR

Appeal Decision APP/J0215/A/05/1182861

APPEARANCES

FOR THE APPELLANT:

John Drake FRICS FAAV	John Drake & Co, Smith's Farm, Yardley Road, Olney, Buckinghamshire, MK46 5EH
James Paynter MRICS	John Drake & Co, Smith's Farm, Yardley Road, Olney, Buckinghamshire, MK46 5EH
Chris Harris BVetMed MRCVS	Principal, C P Harris & Associates, 87 Ware Road, Hertford, Herts, SG13 7EE
John Murtagh	Appellant, 19 Campton Road, Upper Gravenhurst, MK45 4JB
Caroline Murtagh-Edmundson	15 Barton Road, Upper Gravenhurst, Bedfordshire, MK45 4JP
Glen Murtagh-Edmundson	15 Barton Road, Upper Gravenhurst, Bedfordshire, MK45 4JP

FOR THE LOCAL PLANNING AUTHORITY:

Richard Murdock MA(Hons) MRTPI	Planning Officer, Mid Bedfordshire District Council
Sam Franklin BSc(Hons) MRICS FAAV MBIAC	Consultant, Landscape Land and Property, 2 Bedford Street, Amphill, Bedfordshire, MK45 2NB

DOCUMENTS SUBMITTED AT THE HEARING

Document 1	Mr Harris's Curriculum Vitae
Document 2	Extracts from Mid Bedfordshire Local Plan: First Review adopted December 2005
Document 3	Accounts for Hadenham Farm 2004-2006
Document 4	Letter from R J Blow & Company 23 June 2006
Document 5	Comments by Mr Franklin on planning application Ref. 06/00527/FULL

PLANS SUBMITTED AT THE HEARING

Plan A Plan Ref. MBDC/1



Appeal Decision

Hearing held on 30 September 2008

by **Stuart Hall** BA(Hons) DipTP FRTPI MIHT

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
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Decision date:
9 October 2008

Appeal Ref: APP/J0215/A/08/2069285
Hadanem Farm, Gravenhurst Road, Shillington SG5 3HQ

- 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 J Murtagh against the decision of Mid Bedfordshire District Council.
- The application (Ref 07/01191/FULL), dated 6 July 2007, was refused by notice dated 3 September 2007.
- The development proposed is a residential caravan.

Decision

1. I dismiss the appeal.

Reasons

2. The caravan has been in place for around 2 years, and provides overnight accommodation for use in connection with an equestrian business conducted from adjoining buildings and land. Policy HO6 of the *Mid Bedfordshire Local Plan First Review (LP)* states that residential development beyond settlement envelopes is not permitted except for essential needs. LP Policy CS11 reflects advice in *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)*. The main issue is whether there is a special justification for the caravan with regard to criteria set out in LP Policy CS11 and paragraph 12 of PPS7 Annex A.
3. It is agreed that the enterprise requires a full-time worker. The nub of the issue concerns paragraph 12 criteria (ii) and (iv); that is, whether it is essential for the proper functioning of the enterprise that someone is on hand at most times and, if so, whether that need could be fulfilled by other accommodation. There is no other dwelling on the unit, and no evidence of suitable and available accommodation close by. Therefore, in practical terms the issue turns on whether the caravan is essential bearing in mind that the operators' home is about 1 mile away.

Functional need: criterion (ii)

4. In July 2006, when there were 28 horses at livery, an Inspector was not persuaded that the animals' welfare needs warranted a worker on hand day and night (*APP/J0215/A/05/1182861*). However, in the current case the Council did not challenge evidence given at the Hearing that now there are never less than 35 horses normally based at the site, of which only about half are at livery and primarily the responsibility of their individual owners. The remainder, some of which are in foal, are owned by the business.
-

5. I saw that 17 of 24 boxes in a covered box yard were in use, as well as 2 foaling boxes in the hay store where permission for 10 more boxes has been partly implemented. Allowing for a number of horses left overnight in adjoining paddocks, I have no information to substantiate interested persons' doubts as to the accuracy of the appellant's evidence. I find that the scale and nature of the enterprise has changed since the last appeal, with more horses and with direct ownership and breeding becoming significant parts of the business.
6. I give substantial weight to veterinary evidence regarding the possible incidence of colic and other illness in view of the number and type of horses present; the risk of serious consequences if colic is not tackled quickly; and the importance of hearing the sound of horses in distress. Though several individual owners have been content to stable their horses unattended, I conclude that the present size and nature of the business justify the need for someone to be on hand at most times. It follows that, at present, the criterion (ii) test is met.

Functional need: criterion (iv)

7. Police evidence (*Document 3*) is that an overnight presence is a proven major deterrent to criminal activity, and I heard that there have been no burglaries while the caravan has been on site. However, since the enterprise began there is no recorded attempt to steal or harm horses, and PPS7 makes clear that protection of livestock against such threats does not itself justify a new dwelling. Though precise timings are in dispute it is clear that it would take the operators only a few minutes to attend an incident from their home. The veterinary evidence that I have heard and read does not suggest that such a short period is likely to be critical in relation to identified risks to animal health and welfare.
8. I conclude from this that if awareness of an incident could be reliably provided at the operators' home by remote surveillance it would not be essential for someone to stay on the site overnight. Reliance on CCTV alone would require constant monitoring, thereby substantially increasing labour costs. Therefore, I do not regard it as a realistic option while business turnover is around present levels. However, the evidence suggests that a reliable remote audible alarm system would be effective, and would not incur additional labour costs except on an occasional relief basis.
9. Whilst the appellant's representatives acknowledged at the Hearing that audible alarm systems may well exist, it was submitted that they would not offer a reliable and practical solution. However, it was accepted that they had not been researched since the last appeal, and there is no evidence before me to support the submission. In view of the restrictive nature of policies associated with development in the countryside, I share the earlier Inspector's view that the alternative of remote electronic surveillance should be fully explored. As this has not happened, it would be premature to conclude that the need for someone to be on hand at most times could only be met by on site overnight accommodation.
10. I have had regard to the Council's view, in the earlier appeal, that if there were over 30 horses the functional test would be met, but as reported in that

decision the view appears to relate only to criterion (ii), the need to be on hand at most times. Bearing in mind all the above considerations, I conclude that it has not been demonstrated that the need could not be fulfilled from the operator's present home. It follows that the scheme fails the criterion (iv) test.

Other PPS7 criteria

11. The Council do not question the appellant's firm intention and ability to develop the enterprise. Though the nature of the business has altered over recent years, I find no cause to do so. Therefore, I conclude that criterion (i) of Annex A is met. The appellant's financial information (*Document 2*) is not fully explicit, and appears to omit some significant transactions mentioned at the Hearing. However, the thrust of evidence of activities over the last 5 years demonstrates a sound financial basis to the enterprise, in compliance with criterion (iii).
12. The Council are concerned that if permission were given then a permanent dwelling would be proposed. Appeal decision *APP/J0215/A/03/1107639 (Document 1)* notes their view that the site would not be suitable for a dwelling. However, the Council confirmed that their present concern relates to the functional need test rather than, for example, visual impact. With reference to paragraph 13 of Annex A, there is no current evidence to suggest that, were the Council satisfied that the other tests were met, permission for a permanent dwelling would not be granted at or close to the caravan site. I treat the appeal on its merits, and conclude that criterion (v) is satisfied.

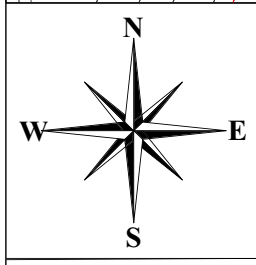
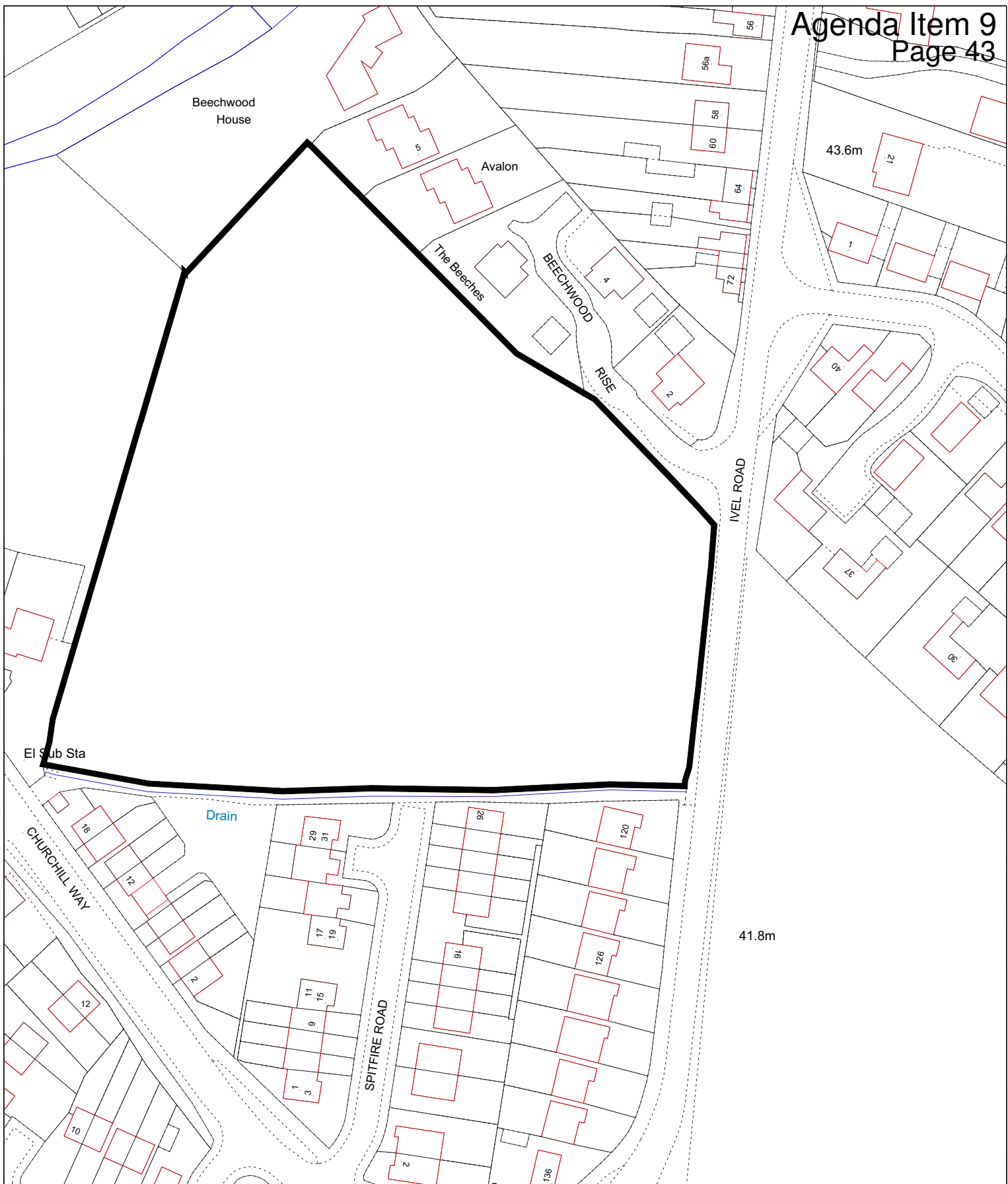
Conclusion

13. The thrust of LP Policy CS11 and PPS7 is that all 5 criteria should be satisfied if a temporary dwelling is to be permitted. I have not been made aware of any exceptional circumstances that may justify a departure from strict adherence to this policy and advice. Therefore, notwithstanding my conclusions in relation to other criteria, the failure to satisfy the criterion (iv) test remains a compelling reason why the appeal should not succeed.

Stuart Hall

INSPECTOR

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Central Bedfordshire Council
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Date: 02:December:2009

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 9

APPLICATION NUMBER	MB/08/02093/FULL
LOCATION	Shefford Town Football Club, Ivel Road, Shefford
PROPOSAL	Full: Residential Development comprising 59 houses and Apartments, with associated access road, parking facilities and amenity space.
PARISH	Shefford
WARD	Shefford
WARD COUNCILLORS	Cllr L Birt and Cllr A Brown
CASE OFFICER	Anne Sammé
DATE REGISTERED	04 November 2008
EXPIRY DATE	03 February 2009
APPLICANT	Lagan Homes and Coleman Properties Ltd
AGENT	McBains Cooper
REASON FOR COMMITTEE TO DETERMINE	For Committee to reconsider their resolution of 13 May 2009
RECOMMENDED DECISION	S106 Pending

The Application:

Members may recall that at their meeting on 13 May 2009 they resolved to grant full planning permission for this 1.5ha site, which is located to the west of Ivel Road in Shefford, to be redeveloped in a scheme which would provide 59 dwellings and associated works.

Until 1998 the site was home to the Shefford Town Football Club, but has since lain unused and vacant. The site was allocated in the Mid Bedfordshire Local Plan First Review 2005 for redevelopment for housing (Policy H08(19)) subject to the suitable relocation and enhancement of the football ground and facilities or an equivalent financial contribution towards the enhancement of sporting facilities in Shefford.

The Resolution:

The resolution made by members on 13 May 2009 followed the recommendation of officers except that members additionally required that the new sport facility should be available before occupation of more than 25% of the dwellings, and the new pitch should accommodate senior football games.

The Issues:

Positive negotiations have been undertaken with the applicants, and the detail of the necessary Section 106 Agreement is almost finalised. This has included liaison with Sport England and with sporting groups in Shefford.

The inclusion of the requirement for a senior pitch was acceptable to the developers, but they have asked for reconsideration of the requirement for the new sports facilities to be available before occupation of more than 25% of the dwellings.

The 106 makes provision for the developer either to provide the sports facilities themselves or to provide the site and funding for its development. Sport England

and local sporting organisations would prefer the latter, ie for funding to become available, because it would be possible for sporting groups to enhance this funding by grant applications so as to provide a larger facility than the replacement itself requires – these additional funds would not be available to the residential developer were they to build out the sport facility.

While building the facility themselves would enable the applicant to control the implications of the occupation restriction, opting for payment of the commuted sum would mean that the implementation of the sport facility is out of their control and that they are at risk of delay by third parties in progressing the residential development beyond the 25% occupation limitation. If they were to opt for payment of a commuted sum, the 106 requires that this be paid prior to the commencement of development.

The developer has therefore asked for an easing of the resolution such that if they elect to pay the commuted sum for the football facility to be developed by other parties there will be no restriction on occupation of the new dwellings at the Ivel Road site. This request has been formally submitted by way of a letter from their solicitor, and a copy is appended to this report for information.

Officers are satisfied that the requirements of the original allocation of the site for residential development will not be prejudiced, and are also mindful of the support of Sport England and local sporting organisations who would wish to encourage direct involvement in the development of the replacement sport facility.

Policy Implications

The original resolution of the Development Management Committee was made on the basis of the Mid Bedfordshire Local Plan First Review 2005. In reconsidering this matter it is incumbent to have regard to the very recent adoption of the Core Strategy for the northern area of Central Bedfordshire. The Core Strategy declares Shefford to be a Minor Service Centre (Policy CS1), where new development is acceptable in principle (DM4). This site at Ivel Road was included in the Strategy as a planned for site. The scheme takes account of the need for developer contributions and the provision of associated infrastructure through its draft 106 (CS2, CS3 and CS4). It would form a high quality development (CS14 and DM3).

It is therefore considered that the support for this development is not affected by the recent adoption of the Core Strategy.

Attachments

A copy of the original report to Committee is attached for information, together with a letter written on behalf of the applicant in explanation of their request.

Recommendation

Members are asked to vary their earlier resolution such that if the developer opts to pay a commuted sum to fund the football facility there is no restriction on the timing of occupation of the residential properties, but if the developer opts to construct the football facility, no more than 25% of the residential properties shall be occupied until the facility is available for use.

DECISION

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Davies and Partners Solicitors

Your ref: MB/08/02093/FULL
Our ref: DCS/JCR/LAG003-71

24 November 2009

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FAO: Elaine Bradbury
Central Bedfordshire Council
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Dear Sirs,

Ivel Road, Shefford – Section 106 Agreement

We have been asked to set out our client's objections to the current provisions in the draft section 106 agreement whereby there is a restriction on the occupation of dwellings on the Ivel Road site pending construction of the new football facility.

Under the terms of the draft agreement, the Owner has two choices as regard the new football facility: it can elect to construct the facility itself; or, it can pay a commuted sum to enable the local authority to construct the facility plus a sum to cover the cost of abnormal ground conditions. We understand that the local football club strongly prefers the commuted sum option as this will give it the opportunity to add to the proposed facility with additional funding.

Further, as currently drafted, the Owner is to covenant not to permit the occupation of more than 25% of the dwellings on the Ivel Road site until the Football Facility has been completed to the satisfaction of the Council. Such obligation is not, in its current form, acceptable to Lagan Homes for the reasons set out below.

Lagan accepts that, if it elects to construct the new facility itself, the restriction should apply. Lagan will have control of construction of the facility and will be able to ensure that it is completed so as not to delay the construction, sale and occupation of the dwellings on the Ivel Road site.

If, however, the commuted sum is paid then construction of the new facility is placed in the hands of the Council. Lagan will have no control over when the facility is commenced or completed. Any delay by the Council in procuring the completion of the facility will adversely affect Lagan's ability to sell its residential units. As with all developers, Lagan Homes assesses the financial viability of a site on the basis of a suitable return on capital employed. Any delay to sales rates will affect that calculation. Further, any delay in receipt of sale proceeds will increase Lagan Homes' holding costs making the site financially unviable.

Website www.daviesandpartners.com

Partners: Adrian Smith LL.B. · Thomas Brennan M.A.(Cantab) · Julian Bourne M.A.(Oxon) · Mark James LL.B. · Stephen Fletcher M.A.(Cantab)
Simon Rowland LL.B. · Richard Maisey B.A. · Nigel Tillott LL.B. · Roger Gibbs LL.B. · Ewan Lockhart LL.B. · David Stokes LL.B.
Tracy Edwards LL.B. · Raymond Perry LL.B. · Greg Tay-Lodge LL.B. · David Brown B.A. · Ewan Kilgour LL.B. · Tim Carter LL.B. · Stephen McColgan LL.B.
Simon Hart LL.B. · Robert Leather M.Sc. · Paula Loughlin LL.B., LL.M. · Anthony Cooley LL.B. · Jude Rodrigues LL.M. · Suzanne Williams LL.B. · Mike Follis LL.B.
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Aside from the financial calculations, it is unreasonable to expect Lagan Homes to build the site partially and then suspend building operations indefinitely whilst the Council procures the construction of the new facility.

For the above reasons, we request that the draft agreement be amended so that the restriction on occupations will not apply from the date that the commuted sum is paid to the Council if that is the option chosen by the Owner.

We look forward to hearing from you.

Yours faithfully,
DAVIES AND PARTNERS

Item No. 09

SCHEDULE B

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

Site Location:

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

The Application:

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

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

RELEVANT POLICIES:

National Policies (PPG & PPS)

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

Regional Spatial Strategy

East of England Plan (May 2008)

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

Bedfordshire Structure Plan 2011

Policy Infrastructure
25

Mid Bedfordshire Local Plan First Review 2005 Policies

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

Supplementary Planning Guidance

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

Planning History

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

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

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

Representations: (Parish & Neighbours)

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

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

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

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

Consultations/Publicity responses

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

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

Determining Issues

The main considerations of the application are;

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

Considerations

1. The Principle of Development

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

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

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

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

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

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

2. Affordable Housing and Education

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

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

3. Archaeology

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

4. Waste Audit

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

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

5. Ecological Survey

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

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

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

6. Drainage Matters

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

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

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

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

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

7. Play, Sport and Amenity Space

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

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

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

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

8. Highways and pedestrian access

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

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

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

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

9. Section 106

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

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

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

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

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

106 contributions will need to include:

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

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

Reasons For Granting

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

RECOMMENDATION

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

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

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

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

BS 5837:2005;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In order to protect wildlife on the site.

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

writing by the Local Planning Authority for their variation.

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

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

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

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

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

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

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

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

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

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

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

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

- 14 U The development hereby permitted shall be undertaken in accordance with the approved Waste Audit Statement dated 17 October 2008 and submitted in support of the planning application.
- Reason: To ensure that the development conforms with the waste audit requirements in accordance with objectives of Policies W5 and W6 of the Bedfordshire and Luton Waste Local Plan 2005.
- 15 U Before the private accesses are first brought into use a triangular vision splay shall be provided on each side of the new accesses and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.
- Reason: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.
- 16 U If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.
- Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.
- 17 TL01 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.
- Reason: In the interests of the visual amenities of the site and the area generally.
- 18 TL08 All works to or affecting trees on or adjoining the site shall be carried out in accordance with the relevant recommendations of BS5837 (2005).

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

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

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

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

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

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

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

Reason: To protect human health and the environment.

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

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

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

Reason: To ensure a sufficient freeboard against flooding.

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

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

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

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

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

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

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

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

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

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

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

Notes to Applicant

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

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

- 2 The Internal Drainage Board has forwarded the following advice:
Surface water discharge must be restricted to the Greenfield equivalent rate. The ditch on the southern boundary of the site is subject to the Board's Bylaw control. No development, including landscaping, fencing or other structures shall take place within 7m of bank top of this ditch without the formal consent of the Board in order that there is access to the ditch for maintenance purposes. This consent must be obtained prior to the commencement of development. Application is by letter and the fee is presently £50.00 per consent. Further information can be obtained from 01234 354 396.
Attention is also drawn to the content of the letter from the Environment Agency dated 20 March 2009 attached.
- 3 The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Highway Engineer, Central Bedfordshire Council, PO Box 1395, Bedford, MK42 5AN. The applicant is also advised that if any of the works associated with the construction of vehicular access affects or requires the removal and/or relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
- 4 The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Highways Development Control Group, Central Bedfordshire Council. Further details can be obtained from the Central Bedfordshire Council, Highways Department, PO Box 1395, Bedford MK42 5AN.
- 5 The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council, Highways Department, PO Box 1395, Bedford MK42 5AN.

- 6 The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

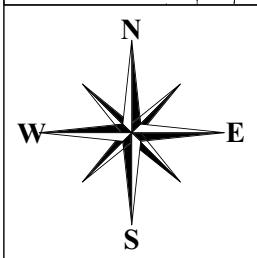
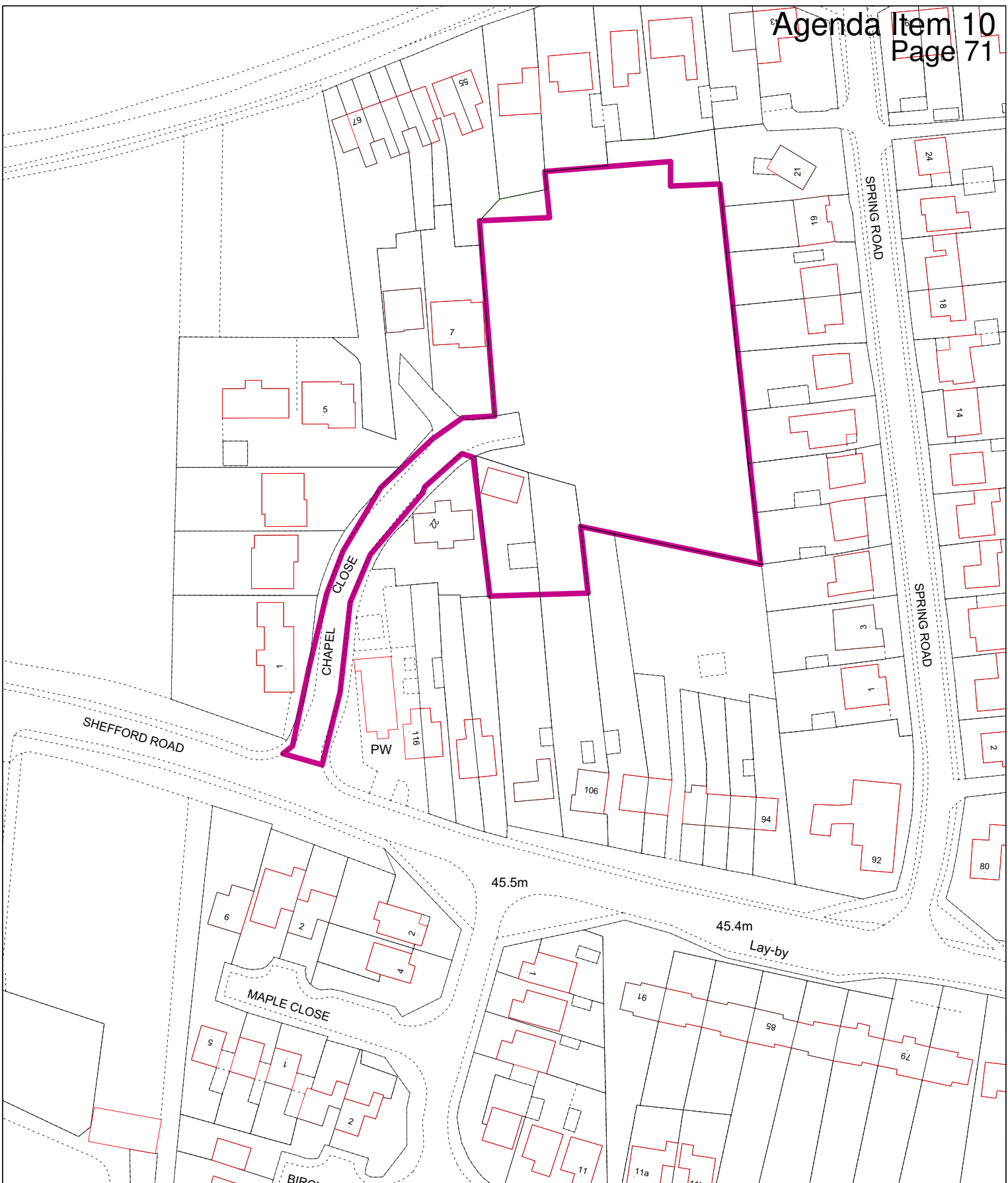
- 7 The applicant is advised that if it is the intention to request the Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Central Bedfordshire Council, Highways Department, PO Box 1395, Bedford MK42 5AN. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

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

DECISION

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Central Bedfordshire Council
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Date: 03:December:2009

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 10

APPLICATION NUMBER	CB/09/06296/OUT
LOCATION	Land Off, Chapel Close, Clifton
PROPOSAL	Outline: Residential development of 12 no. dwellings with all matters reserved except access
PARISH	Clifton
WARD	Langford and Henlow
WARD COUNCILLORS	Cllr Clarke & Cllr Rogers
CASE OFFICER	Godwin Eweka
DATE REGISTERED	15 October 2009
EXPIRY DATE	14 January 2010
APPLICANT	Alderwine Limited
AGENT	Phillips Planning Services Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Cllr Rogers on grounds of overdevelopment
	Outline Permission

Site Location:

This site which measures 0.55 hectares, is situated at the end of Chapel Close and lies within the settlement envelope of Clifton. This is a short residential access road, comprising eight modern two-storey detached residential properties.

The application site is almost rectangular in shape and enclosed by other residential properties in Spring Road, Pedley Lane and Shefford Road. This site is comprised of garden land associated with other residential properties located on Shefford Road and Pedley Lane. It is advised the proposed development would form a further phase of development, thus extending Chapel Close character and streetscene.

Chapel Close extends from the junction with Shefford Road up to the proposed application site on the south-western corner, where the existing access is located. The area is predominantly residential in character with a mix of designs of traditional and modern architecture. The topography of the site is generally flat and previously vegetated with shrubs and trees prior to site clearance.

The Application:

Outline: Residential development of 12no. dwellings with (All Matters Reserved, except access).

RELEVANT POLICIES:

National Policies (PPG & PPS)

- PPS1 (Delivering Sustainable Development)
- PPS3 (Housing)
- PPS7(Sustainable Development in Rural Areas)
- PPS9 (Biodiversity and Geological Conservation)

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 (Achieving Sustainable Development)

H4 (Affordable Housing)

ENV1 (Green Infrastructure)

ENV3 (Biodiversity and Earth Heritage)

WM6 (Waste Management in Development)

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

Bedfordshire Structure Plan 2011

Central Bedfordshire (Core Strategy and Development Management Policies DPD)

CS1; CS2; CS7; CS16; DM2; DM3; DM4; DM10; DM15;

Supplementary Planning Guidance

Design Guide for Residential Areas in Mid Bedfordshire (2004)

South Bedfordshire Local Plan Review Policies

Supplementary Planning Guidance

Planning History

MB/99/01528/FA	Erection of three, 4-bedroom dwellings with garages and associated vehicular access and landscaping. Granted 25/10/99.
MB/99/01527/FA	Erection of three, 4-bedroom dwellings with garages and associated vehicular access and landscaping. Granted on 25/10/99.
MB/00/00738/FA	Erection of 3no. dwellings with garages and associated vehicular access and landscaping. (Revision to scheme previously approved under ref: 10/99/01527 dated 18.1.00). Approved 02/10/2000.
MB/01/01161/FA	Revised Road Layout (Revision to scheme previously approved under ref: 00/00738 dated 02/10/2000 for the erection of 3no. dwellings with garages and associated vehicular access and landscaping). Approved 31/07/2001.

**Representations:
(Parish & Neighbours)**

Clifton Parish Council

No objection raised. However, the following comments were made:

- The Council was strongly against any attempt to increase the number of houses beyond 12.
- The design of the houses should match the existing in Chapel Close.
- There should be a mix of houses, including 2 and 3 bedrooms to maximise affordability.
- Garages should be of adequate size to accommodate a family sized car plus storage space for bins and bicycles. Without adequate parking facilities, this development would be a disaster.
- Provision of play space. There is none at this end of the village.
- There should be a Section 106 agreement to fund traffic calming in Shefford Road, adjacent to Chapel Close. These points should be taken into account when the detailed application is submitted.

Whilst not objecting, the Council felt that it is important to restate the points made in the site application exercise.

1. The village Lower School is full.
2. Health facilities are under great strain.
3. Traffic through Clifton is totally unmanaged with very high levels of traffic breaking the speed limit.

Neighbours

Twenty-one letters of objection have been received. The grounds of objection are as follow:

- **Loss of Privacy:** We are currently overlooked and are surrounded by trees. A development of the housing proposed on this land would mean that this screening be removed and other houses visible from ours. According to the submitted plan, there will be two houses built directly behind our house backing onto our garden. The plans state that existing gardens in Spring Road are a minimum of 17-18 metres, this is serious underestimate as our gardens only 14 metres.
- **Noise Nuisance:** We are currently in a quiet area, but the development proposed would place many more neighbours in the vicinity and cause an increase in noise from cars and people. The building work itself will of course be intrusive.
- **Impact on Protected Wildlife:** We are in a rural setting and the area of land proposed for development has been a haven for many types of flora and fauna. we have seen a great variety of animals such as bats, birds (including woodpecker), deer, fox, hedgehogs, frogs and newts in our garden and are sure that they

are supported by the presence of this patch of land behind us.

- **Amenities:** Clifton is a small village and as such, cannot cope with another estate, which is what Chapel Close would become. Clifton has had problems with sewage disposal as the sewers are unable to cope with demand. Additional homes will add to this unpleasant problem and there is a lack of play areas, schools and doctors.
- **Increased Traffic:** The development will cause a significant increase in the daily traffic flow (probably greater than 100%) in Chapel close, which has until now provided a safe environment for the children living the close.
- **Design and Appearance:** This should be in keeping with the existing part of Chapel Close where all houses are detached two-storey properties, not a mix as indicated on the application. Any higher than 2-storey would prove overbearing on surrounding properties.
- **Lack of Parking:** There is insufficient parking in the outline, compounded by the suggested use of the garages for recycling, storage and cycles.
- **Density:** Though the style and design of the proposed dwellings are yet to be determined because of the surrounding existing homes and the elevation of the plot, I believe a low level development made up of maximum of 6 x 1.5 storey and bungalows would have less impact on the surrounding area.
- **Back-Back Development:** The Design and Access Statement has used an old OS Plan and since this plan was made, quite a large number of properties have had extension built, reducing the stated 18 metres to the fence line. My house, for example, has only 8.6 metres to the rear fence and I believe a more up to date plan needs to be used before this application can be considered accurate.

Consultations/Publicity responses

Highways Section
Bedfordshire and River
Ivel Internal Drainage
Board (IDB)

No objection, subject to conditions.

This site is some 250m from the Board's drainage district where much of the land is in flood zone 3. The drainage map also indicates that drains issuing in Pedley Lane are likely to discharge into the drainage district.

It is recommended that if planning permission is granted this be on condition that the volumes and peak flow rates of surface water runoff from the proposed development are no greater than the greenfield rate of runoff of 3 litres per second per hectare of developed land, in order that the drainage district is not subject to an increased flood risk by overland flows or by flows channelled into the

district.

Trees and Landscape Officer	No objection, subject to conditions. The site has been cleared of all trees/vegetation and there do not appear to be any substantial trees in neighbouring properties that are likely to be at risk of damage. The submission of a planting scheme with densities, species and sizes would be required.
Natural England	No formal objection, the Council's attention has been drawn to the European or UK legislation.
The Wildlife Trust	<p>No formal objection, the Council's attention has been drawn to the non-submission of an ecological assessments. The Wildlife Trust has advised that they have records that indicate that Great Crested Newts are found within Clifton. They are also now aware that the application site was cleared prior to a planning application being submitted, following complaints from nearby residents.</p> <p>Furthermore, they advise that as orchards are often hotspots for biodiversity, containing a wide range of wildlife, including rare and protected species, they have been designated as a Biodiversity Action Plan (BAP) habitat. There are national and Bedfordshire action plans for traditional orchards and the special biodiversity features that they contain.</p> <p>Due to the possible presence of Great Crested Newts and remnants of BAP habitat with no ecological report, we advise that there is insufficient information provided to enable the Planning Authority to a make a decision on this application under their obligations in the Natural Environment and Rural Communities (NERC) Act 2006.</p>
Public Protection (North)	No comments on either contamination or noise issue/

Determining Issues

The main considerations of the application are:

1. Principle of Development
2. Impact of Development on Character and Appearance of the Area
3. Impact of Development on Neighbouring Properties
4. Highway Safety Implications
5. Biodiversity Issues
6. Other Issues

Considerations

1. Principle of Development

The proposed development is in outline stage, where all matters have been reserved for future consideration by the applicant, except for access. The existing access (i.e. Chapel Close, comprise eight residential detached properties. This is a short residential access road, culminating into a cul-de-sac arrangement. The vehicular access would be taken from the south-western corner of the existing access into the application site.

In view of the recently adopted Central Bedfordshire Core Strategy and Development Management Policies (November 2009), the proposed development will be assessed against the following Development Management Policies, particularly, DM2; DM3; DM4 and DM15.

Policy DM2 for example, expects all proposals for new development to contribute towards sustainable building principles. The Council expects future new housing development to comply with mandatory standards in relation to the Code for Sustainable homes and any major developments and developments, which will have high water consumption like this one, should incorporate measures to minimise their use of 'white' water.

Similarly, Policy DM3 will expect the proposed development to be of an appropriate scale and design to their setting; create a sense of place and to respect local distinctiveness in terms of the use of materials, efficient use of land, energy efficiency, safeguarding the amenities of neighbouring properties; provision of adequate areas for parking and the provision of adequate hard and soft landscaping.

As this development is in outline stage, the Council can only consider the access and pay regard to the above policies at the reserved matters stage. The applicant has provided an indicative layout for twelve dwellings which shows that the site is capable of accommodating 12 dwellings.

However, the Council will pay regard to the details as shown in the application and assess as to whether the principle of a residential development is acceptable. Having consideration to all other matters, It is considered the principle of a residential development is considered acceptable, by virtue of its location within the 'settlement envelope' and in an area surrounded by residential properties.

2. Impact of Development Character and Appearance of the Area

The proposed residential development lies within the settlement envelope of Clifton. As already explained, the principle of a residential development on the site is considered acceptable. Whilst this is an outline application, any subsequent detailed application for the reserved matters, is expected to respect the character and appearance of the area by creating a sense of place and respecting the local distinctiveness in its design and use of local sourced materials for the construction of the development.

The existing properties in Chapel Close are of modern, detached and of attractive architectural design, comprising two-storey, with adequate spacing around the dwellings. The neighbouring properties though, of traditional

construction and older styles and design, it is considered that the Council will expect any reserved matters' application to respect this setting, character and appearance and to be in keeping with the immediate surroundings, especially those of Chapel Close in terms of use of materials in its construction and space around the buildings.

Given the location of the site, and the fact that it is surrounded by existing dwellings, it is not considered that residential development on the land would in principle be harmful to the character of the area.

3. **Impact of Development on Neighbouring Properties**

Whilst considering the impact of the development, it is apparent that the application site is capable of accommodating 12 dwellings. There are some concerns relating to the siting of plots 1 and 2 in relation to 7 Chapel Close. However, the layout is purely illustrative at this stage and the siting of the dwellings would be the subject of a reserved matters' application.

The illustrative layout does however indicate that 12 dwellings could be erected on the site without having an adverse impact on neighbouring dwellings by way of overbearing impact, loss of light or privacy. On most of its boundaries, the site adjoins the rear gardens of existing properties. Having regard to the depth of the adjacent gardens and the size of the site, it is considered that if appropriately designed the proposal would be acceptable in terms its effect on existing houses which surround the site.

The proposal would inevitably give rise to traffic generation in Chapel Close, although given the width of the highway this should not have an adverse impact on existing properties.

4. **Highway Safety Implications**

The Highways Section of the Council has advised that the site is proposed to be accessed through Chapel Close that already serves 8 properties, and that whilst it is not an adopted highway, it is in the process to being adopted. However since it is still a private highway, the proposal should include at least one of the footways within the application site to ensure that pedestrians will not be prejudiced.

Chapel Close is of the required standard to serve the additional development, however the proposed extension of the road does not comply with the required standards of the provision of a service strip of 2.0m preferable or minimum 1.0m at the back of the turning head.

In addition and due to the distance between the unit on plot 3 and the edge of the prospective adoptable street, a refuse collection point needs to be provided in close proximity to the latter. However, these issues can be resolved at the reserved matters stage.

In the circumstances, and subject to application site including at least one of the existing footways, no objection is raised to the development in terms of highway safety, subject to conditions.

5. **Biodiversity Issues**

The proposed site has been the subject of complaints from local residents

particularly, from those in Chapel Close. This site was in vegetation, comprising trees and shrubs for many years therefore, undisturbed.

Under the Natural Environment and Rural Communities Act 2006 and PPS9, the Council must have regard to the impact of the proposal on biodiversity in its determination of the application.

Following the clearance of the land by the owner and applicant, local residents complained that the site was a protected habitat for wildlife of all kinds, including many species of birds, small mammals, hedgehog and amphibians (i.e frogs) and Great crested newts. It is claimed by these residents that this was a haven for many types of flora and fauna and that evidence of this wildlife has now been destroyed.

Council's policies relating to biodiversity has been effective in protecting wildlife and habitats in the district. The Council has also fully endorsed the 'Bedfordshire and Luton Biodiversity Action Plan' that seeks to protect locally important habitats and species. The Council therefore, has had regard to the proposed site and although, is keen to continue supporting the protection of designated sites from the effects of new development, the proposed site is not a protected or designated site for wildlife that is subject to Policy DM15 of the adopted Central Bedfordshire Core Strategy and Development Management Policies (November 2009).

As this site is not a designated site for wildlife, even though there were some evidence of habitat prior to the site clearance as claimed by neighbouring residents, under Policy DM15, the Council will pay regard to where any development is permitted within, adjacent to or in close proximity to designated sites or known locations of identified species, to ensure that the developer takes steps to secure the protection of such animals and plants. However, in cases where new development is unavoidable, such as this enclosed site within the settlement envelope and may harm wildlife interests, mitigation measures would be required.

More recently, the applicant has submitted a report regarding biodiversity, and comments from the ecologist will be reported in the late sheet. However, at the present time it is not considered that the proposal would be unacceptable due to its impact on biodiversity.

6. Other Issues

This development is required to make contributions to local infrastructure to comply with the Council's Planning Obligations Strategy. This will be secured by way of a legal agreement and will include the provision of some affordable housing. No completed agreement has yet been submitted and if the Committee are minded to approve the application, this should be subject to the completion of the required agreement. However, in the event that the agreement is not submitted in an acceptable form before the expiration of the application on 14th January, delegated powers are sought to the Director of Sustainable Communities to refuse the application as it would fail to comply with the Council's Planning Obligations Strategy.

Reasons for Granting

The proposed site lies within the 'Settlement Envelope' of Clifton and whilst this is an outline application for residential development, it is considered that the principle of a residential development is acceptable and in accordance with Policies CS1; CS2; CS7; CS16; DM2; DM3; DM4; DM10 and DM15 of the Central Bedfordshire Core Strategy and Development Management Policies (November 2009).

Recommendation

That Outline Permission be granted subject to the following:

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 (2) (a) and (4) of the Town and Country Planning Act 1990.

- 2 Approval of the details of:-

- (a) the layout of the building(s);
- (b) the scale of the building(s);
- (c) the appearance of the building(s);
- (d) the landscaping of the site;

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and the development shall be implemented as approved.

Reason: To enable the Local Planning Authority to exercise control over the said matters which are not particularised in the application for planning permission in accordance with Section 92 of the Town and Country Planning Act 1990 and Town and Country Planning (General Development Procedure) Order 1995.

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Sections 92 (2) (b) and (4) of the Town and Country Planning Act 1990.

- 4 The scheme approved in condition 1 shall be carried out by a date which shall be not later than the end of the full planting season immediately following the first occupation of the development hereby approved.

Thereafter the planting shall be adequately maintained for a period of five years from the date of planting. Any of the trees or shrubs or both which die or are removed, or which become severely damaged or seriously diseased (during the said period of five years) shall be replaced with trees or shrubs or

both, as the case may be, of similar size and species to those originally required to be planted and the same shall be maintained until properly established.

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

- 5 **Details of the method of disposal of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority including any land drainage system, before the development is commenced. Thereafter no part of the development shall be brought into use until the approved drainage scheme has been implemented.**

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

- 6 **Development shall not begin until the detailed plans and sections of the proposed road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access thereto has been constructed (apart from final surfacing) in accordance with the approved details.**

Reason: To ensure that the proposed roadworks are constructed to an adequate standard

- 7 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a 2.0m service strip at the back of the turning head

Reason: For the avoidance of doubt.

- 8 **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.

DECISION

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	CASE NO.
	Date: 02:December:2009	
	Map Sheet No	

Scale: 1:1250

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Item No. 11

APPLICATION NUMBER	CB/09/06351/FULL
LOCATION	Land To The Rear Of 65, Shefford Road, Clifton
PROPOSAL	Full: Erection of 2no 3 bed dwellings with associated access and garaging.
PARISH	Clifton
WARD	Langford and Henlow
WARD COUNCILLORS	Cllr J Clarke and Cllr T Rogers
CASE OFFICER	Dee Walker
DATE REGISTERED	27 October 2009
EXPIRY DATE	22 December 2009
APPLICANT	Mr R Burton
REASON FOR COMMITTEE TO DETERMINE	Cllr J Clarke called the application to Committee on grounds as set out in the Planning Inspectors Report – character and appearance and living conditions
 RECOMMENDED DECISION	 Grant Planning Permission

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 approx. 0.05 hectares. The site comprises of a rectangular shaped parcel of land mid-way in the extensive rear garden serving 65 Shefford Road. To the south of the site lies the remaining part of the rear garden that benefits from planning permission for the erection of 3 no. detached dwellings under ref: CB/09/05512/FULL. To the west and east are gardens of properties no. 61 and 67 Shefford Road.

Shefford Road, in the vicinity of the application site is generally characterised by detached dwellings set back from the road frontage. Whilst nos. 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 rear garden area of no. 65 is 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 alongside the existing driveway serving the host dwelling.

The Application:

This application seeks permission to erect 2 no. 3 bed one and a half storey detached dwellings and garages, utilising the existing access serving the recent approved development to the rear of the garden.

The proposed dwellings would have pitched roofs with a ridge height of 6.5 metres and with gable projections to the rear elevations. Each dwelling would have a rear garden extending to a max. depth of 10 metres.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 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)

Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009)

Policies CS1, CS2, Central Bedfordshire Adopted Core Strategy and Development CS5, DM3, DM14 Management Policies (2009)

Supplementary Planning Guidance

Mid Bedfordshire District Council's Adopted Supplementary Planning Guidance: Design Guide for Residential Areas in Mid Bedfordshire (2004)
Mid Bedfordshire District Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008)

Planning History

MB/06/00121	Full: Erection of 7 dwellings with associated garages – Refused 31.03.2006
MB/06/01486	Full: Erection of 7 dwellings with associated garages – Refused 25.01.2007 Appeal Dismissed 27.11.2007 (Appeal decision attached as Appendix to this report)
MB/07/01032	Full: Erection of 2 dwellings – Refused 14.08.2007
CB/09/05512	Full: Erection of 3 no. four bedroom dwellings with associated access – Approved 29.10.2009

**Representations:
(Parish & Neighbours)**

Clifton Parish Council	Objects on the following grounds: <ol style="list-style-type: none">1. Tandem Development: According to Policy HO6 of the Mid Beds Local Plan tandem development is only acceptable provided 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. In the light of previous planning history both the density of development and adequacy of the access road for the added traffic movement is queried;2. A previous application for two houses on this site was turned down in 2006 as being 'unacceptable piecemeal development' and a subsequent appeal to the Planning
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Inspectorate was dismissed. This current application plus the one just approved equate to the scheme refused as being unacceptable;

3. The size of the proposed garages should be larger to accommodate modern day vehicles plus adequate storage space for bicycles, lawn mowers etc.

Adjacent Occupiers

23 letter of support and 10 letters of objections have been received. The main reasons for objecting are summarised as follows:

- Previous concerns in relation to the last applications remain;
- Contrary to the Planning Inspectorates appeal decision;
- Loss of amenity and privacy to neighbouring properties;
- Increased flood within the local vicinity;
- Out of character with its surroundings and village;
- Inadequate access and parking;
- Increased noise and light pollution;
- Potential danger to existing road users and pedestrians;
- Further overdevelopment of the site;
- Impact on trees;
- Will result in an overlooking issue;
- Represents piecemeal development that was not acceptable in previous refused schemes.

The Clifton Improvement & Preservation Society have objected on grounds of that it is a form of tandem development that previously has been unacceptable and an issue of overlooking

Consultations/Publicity responses

Highways Team	No objections subject to conditions
Tree & Landscape Officer	No objection subject to conditions to ensure protection of trees within and adjacent to the site.
Internal Drainage Board	No comments received to date
Site Notice Posted	05.11.2009

Determining Issues

The main considerations of the application are;

1. The principle of development;
2. The effect on the character of the area;
3. The impact that the proposal will have on the residential amenity of neighbouring properties;
4. Highway Considerations
5. Any other implications of the proposal.

Considerations

1. Principle of development

The application site is located within the village settlement of Clifton, surrounded by housing or gardens, wherein residential development is acceptable in principle by Policy CS1. The policy sets out that the nature and scale of the development will be expected to reflect the size and character of the community within which it is proposed.

This site was subject to a previous application (MB/07/01032/FULL) for 2 no. dwellings, which was refused as it constituted an undesirable form of piecemeal tandem development inappropriate to and at variance with the prevailing character and form of development in the vicinity. Although this proposed scheme is similar there has since been a number of matters that need to be taken into consideration with this application.

Since the above application was refused and following a further refused scheme that has been subject to an appeal, the issue surrounding the principle of the development was mentioned in the appeal decision. The Inspector notes (para. 5) the residential development within similar layout that has occurred elsewhere not far from the site and so she determined that in principle backland development would not be harmful to the character of the settlement.

Also, the approval of a recent scheme for 3 no. dwellings to the far south end of the site (CB/09/05512/FULL) is a material consideration. As the principle of the development was considered acceptable following the appeal decision, the application was then subject to the criteria set out in the policy including access and impact to neighbouring properties. As it was not considered that the scheme would adversely affect the neighbouring properties and a satisfactory access was achievable, this scheme was approved. This criteria applies to the proposed scheme set out in this application and is discussed further in this report.

Furthermore, since the previous applications and appeal decision the Council have fully adopted the Core Strategy and Development Management Policies on 19 November 2009. Clifton has been designated as a 'Large Village' and as such the nature and scale of development needs to reflect the size and character of the community within which it is proposed.

For the above reasons, the principle of the development is considered to be acceptable.

2. Character and Appearance 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 this form of development would not be out of character with the area. This point was acknowledged by the Inspector in her appeal decision (para. 5), in respect of a previous application on the site for seven dwellings.

The proposed houses would be of a smaller scale to that recently approved under ref: CB/09/05512/FULL. They would be one and a half storey with a maximum height of 6.5 metres, and given they are set back and largely screened by the existing house at no. 65, they would not appear unduly prominent within the street scene.

As with the previous scheme, 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 street scene. The access drive was approved under ref: CB/09/05512/FULL and as such further landscape will be submitted as part of the pre-development conditions attached to that permission. The Tree Officer considers that the submitted details in respect of tree protection to be acceptable and has raised no objections to the application. Furthermore, the nearest significant tree would be an oak however, it will be located in the rear garden area of no. 65 and given its canopy spread will not be significantly affected by the proposed houses and garages.

The previous appeal proposal, as referred to by the Inspector in her decision letter (para. 10), included a layout indicating how the neighbouring property (No. 61) could be developed. The plan showed an access road running adjacent to the east elevation on 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 no. 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 on the basis that there is no evidence on the current proposal to show that this land would come forward for development in the near future. Furthermore any such application, would need to be judged on its own planning merits.

It is also necessary to consider the Council's refusal of application MB/07/01032/FULL, being for 2 no. houses on this particular site. 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 in light of the Inspectors decision and the recent approval.

Overall, taking into account the comments from the Inspectors appeal decision and the recent approval of a similar scheme alongside this application site, it is considered that the proposal would not be harmful to the character and appearance of the area.

3. Residential Amenity of Neighbouring Properties

The application site adjoins the very far end of the garden of no. 67 Shefford Road.

The siting of the two dwellings is identical as the 2007 application. The proposed dwellings would have relatively short gardens they would nevertheless have depth of 10 metres, and being wide plots would provide a reasonable level of amenity provision for future occupants. Given the siting of the proposed dwellings whilst there would be some degree of overlooking of the bottom end of the garden to no. 67 to the west, it is conventionally accepted that the most private part of any rear garden is closest to the rear elevation of the dwelling,

and diminishes as one moves away from it. Given the depth of the adjoining rear garden there is unlikely to be any material loss of privacy to this property.

The outlook from the first floor bedroom windows would all enjoy direct views into the rear garden of no. 61. However, views over the garden area which is directly to the rear of the adjacent dwelling would be at an oblique angle, and as is the case within no. 67, given the depth of the adjoining rear garden at no. 61 there is unlikely to be any material loss of privacy to this property. The Inspector highlighted the relationship between new dwellings and the rear garden of no. 67 and whilst she acknowledged they would be relatively short in length, the dwellings would not be so close as to unacceptable harm privacy.

The physical bulk of the buildings would not be detrimental to the amenities enjoyed by the occupiers of no. 61 or 67 by reason of the overall height and siting. It is therefore considered that it would be unlikely that the development would have an unacceptable impact upon the amenities currently enjoyed by the occupiers of no. 61 Shefford Road.

The access is to be taken from the road approved under a recent permission. The addition of two further dwellings will intensify the use of the access and general disturbance to the area. The Inspector within her decision (para. 12) regarding the proposal for seven dwellings concluded that the relationship of the access, the dwellings and gardens proposed, would not adversely impact on the amenities of the neighbouring occupiers. It is considered that the same applies to this proposal, where the siting of dwellings is no more intrusive.

The nearby properties in Bunyan Close would not be close enough to be affected by any loss of light or overbearing impact. No. 7 Bunyan Close would be the principle property for that road that could be affected however, given that it is some 31 metres from the rear elevation of plot 4 there would be no loss of privacy also taking into account that the garden of no. 67 is located between the two plots.

As such it is concluded that the proposal would not adversely affect the residential amenity of neighbouring properties.

4. Highway Considerations

Parking would be provided for 3-4 cars per dwelling, which is considered acceptable for such as development in this location. The Highways Officer considered the proposed development with access to the site through the access recently approved, to serve three dwellings (CB/09/05512/FULL). The 2 no. new dwellings will bring the total number of units to be served by the access to 5, which is satisfactory to be a private drive.

Whilst the access in respect of its alignment, visibility provision and carriageway width is identical to that approved under reference CB/09/05512/FULL, the access as shown on drawing no. 2009-50-1B does not include the provision of a 1.0 metre footway along the west side of the carriageway. The Highways Officer considered this omission satisfactory to serve the proposal as the shared drive to serve two units will not require such provision as conflicts between pedestrians and vehicles will be minimal. Concerns were raised with the internal dimensions of the garages being inadequate, subsequent drawings were submitted which addressed this issue and satisfied the Highway Officer.

Therefore the proposal is considered acceptable in terms of highway safety and no objections are raised to the proposal subject to conditions being attached to any consent granted.

5. Any Other Implications

Concerns relating to flooding in the local vicinity are noted however the site does not lie within 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.

Given the current use of the site as a residential garden, it is considered that there would be no known biodiversity issues to be considered.

Matters raised regarding location of wheelie bins on collection day are noted, the plans and application indicate that bin storage area's are to be provided for on the plots as well as a central collection point approx. 9 metres of Shefford Road to avoid the issue of bins being left on the public footpath.

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

This application was submitted on 27 October 2009 and as such the proposal would attract Planning Obligations. A draft legal agreement has subsequently been submitted although the Council is awaiting the final signed copy, providing it is completed the application will be in accordance with the Mid Bedfordshire District Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008).

Reasons for Granting

In conclusion, the scheme by reason of its site, design and location is in conformity with Policies DM3, CS1 and CS5 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2006); and Technical Guidance: Design Guide for Residential Areas in Mid Bedfordshire (2004). The proposal is therefore **acceptable** and that planning permission should be granted subject to conditions.

RECOMMENDATION

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

- 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 The development hereby approved purely relates to plots 4 and 5 only and shall not extend to include the adjoining layout and associated details submitted in the application.

Reason: For the avoidance of doubt.

- 3 **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.

- 4 **Details of the method of disposal of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority including any land drainage system, before the development is commenced. Thereafter no part of the development shall be brought into use until the approved drainage system has been implemented.**

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

- 5 **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.

- 6 **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.

- 7 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.

- 8 **Prior to the commencement of development the tree protection plan shown on drawing PL106 shall be implemented. The 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.

- 9 **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.

- 10 **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.

- 11 **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.

- 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 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

- 15 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

- 16 The turning space for vehicles illustrated on the approved plan NO. 2009-50-1B 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.

- 17 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.

- 18 The access driveway shall be constructed using a “no-dig” method of construction in accordance with that shown on drawing PL106, unless otherwise agreed in writing by the Local Planning Authority.

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

- 19 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 any dwelling 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.

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 the Highway Engineer, Central Bedfordshire Council, PO 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 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 Highway Engineer, Central Bedfordshire Council, PO Box 1395, Bedford, MK42 5AN.

DECISION

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Appeal Decision

Site visit made on 5 November 2007

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

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

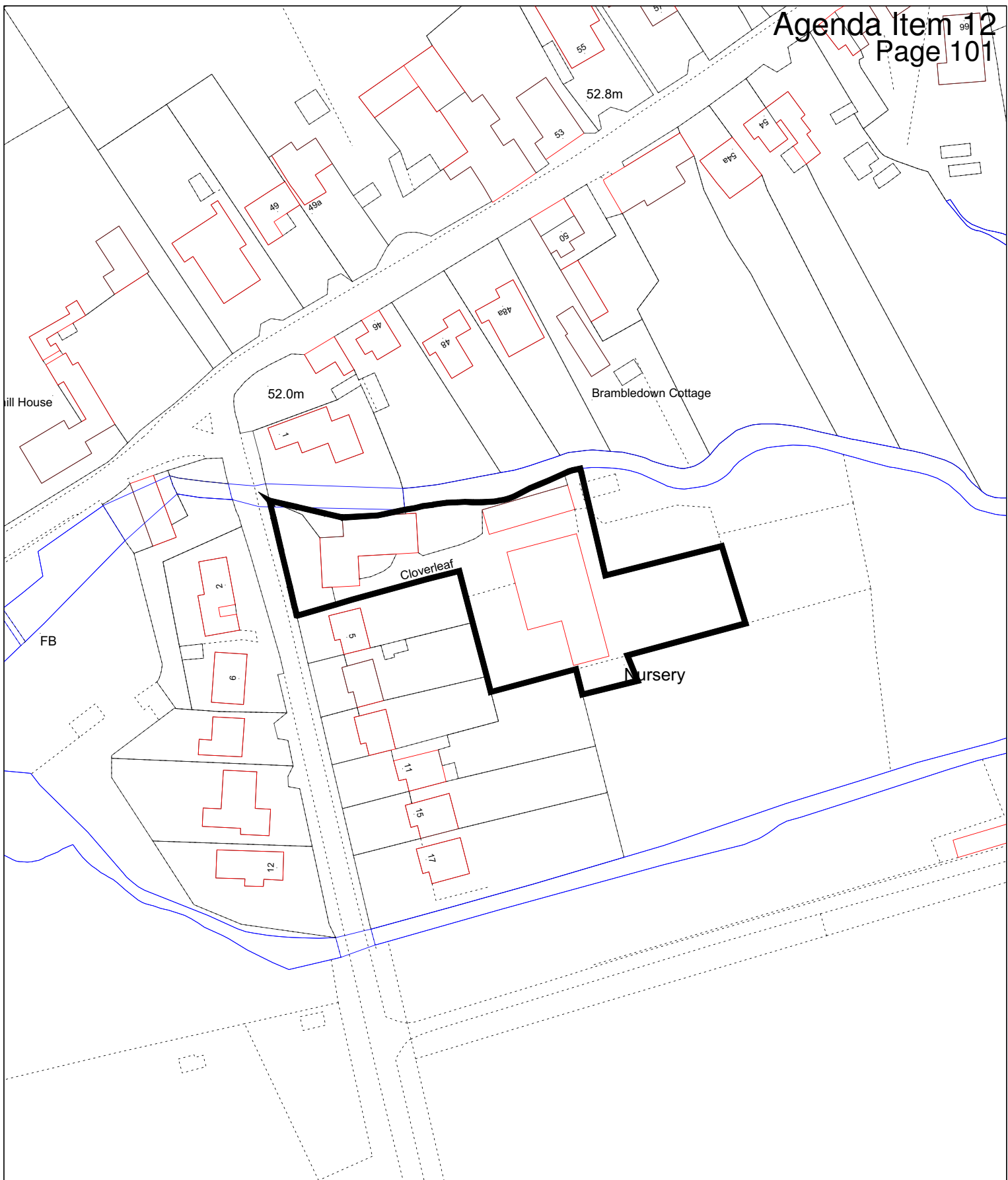
12. The site would adjoin the gardens of properties in Shefford Road, in Bunyan Close and in Alexander Close. The access would run between No 65 and No 61 Shefford Road. There would be some side separation between the access road and No 61. Most of No 65 would be away from the access. Having looked at 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

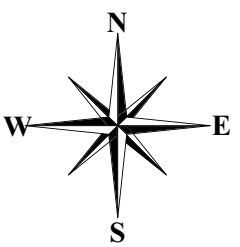
Appeal Decision APP/J0215/A/07/2049976

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



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	Date: 02:December:2009	
	Map Sheet No	
Scale: 1:1250		

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Item No. 12

APPLICATION NUMBER	CB/09/06194/RM
LOCATION	Land To The Rear Of 3, The Causeway, Clophill
PROPOSAL	RM: Erection of 2 detached dwellings and change of use of area of land to rear from horticulture to paddock. Pursuant to outline planning permission (06/01041/OUT) allowed on appeal date 13/08/07.
PARISH	Clophill
WARD	Maulden and Clophill
WARD COUNCILLORS	Cllr Barker & Cllr Lockey
CASE OFFICER	Julia Ward
DATE REGISTERED	28 October 2009
EXPIRY DATE	23 December 2009
APPLICANT	Blackmore Developments Ltd
AGENT	Michael V S Hardiman & Associates Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Cllr Barker request due to concerns over the size of the buildings.
	Approve Reserve Matters

Site Location:

The application site is located on the eastern side of The Causeway in Clophill. The application site comprises no. 3 The Causeway, a two storey detached dwelling house and rear garden, and a grassed area to the rear (east of the house) which was formerly a small horticultural nursery. The site extends behind dwellings at 5, 7, 9 and 11 The Causeway.

The site boundary of Clophill Conservation Area runs through the site and is located to the south of 3 The Causeway along the northern boundary of proposed plot 1. The eastern part of the site falls outside the Settlement Envelope for Clophill.

The Causeway is residential in character and comprises 2 storey dwelling houses on the eastern side of the road immediately adjacent to the application site and a mixture of single storey and two storey dwelling houses on the opposite side of the road.

The Application:

The applicant is seeking reserved matters approval for the appearance, landscaping, layout and scale of the site. The application comprises 2 no. two storey dwellings (both with 4 bedrooms) with garages. Access would be taken through the existing access between 3 The Causeway and 5 The Causeway, as approved under planning application ref. 06/01041/OUT, allowed on appeal 13/08/07. A single storey detached garage would be located to the south of plot 1 with an attached single storey garage/ store to plot 2.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development
PPS3 - Housing

Regional Spatial Strategy

East of England Plan (May 2008)

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

Bedfordshire Structure Plan 2011

No relevant saved policies

Core Strategy and Development Management Policies for Central Bedfordshire (North) (adopted November 2009)

CS1 - Development Strategy
CS14 - High quality development
DM3 - High quality development
DM4 - Development within and beyond Settlement Envelopes
DM14 - Landscape and woodland
DM18 - Equestrian development

Supplementary Planning Guidance

Design Guide for Residential Areas in Mid Bedfordshire (adopted 2004)

Planning History

06/01041/OUT Outline: Erection of 2 no. detached dwellings (all matters reserved except access) and change of use of area of land to rear from horticulture to paddock - refused 29/12/06 as it was considered that the proposal would result in localised flooding of the area and would lead to increased traffic movements within the narrow road of The Causeway and at the junction with the High Street.

Appeal allowed 13/08/07

07/00057/FULL Erection of 2 no. dwellings - refused 12/04/07 as it was considered that the proposal would result in localised flooding of the area and would lead to increased traffic movements within the narrow road of The Causeway and at the junction with the High Street.

74/000762/OA Outline application for 10 no. houses - refused 08/10/74 as it was considered that the site was at that time unallocated, outside the Settlement Envelope, site subject to flooding,

highways danger from traffic from 10 no. houses, proposal would set precedent for future development. Application dismissed on appeal - 28/11/75
This application concerned a much larger site extending into the land behind the current planning application.

74/00762A/OA

Outline application for 1 no. house - approved 09/09/76

**Representations:
(Parish & Neighbours)**

Clophill PC

Clophill Parish Council - Objects to the proposal for the following reasons:

- 1) The dwellings have been re-positioned on the site differently to those shown on the plans at outline stage. Any dwellings on the site should be positioned on an east - west line;
- 2) The proposed dwellings are too large for the site;
- 3) Windows have been proposed overlooking the neighbouring properties;
- 4) Any increase in the ground level of the site to prevent flooding would have result in increasing the height of the proposed houses even further;
- 5) The construction of the houses would interfere with the natural drainage of the adjoining gardens.

Adj Occ

Six letters of objection have been received from the following addresses:

5 The Causeway:

1. No bore holes have been dug on the site;
2. The site is in a high water table area;
3. Previous applications have been refused as the site is an obvious flood risk area;
4. Previous conditions laid down by Inspectors have been ignored as the level of the site was raised and caused flood damage to adjoining gardens. Claims for compensation have been made;
5. the site is not suitable for building or storage given the flood problems;
6. The width of the access is inadequate;
7. The submitted plans show houses with windows overlooking the rear gardens of houses in The Causeway resulting in loss of privacy, overshadowing and preventing enjoyment of the existing residential dwellings;
8. The location of the access surrounding the length and width of the boundary of 5 The Causeway will cause noise, traffic fumes and damage to fencing.

11 The Causeway:

1. The site is in an area of well known natural high water table;
2. It adjoins an area of flood risk;
3. No bore holes have been dug to ascertain the suitability of the land for future development;
4. The changing ground conditions caused by the previous depositing and storage of soil and crushed bricks has caused frequent and extended flooding to the surrounding properties;
5. The development would adversely affect the amenities of the area;
6. Loss of privacy to rear garden;
7. Compensation claims for damage already caused have not been settled;
8. Over time many planning applications have been refused due to the instability of the ground;
9. None of the conditions that the previous Inspector attached to the approval were adhered to;
10. Additional traffic would be created on The Causeway;
11. Additional noise would be created from traffic noise and loud music at evening time.

2 The Causeway:

1. The entrance to the site is very narrow and would not be wide enough for emergency vehicles;
2. The Causeway is 30mph and the access would be dangerous.

7 The Causeway:

1. Loss of light and overshadowing;
2. Loss of privacy and overlooking;
3. The development would not bring any social, economic or environmental advantage to Clophill.

17 The Causeway:

1. The ground is not suitable for large buildings because of the high water table - bungalows were originally proposed in this location;
2. The width of the access road is very narrow;
3. Loss of privacy.

42 High Street:

1. The Causeway floods in very wet conditions - can the developer confirm that the purchasers of the properties will not have a problem with flooding and that the proposal will not cause flooding issues for other residents?
2. The junction with the High Street is hazardous. More

dwelling will generate more traffic at this busy junction. Page 107
 Construction vehicles will find it difficult to negotiate this
 junction and will damage the verges.

Consultations/Publicity responses

Highways

Whilst there are no objections on highways grounds to the proposal, it is noted that the Inspector for the previous appeal added two conditions regarding the provision of visibility at the access and surfacing of the access. The access is currently a gravel surface which is not satisfactory to serve the development and no indication of visibility provision has been made. Subject to satisfactory details being submitted in due course to discharge the conditions related to highways issues, the proposal is considered satisfactory.

A further condition is requested to be added to any approval requiring details for on site parking for construction workers to be submitted to and approved by the local planning authority.

Internal Drainage Board

It is noted that conditions 6 (floor levels), 7 (sustainable drainage) and 8 (no obstructions within 7 metres of the watercourse) were attached to the outline approval for the site (ref: 06/01041/OUT, allowed on appeal 13/08/07) and are therefore required to be addressed at a later date. However, the gated entrance to the site and the gate to the proposed paddock should have a 4.5 metre clear opening in order that the Board may access the watercourse on the northern boundary of the property. There are no other comments at this stage.

Environment Agency

The site lies partly in Flood Zone 2/3 as shown on the Environment Agency's flood map and is at risk of flooding from the surrounding Bedfordshire and River Ivel Internal Drainage Board (IDB) watercourses. The IDB should be consulted with a Flood Risk Assessment including surface water drainage arrangements for the proposal.

Determining Issues

The main considerations of the application are:

1. Principle of residential development on this site
2. Impact of the proposal on the character and appearance of the area
3. Impact on the amenities of adjoining and nearby occupiers and future occupiers of the development
4. Any other material planning considerations

Considerations

1. Principle of residential development on this site

The principle of residential development on this site has been established through the outline planning permission that was allowed on appeal (ref: 06/01041/OUT, allowed 13/08/07). Indeed, this permission indicated that 2 no. dwellings were approved. Although an indicative site plan was submitted with the application showing 2 no. houses orientated in a north-south direction, this plan did not form part of the approved plan and was submitted to indicate that 2 no. dwellings could be accommodated on the site.

The appearance, layout, scale and landscaping of the site are now the factors to be considered in assessing this application as the principle of the erection of 2 no. dwellings and the access to the site have previously been established.

2. Impact of proposal on character and appearance of the area

The Inspector's report for the planning application allowed on appeal (ref: 06/01041/OUT) stated that "It is my opinion that the site is capable of accommodating two dwellings and that due to its location the development of the site would generally preserve the character and appearance of the Clophill Conservation Area". The proposed houses would be two storey which would accord with condition 10 attached to the outline permission stating that the dwellings shall not exceed two storeys in height. The northern elevation of Plot 1 would be immediately adjacent to the boundary with the conservation area. This elevation is a side elevation to the property and would comprise secondary habitable room windows and glazing to a single storey conservatory. This northern boundary would be planted with native hedgerow planting. The proposed materials are light red multi bricks for the walls of the dwellings, a natural grey slate for the roof, and pantiles and dark stained timber boarding for the walls and roofs of the garages and store. It is considered that given the good quality materials proposed and the location of the proposed properties to the rear of existing properties in the Causeway and not being a major view into or out of the Conservation Area, the proposal would not detract from the character or appearance of the Conservation Area or the immediate vicinity.

The front elevations of the proposed properties would have obscurely glazed windows at first floor level to avoid overlooking into the rear of existing properties in The Causeway. Whilst this is an unconventional arrangement of windows within a property, these elevations would only be viewed from the rear of existing properties within The Causeway and it is therefore considered that the design and appearance of the front of these properties would not have a detrimental impact on the character and appearance of the streetscene along The Causeway.

3. Impact of proposal on amenities of adjoining and nearby occupiers and future occupiers of the development

It is appreciated that the orientation of the proposed properties has been amended in this application from the indicative plans submitted with the outline planning application (ref: 06/01041/OUT). However, as the previous plans were indicative and did not form part of the planning permission, this current

application should be determined on its own planning merits against relevant policies.

The existing properties are located a minimum of 23 metres to the single storey element of plot 2 and 30 metres from the two storey elevations of the proposed dwellings. The rear gardens of 5, 7, 9 and 11 The Causeway are bounded by fencing and mature vegetation. Plot 1 would have 2 bathroom windows and a hall window at first floor level facing the rear of existing properties in the Causeway, whilst plot 2 would have a bathroom, hall and secondary bedroom window facing existing properties. It is considered that a condition requiring all these windows at first floor level to be obscurely glazed would prevent an unacceptable level of overlooking or loss of privacy to adjoining properties.

Whilst the rear gardens of the proposed properties would be less than 10.5 metres in length, the gardens would be backing onto open countryside and would be adjacent to a 3.5 metre wide landscaped buffer to the east of the site. In addition, the rear gardens would cover an area larger than 100 sq metres each. The plot sizes are therefore considered adequate.

It is considered appropriate to attach conditions to any approval restricting permitted development rights in terms of new extensions and outbuildings and further window openings at first floor level to ensure that the amenities of adjoining occupiers are not adversely affected by any such development and future occupiers of the proposed dwellings are protected.

The applicant has submitted a section through the site in support of the application. This drawing indicates that the height of the proposed dwellings would be in keeping with the height of the existing buildings on The Causeway. It is also noted that condition 6 attached to the outline permission requires details of levels and ground floor slab levels to be submitted and agreed by the local planning authority prior to the commencement of development.

Having regard to the above factors, it is considered that the proposal would not have such a significant impact on the residential amenities of adjoining occupiers to warrant refusal of the application.

4. Any other material planning considerations

Drainage issues

The issue of drainage of the site was considered at the time of the outline planning application. The applicant has re-submitted the Flood Risk Assessment in support of this reserved matters application. The Internal Drainage Board is satisfied that provided conditions 6, 7 and 8 related to floor levels, foul and surface water drainage and prevention of development within 7 metres of the watercourse are adequately discharged, this proposal is satisfactory.

Highways issues

The means of access from The Causeway was previously considered and approved under the outline planning permission (ref: 06/01041/OUT). The Inspector's report stated that the proposal for two dwellings on the site "... would cause no harm to highway safety". It is considered that provided the relevant condition attached to the outline permission regarding the construction of the access and visibility splays are satisfactorily discharged, the proposal would not have any adverse impact on highway safety in the area.

It is not considered appropriate to add an additional condition requiring on-site parking for construction workers as this condition does not relate to the specific detail of the scheme and therefore should not be added at reserved matters application stage. In any event, it is considered that there is sufficient space at the front of 3 The Causeway for off-street parking for construction workers.

Reasons for Granting

The proposal to erect two dwellings, by reason of its scale, siting and design, would not detract from the character and appearance of the adjoining conservation area or the streetscene, and would not result in a detrimental impact on the residential amenities of adjoining occupiers. The proposal is therefore in conformity with Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 3 (Housing), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and policies CS14, CS15, DM3 and DM4 of the Core Strategy and Development Management Policies for Central Bedfordshire (North), and Mid Bedfordshire Supplementary Technical Guidance "Design Guide for Residential Areas in Mid Bedfordshire" (2004).

Recommendation

That Planning Permission be approved subject to the following:

- 1 Prior to the first occupation of the dwellings hereby approved the first floor windows in the western elevation of the development facing the rear gardens of 5, 7 and 9 The Causeway and the southern elevation of plot 2 facing the rear garden of 11 The Causeway shall be fitted with obscured glass of a type to substantially restrict vision through them at all times.

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

- 2 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 or material alteration of the buildings (Part 1, Classes A, B, and C of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008) or the erection of any building or structure within its curtilage (Part 1, Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008) without the specific grant of planning permission in writing by the Local Planning Authority.

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

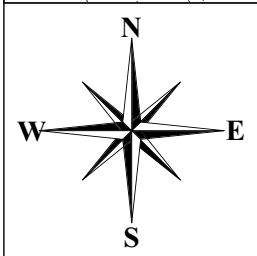
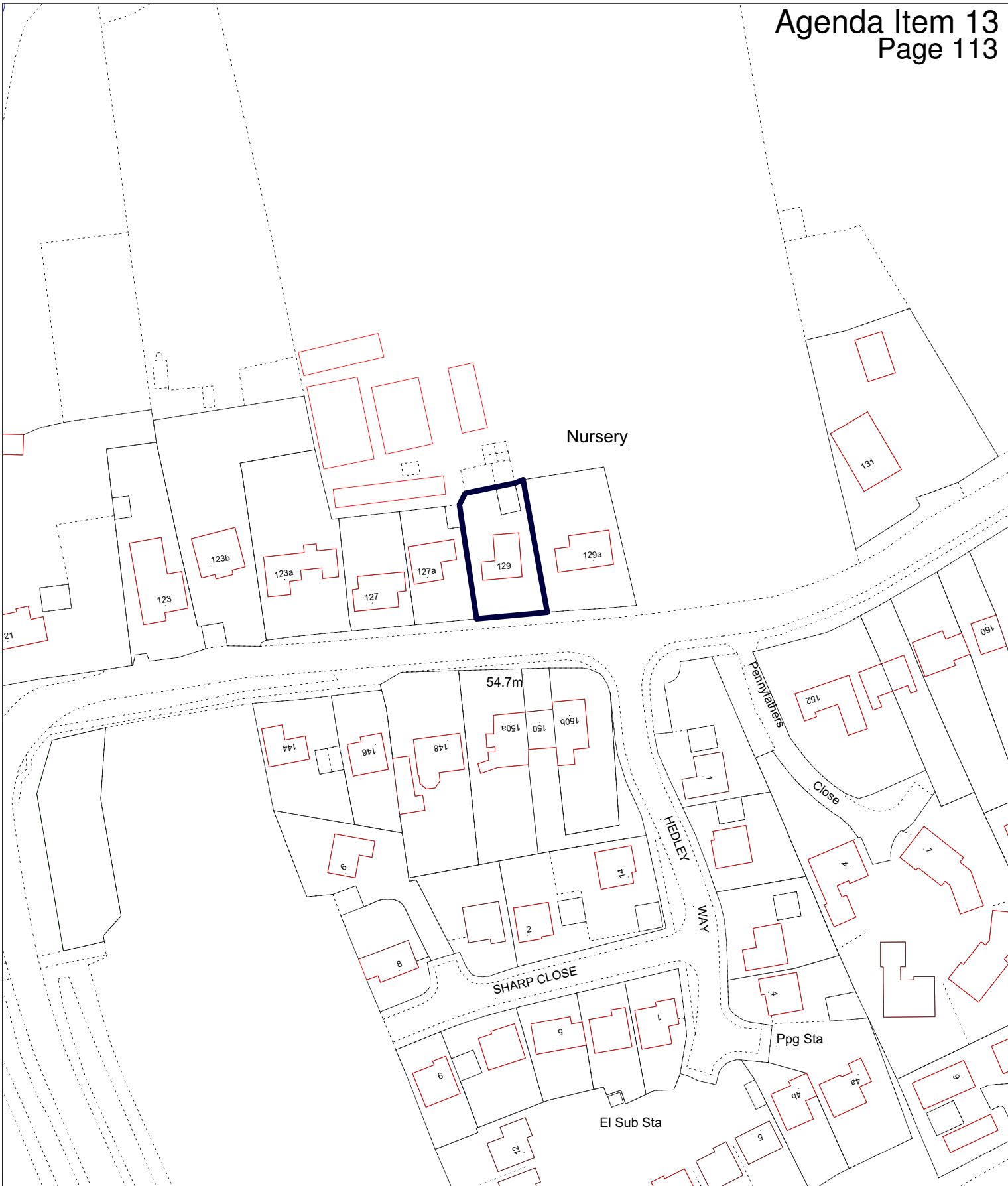
- 3 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further windows or other openings shall be formed at first floor level of the dwellings hereby approved.

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

DECISION

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 Central Bedfordshire Council
 Licence No. 100049029 (2009)

Date: 08:December:2009

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 13

APPLICATION NUMBER	CB/09/00830/FULL
LOCATION	129 Clophill Road, Maulden, Bedford, MK45 2AE
PROPOSAL	Full: Demolition of existing building and erection of four new dwellings.
PARISH	MAULDEN
WARD	MAULDEN AND HOUGHTON CONQUEST
WARD COUNCILLORS	Cllr A Barker and Cllr H Lockey
CASE OFFICER	Julia Ward
DATE REGISTERED	22 May 2009
EXPIRY DATE	17 July 2009
APPLICANT	Mr Rayner
AGENT	Aragon Land & Planning UK LLP
REASON FOR COMMITTEE TO DETERMINE	For Committee to reconsider their resolution of 21st October 2009
RECOMMENDED DECISION	Grant Planning Permission

The application

Members will recall that at their meeting of 21st October 2009 they resolved to grant full planning permission for this site which is located on the northern side of Clophill Road within Maulden.

The applicant is proposing to demolish the existing two storey dwelling at 129 Clophill Road and replace with a two storey dwelling, together with the erection of three single storey dwellings to the rear. Vehicular access to the proposed properties would be taken from Clophill Road along the boundary with no. 129a.

The resolution

The resolution made by Members on 21st October 2009 followed the recommendation of officers that planning permission should be approved subject to the completion of a satisfactory Unilateral Undertaking in relation to the new properties and an acceptable Waste Management Plan being submitted.

The Issues

Following the previous “minded to approve” resolution of Committee, the applicant submitted evidence of title in support of the Unilateral Undertaking. These Deeds indicate a discrepancy between the site edged red submitted with the application and the land actually owned by the applicant. The site edged red included an area along the western boundary (maximum 1.5 metres wide) which is not within the ownership of the applicant, although Certificate A was signed with the application. The previous confirmation from the agent that the correct certificate had been signed was therefore found to be incorrect.

Following a review of relevant case law related to amending site location plans during the planning application process, it is considered that a site edged red may be made smaller provided the change does not result in any material impact on nearby occupiers or achieving the development itself. All previous neighbours and the Parish Council have been re-consulted on the amended plans and any comments will be reported at Committee.

The reduction in the size of the site edged red in this instance would result in a reduction in the depth of the rear garden of plot 4 and the side garden of plot 3 by a maximum of 1.5 metres. Whilst this reduction would reduce the overall size of the gardens, they would each still be at least 100 sq metres in total and therefore would accord with the Design Guide for Residential Areas in Mid Bedfordshire (adopted 2004). The location of the proposed buildings themselves has not altered and therefore the impact on the residential amenities of adjoining occupiers is still considered to be acceptable.

Policy implications

The original resolution of the Development Management Committee was made having regard to the policies of the Mid Bedfordshire Local Plan First Review (adopted 2005). This document has now been superseded by the Core Strategy and Development Management Policies for Central Bedfordshire (North) (CSDM) which was adopted on 19th November 2009.

It should be noted that the following policies now apply to this proposal:

- CS1 – Development Strategy
- CS2 – Developer Contributions
- CS7 – Affordable Housing
- CS14 – High Quality Development
- CS16 – Landscape and Woodland
- CS18 – Biodiversity and Geological Conservation
- DM3 – High Quality Development
- DM4 – Development Within and Beyond Settlement Envelopes
- DM14 – Landscape and Woodland
- DM15 – Biodiversity

It should also be noted that the site to the rear of the existing rear boundary of 129 Clophill Road has been removed from the Settlement Envelope of Clophill (including Hall End). The proposal would therefore be contrary to policy DM4 of the CSDM which advises that new development should be within defined Settlement Envelopes.

In considering this application on 21st October 2009, members had regard to the adopted Local Plan First Review. The change to the delineated edge of the application site has not materially altered the development proposal itself. What has changed during the consideration of the application is that the Core Strategy has now been adopted, taking the site outside the defined Settlement Envelope. A determination strictly in line with the Core Strategy would indicate that this application should be refused planning permission. However, the previous resolution of the Committee is an important material planning consideration in the re-assessment of this proposal. The recommendation of officers is that since the proposal itself has not materially changed, and having regard to all the relevant material considerations, the balance of the argument weighs in favour of continuing support for the application.

Policy CS7 requires all new housing sites of four or more houses to include at least one affordable unit. However, in this instance, one of the four proposed properties is a replacement dwelling with a net gain of 3 no. new dwellings and therefore policy CS7 would not apply.

Whilst the proposal would now be contrary to policy DM4 of the CSDM, it is considered that the previous pre-application advice, planning application process and resolution to grant planning permission all having regard to the former Mid Bedfordshire Local Plan First Review (adopted 2005) holds significant weight in the decision making process. In addition, it is considered that the residential nature of the proposal would not have a material impact on the amenities of adjoining occupiers and the proposal would not detract from the ecological interests or landscape character of the area and would create a high quality development in this location.

An acceptable Waste Audit has now been submitted by the applicant.

Attachments

A copy of the original report to Committee is attached for information as Appendix A.

Amended plans

The amended plan reference numbers are as follows:
1090/09/1C
1090/09/4J
E-mail from agent dated 16/11/09 related to Waste Audit

Recommendation

Members are asked to confirm their resolution to grant planning permission for this amended site area subject to the completion of a satisfactory Unilateral Undertaking.

Reasons for Granting

The proposal, by reason of its scale, appearance, location, layout and mitigation measures related to reptiles, would not have an adverse impact on the character or appearance of the streetscene or the amenities of adjoining occupiers, nor on the ecological interests of the area. The proposal is therefore in conformity with policies CS1, CS2, CS7, CS14, CS16, CS18, DM3, DM14 and DM15 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) (adopted 19/11/09), Supplementary Planning Guidance: Design Guide for Residential Areas in Mid Bedfordshire, PPS1: Delivering Sustainable Development, PPS3: Housing.

DECISION

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APPLICATION NUMBER	CB/09/00830/FULL
LOCATION	129 CLOPHILL ROAD, MAULDEN, BEDFORD, MK45 2AE
PROPOSAL	FULL: DEMOLITION OF EXISTING BUILDING AND ERECTION OF FOUR NEW DWELLINGS.
PARISH	MAULDEN
WARD	MAULDEN AND HOUGHTON CONQUEST
WARD COUNCILLORS	Cllr A Barker and Cllr H Lockey
CASE OFFICER	Julia Ward
DATE REGISTERED	22 May 2009
EXPIRY DATE	17 July 2009
APPLICANT	Mr Rayner
AGENT	Aragon Land & Planning UK LLP
REASON FOR COMMITTEE TO DETERMINE	CLLR LOCKEY REQUEST IN RESPONSE TO RESIDENTS' CONCERNS ABOUT NEW DRIVEWAY AND IMPACT OF NEW HOUSE ON ADJACENT BUNGALOW
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

The application site lies on the northern side of Clophill Road within the large Village Settlement of Clophill (including Hall End, Maulden). The site currently comprises a detached two storey dwelling set within a frontage of other dwellings of mixed sizes, ages and designs. The adjacent property to the west is a bungalow (no. 127a) and there is an existing access running between the application property and no. 127a leading to land at the rear of the site occupied by redundant glass houses in a poor state of repair. The existing property to the east is a two storey house (no. 129a). There is an increase in levels towards the rear of the site with land to the north of the site sloping up towards an Area of Great Landscape Value, Site of Special Scientific Interest and County Wildlife Site.

The immediate area fronting Clophill Road is residential in character comprising a mix of dwelling types, sizes and designs.

The Application:

The applicant is seeking planning permission for the demolition of the existing house fronting Clophill Road and its replacement with a two storey dwelling together with the erection of three single storey dwellings to the rear. Vehicular access to the proposed properties to the rear would be taken from Clophill Road along the boundary with no. 129a. The site is 0.23ha in size.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development
PPS3 - Housing

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

LPS2 - Large Villages
LPS4 - Settlement Envelopes
DPS5 - Protection of Amenity
DPS9 - Open Space for New Dwellings
DPS10 - Highways Provision for New Developments
HO5 - Housing Density
HO6 - Location of New Residential Development

Supplementary Planning Guidance

Design Guide for Residential Areas in Mid Bedfordshire (adopted 2004)

Planning History

MB/06/00169/FULL Erection of detached 3 bed dwelling following demolition of existing dwelling - Refused 25/05/06 due to overbearing impact of proposal on adjacent bungalow at 127a Clophill Road.

MB/06/00171/FULL Erection of 3 no. detached dwellings, associated garages and parking, and formation of vehicular access following demolition of existing nursery greenhouses - Withdrawn 23/03/06

**Representations:
(Parish & Neighbours)**

Maulden Parish Council No objection to the proposal provided it remains in the development envelope of the village. However, issues that need to be considered are:
1. The site rises from Clophill Road and the Parish Council prefers that the development is bungalows only;
2. Concerns about the width of the entrance roadway;
3. No vision splays are provided and there is a big bend very near the entrance and visibility should be a priority;
4. Plot 1 indicates a four bedroomed house with only one parking space provided - a property this size would have

at least 2 vehicles and parking will be forced onto Clophill Road.

Following receipt of revised plans, the Parish Council support the application.

Neighbours

5 letters of objection have been received raising the following concerns:

150B Clophill Road:

1. The submitted plans are inaccurate in terms of land ownership and only indicate 7 car parking spaces for 3 houses;
2. Part of the site lies outside the Settlement Envelope;
3. The new houses will generate more traffic and cause highway safety issues. There would not be enough room for delivery vehicles to enter and exit the site;
4. Parking for the proposed house on Clophill Road should be at the rear of the dwelling;
5. Development would be too dense - the dwellings have been squeezed onto the site;
6. Proposal would result in overlooking and loss of privacy to adjoining occupiers;
7. The proposal would dominate the streetscene;
8. The application does not include adequate boundary planting;
9. Maulden does not have enough capacity in its local services to cope with additional population;
10. Insufficient parking would be provided.

123A Clophill Road:

1. The submitted plans are inaccurate in terms of land ownership;
2. Part of the site falls outside the Settlement Envelope;
3. Plot 4 overlooks the garden of 123A Clophill Road;
4. Plot 1 would have a detrimental impact on the occupiers of 127A Clophill Road;
5. Unsafe and inadequate width of access onto Clophill Road;
6. Proposed houses would be visually intrusive and detrimental to the character of the area;
7. Proposed layout is cramped and not large enough for dwellings;
8. Lack of adequate landscaping.

150 Clophill Road:

1. Impact of the proposal on wildlife in the area

127A Clophill Road:

1. Proposal would block light to windows;
2. Additional noise of traffic generated by proposal

129A Clophill Road:

1. Loss of privacy and security to property;
2. Additional traffic would increase noise levels;
3. Inaccurate plans submitted in terms of land ownership;
4. Housing density too great for site;
5. Why is location of entrance road into the site being moved from its current position?
6. Proposed tree screen along boundary would overhang property;
7. If plans are approved, a condition should be attached for the developer to erect a 2 metre high boundary brick wall in keeping with the surrounding properties and any overlooking bathroom windows should have obscure glazing.

Consultations/Publicity responses

Waste officer A Waste Audit is required to be submitted, a Site Waste Management Plan is required and the bin storage location and proposed collection points are required to be clarified by the applicant.

Wildlife Trust The verified records held by the Bedfordshire and Luton Biodiversity and Recording Centre include a recent Slow Worm record from close to 129 Clophill Road. The derelict greenhouses on the site would probably contain suitable habitats for Slow Worms. Slow Worms are legally protected under the Wildlife and Countryside Act 1981. The submitted Reptile Assessment states that "it was highly likely that reptile would be present in the proposed development site and may be at risk of harm due to development works on the site". It is therefore advised that the recommendations in the Assessment are followed in order to prevent harm to the protected species. Further survey works should be tied by condition to any approval. Work should not start until mitigation measures have been agreed and implemented.

Natural England It is noted that the ecological report recommends further surveys for the application site. However, the detailed mitigation measures appear to cover a "worse case scenario" position and provided the detailed surveys and appropriate mitigation measures are undertaken as outlined in the report, there are no objections to the proposal in respect of impact on protected species. Conditions related to further reptile surveys, a detailed mitigation plan and a long term management plan for

enhancement of the site should be attached to approval.

- Marston Vale Trust Application is relevant for a contribution to the delivery of the Forest of Marston Vale as set out within the Mid Bedfordshire Planning Obligations Strategy 2008
- Environment Agency The application site falls within Cell F2 of the Environment Agency's PPS25 Flood Zone Standing Advice Matrix Version 2 (February 2009). In line with current government guidance on Standing Advice, it is not necessary, in this instance, for the Council to respond on behalf of the Agency in respect of land drainage/ flood defence issues using the matrix. The applicant suggests that the disposal of foul sewage is unknown. In the eventuality of a connection to a public foul sewer not being available, the suitability of any non-mains sewerage system must be demonstrated by the applicant to the satisfaction of the Local Planning Authority. Any non-mains foul water drainage system will require the prior written consent of the Environment Agency.
- Internal Drainage Board The Board notes that the proposed method of storm water disposal is by way of soakaways. It is essential that ground conditions are investigated and if found satisfactory the soakaways are constructed in accordance with the latest Building Research Establishment Digest (365).
- Highways A revised plan (1090/09/4C) has been submitted addressing previous issues raised including parking areas, turning circles for large and emergency vehicles and cycle parking. Although the plan indicates cycle parking for each dwelling, it is not detailed enough and it is considered that cycle parking within the garage would not provide adequate parking for both cars and cycles. A condition is therefore suggested to ensure adequate cycle parking. As a fire appliance cannot reach the furthest dwelling and cannot turn and leave in a forward gear, the applicant has provided evidence from the fire service that a sprinkler system will be acceptable in this instance for the dwellings. Other conditions are suggested relating to the surfacing of on-site vehicular areas, garage accommodation to be retained as such, and details of on site car parking for construction workers during the construction period.

Determining Issues

The main considerations of the application are;

1. Principle of residential development in this location;

2. Impact of proposal on the visual amenities of the area;
3. Impact of proposal on residential amenities of neighbouring occupiers;
4. Highways issues;
5. Other material planning considerations.

Considerations

1. Principle of residential development in this location

Revised plans have been submitted indicating that the application site is wholly located within the Settlement Envelope of Clophill (including Hall End, Maulden) as defined in the Mid Bedfordshire Local Plan (adopted 2005). Clophill is defined as a "Large Village" in the Local Plan. The principle of residential development in such areas is usually considered acceptable, subject to various other criteria being satisfied.

The recent Local Development Framework Inquiry considered the new Core Strategy for the old Mid Bedfordshire area. The final report and conclusions are awaited but may include the removal of the application site from the Settlement Envelope. It is considered that as the Inspector's report has not been adopted for Development Management purposes, this application must be determined on the current policies for the development within the adopted Mid Bedfordshire Local Plan.

2. Impact of the proposal on the visual amenities of the area

The site is slightly elevated in relation to the houses facing Clophill Road and is visible from Clophill Road itself. Following pre-application discussions and amendments received during the planning application process, the applicant is proposing to replace the existing two storey dwelling at 129 Clophill Road with a two storey dwelling moved closer to the boundary with 127a Clophill Road. Three single storey bungalows are proposed to the rear of this dwelling with access from Clophill Road along the boundary with 129a Clophill Road.

The design of the dwelling facing Clophill Road is simple and reflects that of the existing dwelling with a pitched roof with gable ends. Bay windows are proposed to the front of the dwelling. The proposed house would be located on the same building line as the neighbouring houses.

The three single storey dwellings to the rear would be arranged in a courtyard style and would be constructed in a timber cladding and brick appearance. Plot 2 has been reduced in footprint to allow greater open space around this property and a more acceptable layout. It is considered that single storey dwellings would be appropriate in this location given the rise in levels towards the rear of the site. A condition requiring full details of existing and proposed levels is considered appropriate in this instance.

It is considered that the scale, design and form of the development is acceptable and would appear in keeping with the streetscene in this part of Clophill Road.

3. Impact of the proposal on the residential amenities of neighbouring occupiers

Planning permission has previously been refused for a two storey replacement dwelling at 129 Clophill Road due to the overbearing impact of the proposal on the occupiers of 127a Clophill Road (ref: MB/06/00169/FULL, refused 25/05/06). 127a Clophill Road has three windows in its gable end facing the application site - one of the windows at ground level is a habitable room with a first floor habitable room window at first floor level. Whilst this application also proposes a two storey dwelling onto Clophill Road, the proposed dwelling has been moved 2.5 metres away from the boundary with 127a Clophill Road and set 1.5m deeper into the site (the previously refused property was located on the boundary). On balance, given the current outlook of the occupiers of 127a Clophill Road into the existing gable end of 129, it is considered that this revised siting would not have so significant an overbearing impact on the occupiers of 127a Clophill Road to warrant refusal of the application.

The orientation of the single storey dwellings to the rear would not result in any direct overlooking to adjacent properties on Clophill Road. In addition, the proposed dwellings would not have any windows in the roof. It is considered that the proposal would not result in any undue loss of privacy or overlooking to adjoining properties, but that a condition would be appropriate if planning permission is granted to require planning permission for any subsequent material alterations to the roofs of these three units.

The depths of the proposed rear gardens do not meet the 10.5 metre guidance as advised in the Design Guidance (adopted 2004). However, given the orientation of the dwellings in relation to surrounding properties and the total amount of garden space for each dwelling, the layout is considered appropriate in this instance.

Access to the proposed development would be taken along the side boundary with 129a Clophill Road. It is considered that the development of 3 no. dwellings in this location would not have any undue impact in terms of noise and disturbance from vehicles entering and leaving the site. However, it is considered appropriate to attach a condition to any approval requiring full details of boundary treatment along this boundary to be submitted and agreed.

On balance, it is considered that provided suitable conditions are attached to any approval as discussed above, the proposal would not have such a significant impact on the residential amenities of adjoining occupiers to warrant refusal of the application.

4. Highways issues

Revised plans have been submitted by the applicant which address concerns raised by highways including location and number of parking spaces, cycle parking and turning areas for large and emergency vehicles. It is considered that appropriate conditions can be attached to any approval relating to on-site vehicular surfacing, adequate sprinkler systems within the properties and cycle parking.

5. **Other material planning considerations**

Ecological impacts

The application site is located in close proximity to an Area of Great Landscape Value, Site of Special Scientific Interest and County Wildlife Site.

Following concerns raised by the Wildlife Trust that the application site and the adjacent sites may be populated by Slow-worms (a protected species) and other reptiles, the applicant has submitted a Reptile Survey in support of the application (Adonis Ecology, 13/07/09). The report states that although no reptiles were observed within the boundaries of the site, habitats such as rough grassland and scrub were considered to be suitable foraging, basking and refuge habitat for reptile species. Furthermore, three slow-worm and two common lizards were observed within land to the north of the application site. Given that habitats on the site were considered suitable for reptiles, two species of reptile were observed on land adjacent to the site and past records indicate that reptiles were present within 30 metres of the site, it is considered highly likely that reptiles would be present within the proposed development site and may be at risk of harm due to development works on the site. It is therefore recommended that further surveys are undertaken to design appropriate impact avoidance and/or mitigation measures for reptiles.

Suggested mitigation measures include reptile fencing and artificial refuges prior, during and after construction works.

The applicant's site location plan indicates that the applicant controls land immediately to the north of the site that would be required to undertake any proposed mitigation measures.

Having regard to the conclusions of the above report and advice from Natural England and the Wildlife Trust, it is considered appropriate to attach conditions to any approval requiring further survey works and mitigation measures to be carried out and implemented in accordance with the recommendations of the submitted survey.

Waste Audit and Site Waste Management Plan

The applicant has confirmed that a Waste Audit and Site Waste Management plan is being prepared. Further details will be reported at Committee. The applicant has indicated on the submitted drawings that a waste collection point would be located at the front of the site with a waste storage area at the side of each property. These locations are considered acceptable.

Planning Obligation Strategy

Supplementary Planning Guidance relating to Planning Obligations came into effect on 1st May 2008. This requires planning applications relating to one or more dwellings to provide contributions towards infrastructure as set out in the Planning Obligations Strategy.

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.

Accordingly, the level of contribution required for this scheme has been calculated in relation to the impact the development would have on the local infrastructure and the contribution that would be required to offset this.

The total contributions required for this scheme come to £57, 025.

The applicant has submitted a draft Planning Obligation to be agreed with the Local Planning Authority. A further update on this will be presented to committee.

Reasons for Granting

The proposal, by reason of its scale, appearance, location, layout and mitigation measures related to reptiles, would not have an adverse impact on the character or appearance of the streetscene or the amenities of adjoining occupiers, nor on the ecological interests of the area. The proposal is therefore in conformity with policies LPS2, LPS4, DPS5, DPS6, DPS9, DPS10, HO5 and HO6 of the Mid Bedfordshire Local Plan First Review (adopted 2005), Supplementary Planning Guidance: Design Guide for Residential Areas in Mid Bedfordshire, PPS1: Delivering Sustainable Development, PPS3: Housing.

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 **Notwithstanding the approved plans, no development shall be undertaken until a scheme has been submitted to and approved in writing by the Local Planning Authority setting out the details of the materials to be used for the external walls and roofs. The development shall be carried out in accordance with the approved scheme.**

Reason: To protect the visual amenities of the building and of the area generally.

- 3 **No development shall be undertaken on site until full details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- proposed finished levels or contours;

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

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

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

- 4 No development shall be undertaken on site until a scheme has been submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied.

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

- 5 Before development is undertaken 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. Such details shall be sufficient to clearly identify the completed height of the development in relation to the adjacent development. 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.

- 6 Details of the method of disposal of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority including any land drainage system, before the development is commenced. Thereafter no part of the development shall be brought into use until the approved drainage scheme has been implemented.

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

- 7 Before development is undertaken on site, further reptile surveys of the

site, as recommended in the submitted Reptile Assessment (Adonis Ecology, 13/07/09), shall be undertaken and the results submitted to the Local Planning Authority for approval. A long term management plan for the wildlife enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority. If any protected species are found to exist the details of mitigation measures to be undertaken to safeguard these protected species, as stated in the submitted Reptile Assessment, shall be submitted to and approved in writing by the Local Planning Authority. The habitat protection measures and long term management plan shall be implemented to the satisfaction of the Local Planning Authority and in accordance with a timetable agreed in writing by the Local Planning Authority.

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.

- 8 Before development is undertaken on site, full details of the proposed sprinkler system to be installed within the dwellings at plots 2, 3 & 4 shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: The development does not allow a fire appliance to turn and leave in a forward gear and therefore to ensure adequate fire protection.

- 9 Before development is undertaken on site, a scheme for the parking of cycles on site (calculated at one space per bedroom), and access thereto, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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.

- 10 Before development is undertaken on site, a scheme for on site parking provision for construction workers during the construction period shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

- 11 Before the dwellings hereby approved are occupied, the proposed vehicular access and on site vehicular areas shall be surfaced in a stable and durable manner be approved in writing by the Local Planning Authority for a distance of 8 metres 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 and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits.

- 12 Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

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

- 13 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 14 The turning space for vehicles illustrated on the approved drawing no. 1090/09/4C shall be constructed before the development is first brought into use.

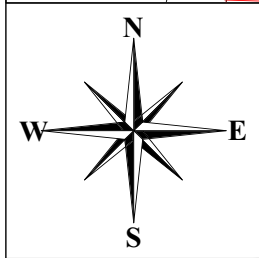
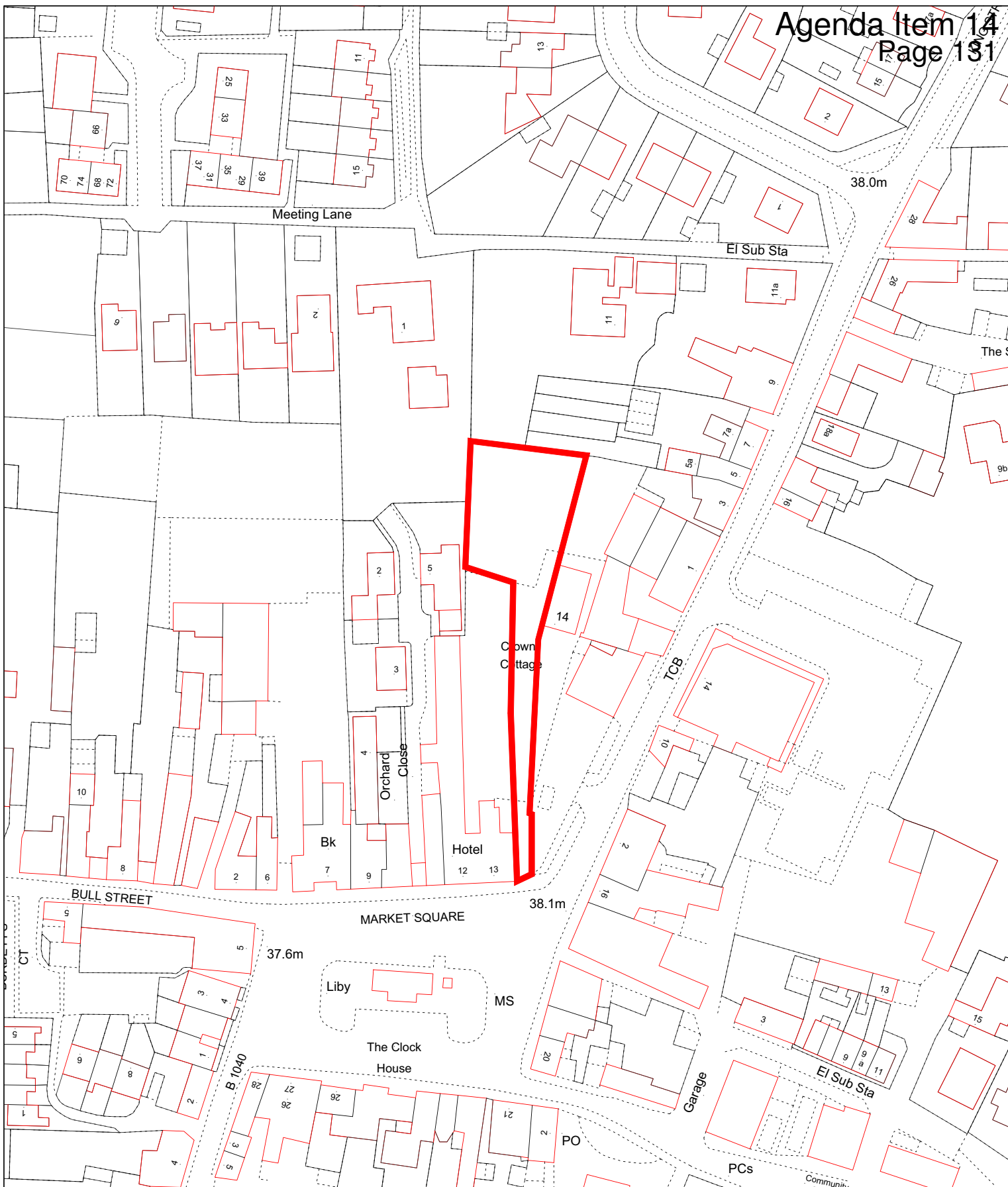
Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles onto the highway.

- 15 Notwithstanding Schedule 1 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on the flank elevations of Plot 1 without the grant of express planning permission from the Local Planning Authority.

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

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (no) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no works shall be commenced at Plots 2,3 and 4 under Schedule Part 1 Class A (extensions), Class B (additions or alterations to roof), Class C (alteration to roofs), Class D (porches), Class E (outbuildings), or Class F (hardstandings) without the grant of express planning permission from the Local Planning Authority.

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



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Date: 02:December:2009

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 14

APPLICATION NUMBER	CB/09/06200/FULL
LOCATION	Land Adjacent To Crown Cottage, Market Square, Potton
PROPOSAL	Full: Erection of 3 bedroom detached dwelling with detached carport.
PARISH	Potton
WARD	Potton
WARD COUNCILLORS	Cllr D Gurney and Cllr A Lewis
CASE OFFICER	Samantha Boyd
DATE REGISTERED	07 October 2009
EXPIRY DATE	02 December 2009
APPLICANT	Moatside Properties Ltd
AGENT	Fitch Butterfield Associates
REASON FOR COMMITTEE TO DETERMINE	Cllr Lewis request. Infringement of privacy of the occupants of 5 Orchard Close which backs onto the site.
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

The site is centrally located within Potton, just off the Market Square. The site is adjacent to Crown Cottage and once formed part of the residential curtilage of this property. The surrounding area comprises residential properties in Orchard Close, Meeting Lane and King Street, and is close to The Old Coach House Hotel.

The site is accessed from the Market Square through the car park of the hotel. It is elevated above the car park level by a retaining wall on the southern boundary and has a ramped access into the site. Boundary walls enclose the site to the west and north boundaries.

This site is within the Potton conservation area.

The Application:

Planning permission is sought for a detached three bedroom dwelling and a detached double car part.

This application seeks a number of amendments to a previous permission granted under reference 04/02074/Full dated 6/1/2005 for a three bedroom bungalow with an integral garage. The approved bungalow is unconventionally designed and has a front and rear section linked by a lower height section parallel to the site boundary. The buildings take the form of a 'U' shape providing a courtyard area to the centre of the site. The dwelling is positioned in the western half of the site; to the east is the amenity space and access to the garage which is integral to the bungalow.

The proposed amendments to the original planning permission are discussed below.

RELEVANT POLICIES:

National Policies (PPG & PPS)

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

Regional Spatial Strategy

East of England Plan (May 2008)

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

Bedfordshire Structure Plan 2011

South Bedfordshire Core Strategy and Development Management Policies (North Area) (Nov 09)

CS15, DM13 Heritage in Development
CS5 Providing Homes
DM3 High Quality Development

Supplementary Planning Guidance

Design Guide for Mid Bedfordshire
Planning Obligation Strategy

Planning History

04/02074/Full Erection of three bedroom bungalow with integral double garage. Approved 11/11/04

**Representations:
(Parish & Neighbours)**

Potton Town Council No comment

Neighbours Two letters received objecting to the proposal on the grounds of - greater proportion of site occupied by buildings, scale of roof and proximity to neighbouring property, original roof pitch more elegant in design, harm to conservation area, levels of site not clear on plans; internal layout altered from previous approval, first floor would include windows that overlook garden.

Consultations/Publicity responses

Archaeology Officer No objections - Archaeological investigation undertaken in 2008 failed to find any deposits.

Determining Issues

The main considerations of the application are;

1. The principle of the development
2. The impact upon the character and appearance of the conservation area.
3. The impact upon the neighbouring amenities
4. Any other considerations

Considerations

1. The principle of the development

The site lies within the centre of Potton and as such new residential development is supported subject to the development satisfying the criteria within Policy DM3.

The principle of the development has been established under planning permission 04/02074/Full granted on 6 January 2005 for a three bedroom detached dwelling.

This application seeks an amendment to the original planning permission however in principle the proposal is acceptable.

2. The impact upon the character and appearance of the conservation area

The site is located just off the Market Square, but is set well back from the street frontage separated by a large gravelled parking forecourt and positioned between existing residential dwellings.

The overall design of the proposal has not significantly changed from the previous approval. The proposal now proposes a detached carport to the north east corner of the site in place of the approved integral garage, and the roofline in the front section and rear section of the dwelling has been altered to include accommodation in the first floor.

The detached carport is considered to be of a design suitable for a conservation area, with an open front and a pitched roof that slopes down to 1.5m in height at the rear. It is 4.5m to ridge height with a footprint of 36 sq m. The carport is to be clad in horizontal boarding under a natural slate roof. Given that the garage is set well back into the site, it would not form part of the street scene and therefore would not adversely impact upon the character and appearance of the conservation area.

There are no significant changes to the overall footprint of the previously approved dwelling. The internal alterations provide a more useable space within the building. The front section of the dwelling has been amended to include one bedroom and an ensuite in the first floor. A small dormer window has been

added to the front and rear elevations of this section. To provide the space for bedroom accommodation the roof has been raised by 450mm and the pitch changed from 55 degrees to 45 degrees. Similarly, in the rear section of the dwelling the roof has been raised by the same amount and the pitch altered to provide a second bedroom and ensuite. A dormer window has been included in the elevation which faces the central courtyard area of the dwelling.

It is considered that the amendments sought in this planning application would not significantly change the general appearance of the previously approved dwelling.

Overall it is considered that the proposal would not result in any adverse harm to the visual appearance of the surrounding area and would preserve and enhance the character and appearance of the conservation area.

3. The impact on neighbouring amenities

The proposed dwelling would be sited along the western boundary, adjacent to the rear gardens of No.5 Orchard Close and No. 1 Orchard Close. The western elevation is proposed to be 22m long and sited 5m from the boundary. The front section of the proposed dwelling is sited slightly closer to the boundary (3.8m distance from the boundary). The gable end of this section is 6m to ridge height and is 5m in width at 3.8m off the boundary. The roof of this section increases to 6.7m for the remainder of the front wing. The ridge height of the main single storey section which runs parallel to the boundary is 5.4m in height for 11.5m. Where this section meets the rear wind the height rises to 6.7m to the ridge.

Given that the siting and scale of the dwelling was considered to be acceptable in the original application, it is the impact of raising the roofline, changes to the fenestration and the erection of the carport that should be considered with regard to this application.

The roofline has been raised by 450mm on the front and rear wings. There has been some reduction in height on the single storey section that links the front and rear sections of the dwelling. The roof pitch has been altered to increase the space for the accommodation in the roof. It is considered that these changes to the roof pitch would not result in a significant impact upon the amenities of the properties adjacent to the western boundary.

The alterations to the internal layout of the building have resulted in some changes to the fenestration. The insertion of the dormer windows to the roof space would not result in any adverse loss of privacy as the front window would face onto the Hotel car park and the remaining windows face onto the courtyard area of the proposed dwelling. A small patio area to the west of the proposed dwelling has raised some concern regarding loss of privacy, however the gardens is screened by a boundary wall therefore the loss of privacy would not be significant.

The proposed carport is to be sited in the north east corner of the application site where it will have no adverse impact upon the amenities of the adjacent properties. It may result in some light loss to the rear part of No. 14's garden. Given that the additional dormer window in the north elevation is sited some 18m from the rear boundary of the application site, it is a sufficient distance from

the properties at the rear to ensure that there will be no loss of privacy.

Overall it is considered that the proposed would not adversely affect the amenities of the adjacent occupiers.

4. Any other considerations

Access

Access to the site is through the car park adjacent to the Hotel, off Market Square. The Highways Authority have been consulted on the proposal and have no objections to the scheme.

Archaeology

The Council's archaeologist has been consulted on the proposal as the development lies within an archaeologically sensitive area. An archaeological investigation undertaken in 2008 within the site area failed to find any significant surviving archaeological deposits therefore there is no objection to the proposal.

Planning Obligation Strategy

Given that the proposed dwelling was granted permission in 2005, prior to the adoption of the Planning Obligation Strategy and that there is no increase in the amount of bedrooms, the development does not qualify for contributions under the Strategy. Furthermore, as planning application 04/02074/Full was granted permission on 6/01/05 with a five year time limit, the permission has not expired.

Reasons for Granting

The proposed new dwelling would not impact detrimentally upon the character and appearance of the surrounding area or upon the amenities of the neighbouring properties. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), PPG15 Planning and the Historic Environment (1994), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005), Policies CS15, DM13, CS5 and DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (North) (Nov 09)

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 **Prior to the commencement of the development a scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof of the dwelling and garage hereby approved. The development shall be carried out in accordance with the approved scheme.**

Reason: To protect the visual amenities of the building and of the area generally.

- 4 The turning space for vehicles illustrated on the approved drawing No. 1356/17 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.

- 5 The landscaping of the site shall be implemented in accordance with the scheme shown on the approved drawing No. 1356/13A unless otherwise agreed in writing by the Local Planning Authority.

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

- 6 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.

- 7 The boundary treatment shall be implemented in accordance with the approved drawing No. 1356/13A unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the completed development and

the visual amenities of the locality.

- 8 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 building or any material alteration of its external appearance including the insertion of windows at first floor level or within the roofspace until detailed plans and elevations have been submitted and approved in writing by the Local Planning Authority.

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

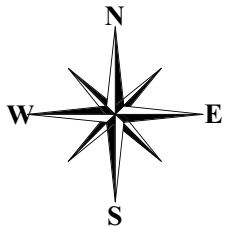
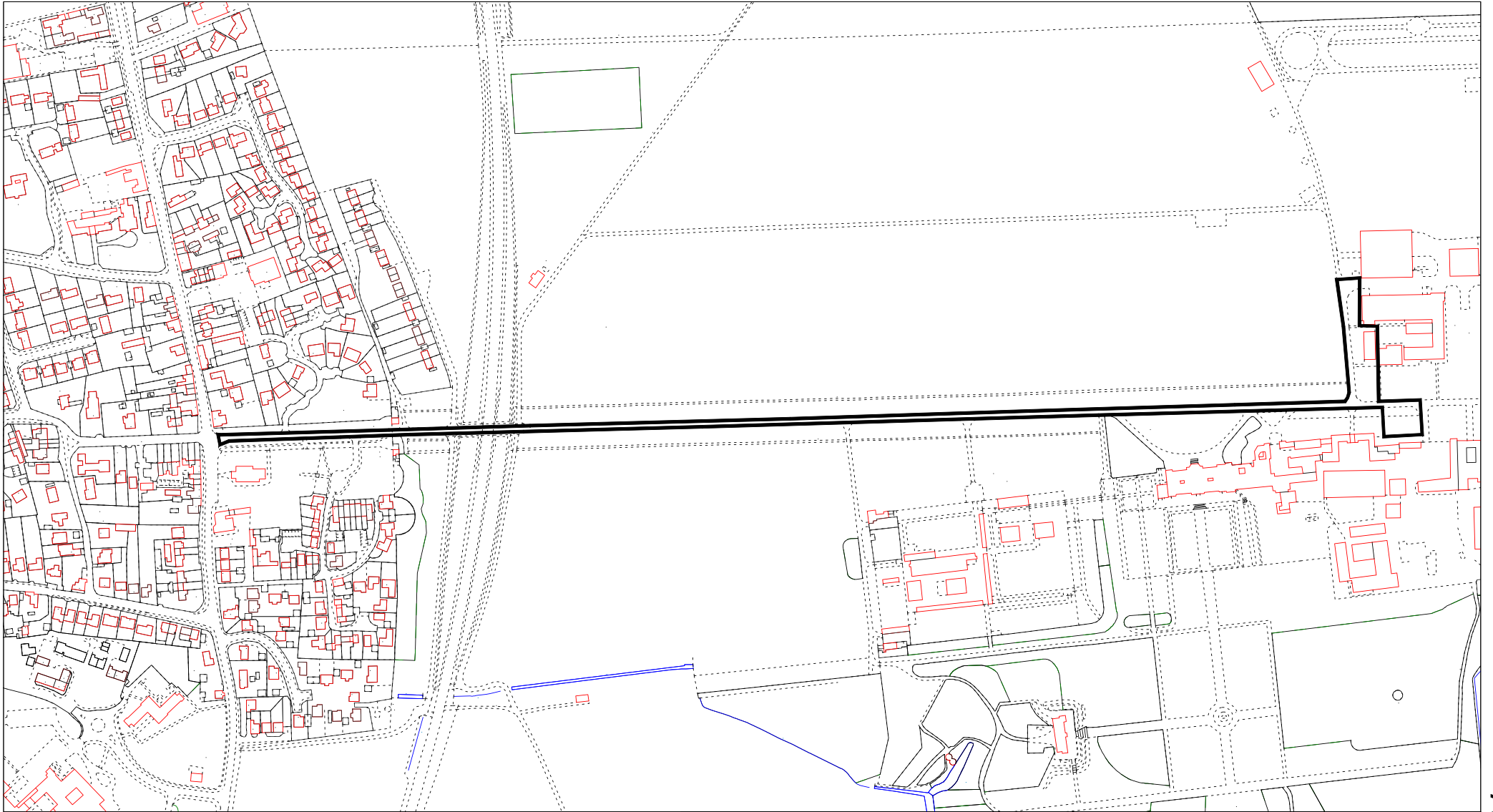
Notes to Applicant

1. 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 Highways, 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 public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

DECISION

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 Central Bedfordshire Council
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Date: 03:December:2009

Map Sheet No

Scale: 1:5000

CASE NO.

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Item No. 15

SCHEDULE B

APPLICATION NUMBER	CB/09/06400/FULL
LOCATION	Building 53, Silsoe Research Institute, Wrest Park, Silsoe, Bedford, MK45 4HS
PROPOSAL	Full: Change of use to D1 Day School
PARISH	Silsoe
WARD	Silsoe & Shillington
WARD COUNCILLORS	Councillor Drinkwater & Councillor Graham
CASE OFFICER	Julia Ward
DATE REGISTERED	26 October 2009
EXPIRY DATE	21 December 2009
APPLICANT	On Track Education Services Ltd
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Councillor Drinkwater has called the application to Committee. Reason – traffic generation and lack of overall strategy for buildings on this site
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

The application site lies within the extensive grounds of Wrest Park, Silsoe, within a conservation area. Unit 53 lies to the east of the mansion, a Grade I listed building.

The Application:

The applicant is applying to change the use of the building to a Class D1 Non Residential Institution (Day School). The premises would be used for a maximum of 20 students aged 11 - 18 from the Luton Borough, Central Bedfordshire and Bedford Borough areas. The students are referred to the applicant by local authorities because they are unable to access mainstream full-time education.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1: Delivering Sustainable Development
PPG15: Planning and the Historic Environment
PPS7: Sustainable Development in Rural Areas
PPG4: Industrial and Commercial Development and Small Firms
PPS4: Planning for Sustainable Economic Development
PPG16: Archaeology and Planning

Regional Spatial Strategy

East of England Plan (May 2008)

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

Core Strategy and Development Management Policies for Central Bedfordshire (North)

CS1	Development Strategy
CS10	Location of Employment Sites
CS14	High Quality Development
CS15	Heritage
DM3	High Quality Development
DM13	Heritage in Development

Supplementary Planning Guidance

Silsoe Conservation Area Appraisal (adopted June 2004)

Wrest Park Conservation Area Appraisal (adopted June 2005)

Planning History

None relevant The site was developed by the Government under Crown Immunity who did not need to obtain planning permission as land owners or developers

Unit 54 (ref: Change of use to educational purposes (Class D1 - Non-residential institutions) and associated offices - approved 09/00473/FULL) 27/05/09

Unit 46 (ref: Change of use from B1 (business) to B8 (storage & distribution) (retrospective application) - refused 12/10/09 due to the nature, intensity and timing of traffic movements associated within the change of use being out of keeping with character of the Registered Park and Garden and Conservation area, and the potential to increase conflict between commercial vehicles and users of an adjacent bridleway.

Representations: (Parish & Neighbours)

Parish/Town Council Silsoe Parish Council - Any comments will be reported at Committee

Neighbours Four letters of objection have been received as follows:

Whitehall Lodge and Whitehall, Wrest Park:

1. The owner of the unit has not yet been able to establish a legitimate Class B1 use for the entire site therefore how can permission be sought for change of use from Class B1?
2. There needs to be an integrated plan for the site with proper consultation taking into account the overall level of traffic movements, nature of businesses on site and compatibility with a historic landscape. The Council should not accept any individual planning applications for the units until a plan has been debated with stakeholders.

39 The Beeches:

1. The application seeks change of use from Class b1 when no use actually exists;
2. No more planning applications should be submitted on the site until the lawful use has been established.

15 The Beeches (on behalf of Wrest Park Lodge Management Committee):

1. The lawful use of the site has not yet been established. Objects to proposal as there is no pre-existing Class B1 use at the site.
2. There needs to be an integrated plan for the site with proper consultation taking into account the overall level of traffic movements, nature of businesses on site and compatibility with a historic landscape. The Council should not accept any individual planning applications for the units until a plan has been debated with stakeholders.

Consultations/Publicity responses

English Heritage

It is not clear whether any external changes are proposed to the building or the surrounding area. Any external changes should be assessed at the application stage. It is noted that it is proposed to keep bins outside at the rear end of the building. There are concerns that the accumulation of bins around each of the units within the complex would detract from the character of the landscape and setting of the listed buildings. It is therefore recommended that the bins are housed internally and provision is made in one of the buildings to provide a central store for refuse to avoid this situation.

Archaeology Officer,
Conservation & Design

The application site is within the area of the Wrest Park Scheduled Monument. However, the nature of the proposed development being a change of use of a

relatively modern existing building will not have a significant impact on the fabric or the setting of the Scheduled Monument or any other archaeological remains. Therefore, there are no objections to the proposal on archaeological grounds.

Highways	Any comments will be reported
British Horse Society	No comments received
Ampt Hill & District Preservation Society	No comments received
Environmental Health	No comments received
Footpaths Officer	No comments received
Ramblers Association	No comments received
Garden History Society	No comments received

Determining Issues

The main considerations of the application are;

1. Background and policy;
2. Impact on visual amenities of Grade I listed building, Registered Park and Garden of special historic interest and conservation area;
3. Impact on neighbours' amenities;
4. Access and parking issues;
5. Any other material planning considerations

Considerations

1. Background and policy

The building the subject of this application was formerly in use by the National Institute for Agricultural Engineering and the site was developed overall under Crown Exemption provisions. Very few of the buildings in this location therefore have specific planning permission.

Wrest Park Limited purchased the group of buildings of which Unit 53 is one unit. The site has historically been developed by the Government under Crown Immunity rules and the uses on the site therefore did not require planning permission. The last use when the buildings were closed in 2006 was as a research facility. The Council has invited the owners of the buildings to formalise the situation by submitting a Certificate of Lawful Development

Existing to demonstrate, with evidence, that the site has been continuously used for Class B1 purposes for at least the last ten years. No such application has been received to date, but contact with the site owners indicates this will be forthcoming shortly.

Whilst it is appreciated that the precise use class of the building cannot be determined due to the lack of formal planning history, the applicant has stated in the application forms that the previous use was as offices.

The site has been assessed as part of the District's Employment Land Review Stage 1 in connection with the publication of the Core Strategy and Development Management Policies for Central Bedfordshire (North) (CSDM). Wrest Park is not one of the shortlisted sites which are being prioritised for current and future employment uses. However, the view taken in assessing a recent planning application for this site (ref: CB/09/00473/FULL) is that this is a brownfield site in open countryside and it is considered that employment uses should be retained on this site.

In terms of planning policy, the site lies within the open countryside. PPS7 supports a wide range of economic activity in rural areas and supports the re-use of buildings in the countryside where this meets sustainable development objectives and recognises social inclusion. Development should be in scale and keeping with its location, sensitive to the character of the countryside and local distinctiveness. Moreover, PPG4 encourages the re-use of buildings rather than leave them empty and the emerging PPS4 states that planning authorities should prioritise previously developed land which is suitable for re-use.

Policy CS1 of the CSDM advises that Silsoe is defined as Large Village and therefore new development will be limited in scale. Policies CS14 and DM3 advise that new development should be of a high quality and respect the context and setting of all historically sites whilst policies CS15 and DM13 state that new development relating to listed buildings, conservation areas and registered parks and gardens should pay particular attention to the conservation of locally distinctive features and uses.

Having regard to the above policy and the fact the unit has lain vacant since 2006, it is considered that the proposal would be a sustainable use that would meet a recognised community need. Whilst it is considered that this type of educational use would be appropriate in this location, to allow planning permission for a "normal" school may not be acceptable in this location and therefore it is considered appropriate in this instance that any planning permission on this site is made personal to the applicant.

2. Impact on visual amenities of area

The applicant has confirmed that no external alterations are proposed as part of the development. Internal changes are proposed consisting of the creation of an additional disabled WC at ground floor level.

The application site only includes the building itself and proposed car parking spaces to the south of the site (discussed below).

Given the fact that the building and the external area will remain much as at present, it is felt that there will be minimal impact on the visual amenities of the area generally. In terms of the impact of the proposal on the setting of the Grade I listed house and Registered Park/ Garden, it is considered that this will be minimal given the unit will retain its external appearance and the unit is not immediately adjacent to the listed building.

3. Impact on neighbours' amenities

The application site is at some distance from any residential properties. It is therefore considered that there would not be any significant loss of amenity to residential occupiers in terms of loss of privacy or noise and disturbance. The main impact could be the use of the access to the site but this is to be via the existing access road into Wrest Park which served the former commercial use of the buildings and therefore the amount of traffic generated by this use is not likely to be greater than which previously used the site.

4. Access and parking issues

The access road into Wrest Park is taken from its junction at High Street. The applicant has confirmed that students aged between 11 and 16 will either find their own way by public transport, parent's/ carer's cars or be delivered by taxis (currently 8 students in 3 taxis). The drop off point will be at the western side of the building with a turning area for vehicles further to the north at the rear of the building. Some students may be brought in by minibus from Luton.

Students will arrive between the hours of 9.15am and 10.45am and depart between 2.15pm and 3.45pm with staff arriving between 8 and 8.30 and departing between 4pm and 5pm. The proposal would have a total of 11 car parking spaces allocated in an area of existing parking to the south of the site. One of these spaces would be for a minibus and one would be a disabled accessible space. It is considered that this level of car parking provision is acceptable for this proposal. The access road and the road to the west of Unit 53 are private and unadopted.

5. Any other material planning considerations

Whilst it is appreciated that there is no extant planning permission for the uses on the site given the previous Crown Land nature of the site, it is noted that the previous uses of the site were commercial in nature. This application has been assessed on the basis of the impact of the proposed use on the setting of the historic park/ gardens and listed building/ conservation area and impact on residents. It is considered that it would be inappropriate for the local planning authority to refuse to determine this application on the basis that there is no overall future plan in place. In addition, the local planning authority could not refuse to deal with such an application in this instance.

Reasons for Granting

The proposal would have minimal impact on the residential amenities of nearby occupiers, would not detract from the character and appearance of the Grade I listed building, conservation area or Registered Park/ Garden, and would have acceptable parking and access arrangements. The proposal is therefore in conformity with policies CS1, CS14, CS15, DM3 and DM13 of the Core Strategy and Development Management Policies for Central Bedfordshire (North), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005), PPS1 (Delivering Sustainable Development), PPG4 (Industrial and Commercial Development and Small Firms), PPS4 (Planning for Sustainable Economic Development), PPG15 (Planning and the Historic Environment) and PPG16 (Archaeology and Planning)

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 This permission shall not be exercised by any person other than On-Track Education Services Limited for educational purposes (Class D1 Non-Residential Institution) and shall not enure for the benefit of the land.

Reason: The Local Planning Authority considers that the circumstances of the application site would otherwise compel the authority to refuse permission for the development hereby permitted.

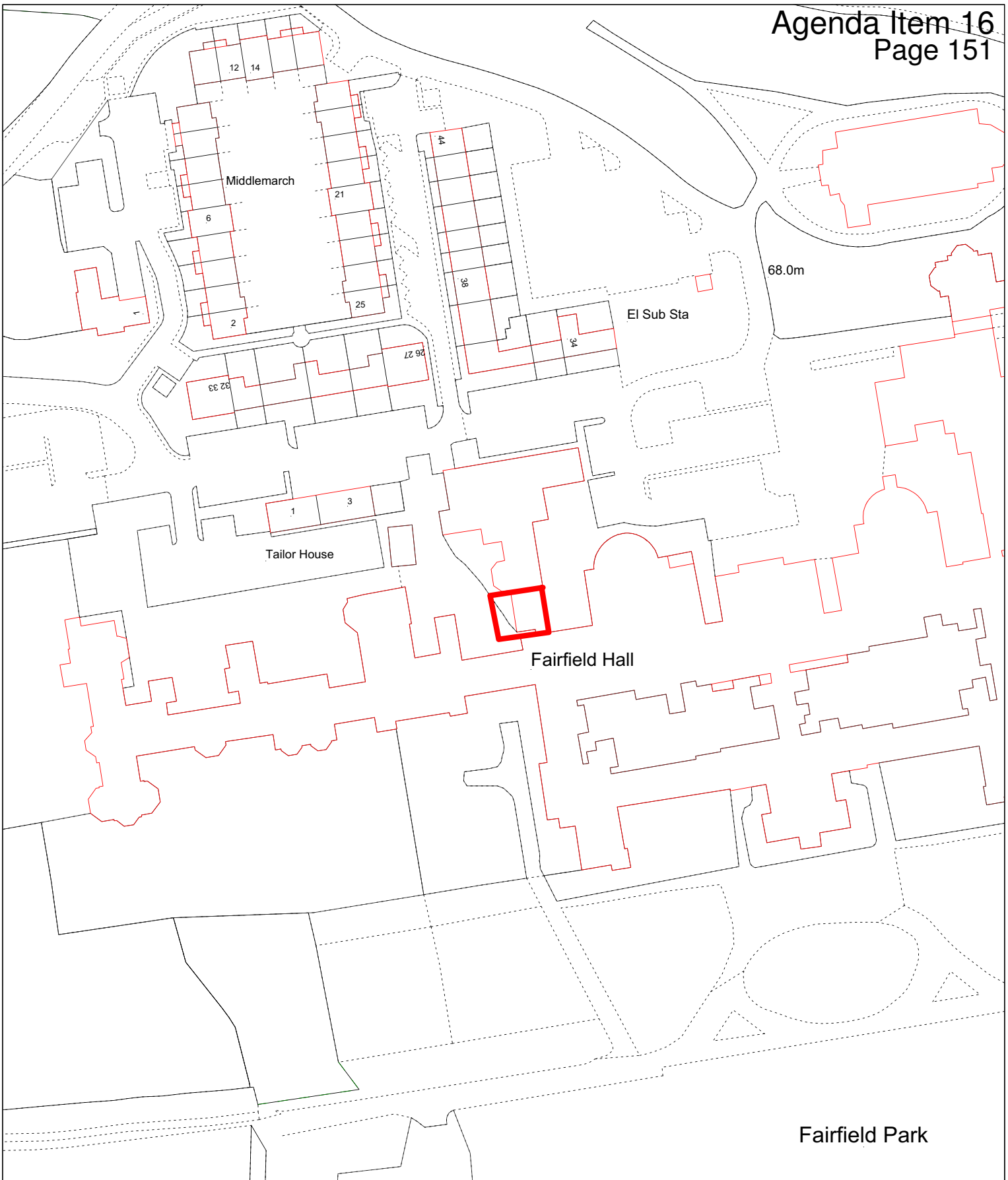
Notes to Applicant

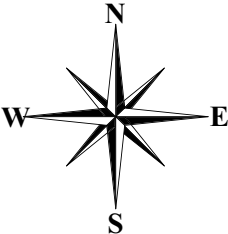
1. The applicant is advised that the requirements of the Disability Act must be complied with and that there must be an accessible toilet and level access to the main entrance for wheelchair users. Any further external changes to the property may require the grant of planning permission.

DECISION

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	Date: 02:December:2009
	Map Sheet No

CASE NO.

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Item No. 16

APPLICATION NUMBER	CB/09/06293/FULL
LOCATION	Apartment G57, Fairfield Hall, Hitchin Road, Stotfold
PROPOSAL	Full: re instatement of window to rectify breach of planning permission and alteration of existing elevation to create French Doors in the location of window.
PARISH	Stotfold
WARD	Stotfold & Arlesey
WARD COUNCILLORS	Cllr I Dalgarno, Cllr J Saunders, Cllr J Street and Cllr C Turner
CASE OFFICER	Hannah Pattinson
DATE REGISTERED	19 October 2009
EXPIRY DATE	14 December 2009
APPLICANT	P J Livesey Country Homes (Southern) Ltd
REASON FOR COMMITTEE TO DETERMINE	Cllr C Turner request. Grounds are out of keeping and obtrusive to neighbours.
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

Fairfield Hall and Park is an allocated residential development site which lies in close proximity to the settlements of Stotfold and Arlesey.

The application site is on the western elevation of the apartment known as G57 located within Fairfield Hall.

Fairfield Hall is a Grade II Listed Building which has planning permission and Listed Building Consent for conversion into a number of residential apartments and as a health club with associated car parking and landscaping.

Listed Building Consent has been applied for separately and will be discussed as the next item on the Agenda.

The Application:

Planning permission has been sought for the re instatement of the window and removal of patio doors in accordance with a previous Planning Permission and Listed Building Consent as the doors are unauthorised and represent a breach of planning control. In addition consent is sought for the alteration of the existing window to French Doors providing access into the courtyard at the rear of the flat.

Retrospective planning permission is not sought for the retention of the patio doors as the purchaser of the flat was unable to buy the property with an outstanding breach of planning control. As such the window was re instated in accordance with the previous planning permission and listed building consent to allow exchange of

contracts in relation to this particular flat.

RELEVANT POLICIES:

National Policies (PPG & PPS)

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

Regional Spatial Strategy

East of England Plan (May 2008)

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

Core Strategy and Development Management Policies (November 2009)

Policy CS15: Heritage
Policy DM3: High Quality Development
Policy DM13: Heritage in Development

Supplementary Planning Guidance

Design Guide for Residential Areas in Mid Bedfordshire (2004)

Planning History

There is no specific planning history in relation to this apartment.

Representations: (Parish & Neighbours)

- | | |
|-----------------------|--|
| Stotfold Town Council | <p>Object on the following grounds:</p> <ul style="list-style-type: none">• It is not in keeping with the external aspect of the building due to the physical size;• The door is out of proportion to nearby windows;• It is in an enclosed court yard and is intrusive to neighbouring properties;• noise nuisance;• it overlooks surrounding properties. <p>As a Town Council we back our residents who are concerned that this will set precedence particularly in an enclosed area in a listed building setting.</p> |
| Neighbours | <p>Eight letters of objection have been received. Objections have been raised for the following reasons:</p> <ul style="list-style-type: none">• granting such planning permission would be inconsistent with other planning decisions made in the context of this building;• it is an alteration to a Grade II Listed Building;• noise implications could arise; |

- this application may set a precedent for other occupiers of Fairfield Hall which may wish to obtain a similar planning permission;
- the proposal is not in keeping with the external aspect of the building;
- the proposal may create overlooking.

Consultations/Publicity responses

Fairfield Hall Residents Association (FHRA) Ask for the following points to be taken into account:

- The FHRA acknowledge that French doors already exist to apartments at the Hall. However, other examples of these doors were part of the original construction and sited where they did not impact adjacent apartments; the apartment is located in a secluded courtyard of some 30 sq m's overlooked by 10 - 12 nearby apartments on three floors.
- Concern is raised that there is an intention to use part of the communal grounds adjoining the apartment as a patio.

Determining Issues

The main considerations of the application are;

1. The Principle
2. Impact upon the Character and Appearance of the Area
3. Impact upon Neighbouring Amenity
4. Other Considerations

Considerations

1. The Principle

This apartment is part of the overall development involving the conversion of Fairfield Hospital (now known as Fairfield Hall) into residential apartments. As such the principle of residential development is accepted.

The principle of installing the proposed doors is also accepted. In particular, there are other examples of patio doors which have been approved under a previous planning permission and listed building consent at ground floor level around Fairfield Hall.

2. Impact upon the Character and Appearance of the Area

This application is for the re instatement of the window in accordance with planning permission ref: MB/05/01923/FULL and listed building consent ref: MB/05/01932/LB. The unauthorised doors have already been replaced by a window during the course of this application and the breach of planning control has now been removed.

In addition permission is sought for the removal of the window and the insertion of French Doors to provide access into the adjacent courtyard. The applicant has confirmed that the proposal is to insert a timber framed / glazed French doors which would be identical to other French Doors at ground floor level at Fairfield Hall.

It is acknowledged that Fairfield Hall is a Grade II Listed Building, but it is felt that the proposal has been designed to be in keeping with the buildings existing architecture.

As such it is considered that the proposed French Doors would not result in a detrimental impact upon the character and appearance of the area.

3. Impact upon Neighbouring Amenity

The proposed French Doors are at ground floor level providing access onto a grassed area in the courtyard. It is considered that nearest neighbouring property is 23 metres across the courtyard. This is felt to be sufficient distance between the application site and neighbouring properties to ensure that no material level of overlooking would occur. Moreover it should be noted that the planting of the area next to the building and its use as an outdoor amenity area would not require planning approval.

As such it is not considered that this proposal would result in a detrimental impact upon neighbouring amenity either in terms of overlooking, loss of privacy or light pollution.

4. Other Considerations

The proposal would not result in any impact upon highway arrangements. As such it is not considered that this requires further consideration.

Reasons for Granting

The proposal is in accordance with Policy CS15, DM3 & DM15 of the Core Strategy and Development Management Policies (November 2009) and in accordance with the relevant guidance contained within PPS 1, PPS3 and PPG15. In addition it is not considered that the proposal would result in a detrimental impact upon the character and appearance of the area or upon neighbouring amenity.

Recommendation

That Planning Permission be granted subject to the following:

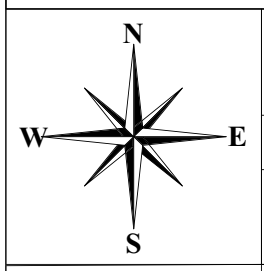
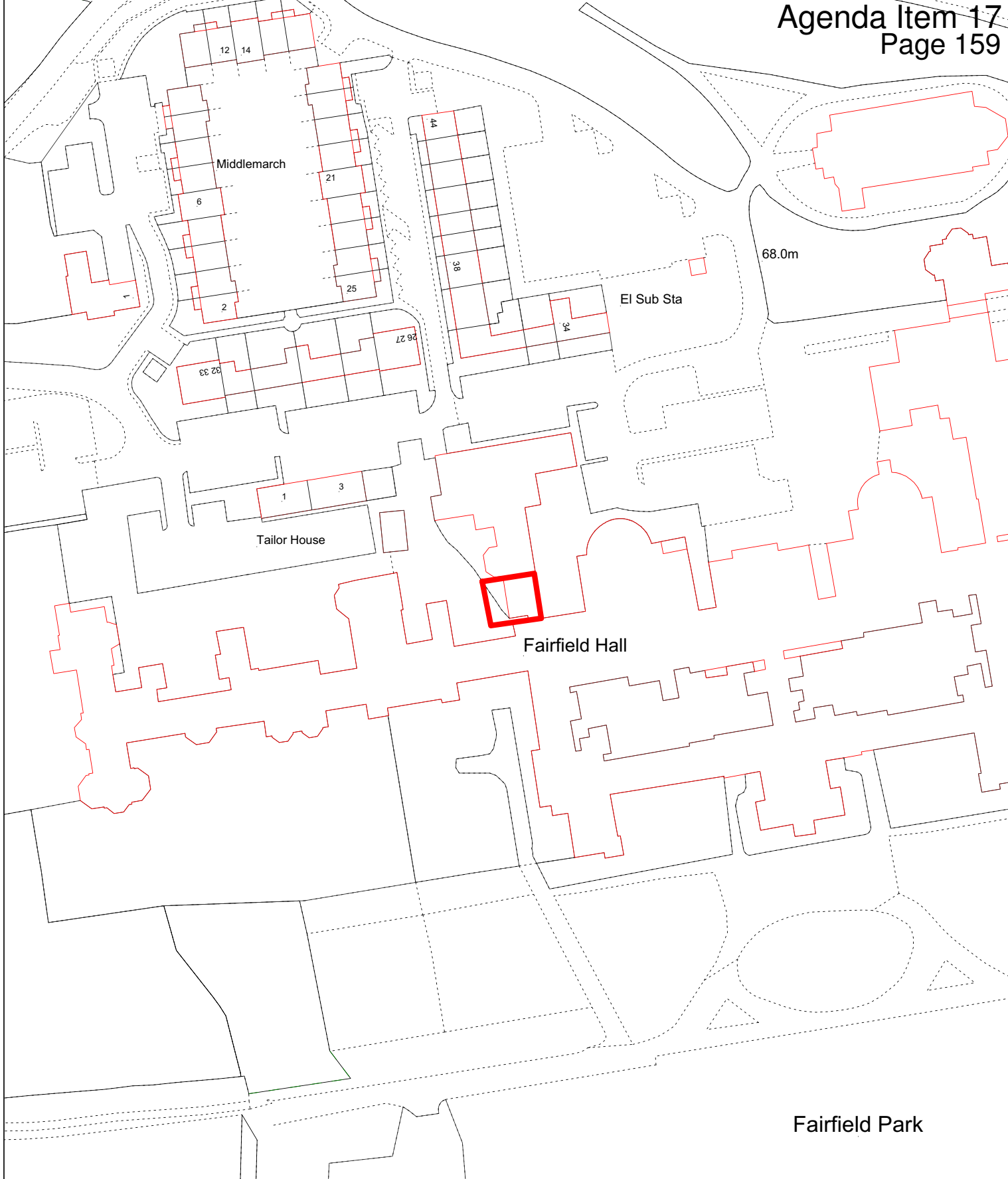
- 1 Following the carrying out or completion of the alterations for which consent is hereby granted, all making good of the existing building shall be carried out in materials and finishes which closely match those used in the existing building or structure.

Reason: To ensure that the special architectural and historic interest of the building, its character and appearance is properly preserved, maintained and enhanced, in accordance with PPG 15: Planning and the Historic Environment.

DECISION

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Date: 02:December:2009

Map Sheet No

CASE NO.

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Item No. 17

APPLICATION NUMBER	CB/09/06294/LB
LOCATION	Apartment G57, Fairfield Hall , Hitchin Road, Stotfold
PROPOSAL	Listed Building Consent: Re instatement of window to rectify breach of Listed Building Consent and alteration of existing elevation to create French Doors in the location of a window.
PARISH	Stotfold
WARD	Stotfold & Arlesey
WARD COUNCILLORS	Cllr I Dalgarno, Cllr J Saunders, Cllr J Street and Cllr C Turner
CASE OFFICER	Hannah Pattinson
DATE REGISTERED	15 October 2009
EXPIRY DATE	10 December 2009
APPLICANT	P J Livesey Country Homes (Southern) Ltd
REASON FOR COMMITTEE TO DETERMINE	Cllr C Turner request. Grounds are out of keeping and obtrusive to neighbours
RECOMMENDED DECISION	Listed Building Consent

Site Location:

Fairfield Hall and Park is an allocated residential development site which lies in close proximity to the settlements of Stotfold, Arlesey and Letchworth.

The application site is on the western elevation of the apartment known as G57 located within Fairfield Hall.

Fairfield Hall is a Grade II Listed Building which has Planning Permission and Listed Building Consent for conversion into a number of residential apartments and as a health club with associated car parking and landscaping.

Planning Permission has been applied for separately and has been discussed previously on the Agenda.

The Application:

Listed building consent has been sought for the re instatement of the window and removal of patio doors in accordance with a previous Planning Permission and Listed Building Consent as the doors are unauthorised and the doors represent a breach of planning control. In addition consent is sought for the alteration of the existing window to French Doors providing access into the courtyard at the rear of the flat.

Retrospective listed building consent is not sought for the retention of the patio doors as the purchaser of the flat was unable to buy the property with an outstanding breach of planning control. As such the window has been re instated in

accordance with the previous planning permission and listed building consent allow exchange of contracts in relation to this particular flat.

RELEVANT POLICIES:

National Policies (PPG & PPS)

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

Regional Spatial Strategy

East of England Plan (May 2008)

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

Core Strategy and Development Management Policies (November 2009)

Policy CS15: Heritage
Policy DM3: High Quality Development
Policy DM15: Heritage in Development

Supplementary Planning Guidance

Design Guide for Residential Areas in Mid Bedfordshire (2004)

Planning History

There is no specific planning history in relation to this apartment.

**Representations:
(Parish & Neighbours)**

Stotfold Town Council	No comments received.
Neighbours	<p>Eight letters of objection with the following planning reasons:</p> <ul style="list-style-type: none"> • granting such planning permission would be inconsistent with other planning decisions made in the context of this building; • it is an alteration to a Grade II Listed Building; • noise implications could arise; • this application may set a precedent for other occupiers of Fairfield Hall which may wish to obtain a similar planning permission; • the proposal is not in keeping with the external aspect of the building; • the proposal may create overlooking

Consultations/Publicity responses

- Fairfield Hall Residents Association (FHRA) Ask for the following points to be taken into account:
- The FHRA acknowledge that French doors already exist to apartments at the Hall. However, other examples of these doors were part of the original construction and sited where they did not impact adjacent apartments; the apartment is located in a secluded courtyard of some 30 sq m's overlooked by 10 - 12 nearby apartments on three floors;
 - Concern is raised that there is an intention to use part of the communal grounds adjoining the apartment as patio.

Determining Issues

The main considerations of the application are;

1. Impact upon the Listed Building

Considerations

1. Impact upon the Listed Building

Listed Building Consent is sought for the re instatement of the window and removal of patio doors in accordance with the listed building consent ref: MB/05/01932/LB as the works undertaken previously were unauthorised. To date the window and removal of the patio doors has been undertaken to remedy the breach of the listed building consent.

In addition Listed Building Consent is sought to provide French Doors in the place of a window at ground floor level. There are other examples of French Doors of the same style and size located at ground floor level at Fairfield Hall.

C.9, of Annex C (Guidance on Alterations to Listed Buildings) of PPG 15 Planning and the Historic Environment states that:

"Door and window opening establish the character of an elevation; they should not generally be altered in their proportion or details, especially where they are a conspicuous element of the design."

The proposal is not altering the general proportion of the opening it is solely extending it to provide patio doors which are the same width as the approved window. In addition the proposal would retain the existing cill feature and hence the overall character of the elevation would not be altered. In addition this is an elevation to the rear of this Grade II Listed Building facing into a relatively small courtyard and therefore is not considered to be a conspicuous elevation.

As such it is considered that the design and location of the proposed patio doors are in keeping with the Grade II Listed Building and as such Listed Building Consent should be granted.

Reasons for Granting

The proposal is in accordance with Policies CS15, DM3 & DM13 of the Core Strategy and Development Management Policies (November 2009) and in accordance with the relevant guidance contained within PPS1, PPS3 & PPG15. In addition it is not considered that the proposal would result in a detrimental impact to the Grade II Listed Building.

Recommendation

That Listed Building Consent be granted subject to the following:

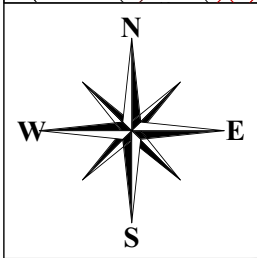
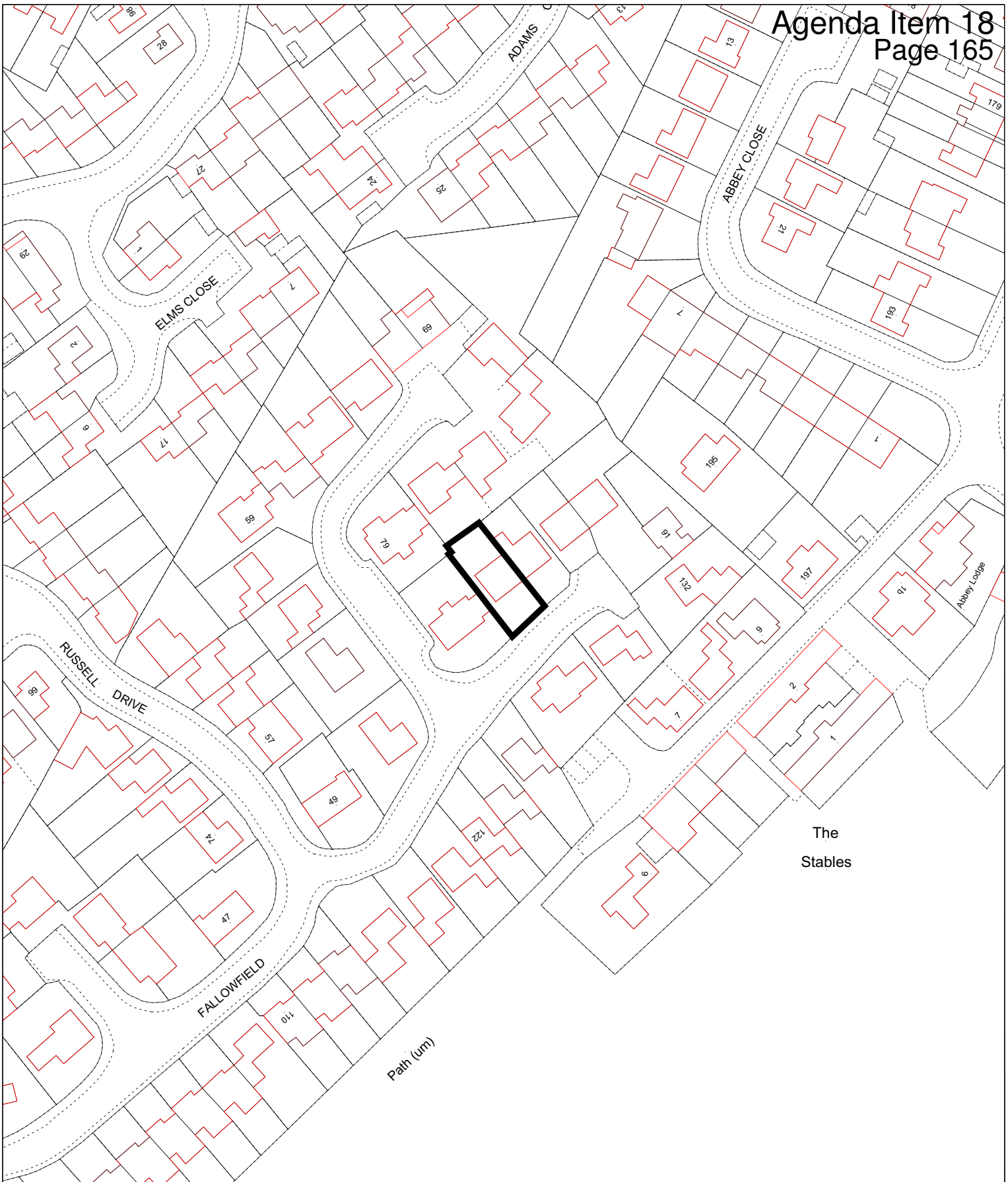
- 1 Following the carrying out or completion of the alterations for which consent is hereby granted, all making good of the existing building shall be carried out in materials and finishes which closely match those used in the existing building or structure.

Reason: To ensure that the special architectural and historic interest of the building, its character and appearance is properly preserved, maintained and enhanced, in accordance with PPG15: Planning and the Historic Environment.

Notes to Applicant

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 02:December:2009
Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 18

APPLICATION NUMBER CB/09/06441/FULL
LOCATION 83 Fallowfield, Ampthill, Bedford, MK45 2TT
PROPOSAL Full: Two storey side extension to replace existing garage. Single storey rear extension.
PARISH Ampthill
WARD Ampthill
WARD COUNCILLORS Cllr Duckett & Cllr Summerfield
CASE OFFICER Sarah Fortune
DATE REGISTERED 03 November 2009
EXPIRY DATE 29 December 2009
APPLICANT Mr Wall
AGENT Mr S Everitt
REASON FOR COMMITTEE TO DETERMINE Applicant's wife is a member of Staff.

RECOMMENDED DECISION Grant Planning Permission

Site Location:

The site lies on the north west side of Fallowfield in the built up area of the town of Ampthill and comprises of a semi detached house which lies in an area of similar style semi detached and detached houses.

The Application:

This application is for the erection of two storey side extension (to replace the existing single storey garage and utility) and a single storey rear extension onto the dining area to provide for a sun room.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS3 Housing

Regional Spatial Strategy

East of England Plan (May 2008)

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

Bedfordshire Structure Plan 2011

Mid Bedfordshire Local Plan First Review 2005 Policies

DPS5 Impact on amenity

Core Strategy and development management policies.

DM3 Impact on amenity

Supplementary Planning Guidance

2004 Extensions and Alterations A Design Guide for Householders.

South Bedfordshire Local Plan Review Policies

Supplementary Planning Guidance

Planning History

None relevant

**Representations:
(Parish & Neighbours)**

Amphill TC Support subject to there being no adverse effect in neighbouring properties.

Adj Occupiers 77 Fallowfield, Amphill.

No objections to the additional window at first floor level in view of the fact that there are already several windows facing to the rear towards the neighbour. With regard to the single storey rear extension suggest that higher rear fence be erected to protect amenity and privacy.

Consultations/Publicity responses

Highways officer Any comments received to be reported verbally.

Determining Issues

The main considerations of the application are;

1. Size, Siting and Design in relation to house and the visual amenities of area.
2. Impact on amenities of neighbours

Considerations

1. Size, Siting and Design in relation to house and the visual amenities of area

This is a semi detached house with an attached garage to the side. It is proposed to demolish the garage and utility and replace with a two storey side extension to provided for a new garage, utility and WC with a fourth bedroom and bathroom above. The first floor element of this side extension is to be set back from the front of the house by 0.4 metres (approx) and set down from the ridge 0.1m (approx) and there is to be a mono pitched roof over the small part of

the single storey garage which is to project 0.9m (approx) in front of the main front elevation of the house.

The rear sun room is to have a depth of 4.3 metres and a width of 3 metres and is to have a mono pitched roof with a ridge height of 3.7 metres. It is to be built close (0.15m) up to the shared boundary with the adjoining house.

Both extensions are to be built in bricks and tiles to match the house.

It is felt that the size and design of the extensions are in keeping with the house and the visual amenities of the area generally - particularly since the first floor element is to be set back from the front of the house and set down from the ridge so that it reads as being subservient. Also, it is set in by one metre from the shared boundary with the next house to the west. It is felt that it meets Mid Beds Local Plan Policy DPS5, Policy DM3 of the Core Strategy and Development Management Policy Document dated November 2009 and the council's design guide on House Extensions and Alterations 2004.

2. Impact on amenities of neighbours

A main area of consideration is the potential impact on the amenities of both the adjoining neighbours as well as the ones to the other side and the ones to the immediate rear of the house.

The adjoining neighbours will have the single storey sun lounge built up to their shared boundary. However, they have a single storey rear extension which is of slightly shallower depth than the single storey extension now being proposed. In view of this it is felt that there will be minimal loss of amenity to the adjoining neighbours by way of loss of outlook, overshadowing or loss of light.

With regard to the neighbours to the west there is to be a gap of 4 metres (approx) between the proposed first floor extension and the main two storey side elevation of this neighbour. This means that there will be some loss of light and outlook to these neighbours - since the extension is to extend 2.5 metres (approx) beyond the rear elevation of this neighbour - but in view of the fact that there are to be no windows in the new side elevation at first floor level loss of amenity by way of overlooking will be minimal.

The rear sun lounge is to be built so that it is about 4 metres from the shared rear garden boundary with number 77 Fallowfield to the rear/north west of the site. A revised plan has been submitted which shows that the existing rear boundary fence is to be replaced with a taller - 2m in height - timber close boarded fence. This will help to protect the amenities of the neighbours to the rear - in 77 Fallowfield - from the potential for overlooking from the sun room.

The proposed development accords with Policy DPS5 of the Mid Beds Local Plan First Review 2005 and policy DM3 of the Core Strategy and development Management Policy Document dated November 2009.

Reasons for Granting

In view of the fact that there are no objections to the principle of the extensions, they are felt to be of acceptable size, siting and design in relation to the house and the visual amenities of the area generally and there will not be an unduly adverse impact on the amenity of the neighbours by way of loss of outlook, overbearing impact and overlooking the application is recommended for approval as being in compliance with planning policy DM3 in the Core Strategy and Development Management Policy document November 2009

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.

- 3 The fence to the rear boundary of the site as shown on approved plan ref SE2558/1/B shall be erected prior to the construction of the rear sun lounge and shall be maintained as such unless there has been prior approval in writing from the Local Planning Authority.

Reason: To prevent the potential for overlooking and loss of amenity to occupiers of the house to the rear of the site

DECISION

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