

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



please ask for Miss H Bell
direct line 0300 300 4040
date 12 January 2010

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 20 January 2010 2.00 p.m.*

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

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

Clrs 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 16 December 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 (a) 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. (b) Dunstable Section 215 Update Report	7 - 20
8	Revision to Members Planning Code of Good Practice The report refers to amendments and additions to the Members Planning Code of Good Practice (contained in the Ethical Framework of the Council's Constitution) considered necessary following the recent publication of revised LGA guidance.	21 - 44
9	Outline Planning Application SB/09/00162 (14 dwellings with access road and ancillary works, Land at Kiln Way, Dunstable) at Appeal The report proposes that the Officers' Written Representations to this Appeal against the non-determination of the Planning Application be based on the attached report and recommendation.	45 - 60

Planning and Related Applications

To consider the planning applications contained in the following schedules:

Schedule A - Applications recommended for Refusal
--

Item	Subject	Page Nos.
10	Planning Application No. CB/09/06668/FULL Address: Conway, Oldhill Wood, Studham, Dunstable LU6 2NE FULL: Alterations to garage roof (amendment to approved application CB/09/05112/FULL). Applicant: Mr A Brewer	61 - 68

Schedule B - Applications recommended for Approval

Item	Subject	Page Nos.
11	<p>Planning Application No. CB/09/6556/MW</p> <p>Address: Reach Lane Quarry, Reach Lane, Heath And Reach</p> <p>FULL: Revisions to phasing of extraction and restoration proposals (variations of conditions 1, 13, 14 and 22 of Planning Permission No. 9/2003.</p> <p>Applicant: LB Silica Sand Limited</p>	69 - 122
12	<p>Planning Application No. CB/09/6566/MW</p> <p>Address: Reach Lane Quarry, Reach Lane, Heath And Reach</p> <p>FULL: Importation of inert waste for the purpose of restoration of Reach Lane Quarry.</p> <p>Applicant: LB Silica Sand Limited</p>	123 - 124
13	<p>Planning Application No. CB/09/06288/FULL</p> <p>Address : Land rear of The Bedford Arms, Station Road, Ridgmont</p> <p>FULL: Erection of 2 no. workshops and use of land for commercial vehicle sales, repairs and haulage depot. Resubmission 04/00646/FULL</p> <p>Applicant : Newton Trailers Ltd</p>	125 - 140
14	<p>Planning Application No. CB/09/06518/FULL</p> <p>Address : Braemar, Rectory Lane, Cranfield MK43 0BJ</p> <p>FULL: Demolition of existing building and replace with two dwellings.</p> <p>Applicant : Mr Greenwood</p>	141 - 152

15 **Planning Application No. CB/09/06810/FULL** 153 - 160

Address : 20 Mill Road, Cranfield MK43 0JL

FULL: Erection of 3 no. bedroom detached dwelling.

Applicant : Mr Chana

16 **Planning Application No. MB/03/02216/OUT** 161 - 198

Address : Land adjacent to Station Road, Maulden Bypass, Ampthill

Outline: Residential development – all matters reserved except means of access.

Applicant : Lisscourt Ltd

17 **Planning Application No. CB/09/06068/FULL** 199 - 214

Address : Land at 30 Sharpenhoe Road, Barton, Bedford MK45 4SD

FULL: Erection of two detached dwellings, one with detached single garage, and erection of single storey rear extension to no. 30.

Applicant : Vigor Homes

Schedule C - Other Applications
--

Item Subject Page Nos.

18 **Planning Application No. CB/09/06892/FULL** 215 - 220

Address : 16 Priory Road, Campton SG17 5PG

FULL: Erection of ground floor rear/side extension.

Applicant : Mr Stone

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 17 February 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: 20th January 2010

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. New Notices served since previous Committee report are shown in bold.
- (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 20th January 2010)

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. Further planning application received.
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, extension agreed to compliance period		Planning permission for barn extension, currently being built.	1 cabin removed, 2nd cabin to be removed when extension complete. Extension under construction.
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. Revised App in but invalid.	Further discussions on compliance. Revised planning application received.
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 Case closed	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.		Appeal Dismissed	Notice complied with case closed.
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, hard surface, unit extension, and named occupants of units. App received.

Planning Enforcement formal action (DM Committee 20th January 2010)

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 Case closed	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	Case closed
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				Planning application 09/06700/full submitted for extension and retail sales
14	ENC/09/1467	Land to the rear of 197 Hitchin Road, Arlesey	Temporary Stop Notice - Failure to submit details required by condition 2 of permission CB/09/05914/FULL	03-Dec-09	03-Dec-09					Will monitor submission of details. Notice effective until 31/12/09
15	ENC/09/0034	Land at Whitsundales Farm	2 Enforcement Notices - Change of use to storage, erection of hardstanding + Access	17-Dec-09	17-Jan-10	various up to 17-Apr-10				check compliance

Planning Enforcement formal action (DM Committee 20th January 2010)

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 received
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 received
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	New owners, planning permission CB/09/06383/full granted to resolve breach
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, no response to PCN Case sent to legal to commence prosecution.

Planning Enforcement formal action (DM Committee 20th January 2010)

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	Awaiting application for residential use of barn
10	ENC/09/1378	Long Yard, Dunstable Road, Studham	Enforcement Notice - Residential use of barn	4-Jan-10	1-Feb-10	2-May-10				Awaiting application for residential use of barn
11	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, Legal to assess for further action.
12	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.
13	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.
14	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.
15	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
16	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.	Planning application CB/09/07011/full submitted in effort 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	12-Jan-10	Appeal dismissed	Check compliance after 12/01/09. New application to be submitted.
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, court warrant gain access.

Planning Enforcement formal action (DM Committee 20th January 2010)

SOUTH	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
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.
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	Not complied, discussed with Legal, further action to be taken.
22	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	received 29-Dec-09			Await outcome of appeal
23	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	received 29-Dec-09			Await outcome of appeal
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. 2nd Notice issued	8-Dec-09	8-Dec-09	18-Jan-10				Planning permission 09/05770/FULL. Does not resolve B2 use. Check outcome after 18/01/2010
27	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				
28	ENQ/08/0035	69 Princes Street, Dunstable	Enforcement Notice - Front and rear dormers	4-Jan-10	1-Feb-10	2-May-10				Check compliance after 2-May-10
29	ENC/09/1268	18 Matthew Street	BOCN	4-Jan-10	4-Jan-10	3-Feb-10				Check compliance after 9-Feb-10

Planning Enforcement formal action (DM Committee 20th January 2010)

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. Not yet determined. 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 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 on 30th October 2009.	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 with the Council's solicitor.

Meeting: Development Management Committee
Date: 20th January 2010
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 progress on Section 215 notices served and future action to be taken.

Forty sites have been contacted regarding the external condition of land and buildings, the attached matrix does not include sites previously included in the Development Management Committee Agenda of 21st October 2009 and 7th December 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)

X...

X...

X...

Location of papers: Priory House, Chicksands

This page is intentionally left blank

Planning Enforcement Legal Action following Section 215 Notices

Enforcement Case Number	Location	What has been required	Date of 1 st Letter	Date of 2 nd Letter	Date of Notice	Notice to be complied with by	Result	Further Action
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	16 th November 2009	Had meeting with landowner on 23/11/09 – agreed to do works by Christmas – no works undertaken at 5/1/10	Passed to Legal to commence prosecution
CB/EN/09/1221	5 High Street South, The Money Box	1. Repair woodwork around shop frontage 2. Repair and repaint rotten woodwork 3. Clean windows	27/08/09	05/10/09	19 th October 2009	16 th November 2009	No works commenced at 5/01/10	Passed to Legal to commence prosecution

CB/EN/09/1254	38 High Street South, Dunstable - Vacant	<p>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</p> <p>1. Replace missing tiles 2. Repaint window and door frames on front & rear elevations 3. Repair damaged render and repaint wall forming side elevation</p>	03/09/09	15/10/09	23 rd October 2009	20 th November 2009	Not yet complied with – works to be complete by Christmas – no works commenced at 5/01/10	Passed to Legal to commence prosecution
CB/EN/09/1224	The Winston Churchill, Church Street	<p>1. Repair and repaint the woodwork on all four elevation 2. Removal of unnecessary/redundant wall furniture such as cigarette bins and broken lamps 3. Removal of all</p>	27/8/09	5/10/09	21 st October 2009	16 th November 2009	Not yet complied with – landowner advises that they are currently selling property –	Passed to Legal to commence prosecution

		<p>graffiti from the exterior of the building</p> <ol style="list-style-type: none"> 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 (white would be colour of preference) 12. Repair or replace and paint all fascia boards white 13. Ensure all elevations are in a clean condition 14. Repair and repaint 					<p>no works commenced at 5/01/10</p>	
--	--	--	--	--	--	--	--------------------------------------	--

						all window frames 15. Removal of all boarding that is in place over windows and replace with glass				

Planning Enforcement – Section 215 Progress

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	19/11/09	7/01/10					Serve s215 notice if no contact made by 18/01/10
---------------	--	--	----------	---------	--	--	--	--	--

Meeting: Development Management Committee
Date: 20 January 2010
Subject: REVISION TO MEMBERS PLANNING CODE OF GOOD PRACTICE
Report of: Director of Corporate Resources
Summary: The report refers to amendments and additions to the Members Planning Code of Good Practice (contained in the Ethical Framework of the Council's Constitution) considered necessary following the recent publication of revised LGA guidance.

Contact Officer: Andrew Emerton. Managing Solicitor. Planning, Transportation, Highways and Property
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Financial:

None

Legal:

As contained in Report

Risk Management:

None

Staffing (including Trades Unions):
--

None

Equalities/Human Rights:

None

Community Safety:

None

Sustainability:

None

RECOMMENDATION(S):

- 1. That the Committee refers the amended Planning Code of Good Practice to Standards Committee for consideration and adoption by Council.**

Planning Code of Good Practice

1. The Council's Constitution contains as part of the Ethical Framework a planning code of good practice for Members when they are involved in planning and development control related matters. The present Code was drafted using the codes of the former legacy authorities and previous Local Government Association (LGA) good practice advice. The LGA has recently published revised guidance "Probity in Planning" which builds on and in some areas amends previous advice. One such area is in relation to Members involvement in pre-application discussions and meetings.
2. Previous guidance had deterred Members from becoming too closely involved in pre-application discussions and meetings but with the change of emphasis on members being champions of their local communities there is now encouragement for them to be become more involved in pre-application matters. Provided the necessary safeguards are built in to the system there are benefits for Members, developers and communities from a greater dialogue at the pre-application stage.

Amendments to Code

3. Attached at Appendix A is the existing Code with the suggested amendments /additions shown in italics. In addition to amendments concerning pre-application matters there is an amendment to the Site Visit guidance concerning inspections on third party land. This amendment is suggested following a recent Ombudsman comment on the matter.

Conclusion and Next Steps

4. The amended Code will be considered by Standards Committee. Any changes to the draft Code attached will be taken in to account by the Standards Committee prior to the reference to Council.

Appendices:

Appendix A – Members Planning Code of Good Practice – Amended

Background Papers: (open to public inspection)

Local Government Association – "Probity in Planning".

Location of papers: Priory House, Chicksands.

**Central Bedfordshire Council
Ethical Handbook**

Part 2	Members' Planning Code of Good Practice	7
1.	Background	7
2.	Introduction	7
3.	Relationship to the Code of Conduct for Councillors	8
4.	Development Proposals and Interests under the Code of Conduct for Councillors	8
5.	Fettering Discretion in the Planning Process	9
6.	Contact with Applicants, Developers and Objectors	12
7.	Presentations by Applicants/Developers	12
8.	Lobbying of Councillors	13
9.	Lobbying by Councillors	14
10.	Site Visits	15
11.	Public Participation at Meetings	16
12.	Officers	17
13.	Decision Making Process and Decisions contrary to Officer Recommendation	18
14.	Training	19
App A	Code of Practice for Conduct of Site Inspections	20

Part 2: Members' Planning Code of Good Practice

1. Background

- 1.1 This Code of Good Practice has been prepared in *the context of* the introduction of the new ethical framework and the Local Government Association's Guidance Note "*Probity in Planning*". It is based on the Model Code produced by the Association of Council Secretaries and Solicitors *and the codes operated by the Legacy Authorities which were drafted* in consultation with the District Audit Service, the Local Government Ombudsman and Standards for England.
- 1.2 *Planning has a positive and proactive role to play at the heart of local government. It helps the Council achieve the ambitions of our communities. Good planning stimulates growth and promotes innovation. The planning system works best when the roles and responsibilities of all those involved in the process are clearly understood. It is vital that members and officers understand their roles and the context and constraints in which they operate.*
- 1.3 *Planning decisions involve balancing the needs and interests of individual constituents and the community with the need to maintain an ethic of impartiality in decision making on what can be highly controversial proposals.*
- 1.4 *The LGA Guidelines provides refreshed advice on achieving this balance. It also better reflects the local authority role as a place shaper and the enhanced role of members as champions of their local communities. It recognises members ability to participate in discussions prior to the receipt of a planning application on behalf of their communities and engage in spatial planning*

2. Introduction

- 2.1 **The aim of this Code of Good Practice:** To ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 2.2 **The key purpose of Planning:** To control development in the public interest.
- 2.3 **Your role as a Member of the Planning Authority:** To make planning decisions openly, impartially, with sound judgement and for justifiable reason.

- 2.4 **When the Code of Good Practice applies:** This Code applies to members at all times when they are involved in the planning process. (This includes, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to Planning Enforcement matters or site specific policy issues as it does to planning applications.
- 2.5 The Code does not only apply to members of the Council's Development Management Committee. Some aspects of the Code apply generally to members in whatever capacity they may be acting. Other aspects may apply to members acting as Ward/Local Members. Some provisions apply specifically to members when they are involved in the planning process in a personal capacity, for instance when they or organisations to which they belong submit planning applications to the Council.
- 2.6 **If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his/her staff, and preferably well before any meeting takes place.**
- 2.7 **At certain points the Code refers to "the Planning Authority", to "the Development Management Committee" and to "the Committee". In each case, these references are to the Council or a committee of the Council exercising the Council's functions as local planning authority.**

3. Relationship to the Code of Conduct for Councillors

- 3.1 **Do** apply the rules in the Members' Code of Conduct first which must always be complied with.
- 3.2 **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct.

If you do not abide by this Code of Good Practice, you may put:-

- 3.2.1 The Council at risk of proceedings on the legality or maladministration of the related decision; and
- 3.2.2 Yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made *against you*.

4. Development Proposals and Interests under the Code of Conduct for Councillors

4.1 *The Local Government Act 2000 and the Members Code of Conduct place requirements on Members to register and declare interests. The requirements must be followed scrupulously and Members should review their position regularly. Planning proposals (be they planning applications or development plan proposals) submitted by Members to the Council can easily give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted. However it is vital to ensure that they are handled in such a way that gives no grounds for accusations of favouritism.*

4.2 **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. If possible disclose your interest at the beginning of the meeting at the relevant time when the Agenda deals with interests and not just at the commencement of discussion on that particular matter.

4.3 **Where your interest is personal and prejudicial:-**

4.3.1 **Do not** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.

4.3.2 **Do not** try to represent ward/local views, get another ward/local member to do so instead.

4.3.3 **Do not** get involved in the processing of the application.

4.3.4 **Do not** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.

- 4.3.5 **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places greater limitations on you in representing that proposal. You may make use of the Public Participation Scheme to address the meeting on a proposal in the same manner that would apply to a member of the public, after which you must leave the room whilst the meeting considers the matter. You may not remain to observe the meeting's considerations on the matter from the public gallery.
- 4.3.6 **Do** notify the Monitoring Officer in writing of your own applications and note that:-
- 4.3.6.1 Notification to the Monitoring Officer should be made no later than submission of the application;
 - 4.3.6.2 The application will always be reported to the committee as a main item and not dealt with by officers under Delegated Powers; and
 - 4.3.6.3 It is advisable that you employ an Agent to act on your behalf on the application in dealing with officers and any public speaking at committee.

5. Fettering Discretion in the Planning Process

5.1 When you are involved in determining a planning application:

- 5.1.1 **Do not** fetter your discretion and therefore your ability to participate in planning decision making **processes** by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.

5.1.2 **Fettering your discretion** in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

5.1.3 **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. Through your personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.

5.1.4 **Do** also be aware that, whilst the Code of Conduct for Councillors provides generally for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to the organisations mentioned below, you must exercise much greater caution when you are taking part in a meeting of the planning authority that is determining any approval or consent. In such cases, where:-

5.1.4.1 You have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of:-

5.1.4.1.1 Another local or public authority (including a town or parish council) of which you are a Member; or

5.1.4.1.2 A body to which you have been appointed or nominated by the Council as its representative; or

5.1.4.2 You are a Trustee or Company Director of the body submitting the proposal and were appointed by the Council;

You should always disclose a personal and prejudicial interest and withdraw from the meeting.

5.1.5 **Do** consider yourself able to take part in the debate on a proposal when acting as a member of a consultee body (for example, where you are also a member of a parish council,), provided:-

- 5.1.5.1 That the proposal does not substantially affect the well being or financial standing of the consultee body; and
- 5.1.5.2 You make it clear to the consultee body that:-
 - 5.1.5.2.1 Your views are expressed on the limited information before you only;
 - 5.1.5.2.2 You must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the planning authority and you have considered all of the relevant information; and
 - 5.1.5.2.3 You will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.
- 5.1.5.3 You disclose a personal interest regarding your membership of the consultee body or role when the planning authority comes to consider the proposal.
- 5.1.6 **Do not** speak and vote on a proposal where you have fettered your discretion. You are recommended to withdraw from the meeting.
- 5.1.7 **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the Minutes.
- 5.1.8 **Do** take the opportunity to exercise your separate speaking rights as a ward/local member where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:-

- 5.1.8.1 Advise the Proper Officer or chairman that you wish to speak in this capacity before commencement of the item;
- 5.1.8.2 Remove yourself from the Member seating area for the duration of that item ; and
- 5.1.8.3 Ensure that your actions are recorded in the minutes of the meeting.

6. Contact with Applicants, Developers and Objectors

- 6.1 *Discussions between potential applicants and the Council prior to submission of an application can be of considerable benefit to both parties and are encouraged. However it would be easy for such discussions to become or to be seen by objectors to become part of a lobbying process on the part of the applicant. With the recognition of the need to allow and encourage members to be champions of their local communities' there is a realisation that member engagement in pre-application discussions on major developments may be necessary to allow members to fulfill this role. In this context member involvement in pre-application discussions can be beneficial provided it is done within carefully established limits to protect the Council and its members.*
- 6.2 **Do** refer those who approach you for planning, procedural or technical advice to officers
- 6.3 **Do not** agree to any formal meeting with applicants, developers or groups of objectors where you *consider it inappropriate to meet.* . Where you feel that a formal meeting would be useful in clarifying the issues, you should *not* seek to arrange that meeting yourself but should request the Assistant Director of Development Management to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the planning authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the committee.
- 6.4 ***Do not** give separate advice on the development plan or material considerations unless you are aware of all the issues at an early stage. Do not become drawn into any negotiations. These should be dealt with by officers to ensure the Council's position is coordinated.*
- 6.5 **Do** otherwise:-
 - 6.5.1 Follow the rules on lobbying (see paragraph 8 below);

- 6.5.2 Consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- 6.5.3 Report to the Assistant Director of Development Management any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

7. Presentations by Applicants/Developers

- 7.1 **Do not** attend a planning presentation unless an officer is present and/or it has been organised by officers.
- 7.2 **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- 7.3 **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the appropriate committee of the planning authority.
- 7.4 **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other members might vote.

8. Lobbying of Councillors

- 8.1 *Lobbying is a normal and perfectly proper part of the political process. Those who may be affected by a planning decision will often seek to influence it through an approach to their elected member or to a member of the Development Management Committee. However lobbying can lead to the impartiality and integrity of a member being called into question unless care and common sense is exercised by all the parties involved. When being lobbied members should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before being exposed to all the evidence and arguments.*
- 8.2 *Members of the Development Management Committee in particular need to avoid bias and predetermination and take account of the public's (and the Ombudsman's) expectation that a planning application will be processed and determined in an open and fair manner. To do this members taking the decision will take account of all the evidence presented to it before arriving at a decision and will avoid committing themselves one way or another before hearing all the arguments. To do otherwise makes them vulnerable to an accusation of partiality bias or the appearance of bias.*

8.3 When **you are or may be involved in determining a planning application:-**

8.3.1 **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the planning authority's determination of the matter for you to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.

8.3.2 **Do** remember that your overriding duty is to the whole community not just to the people in your ward/local area and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

8.3.3 **Do not** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is £25 or more in accordance with the authority's rules on gifts and hospitality.

8.3.4 **Do** copy or pass on any lobbying correspondence you receive to the Assistant Director of Development Management at the earliest opportunity.

8.3.5 **Do** promptly refer to the Assistant Director of Development Management any offers made to you of planning gain or constraint of development, through a proposed Section 106 Planning Obligation or otherwise.

8.3.6 **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

8.3.7 **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:-

8.3.7.1 Listening or receiving viewpoints from residents or other interested parties;

- 8.3.7.2 Making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - 8.3.7.3 Seeking information through appropriate channels; or
 - 8.3.7.4 Being a vehicle for the expression of opinion or speaking at the meeting as a ward/local member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.
- 8.4 *Do not vote on a matter where there is a real risk of perceived bias such as where you have decided to “go public” in support of a particular outcome.*

9. Lobbying by Councillors

- 9.1 **Do not** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest. You will only be entitled to make use of the Public Participation Scheme to address the meeting on a proposal in the same manner that would apply to a member of the public, after which you must leave the room whilst the meeting considers the proposal.
- 9.2 **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local Civic Society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.
- 9.3 **Do not** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

- 9.4 **Do not** decide or discuss how to vote on any application at any sort of political group meeting, or approach any other member to do so. Political Group meetings should never dictate how members should vote on a planning issue.

10. Site Visits

The advice contained in this section has particular relevance to members of the planning authority who are or may be involved in determining an application for planning permission.

- 10.1 It is often desirable before determining a planning application that members of the planning authority visit an application site to view it in its surroundings and have relevant features drawn to their attention. The Council has adopted a Code of Practice for such inspections with which it will comply. This is attached at Appendix "A" to this Code. Debate and decisions on applications must take place in a committee meeting, therefore any discussion that does take place during these site visits should not lead into a debate on the merits of the application.

10.2 Remember

- 10.2.1 **Do not** request a site visit if you have a personal and prejudicial interest in the matter. For the avoidance of doubt the principles in paragraph 4 of this Planning Code of Good Practice shall apply.
- 10.2.2 **Do not** attend a site visit where you have a personal and prejudicial interest in the site **or the matter in hand**.
- 10.2.3 **Do not** request a site visit unless you feel it is strictly necessary because:-
- 10.2.3.1 Particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
- 10.2.3.2 There are significant policy or precedent implications and specific site factors need to be carefully addressed.

- 10.2.4 **Do** attend site visits organised by the Council, where possible, where you are an appointed member of the site visit team, or the ward/local member for the area where the site is.
- 10.2.5 **Do** ensure that any information which you gained from the site visit is reported back to the planning authority, so that all members have the same information.
- 10.2.6 **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- 10.2.7 **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- 10.2.8 **Do not** hear representations from any other party with the exception of the ward/local member(s) whose comments must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- 10.2.9 **Do not** express opinions or views to anyone.
- 10.2.10 **Do not** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:-
 - 10.2.10.1 You feel it is essential for you to visit the site other than through attending the official site visit;
 - 10.2.10.2 You have first spoken to the Assistant Director of Development Management about your intention to do so and why (which will be recorded on the file); and
 - 10.2.10.3 You can ensure you will comply with these good practice rules on site visits.

11. Public Participation at Meetings

11.1 The Council recognises that it can make better decisions and respond to people's aspirations if it involves others in its decision making process. It has therefore developed a scheme which provides the opportunity for those involved in any particular planning application to address the meeting(s) at which the proposal is being considered. This scheme seeks to balance the needs of expedition in the administration of the system with the aspirations of objectors, applicants/supporters, local councils and the Council. The scheme is attached at Annex 4 to Appendix A of Part A4 of the Council's constitution. A leaflet explaining the scheme is supplied to all applicants and is also available on request.

11.2 Remember

Where you are involved in determining a planning application:-

11.2.1 **Do not** allow members of the public to communicate with you during the committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.

11.2.2 **Do** ensure that you comply with the Council's procedures in respect of public speaking.

12. Officers

12.1 **Do not** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Assistant Director of Development Management, which may be incorporated into any committee report).

12.2 **Do** recognise that officers are part of a management structure and you should only discuss a proposal, outside of any arranged meeting, with a Director or an officer who is authorised by his/her Director to deal with the proposal at a member level.

- 12.3 **Do** recognise and respect the fact that officers involved in the processing and determination of planning applications must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, Planning Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the committee or its members.

13. Decision Making Process and Decisions Contrary to Officer Recommendation

- 13.1 Prior to the consideration of any planning application the Assistant Director of Development Management will tell the committee of any relevant information received since his/her report was prepared. If the Council has circulated letters or other information at or shortly before the meeting to councillors those will be referred to by the Assistant Director of Development Management or by the chairman. If members are aware of any other letters or information which they believe have been circulated to all councillors and which have not been referred to, they should disclose that fact to the meeting in order that all are aware of relevant information and on which information any decision may be made. Any information to be considered by the committee should be presented to officers by midday 3 working days prior to the meeting, to allow for the information to be considered. No new information will be allowed to be presented later than this or during the meeting.
- 13.2 The Development Management Committee has full delegated powers to approve applications.
- 13.3 The Council is required by law to state clearly and precisely its full reasons for refusing any application or imposing conditions to which a planning permission is subject thus allowing all interested persons to understand the reasons for the decision. A disappointed applicant will therefore know why his/her application was refused.
- 13.4 In order to explain the Council's decision when approving an application contrary to advice, the reasons for that decision should be clear and carefully recorded.
- 13.5 **Remember when acting as a member of the Planning Authority:-**

- 13.5.1 **Do** ensure that, if you request a proposal to go before the committee rather than be determined through officer delegation, that your reasons are recorded and repeated in the report to the committee.
- 13.5.2 **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- 13.5.3 **Do** make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- 13.5.4 **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- 13.5.5 **Do not** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- 13.5.6 **Do** have recorded the reasons for committee's decision to defer any proposal.
- 13.5.7 **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded.
- 13.5.8 **Do** give *the officer an opportunity to explain the implications of a decision and* be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

14. Training

- 14.1 **Do not** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.

- 14.2 **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

- 14.3 **Do** participate in the annual review of a sample of planning decisions to ensure that members' judgements have been based on proper planning considerations.

APPENDIX A

Code of Practice for Conduct of Site Inspections

1. A site inspection will only be carried out in the circumstances set out below:-

(a) Prior to Consideration by Committee

Any member of the Council may request that an item contained in the draft index of applications to be considered at the next meeting of the committee, should be the subject of a site inspection prior to that meeting.

Such requests must be submitted to the Assistant Director of Legal and Democratic Services by the date and time specified in the draft index.

The Assistant Director of Legal and Democratic Services will notify the Assistant Director of Development Management and the chairman of the committee of the request. The request may be refused if the Assistant Director of Development Management, following consultation with the chairman, does not consider that a site inspection is justified in respect of the application.

A member with a Personal and Prejudicial Interest in the site **or the matter in hand** should not request a site visit. Do not try to represent ward/local views, but ask another ward/local member to do so instead. Always act in accordance with paragraph 10 of the Planning Code of Good Practice.

(b) Following Consideration at Committee

Where the Development Management Committee wishes to address site specific issues, it may determine to hold a site inspection, the purpose of which will be to familiarise members with the site.

2. A member with a Personal and Prejudicial Interest in the site **or the matter in hand** must not attend the site visit.
3. No lobbying or debate on issues relating to determination of the application shall take place during the site visit (any such discussion could be regarded as prejudicial to the committee's decision on the matter).

4. The timing and arrangements for the conduct of site inspections shall be agreed by the Assistant Director of Legal and Democratic Services and the Assistant Director of Development Management, in consultation with the chairman of the committee. *Site visits will normally be undertaken from public vantage points and the land and premises the subject of the application. Only in exceptional circumstances will the visit take place on private third party land. If it is considered exceptional circumstances exist the site visit request must include a specific reference to the third party land and the reasons why it is necessary to visit that land.*
5. The number of members to conduct site inspections will normally be limited to:-
 - 5.1 The chairman and vice-chairman of the committee or their nominees; plus
 - 5.2 No more than three other members of the committee; plus
 - 5.3 The representative(s) of the ward in which the site is located.
6. Where necessary and, after consultation with the Chairman or Vice-Chairman, the Assistant Director of Legal and Democratic Services shall be authorised to appoint substitute members to conduct the site inspections.
7. Members of the Development Management Committee conducting the site inspection are encouraged to share transport wherever possible, as long as drivers who provide shared transport hold adequate insurance cover.
8. (a) No person other than officers of the Council, ~~representatives of the Highway Authority~~ or invited representatives of consultee bodies, shall accompany members during an inspection;

(b) If a person with an interest in land to be inspected or his/her representative accompanies members to enable access or ensure safety, no lobbying or discussion with that person will be permitted.
9. Provision will be made in the committee agenda to enable the separate consideration of any matter which has been the subject of a site inspection.

Meeting: Development Management Committee
Date: 20 January 2010
Subject: Outline Planning Application SB/09/00162 (14 dwellings with access road and ancillary works, Land at Kiln Way, Dunstable) at Appeal
Report of: Director of Sustainable Communities
Summary: The report proposes that the Officers' Written Representations to this Appeal against the non-determination of the Planning Application be based on the attached report and recommendation.

Contact Officer: John Spurgeon, Principal Planning Officer (Major applications, South) 0300 300 5304 (x 75304)
Public/Exempt: Public
Wards Affected: Icknield
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Managing growth effectively.

Financial:

No addition to cost of service. Minimal risk of cost award against Council.

Legal:

Input to consideration of Unilateral Undertaking to be submitted by appellant.

Risk Management:

No issues (see under financial).

Staffing (including Trades Unions):

Within expected workload of section.

Equalities/Human Rights:

Human Rights issues unlikely to arise.

Community Safety:

No issues.

Sustainability:

Sustainability undergirds Council's case.

RECOMMENDATION(S):

- 1. That the Council's Appeal Written Representations be based on the attached draft Delegated Report and that, had the application been determined by this Council, it would have been refused for the following Reasons:**
 - 1. The proposal, by reason of the intended location, scale, size and design of the houses and their relation to adjacent properties in Jeansway, would both appear out of character with its urban setting and have an overpowering and oppressive visual impact on those properties to the extent that material harm is caused to the amenities of the occupiers of those properties and to the character of the local area. The proposal would therefore be contrary to Policy ENV7 of the East of England Plan (the Regional Spatial Strategy) and Policy BE8 of the South Bedfordshire Local Plan Review.**
 - 2. The proposed access within the site would be unsatisfactory, by reason of the straightness and nature of the proposed access likely leading to excessive speeds, the lack of a safeguarded pedestrian/service route to some dwellings and the configuration of some private accesses leading to inadequate pedestrian/vehicle intervisibility. The proposal would therefore be contrary to Policy T8 of the East of England Plan.**
 - 3. Insufficient information is provided to conclude that the proposal would deliver appropriate community infrastructure including areas of affordable housing, education, green infrastructure, and sustainable travel, having regard to the Development Brief for the site. The proposal would therefore be contrary to Policy 25 of the Bedfordshire Structure Plan 2011 and Policy H4 of the South Bedfordshire Local Plan Review as amended by PPS3 in respect of the threshold figure in (i).**
- 2. That officers exercise discretion in respect of comments on the Appellant's Unilateral Undertaking should the Appeal be allowed.**

Background

1. This application was submitted to South Bedfordshire District Council after pre-application discussions and registered on 23/3/09. Discussions continued after submission when representations were received. These were conducted in parallel with consideration of likely Planning Obligation requirements. This was complicated by the change of Council as pre-application discussions were based on previous requirements.
2. A further complication arose with costs of development and, in accordance with par.19.1 of the Central Bedfordshire Council Planning Obligations SPD for Southern Bedfordshire, it became incumbent on this Council to assess the applicant's case for a reduction in these requirements on the grounds that they would significantly harm the viability of the proposal. Work is ongoing on this aspect.

3. The applicant appealed on the grounds that a decision had not been made within 13 weeks which appeal is to be determined under the Written Representations procedure. A fresh application has also been submitted having regard to the discussions. However, the appeal has to be on the basis of the initial submission.

Explanation

4. The submitted layout is based on the indicative layout in a Development Brief prepared for this site, which is the second and final part of a larger housing allocation in the Development Plan. The first phase of this allocation site has been built out and access to phase 2 would be through phase 1. The cost of crossing land between the highway on phase 1 and phase 2 contributes to the viability issues of the proposal.
5. The actual site is slightly less deep than the land assessed when the Local Plan was adopted and the proposed development has been designed as an almost continuous length of 2-3 storey housing for much of the length of the site. The combination of these 2 factors provides short back gardens to the rear gardens of Jeansway properties abutting the site. The rise in ground levels towards the site, the continuity of the built development and the loss of outlook towards Blows Downs gives rise to a sense of oppressiveness to the occupiers of those properties notwithstanding their longer gardens. This would be contrary to Policies ENV7 of the East of England Plan and BE8 of the Local Plan.
6. The architecture of the locality is broadly traditional in the design of housing in Jeansway and phase 1 of Kiln Way. Even the Tesco superstore behind phase 1 uses traditional elevations and materials. The proposed buildings would be more angular with roofs pitched at only 5 degrees and the roofs would be metal clad. Whereas the reason for the 'flat' roofs may well include offering less visual block to Jeansway houses, they nonetheless appear incongruous in their setting. This incongruity is particularly noticed from the public access areas of Blows Downs. Furthermore, the first floor elevations facing Jeansway properties are almost blind, giving the impression that the houses have turned their backs to the neighbouring houses. This impact would be contrary to the same policies.
7. The proposed access road is of a design that would likely encourage traffic to travel too fast and linked with the inadequacy of some private accesses and carriageway margins, the access infrastructure would be unsatisfactory.
8. Until discussions are completed we cannot advise on what we would seek in the Unilateral Undertaking should the Appeal be allowed. We would assume that Members would permit officers to exercise discretion according to the circumstances when the representations are exchanged. In the meantime we would add a third reason for refusal in that the applicant did not offer a Unilateral Undertaking to ensure the scale of delivery meets reasonable requirements.

Appendices: Appendix A – Planning Officers Delegated Report

Background Papers: Planning application file.

Location of papers: Council Offices, Dunstable

This page is intentionally left blank

Development Management

Central Bedfordshire Council

Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ
www.centralbedfordshire.gov.uk



PLANNING OFFICER DELEGATED REPORT

APPLICATION NUMBER	SB/09/00162/OUT
LOCATION	Land at Kiln Way, Dunstable, LU5 4GZ
PROPOSAL	Erection of 14 dwellings with access road and ancillary works. Landscaping as a reserved matter.
PARISH	Dunstable
WARD	Icknield
WARD COUNCILLORS	Cllr John Kane & Cllr David McVicar
CASE OFFICER	Mr J Spurgeon
DATE REGISTERED	23 March 2009
EXPIRY DATE	22 June 2009
APPLICANT	Dunmore Developments Ltd
AGENT	R & J Consultants Ltd
RECOMMENDED DECISION	

Site Location:

This is a 0.35ha 140m long strip of former railway estate land west of the recently completed Kiln Way residential development, having the rear gardens of Jeansway houses as its northern boundary and the railway to the south. It tapers to the west and its depth varies from 40m (at the east end) to 18m. The land is rough and was recently cleared of scrub, although the strip of former railway land westwards continues in an overgrown state. There is a slight upward gradient south towards the foot of the railway (about 1 to 1.5m rise), beyond which is a public right of way and then the scrubland of Blows Down rises steeply. A rectangle of enclosed land within the site, behind 280 Jeansway, is tended as garden by that property, having also a garden building, and notice has been served on that property on the principal of a title being granted by adverse possession. An adjacent enclosed rectangle behind 278 is also within the site but notice has not been served on 278, presumably because the applicant acquired its freehold from BRB (Residuary) Ltd. Gardens to Jeansway fall about 2.5m to the houses.

The railway is due to be removed and replaced by the Luton-Dunstable busway, which would be on a slight embankment here with modest landscaping.

The Application:

It is proposed to extend Kiln Way adjacent to the railway (allowing for the Busway formation) and to build 14 dwellings, together with associated works and landscaping. The application is in outline with only landscaping reserved. Notwithstanding this, the scheme does not propose landscaping the southern boundary as this would duplicate the landscaping of the busway corridor.

The houses would be mainly 2 storey and in semi-detached pairs, though with 2 having a 3-storey part and one terrace of 3 houses. Apart from 2 houses sideways-on at the western end of the site, all of them would face the Down across the busway and their rear gardens would adjoin those of Jeansway houses. Rear garden depths of between 5.8m and 8.6m compare with a mean Jeansway garden depth of about 33m. Closest relationships (building to building) would be 37m (r/o 276 Jeansway to plot 12) and 27.6m (r/o 268 Jeansway to the side of plot 14). Nine of the houses would be 3-beds and the remainder 4-bed (2 of which having a ground floor study which could be used as a 5th bedroom). All would be open market. The design is modern and low profile, typically presenting varied detailing to both front and rear and employing several facing materials: brick, render and weatherboarding (details subject to condition). Parking tends to be in a carport with a recessed patio deck above, facing the Down, thus articulating the building form as well. There is storage space for cycles. To the rear, in the plots closer to Jeansway houses fenestration is in contrasting blind 'oriel' bays with side facing windows. Roofs are shallow and of metal (as are doors) so that maximum heights are 6.1m (2 storey) and 8.9m (3 storey), which represents a roof elevation of less than 1m.

Parking is at the rate of 1 space per dwelling onsite (1 house with 2) and 9 unallocated offstreet spaces (total provision 1.7 spaces per dwelling). 14 cycle spaces would be provided.

External hard areas would be tarmac and block paviers and fences in timber. Foul drainage would be to mains and there would be a SUDs for surface water.

The application is accompanied by a Visual impact assessment, simple environmental report and an Extended Phase 1 habitat survey (which includes an arboricultural report).

The application has been appealed on the grounds of non-determination.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development; PPS3 - Housing; PPS9 - Biodiversity and Geological Conservation; PPG13 - Transport; PPS10 - Planning for Sustainable Waste Management; PPG17 - Planning for Open Space, Sport & Recreation; PPG24 - Planning & Noise

Regional Spatial Strategy

East of England Plan (May 2008)

H1 - Regional Housing Provision 2001 to 2021
T2 - Changing Travel Behaviour
T4 - Urban Transport
T8 - Local Roads
T9 - Walking, Cycling and other Non-Motorised Transport
T14 - Parking
ENV2 - Landscape Conservation
ENV3 - Biodiversity and Earth Heritage
ENV7 - Quality in the Built Environment
ENG1 - Carbon Dioxide Emissions and Energy Performance
WM6 - Waste Management in Development

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

Bedfordshire Structure Plan 2011

25 - Infrastructure

South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations
T10 - Parking - New Development
T11 - Contributions - Alt Parking
H1 - Provision for Housing
H3 - Local Housing Needs
R10 - Play Area Standards
R11 - New Urban Open Space

Supplementary Planning Guidance

Land at Skimpot Road, Dunstable Development Brief 2003

Local constraints

Luton to Dunstable disused railway CWS adjacent to the site.

Planning History

None on current site, which was land within the railway boundary fence since c1860.

Main permissions of Phase 1:

SB/TP/03/0433 Outline permission for residential development - Phase 1
SB/ARM/05/0306 Approval of reserved matters for residential development of 110 units, car parking and landscaping.

**Representations:
(Parish & Neighbours)**

Dunstable Town
Council (29/4/09)

Object due to the designs being out of character with the surrounding area.

Neighbours

Objections from 276, 282, 284 (2 letters from different residents), 286, 288, 290, 292 Jeansway; 57 Evelyn Road -

- would lose accesses (believed to be up to 45 years old) from the bottom of several gardens, across site, and across railway / which enables dog to be exercised and permanently affects quality of life / other local people use path through site
- loss of an informal allotment on the site
- would like trees adjacent to fence to remain
- loss of growing conditions at rear of gardens through shadow
- incorrect statement that there are no trees or hedges on the site
- development would overshadow summerhouse/prevent sun shining on conservatory and rear windows/loss of light contrary to E+W Prescription Act 1832 as amended 1959
- disturbance by noise, fumes, radios on garden (and summerhouse) and light pollution including during construction

- loss of privacy to house (especially where there is a glazed conservatory) and garden
- why build on green-field rather than brownfield site?
- bank voles and slowworms have lived in the site and clearance could cause death or injury to reptiles / disregard for wildlife on site / much clearance has already taken place/bats frequent area and use site trees
- proposal has affected family and community
- together with the Tesco development, there will be too much activity for too long
- CWS boundary inconsistent
- inadequate environmental certificate/environmental reports need checking
- loss of direct aspect to Down, made worse by upper floor terraces
- town houses should be in a town - even the low pitch roofs have too great an impact
- solar panels facing houses would cause glare
- an archaeological survey should be undertaken
- risk of flash flooding
- appearance of houses not in keeping with existing local properties / materials cheap / eyesore from the Down
- thought has only been given to lining pockets of developer by maximum site usage
- no thought into infrastructure
- extra vehicle pressure on Skimpot Road roundabout
- urges extension of publicity to users of the Down.

Consultations/Publicity responses

Public Protection
(1/4/09, 19/5/09)

Contamination: Requires imposition of conditions and informatives. Noise from Busway: Recommends condition to secure noise attenuation measures within the buildings. Thermal double glazing should be sufficient and windows need not be fixed closed.

Landscape Officer
(20/4/09)

There are no trees of any merit on the site. The busway site and its vegetation should be protected during construction. Evidence of Japanese Knotweed which falls within the Environmental Protection Act 1990.

Waste Strategy, Policy
and Performance
(28/4/09)

Appropriate access must be available from the rear to ensure that containers can be located at the boundary on collection day. A site waste audit should be submitted with the full application and a site waste management plan in accordance with the regulations will be required upon appointment of the primary contractor.

Environment Agency
(15/4/09)

Permission should only be granted with the imposition of specified conditions. These cover potential contamination of the ground.

- CBC Drainage Engineer (23/4/09) Potential for serious flash flooding from Down. Development should show how this would be mitigated in view of new surfaces.
- Natural England (9/4/09) Designated sites: Proposals are unlikely to have any significant impact on the special interest features of the SSSI. Satisfied that there will be no adverse effect on the AONB or on people's enjoyment of it from within or outside the site.
Legally protected species: No objection provided the recommendations of the Protected Species Survey Report are followed up.
Enhancements: Support the indication that commuted sums will be provided for off-site open space through a S106 Agreement and the potential for SUDs within the development. Landscaping should include planting with native species of local provenance, taking account of, and feeding into, the Route Biodiversity Action Plan for the busway.
- Wildlife Trust (2/4/09, 23/7/09) The Trust owns and manages Blow's Down Nature Reserve (CWS and SSSI), which is the suggested open space for this development and the benefits of which are repeatedly mentioned in the Design and Access Statement. Due to its urban edge it requires additional management to mitigate for the high visitor pressure it receives (eg removing rubbish, closely monitoring livestock and maintaining damaged fences). The proposal will increase visitor pressure and therefore welcomes intended contributions and encourages a proportion to be dedicated to enhancing and maintaining Blow's Down. A figure of £1000 per dwelling is suggested which would go towards: access improvements, maintenance and enhancement of site infrastructure for a period of 10 years; site monitoring to evaluate changes to special features or the site's integrity; responding to the results of monitoring and evaluation to manage the grassland habitats, ensuring that they are preserved and enhanced.
- Highways Officer (29/4/09, 17/12/09) Can accept number of proposed parking spaces but the visitor spaces at either end would tend to encourage parking and a degree of obstruction along the access. The entrance to the car ports would be narrow causing people to load and unload on the access, and would also give inadequate visibility splays. Some may attempt to park a second car, thus overhanging the access. It is not clear what type of access is being proposed and more work is needed to demonstrate that appropriate standards are complied with. Footway/service margin does not extend all the way round turning head and to all dwellings meaning that pedestrians would step into carriageway and leading to maintenance liability. The alignment of the road is too straight and would lead to excessive speeds. Unadoptable and therefore contrary to policy. Plans for cycle storage are not fully considered. If permission is granted conditions

Archaeological Officer
(15/09/09, 18/9/09,
22/9/09, 25/9/09)

should be imposed and a contribution towards sustainable transport (about £1450 per dwelling) sought.

Site lies within an archaeologically sensitive area, crossing the Icknield Way and being adjacent to 2 areas of later prehistoric and Roman settlement. It is likely that deposits of prehistoric, Roman and Saxon periods will survive. The proposal would have a negative and irreversible impact on such deposits. This does not provide an overriding constraint provided adequate provision is made for investigation and recording. Therefore requests condition T3.

Luton BC Busway
Officer (30/3/09)

Will not accommodate an at-grade pedestrian crossing from the site to the Down as this will have significant operational impact on the busway. A crossing has been provided from Jeansway further to the west. The development should be noise modelled and suitable noise attenuation barriers provided prior to the busway project. This would negate future compensation claims. The busway will provide considerable benefits to the site and a financial contribution should be made.

Rights of Way Officer
(14/4/09)

Assumes that the busway will provide an west-east cycleway to supplement the present footpath south of the railway. Supports developer contributions for open space and Blow's Down.

School places Officer
(11/12/09)

This response sets out the up to date position with developer contributions, given that previous correspondence was complicated by differing numbers of proposed dwellings.

Affordable Housing
(31/7/09)

Does not agree with conclusions drawn from HCEAT model. On the basis of the Development Brief, 2 houses should be provided either in full or in cash equivalent.

Play and Open Space
Officer (12/5/09,
17/9/09)

A contribution towards the Wildlife Trust management of Blows Down would be suitable in lieu of on-site open space.

Police ALO (30/3/09)

No mention of community safety. Asks for more details on lighting, boundary treatments and Secured by Design compliance in relation to the houses.

Determining Issues

The main considerations of the application are;

1. Whether the proposal satisfies the requirements of the Development Brief.
2. Biodiversity and impact on AONB.
3. Design and relationship with Jeansway properties and the character of the area.
4. Other.

Considerations

1. Whether the proposal satisfies the requirements of the Development Brief.

Most of the site is within the area allocated in the Local Plan for residential development and this allocation is a highly material consideration. Although not 'previously developed' according to PPS3, it is considered to be 'vacant land within urban areas' and thus of the first rank in the Local Plan development strategy. Otherwise it would be 2nd rank because it was allocated in the previous Local Plan. Site 2 within Policy H2 (which includes the now completed Kiln Way development area) is considered suitable for a medium/high density scheme and sets out a target figure of 100 dwellings on 1.86ha. Its proximity to the busway makes full car parking standards unnecessary and contributions would be expected towards recreation/leisure facilities. The Brief was produced in 2003 and is a material consideration except where it can be shown that its content is materially at odds with current national and Regional policy. The following are still relevant and worthy of particular note, with our comment in relation to the current proposal:

- It was recognised that the site would be delivered in 2 phases with a single access. The proposal extends the present estate road from phase 1. Requirement satisfied.
- Developer contributions towards public transport in lieu of full parking provision. Parking rate is 1.7 spaces per dwelling, which is higher than the requirement (and provision in phase 1) of 1.2 to one. Applicant not able to provide contribution. Requirement not satisfied.
- Safe and efficient internal circulation. Highway Authority not satisfied with highway arrangement and internal visibility. Requirement not satisfied.
- Landscape assessment will be required to determine the effect also on the wider landscape. An assessment is provided. Requirement satisfied.
- Housing total in excess of 75 units over both phases subject to design with 33% 1/2 person units. A total of 110 (mainly 2-bed) units was provided in phase 1 making the density for that phase 77.5dpha. The current application proposes 40dpha which we consider acceptable subject to design. The high proportion of 2-bed units on phase 1 would compensate for the lack of such units on this smaller phase. Requirement satisfied.
- Each phase should make a contribution of 25% affordable housing (par.2.6). PPS3 now sets the threshold for affordable housing at 15 units, and since the proposal is for below this number the applicant proposes none notwithstanding the Brief, and in view of viability issues. Discussions were ongoing as to a balance of developer contributions and affordable housing when the appeal was lodged against non-determination. Requirement not satisfied.
- Provision of facilities for open space and play or equivalent developer contributions, together with retention of existing footpath in phase 2 and a new crossing of the busway. The applicant proposes to make a contribution which, with the agreement of Natural England and the Wildlife Trust, would be used for the management of Blows Down CWS. The busway project now opposes an at-grade crossing, notwithstanding the reference on the plan within the Brief. We have to accept this as the advantage for a busway is significantly reduced if buses have repeatedly to slow right down to pass unprotected crossings. We note residents' claims of long use, and the popularity of this route to the Down, but even if the busway response had not been made, we are not in a position to determine if the routes had become legal rights of way and we cannot take their existence into account. Requirement deemed satisfied.

- Education contributions. Initially none required but, under new assessment, a sum is required. Discussions were ongoing as to balance of developer contributions at the time the appeal was lodged. Therefore requirement not satisfied.
- Transport assessment. Limitations on the capacity of the junction between the estate road and Skimpot Road (which is the responsibility of Luton BC as highway authority) meant limitations on the scale of development. Highway Officer satisfied with scale of development on access (meeting 12/5/09). Requirement satisfied.
- Frontage development. The proposal has full frontage development and it complies with the indicative layout. Requirement satisfied.
- Drainage should be to Skimpot Road sewer (foul) and soakaways (if found practicable) and SUDs are favoured by the Environment Agency. Condition to be imposed to ensure satisfactory surface water scheme in the event of rare rainfall event. Requirement satisfied.
- Noise should not be a problem this far into the allocated land area but an assessment is recommended. The busway project ask for a noise assessment to reduce the risk of claims against Luton Council by aggrieved future residents; the proposed acoustic fence is calculated only to protect Jeansway properties. With the advice of the Public Protection officer we consider that a condition relating to construction details is sufficient We do not consider the noise from buses to justify an indemnity scheme such as is proposed by the Busway project officer. Requirement satisfied.
- Urban design. This is considered separately below.

2. **Biodiversity and impact on AONB**

The site is adjacent to the Luton to Dunstable Railway CWS and Blows Down SSSI commences on the far side of the railway. A Phase 1 Habitat Survey is required by the Development Brief, together with any mitigation measures. This survey has been submitted and, with no evidence of badger activity, no suitable features for roosting bats, and sub-optimal habitats for dormice and reptiles, it would be sufficient for appropriate precautionary measures rather than constituting a material constraint on development. Natural England and The Wildlife Trust agree that there are no biodiversity impediments to the scheme provided proper care is taken (covered by relevant legislation) and the Trust reasonably seeks a developer contribution in view of likely use of the adjacent area of downland. The Play and Open Spaces Officer agrees with this arrangement.

Within the site there are no trees of significance, the origins being a shallow managed railway embankment and then pioneer scrub. The habitat survey also finds no plants which would inhibit clearance (mention clearance event). The survey similarly finds no constraints in terms of protected species.

The railway marks the boundary of the Chilterns AONB but the site lies outside its extent. Although Structure and Local Plan policies on the AONB are not saved, the brief requires regard to be had to its objectives which include the requirement that development outside the AONB shall not have an adverse effect on the character etc of the AONB. The proposal will sit in a changed relationship with the Down as the present soft edge will be replaced, in the short term, by a concrete double-width channel for the busway. In time this will soften slightly by landscaping but it will serve to define the edge of the urban area more than at present. The proposed housing will be on the urban side and its prominence (subject to materials) will register in between the urban blocks at phase 1 to the east and the suburban gardens at Jeansway to the west. From

the north, on Jeansway, the view towards the Down is already limited between the houses in Jeansway. The row of new housing would now remove all views towards the Down between the existing housing. Nevertheless, we do not consider this impact to harm the AONB. From further away the Down would still be dominant, the roofs being little higher than a single storey bus on the busway.

3. Design and relationship with Jeansway properties and the character of the area

PPS1 requires planning authorities to seek high quality and inclusive design for all development which should improve the character and quality of the area; yet innovation and originality should not be stifled by the imposition of particular architectural styles or tastes. The Planning and Climate Change section states that authorities should only exceptionally deter cutting edge developments. PPS3 also advocates good design.

The Visual impact assessment addresses the relationship between the proposal and Jeansway properties. We agree that longer distance views towards the Down, over the top of Jeansway houses, would be substantially unimpaired by the proposal. However, by observation and calculation, ground level rooms and gardens of the houses backing onto the site would lose most of their direct views to the Down as the new roofline would be higher than the ridgeline of the Down, notwithstanding the effort to keep roof pitches to 5°. Although some of the gardens have mature landscaping and others have buildings, there would be a marked difference in outlook. Typically, the closest roofline of the new 2-storey houses would be about 9m above ground level at the rear of the Jeansway houses (7.5m above eye height). The distances between the 2 sets of houses (not allowing for rear extensions) would range from 42m (nos. 296/298), to 37m (no. 278).

The rear gardens of the proposed houses are between 6 and 8.5m deep. Although there is no local policy on garden depth, this is well below the general minimum of 9m applied locally over a period of many years. The development is relying on the length of Jeansway gardens to make the back-to-back distance acceptable. There appears to be a current reaction to the view that, if people are buying houses, the standards must be adequate. Irrespective of whether we could successfully make the restricted garden length objection, their limited size has a clearer impact. The combination of the relative height of the new houses (some being 3 storey), the complete blocking out of the outlook towards the Down, and the fact that many Jeansway houses have landscaping on their side boundaries, so channelling their outlook directly rearward towards the houses, and the closeness of the houses to the rear of Jeansway gardens, makes this an oppressive impact. Ongoing discussions at the time the appeal was lodged, and where a considerable degree of progress seemed to have been made, were aimed at breaking up this long wall of housing, increasing garden length and redesigning individual buildings.

The proposed houses would be on elevated land compared with the rear of the Jeansway gardens, and certainly compared with the ground floor of their houses. The design of the proposed houses seeks to address this by having sideways-on 'slits' for upper floor windows. Privacy should not therefore be an issue.

The character of the south-east side of Jeansway is of traditional semi-detached 2- storey houses in a standard suburban street but with long mature rear gardens. To the east the first phase of Kiln Way and the Tesco store behind it

have both been built in this traditional pattern of predominant red brick and hipped or ridge roofs. The proposed housing would have a busy frontage of projections and recesses employing brick, render and weatherboarding, capped by a low pitched metal roof. The rear elevation would have similar materials but, in view of the need to avoid overlooking, these materials are used in bolder blocks, giving a blind appearance at first floor level. This is in considerable contrast to traditional balances of wall and fenestration 'anchored' by a tiled roof. This modern design is considered to be too striking in its setting of traditional buildings and would provide the impression of deliberate confrontation rather than harmony. The incongruous use of metal roofs would be further seen from the publicly accessible Down just to the south. Therefore the design of the proposed houses pays insufficient regard to the character of the setting of the site and would be demonstrably incongruous.

The Development Brief required particular attention to (a) height and massing, (b) use of materials to ensure the character of the area is enhanced, (c) avoidance of uniformity, (d) attractive views into and out of site towards Down, (e) no loss of privacy and residential amenity to Jeansway properties (and maximum of 2 stories with main habitable rooms not facing towards the rear), (f) parking wherever possible to be within plots, (g) maximise energy efficiency by making use of natural light and solar gain, (h) use of local materials and building methods, (i) consideration of photovoltaics and solar panels. The proposal does not appropriately address matters a, b, d, e.

It should be noted that the objections to these designs do not make the prospect of a successful scheme unlikely, as discussions on a different approach have been progressing. Therefore the above objections can reasonably be made without compromising the objectives of the Development Brief or Development Plan site allocation.

4. Other

Access, from phase 1, would be adoptable.

The Archaeological Officer has asked for condition T3 which requires investigation and recording of any archaeological remains that may be affected.

Residents raise several points some of which are dealt with in their appropriate place above. Summarising: we accept that, for operational reasons, it would not be reasonable to insist on a busway crossing; the site is appropriate for development; Natural England is satisfied with the on-site precautions; we cannot take into account informal access across the site without evidence of legal right; we agree with the impact on Jeansway properties and the character of the area. Of the new matters: occasional informal use as an allotment must be considered by the new land owner and is not a planning matter; small trees and shrubs were removed to enable a survey of the site but, after inspection by Natural England, no material harm was found to have occurred; the summerhouse faces north and the development would not block light to its main windows; reliable CWS boundary excludes site; the environmental report does not aim to replace a full assessment which would be required in due course; solar panels would face south, not north, where they would be ineffective; the Archaeological Officer has been consulted; light pollution could be controlled by careful choice of luminaires for public lighting although admittedly there is no control over personal security lights, although they are less unlikely where gardens back onto existing gardens; whereas the Environment Agency has not objected and does not require a Flood Risk Assessment, the CBC Engineer

(Building Control) recommends a surface water condition to address potential extreme rainfall events; infrastructure relevant to this scale of development has been considered; trees near boundary may be kept by a condition requiring no further clearance until landscaping scheme approved; site notices have been posted on the footpath at the foot of the Down and in Kiln Way, which is considered adequate.

Conclusion

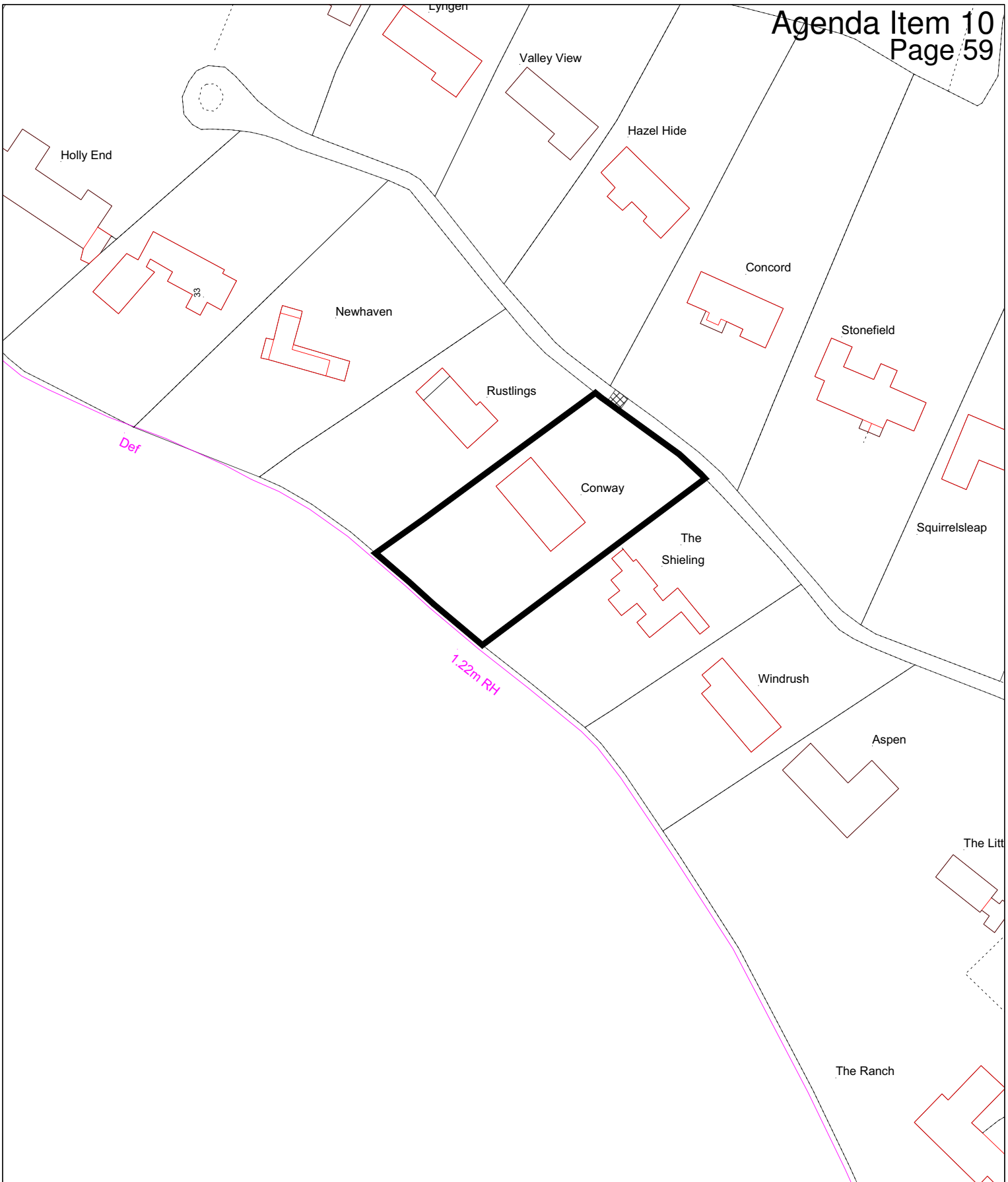
The site is allocated in the Development Plan for residential development and a Development Brief has been compiled and approved. Phase 1 of the allocation has been completed and is occupied. This scheme would comprise phase 2. The scheme complies with most of the requirements of the Brief but the scale and design of the houses would be oppressive to the amenities of properties in Jeansway to the rear and out of character with the locality to the degree that harm would be caused. The proposed highway and access arrangements would not meet the standards required by the Highway Authority. The applicant is resisting a full developer contribution requirement (capital sums and affordable housing), partly on viability grounds but also on principle (affordable housing). Therefore a satisfactory S106 or Unilateral Undertaking is not forthcoming and sufficient community infrastructure would not be provided.

Recommendation: that permission be REFUSED

RECOMMENDED REASONS

1. The proposal, by reason of the intended location, scale, size and design of the houses and their relation to adjacent properties in Jeansway, would both appear out of character with its urban setting and have an overpowering and oppressive visual impact on those properties to the extent that material harm is caused to the amenities of the occupiers of those properties and to the character of the local area. The proposal would therefore be contrary to Policy ENV7 of the East of England Plan (the Regional Spatial Strategy) and Policy BE8 of the South Bedfordshire Local Plan Review.
2. The proposed access within the site would be unsatisfactory, by reason of the straightness and nature of the proposed access likely leading to excessive speeds, the lack of a safeguarded pedestrian/service route to some dwellings and the configuration of some private accesses leading to inadequate pedestrian/vehicle intervisibility. The proposal would therefore be contrary to Policy T8 of the East of England Plan.
3. Insufficient information is provided to conclude that the proposal would deliver appropriate community infrastructure including areas of affordable housing, education, green infrastructure, and sustainable travel, having regard to the Development Brief for the site. The proposal would therefore be contrary to Policy 25 of the Bedfordshire Structure Plan 2011 and Policy H4 of the South Bedfordshire Local Plan Review as amended by PPS3 in respect of the threshold figure in (i).

This page is intentionally left blank



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	<h2>CASE NO.</h2>
	Date: 06:January:2010	
	Map Sheet No	

Scale: 1:1250

This page is intentionally left blank

Item No. 10

SCHEDULE A

APPLICATION NUMBER	CB/09/06668/FULL
LOCATION	Conway, Oldhill Wood, Studham, Dunstable, LU6 2NE
PROPOSAL	Alterations to garage roof (amendment to approved application CB/09/05112/FULL).
PARISH	Whipsnade
WARD	South West Bedfordshire
WARD COUNCILLORS	Cllr Ken Janes & Cllr Marion Mustoe
CASE OFFICER	Simon Barnett
DATE REGISTERED	26 November 2009
EXPIRY DATE	21 January 2010
APPLICANT	Mr A Brewer
AGENT	Briffa Philips Architects
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Mrs Mustoe
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The application site comprises the former curtilage of 'Conway', a detached single storey dwelling located in Oldhill Wood, Studham (Parish of Whipsnade). The site is flanked by the adjacent properties 'Rustlings' and 'The Shieling'. To the rear of the site is agricultural land.

The application site is washed over by the South Bedfordshire Green Belt and is located within the Chilterns Area of Outstanding Natural Beauty, the Oldhill Wood 'Area of Special Character' and a designated Area of Great Landscape Value.

The Application:

This application seeks planning permission to make amendments to Planning permission CB/09/05112/TP by way of further alterations to the garage roof. Planning permission CB/09/05112/TP granted planning permission for the retention of a replacement dwelling with alterations to the height of the main roof and front projection. This permission has not been implemented, however a subsequent application (CB/09/05509/VOC) has been approved which altered the time limit for the completion of the work to six months from the determination of an outstanding appeal against the refusal by South Bedfordshire District Council of an application to retain the dwelling as built (SB/TP/09/0077). This appeal remains outstanding and a further application (CB/09/05767/FULL) to retain the dwelling in its as built form was refused in October 2009.

In summary, this application again seeks to retain the existing unauthorised dwelling following amendments to the main roof (as previously permitted) and to the roof over the forward projecting garage. The previously approved amendment to the garage roof included the following works:

- the reduction in the roof pitch by approximately 5° thus reducing the ridge height by 0.9 metres; and
- a reduction in the degree of eaves projection.

This application seeks permission for the following works to the garage roof:

- the achieving of an overall reduction in height of 0.9 metres by removing the

uppermost 0.9 metres of roof and replacing it with a flat topped crown similar to that approved for the main roof of the building. The eaves projection and roof pitch would remain unchanged.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development, PPG2 - Green Belts, PPS3 - Housing, PPS7 - Sustainable Development in Rural Areas & PPG13 - Transport

Regional Spatial Strategy

East of England Plan (May 2008)

ENV7 - Quality in the Built Environment

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

Bedfordshire Structure Plan 2011

Policy 7 - Areas of Great Landscape Value

South Bedfordshire Local Plan Review Policies

H14 - Replacement Dwellings in GB

BE6 - Control of Development in Areas of Special Character

NE3 - Control of Development in AGLV

BE8 - Design Considerations

Planning History:

- SB/TP/06/0719 - Permission for insertion of three pitched roof dormer windows into front and rear roof slopes.
- SB/TP/06/1046 - Refusal for erection of detached double garage.
- SB/TP/06/1369 - Permission for erection of link-detached double garage.
- SB/TP/07/0141 - Permission for the erection of single storey rear extension.
- SB/TP/07/0866 - Refusal for erection of replacement dwelling. Subsequent appeal withdrawn.
- SB/TP/08/0300 - Permission for erection of single storey rear extension, garage extension and raising of ridge height incorporating loft conversion.
- SB/TP/08/0901 - Permission for erection of replacement dwelling.
- SB/TP/09/0077 - Refusal for retention of replacement dwelling. *Current appeal not yet determined.*
- CB/09/05112/TP - Permission for retention of replacement dwelling with alterations to height of main roof and front projection (revised application S/TP/09/0077). *Not yet implemented.*
- CB/09/05509/VOC - Permission for variation of Condition 1 of planning permission CB/09/05112/TP relating to timeframe for completion.
- CB/09/05767/FULL - Refusal for retention, as built, of detached four bedroom dwelling. (Resubmission SB/TP/09/0077)

Representations:

(Parish & Neighbours)

Parish Council None received

Neighbours Rustlings, Oldhill Wood: Objects as proposal will not reduce the bulk and massing of the front projection and that the proposed flat roof would be visually unattractive.

High Trees, The Sheiling & Woodland Ride, all Oldhill Wood and Thatcher's Cottage, 13 Dunstable Road, Studham: Support application

Pebbles & Sans Souci, both Oldhill Wood: Support application but would prefer existing dwelling to remain.

Penzance, Valley Road, Studham: Supports retention of the dwelling as built.

Consultations/Publicity responses

Nil.

Determining Issues

The main issues considered relevant in the determination of this application are:

1. Principle of Development & Affect on Green Belt
2. Affect on Area of Special Character
3. Design & Appearance
4. Impact on Residential Amenity

Considerations

1. Principle of development & affect on Green Belt

The application seeks permission for the retention of a replacement dwelling on a site which is located within the Green Belt. Replacement dwellings within the Green Belt are controlled by way of Policy H14 of the South Bedfordshire Local Plan Review which states that:

PLANNING PERMISSION WILL NOT BE GRANTED FOR A REPLACEMENT DWELLING IN THE GREEN BELT UNLESS IT WOULD:

- (i) NOT BE MATERIALLY LARGER THAN;
- (ii) BE NO MORE INTRUSIVE IN THE LANDSCAPE THAN; AND
- (iii) OCCUPY THE SAME FOOTPRINT AS;

THE DWELLING IT REPLACES.

The supporting text for this policy states that only in exceptional circumstances should planning permission be given for a replacement dwelling, as sympathetic renovation and restoration will usually be more appropriate. Only where this option is impractical is replacement a viable option.

H14 – Part (i)

This part of the policy states that the replacement dwelling should not be materially larger than the dwelling being replaced. The alterations proposed as part of this application result in the front projection over the garage having a greater bulk and mass than previously approved. Accordingly the proposal would fail to comply with criterion (i) of Policy H14.

H14 – Part (ii)

The current proposal relates to the alteration of the roof over the garage with the main roof and the remainder of the dwelling to be altered in line with the previous permission. The proposed amendment would result in a bulkier and more prominent front projection than approved which would increase the prominence of the

development within the streetscene. Accordingly the proposal would fail to comply with criterion (ii) of Policy H14.

H14 – Part (iii)

The footprint of the proposal would not be altered by this application, such that the footprint would remain larger than that of both the original and previously approved dwellings. Although the proposal would therefore not strictly meet the requirements of criterion (iii) of Policy H14, the previous permission has accepted this position.

It is clear that the proposal fails to comply with the provisions of Policy H14 and can therefore be considered as inappropriate development in the Green Belt. In addition to the harm by inappropriateness the current proposal by virtue of its bulk and massing would result in a further harmful reduction in the openness of the Green Belt.

Very Special Circumstances

The current application is not accompanied by any justification for the retention of the dwelling as built and proposed to be modified and no formal case for 'very special circumstances' has been submitted.

The previous permission for a modified dwelling was approved by the Development Management Committee who found that 'very special circumstances' existed. These 'very special circumstances' are quoted in the decision notice as being 'the planning history and circumstances of the site, the reduced impact of the proposal on the character of the area and also the likely adverse impact of further works on the residential amenities of the occupiers of adjacent properties'.

The previously accepted 'very special circumstances' are not considered to apply to the current proposal, and no new case for 'very special circumstances' has been advanced to support a proposal that is clearly contrary to the long established provisions of both Planning Policy Guidance Note 2: Green Belts and Policy H14 of the Local Plan Review.

The applicants solicitor has written in support of the application, however the submission appears to be on the basis that the proposal should be considered as an 'extension' to an existing dwelling. As the building currently occupying the site is not authorised and this application relates to the modification of an erected dwelling the matters raised are not directly relevant to this application.

2. Affect on Area of Special Character

The current proposal would be similar to that previously approved which were, on balance, considered not to result in undue harm to the acknowledged character of the designated Oldhill Wood Area of Special Character. Furthermore the current proposal would have no significant impact upon the character and landscape quality of either the Chilterns Area of Outstanding Natural Beauty or the Area of Great Landscape Value.

3. Design & Appearance

The proposed flat 'crown' roof, whilst approved for the main roof of the dwelling, would by virtue of its location appear as an incongruous and prominent feature in the streetscene. It would be at odds with the projecting gable of the porch and hipped roofs over the dormer windows. Consequently we consider that the current proposal would be out of character with the dwelling as to be retained and the wider streetscene. Accordingly the current proposal would fail to comply with the principles of good design set out in the national and local planning policy framework.

4. Impact on residential amenity

We are satisfied that the current proposal would have no significant impact on the residential amenities of the occupiers of neighbouring properties in terms of overlooking, loss of privacy, loss of sunlight and daylight or overbearing appearance having regard to the previously approved development.

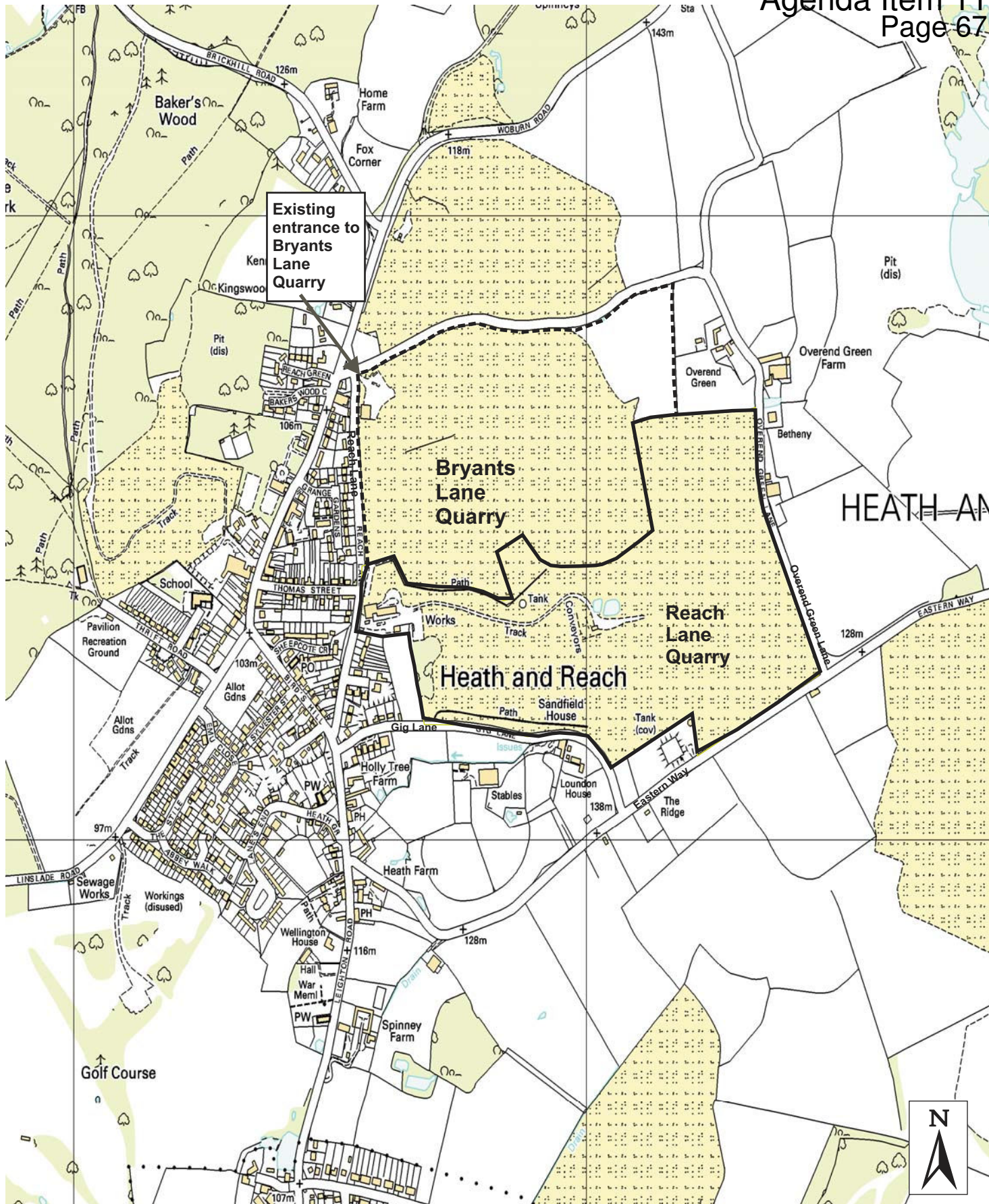
Recommendation: that Planning Permission be REFUSED for the following:

- 1 The garage roof as proposed to be modified would by virtue of its incongruous design, bulk and massing, appear out of character with the building and have a harmful affect on the visual amenities of the streetscene. Furthermore the proposed alterations would result in a replacement dwelling that by virtue of its bulk and massing be both materially larger than, and more intrusive in the landscape than the original dwelling to the detriment of the openness of the Green Belt. The proposed scheme is therefore considered to be inappropriate development within the Green Belt and no very special circumstances have been justified in support of the proposal. The proposal is therefore contrary to the principles of good design set out in Planning Policy Statement 1: Delivering Sustainable Development and Policy BE8 of the South Bedfordshire Local Plan Review and would constitute inappropriate development in the Green Belt contrary to Planning Policy Guidance Note 2: 'Green Belts' and to Policy H14 of the South Bedfordshire Local Plan Review.

DECISION

.....
.....

This page is intentionally left blank



<p>Title: Reach Lane Quarry, Heath and Reach.</p> <p>Application Number: CB/09/06556/MW</p> <p>Revisions to phasing of extraction and restoration proposals (Variation of conditions 1, 13, 14, and 22 of Planning Permission No.9/2003).</p>	<p>Date: January 2009</p>
	<p>Scale: 1: 10,000</p>
	<p>Ref No: CB/09/06556/MW-1</p>

<p>Roy Romans, Team Leader - (Minerals and Waste), P.O. Box 1395, Bedford, MK43 5AN. Tel: 0300 300 8000.</p>	  <p>Central Bedfordshire Council and Bedford Borough Council working together</p>
---	---

Item No.

SCHEDULE X

APPLICATION NUMBERS	CB/09/06556/MW & CB/09/06566/MW
LOCATION	Reach Lane Quarry, Heath & Reach
PROPOSALS	<ul style="list-style-type: none"> (i) Revisions to phasing of extraction and restoration proposals (variation of conditions 1, 13, 14 and 22 of planning permission no. 9/2003 (application no. CB/09/06556/MW) (ii) Importation of inert waste for the purpose of restoration of Reach Lane Quarry (application no. CB/09/06566/MW)
PARISH	Heath & Reach
WARD & COUNCILLORS	Plantation – Cllr. Alan Shadbolt & Cllr. Peter Rawcliffe
CASE OFFICER	David Peachey
DATE REGISTERED	11 November 2009
EXPIRY DATE	10 February 2010
APPLICANT	L.B Silica Sand Ltd
AGENT	Atkins Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	<p>SIGNIFICANT OBJECTIONS & DEVELOPMENT IN THE GREEN BELT</p> <p>Approval of both applications subject to a Section 106 Agreement and planning conditions</p>

Site Location:

Reach Lane Quarry comprises an operational sand working dating back to the 1940s which occupies some 26 hectares of land immediately to the east of Heath & Reach village and approximately 3km to the north of Leighton Buzzard. Overend Green Lane delineates the eastern boundary and Gig Lane and Eastern Way jointly form the southern boundary of the quarry. The site is bound by Reach Lane to the west. There are a number of residential properties in close proximity to the pit on Gig Lane, Thomas Street, The Dell and Reach Lane, with the closest being only 60 metres from the boundary of the curtilage of the quarry. The site location is shown on plan no. CB/09/06556/MW-1.

Whilst both quarries are governed by separate mineral permissions as a consequence of divided ownership historically, they are contiguous and the reality on the ground is that they were amalgamated in 2002 when the current operator secured control of both sites with the purchase of Reach Lane Quarry. Sand is transported from Bryants Lane Quarry into Reach Lane for washing and drying plant in order to produce a variety of sand products. Shared facilities also include a site office, weighbridge, parking and plant maintenance yard. The closure of the substandard Reach Lane Quarry access and consequent upgrading of the Bryants Lane Quarry entrance was secured in 2003 so as to better manage quarry traffic via a single entrance point.

All parts of the Reach Lane extraction site have been worked at one time or another. Substantial volumes of clay overburden and till which originally lay over the sand have been utilised as backfill material to form terraced batters within a deep basin landform. Only limited permitted reserves now remain. The highest point in the quarry lies at 140m AOD on the boundaries with Eastern Way and Overend Green Lane. In comparison, the western boundary adjoining the edge of the village is considerably lower at 112m AOD. The floor of the pit along the boundary with Bryants Lane Quarry ranges from 87m AOD¹ to 105m AOD.

Background:

An Interim Development Order (I.D.O) consent to extract sand at Reach Lane was granted in June 1948.

An updated scheme of conditions for working and restoration was submitted to Bedfordshire County Council in 1996 under the provisions of the 1991 Planning & Compensation Act. A fresh I.D.O approval comprising a new set of schemes and conditions for working and restoration was determined on 13th February 1997, which required the cessation of mineral extraction on 31st March 2003 and the completion of restoration within a further 12 months.

On 30th April 2003, Bedfordshire County Council approved an application for variation of conditions attached to the 1997 I.D.O approval, which remains the sole extant consent for the quarry. There were two main elements to the development permitted in 2003. First, there was the phased extraction of an additional 380,000 tonnes of *in situ* sand from previously disturbed areas to the west of the processing plant, which fell outside those parts of the site allowed to be subject to further working under the terms of the 1997 I.D.O approval. Second, in order to address concerns about long term slope stability, it was agreed that the existing 1 in 3 terraced sides should be re-graded to leave shallower final quarry slopes of 1 in 5 to 1 in 7. This modified landform was agreed in conjunction with a revised final restoration and afteruse plan.

The 2003 permission is accompanied by a Section 106 Legal Agreement signed by the applicant, which imposes cessation dates for extraction and restoration taking into account the additional mineral permitted to be worked and the additional handling and movement of restoration materials needed to be undertaken. Cessation of sand extraction is required to finish and the processing plant, machinery and foundations removed on or before 6 years and 9 months from the date of permission (i.e. by 29th January 2010). A further period of 15 months is allowed until 29th April 2011 for final landscaping and restoration of the site to be completed. The permanent closure of the substandard Reach Lane Quarry entrance was secured by condition attached to permission no. 9/2003. A further condition was imposed to ensure that the combined level of HGV movements in connection with mineral operations at Bryants Lane and Reach Lane quarries did not exceed 160 per full working day, in order to be consistent with the restriction on vehicle movements already imposed in the 1997 Bryants Lane review consent.

The current approved afteruse of the quarry is a combination of open grassland and grazing pasture with a wetland area at the base and pockets of woodland and hedgerows on the reinstated slopes.

¹ AOD – Above Ordnance Datum

A north eastern extension to the quarry comprising 3.85 hectares of land bordering Overend Green Lane was granted in May 1984. This consent expired in May 1999. Whilst the mineral in this area has been exhausted, the land has not been finally restored. As this extension area falls within the overall curtilage of the sand working, it was incorporated into the restoration proposals for the site as a whole as part of the proposals permitted in 2003.

In July 2008, L.B. Silica Sands (LBSS) applied for planning consent (ref. nos. BC/CM/2008/19 & BC/CM/2009/20) to implement a revised phasing plan for sand extraction, including the working of additional identified sand reserves, the importation of waste to restore the western section of the quarry, together with amended final contours and changes to other elements of the restoration for the site as a whole. The Council sought to clarify several aspects of the applications and as a consequence of that process a number of amendments were put forward by the applicant, which called for two further rounds of consultation in March and July this year. The applications were put on the agenda for the Development Management Committee meeting of 9th September 2009 with a recommendation of refusal of both submissions. However, the applications were withdrawn by the applicant in advance of the meeting and thus were not debated by members of the Committee. LBSS confirmed their intention to prepare fresh applications with a view to addressing some of the deficiencies identified by the Council, the principal issues being restoration of the quarry in a satisfactory timescale and the question of quality and quantity of the remaining mineral.

The Applications:

This report covers two separate but inter-related applications, as described below:

CB/0906556/MW (Revisions to phasing of extraction and restoration proposals (variation of conditions 1, 13, 14 and 22 of planning permission no. 9/2003) –

This applicant company, LBSS, is seeking to vary four conditions of planning permission no. 9/2003 in order to implement changes to sand extraction phases combined with a revised sequence of progressive restoration, and accordingly extend the life of the quarry. It is also proposed to modify the final landform and develop the detailed restoration proposals.

Mineral Extraction:

The current approved phasing plan for mineral working and progressive backfilling and restoration, which was devised by the applicant, has turned out to be unworkable. Officers are informed that the reasons for this are twofold. First and foremost, the phases were too prescriptive to allow realistic working and movement of sand and overburden. Second, the Gig Lane slope suffered a significant landslip in June 2007, which resulted in sterilisation of an area of sand owing to the need for emergency stabilisation works to be carried out in accordance with Health and Safety Executive requirements. As a result of these issues, the approved sequence of extraction and restoration has not been adhered to. In order to regularise the situation and find a practicable way forward, the applicant has prepared revised phasing plans showing a much-changed sequence of extraction and progressive restoration within defined timescales. Having re-surveyed remaining workable reserves within the existing permitted extraction area, it is proposed to remove

133,600m³ of mineral confined to areas lying immediately to the north and east of the processing plant. This volume assumes that the base of the excavation would be 1 metre above the water table, the level of which has been established by recent monitoring of groundwater levels, and confirms the operator's intention to continue the practice of working the material dry. However, very limited excavations are proposed in the final phase D. Sand would only be excavated to the depth of the final restoration profile in this area. The intention is that the area of exposed sand left *in situ*, which would be left to naturally regenerate, would provide natural support to the 199 landslip area and facilitate the earlier restoration of this slippage area. This is therefore an important element of the restoration plans. As phase D lies beneath the plant site, it would need to be dismantled and removed in order to allow working of the mineral to take place. The plant would need to be relocated to Bryants Lane or replaced by a new facility.

Approval is also sought to work a narrow wedge of mineral (c. 80,700m³) which sits outside the current approved extraction area along the boundary with Bryants Lane. This area, identified as phase B, has been worked historically but the base sits some 3 – 10 metres above the desired restoration contours.

In addition to the remaining permitted reserves and the additional sand sitting on the site boundary, it is calculated that stockpiles of unprocessed sand in Reach Lane Quarry total 121,040m³. Taking this figure together with *in situ* sand, the overall volume of sand proposed to be worked is 335,540m³ (c536,000 tonnes).

In order to reduce the amount of time needed to complete the proposed mineral working, including processing of the substantial raw stockpiles, the applicant has indicated that extraction operations would be concentrated within Reach Lane Quarry. Whilst sands would continue to be sourced from Bryants Lane Quarry for blending with material dug from Reach Lane in order to meet specific customer product demands, it is suggested that an output ratio of at least 75 per cent Reach Lane sands / 25 per cent Bryants Lane sands could be achieved. Assuming the targeted split in sand output is achieved, and taking into account a predicted staged increase in output for the quarry complex in line with a slow economic recovery, the extension of time sought for mineral extraction is 5 years and 3 months (until April 2015).

The applicant company advances several factors for reasons for not being able to complete extraction by the current expiry date of the end of January 2010. Firstly, it is claimed that the 2007 landslip resulted in temporary disruption to mineral extraction, as resources were deployed on emergency engineering works. Secondly, the operator has recovered additional quantities of sand from the site, which were previously thought to contain only overburden. Thirdly, the mineral volume calculations accompanying the 2002 application were based on extraction down to the water table which was believed to be level whereas in fact subsequent groundwater monitoring has demonstrated that the water table falls slightly to the south east. As a consequence, the quantity of mineral reserve was under-estimated in 2002, by as much as 50,000 tonnes.

Phasing of Restoration, Landscape Proposals and Afteruse

As the approved plan for phased backfilling and restoration is unfeasible, the applicant has devised a new plan for finishing the site in a progressive manner within a specified timescale. Seven areas have been identified for reinstatement. It is

proposed to reinstate 55 per cent of the site (phases 1 to 4) by summer 2010. The area in question comprises the whole of the upper eastern batter and much of the upper southern slope from the site boundary to a datum level of between 115 – 110 m AOD. Landscaping would follow in the next available planting season (late 2010). Where possible, in order to expedite restoration of these parts of the site, the applicant proposes to leave slope sections largely intact except for minor re-grading and placement of topsoils. Surplus overburden would need to be moved from the extreme south east corner of the site to create the desired gradient on the adjoining phase abutting the water tower.

Phase 5 contains the 2007 slippage and constitutes a further 21 per cent of the Reach Lane site area. This area would be reinstated with 133,000m³ of engineering clays / overburden originating from Bryants Lane Quarry plus 290,000m³ of fill from external sources, which is the subject of a parallel waste disposal application (see application ref. CB/09/06566/MW). Condition 18 of planning permission 9/2003 presently allows the import of overburden across the boundary from Bryants Lane.

Reinstatement of phases 6 and 7 is dependant upon completion of extraction operations at the interface with Bryants Lane Quarry, and as such would be the final phases to be reinstated in spring 2015, with landscaping works to follow by the end of that year. The final landform in phase 6 would be created using stockpiled overburden transferred to this area at an earlier stage to enable the early restoration of earlier phases. Restoration phase 7 encompasses the last proposed extraction area beneath and abutting the plant site. It would be restored utilising 42,000m³ of overburden from Bryants Lane Quarry.

The applicant proposes to retain the site manager's office / accommodation building beyond the operational life of the Reach Lane Quarry site; it is therefore shown on the restoration plans accompanying the application. Officers are told that the intention, in the longer term, is to utilise this building as an administrative base for LBSS.

Landscape Proposals and Public Access

The proposed landscape restoration design is broadly similar to details approved in 2003 in that it shows a significant proportion of the restored pit as open grassland interspersed with wooded areas and copses to break up the extensive slopes. Also, following the existing scheme, grazing pasture would be provided on a plateau at the south eastern corner of the site and bounded by hedgerow.

There are however several differences with the latest restoration proposal; these include an additional area for grazing along the top of the eastern slope enclosed by additional hedgerow, a new area of exposed *in situ* sand covering 0.3ha at the foot of the southern slope and a larger re-positioned water body (2.89 ha) at the base. Since the proposed lake would straddle the permission boundary, its configuration is dependant upon completion of extraction and backfilling of the floor of the quarry within Bryants Lane, which would not necessarily take place until a later date. The reason for this is that mineral working in Bryants Lane will continue beyond the life of Reach Lane Quarry. The lake area would consist of marginal wetland habitat, an island and soakaway and would be suitable for fishing subject to finding appropriate users. There is a commitment in the application to carry out five-years of landscape maintenance and aftercare measures post restoration.

The applicant has also sought to develop other aspects of the restoration proposals from the current approved scheme. There would be a 50 per cent increase in length

of new hedgerow to 1413 metres and slightly more tree planting (2.07ha as opposed to 1.88ha). The applicant has also offered to provide a 5 metre-wide Public Bridleway within the curtilage of the Reach Lane site. The route would run between Heath and Reach village (Reach Lane) and Overend Green Farm following the western, southern and eastern perimeter of the quarry, with entry/exit points along the way (see plan 400/157/RLQ). The gradient of the route would not exceed 1 in 12 and a fair proportion of it would be level. This represents an enhancement of the existing public access requirements in the 2003 consent for a much shorter length of 'public right of way' linking Reach Lane and Eastern Way'. The applicant proposes to install the bridleway in two sections to take account of the ongoing restoration works. The first part from the water tower to Overend Green Farm would be installed in the first available season (summer) following any grant of permission. For operational reasons, the second section linking the water tower with Reach Lane could not be implemented until infilling and reinstatement of the slip area (i.e. Phase 5) has been achieved in mid 2015. Importantly, the applicant has indicated that the bridleway would only be provided as a permissive route whilst the quarry is still operational, but he is agreeable to it being made available for formal adoption once restoration has finished. A requirement of this nature would need to be tied into a fresh Section 106 Agreement accompanying any grant of planning permission.

Finished Levels

The operator states that the proposed final restoration profile has been designed within the geotechnical constraints for the site, as detailed in a 2002 report prepared by the applicant's agent. The levels do not differ significantly from the existing approved levels drawn up in 2003. It is also the case that the latest contour drawing is very similar to the one that accompanied the recent withdrawn submission. The site would be restored to a bowl feature with localised re-grading to create a more variable and interesting landform. The backfilled quarry slopes would marry with proposed tipping levels for the inert waste landfill cell (see application ref. CB/09/06566/MW).

The proposed southern batter, which incorporates the waste importation area, would have a gradient of between 1 in 4 and 1 in 7 down to the 98m AOD contour. A transitional gradient of 1 in 10 to 1 in 13 has been introduced at the foot of the slope down to the enlarged lake feature at the base of the site, which would lie at 92m AOD. The applicant states that the reduced angle of slope on the lower part of the restored site surrounding the water body would have two benefits. First, it would create a safer and more user-friendly profile for after-use of the lake for fishing. Second, it would help to reduce the velocity of surface water run-off and encourage suspended solids to fall out of suspension before water reaches the lake.

The overall slope profile for the eastern batter from Overend Green Lane would correspond with the southern slope. In order to minimise the amount of overburden that would need to be removed from the upper section of the eastern batter, the final contours have been raised by about 2.5 metres to more closely reflect the existing ground level, thereby allowing final reinstatement to be expedited during the summer 2010.

The restoration levels have been developed having regard to the adjoining Bryants Lane site, where most of the water feature would be positioned. A wider restoration *Masterplan* has been put forward to illustrate how the two restored sites could

integrate at the boundary.

CB/09/06566/MW (Importation of inert waste for the purposes of restoration of Reach Lane Quarry) –

The July 2008 application for the import and disposal of inert waste, subsequently withdrawn, originally proposed the disposal of 523,000m³ of material over a period in 6 to 7 years. This importation figure was reduced to 355,000m³ when the application was amended to provide for lower restoration levels in relation to the quarry void as a whole.

Planning permission is now sought to import 290,000m³ of inert fill from external sources over a lesser period of 3 years and 8 months for the dual purpose of overcoming a shortfall of restoration material and achieving long term stabilisation of the June 2007 landslip close to the Gig Lane boundary. In addition, a period of 4 months would be needed for associated engineering works such as the formation of a clay liner and capping. Tipping would take place over the same extent of the quarry void (5.28 hectares) as previously applied for. The applicant has carried out a further materials balance review and it is calculated there is a total deficit of 423,000m³ based on the submitted restoration contour drawing. This is proposed to be made up through a combination of 290,000m³ of imported material and, as specified in the parallel application, 133,00m³ of engineering clay / overburden from Bryants Lane Quarry.

The requested hours of operation (including lorry movements to and from the site) are 0700 to 1700 weekdays and 0700 to 1300 hours on Saturdays, with no working on Sundays or Public Holidays.

The restored batter profile across the inert fill area would assimilate into the wider proposed site profile. The steeper part of the landfilled slope would be approximately 1 in 6 from the site boundary down to the 98m AOD¹ contour, merging into a shallower transitional slope of 1 in 12 on the lower section to the water body at 92 metres AOD. On average, the gradient across the fill area would be in the region of 1 in 7.4, which is essentially the same as the existing approved plan. An indicative drainage plan accompanies the application to illustrate how the direction and descent of surface water run-off to the pond would be controlled.

Waste would be brought to the operational landfill area where it would be spread, levelled, and compacted by a dozer. Based on a predicted annual tipping rate of 80,000m³, the proposed duration of the waste importation exercise is 3.8 years. Final reinstatement of the infilled area is programmed for winter 2013 with landscaping to follow in winter 2014.

Incoming HGVs would utilise the existing Bryants Lane Quarry entrance (where a weighbridge and hut are already situated for the mineral operation) and would follow, in part, the existing internal haul road connecting Reach Lane Quarry. The information provided with the application suggests that the daily HGV movements associated with waste importation exercise could be accommodated within the current combined limit for Reach and Bryants Lane Quarries (i.e. 160 movements per day). The applicant has indicated that a wheel wash would be installed at the site entrance to prevent the deposit of mud and debris on the public highway.

¹ AOD – Above Ordnance Datum

The second section of the proposed permissive bridleway route which crosses the top of the infilled slope would be installed during 2014 upon the completion of tipping operations and then put forward for formal adoption (together with the rest of the route around the site), once all quarry operations have ceased at the end of 2015.

RELEVANT DEVELOPMENT PLAN POLICIES & PLANNING GUIDANCE:

National Policies (PPG & PPS)

Waste Strategy for England 2007

East of England Plan (May 2008) – Revision to the Regional Spatial Strategy

Planning Policy Statement 10 '*Planning for Sustainable Waste Management*' (PPS10)

Planning Policy Statement 7 '*Development in Rural Areas*'

Planning Policy Statement 9 '*Biodiversity and Geological Conservation*'

Planning Policy Statement 25 '*Development and Flood Risk*' (PPS25)

Planning Policy Guidance Note 2 '*Green Belts*' (PPG2)

Planning Policy Guidance Note 14 '*Development on Unstable Land*' (PPG14)

Planning Policy Guidance Note 24: '*Planning & Noise*' (PPG24)

Minerals Planning Guidance 5 '*Stability in Surface Mineral Workings and Tips*' (MPG5)

Minerals Planning Guidance 7 '*The Reclamation of Mineral Workings*' (MPG7)

Minerals Planning Guidance 15 '*Provision of Silica Sand in England*' (MPG15)

Minerals Policy Statement 1 '*Planning and Minerals*' (MPS1)

Minerals Policy Statement 2 '*Controlling and Mitigating the Environmental Effects of Mineral Extraction*' (MPS2)

Bedfordshire & Luton Minerals & Waste Local Plan Adopted 2005 (MWLP)

M3	Silica Sands Landbank
M6	Requirements for determination of minerals applications
W1	Key Principles
W21	Inert waste landfill
GE1	Matters to be addressed in planning applications
GE3	Environmental Improvement of the Greensand Trust area
GE5	Protection of Green Belt land
GE9	Landscape Protection and Landscaping
GE13	Species and habitat protection and enhancement
GE14	Archaeology
GE18	Disturbance
GE19	Flooding
GE20	Water resources
GE21	Public rights of way
GE23	Transport: suitability of local road network
GE26	Restoration
GE27	Aftercare

South Bedfordshire Local Plan Review Adopted 2004 (SBLPFR)

Policy BE8 Design Considerations

Planning History

Interim Development Order no. 1479 SB/83/1060	The winning of sand (dated 28th June 1948) Extraction of sand from 3.85 hectares of agricultural land adjoining existing sand working (north east extension). (Planning Permission no. 5/1984 dated 1 st May 1984)
Interim Development Order no. 1479 BC/CM/97/00031	Determination of schemes and conditions (dated 13 th February 1997) Variation of condition 17 of I.D.O no. 1479 to permit the importation of soil/peat for blending with sand (Planning Refusal no. 7/1997 dated 11 th December 1997)
BC/CM/2002/19	Revised scheme of oration, landscaping and aftercare to comply with conditions no. 21 and variation of conditions 2, 3, 6 and 23 of I.D.O. no. 1479 (Planning Permission no. 9/2003 dated 30 th April 2003)
BC/CM/2008/20	Revised scheme for phasing of extraction and backfilling (following a landslip in 2007) to comply with conditions 1, 13, 14 and 22 of planning permission no. 9/2003. (Application withdrawn September 2009)
BC/CM/2008/19	Importation and disposal of inert waste to enable restoration of Reach Lane Quarry (Application withdrawn September 2009)

Representations: (Parish & Neighbours)

Heath & Reach
Parish Council

CB/09/06556/MW (Minerals application)

Opposes the application because the applicant company signed a Section 106 Agreement in 2003 that committed it to completing extraction by January 2010 and restoration by April 2011. It should be adhered to. If granted, the extension of the period of extraction would be the third in 12 years. There is nothing in the application that provides any assurances that that work will be completed on time, or indeed that any penalties would be incurred if it is not. The benefit to the village from further extraction would be disproportionately small when compared to the prolonged disruption from traffic, noise and dust generated by the site. The Parish Council estimates that the value of the sand yet to be extracted is £4 million.

The applicant maintains that all traffic would enter and leave the site via the A5 but this is not happening at present as evidenced by sand left on the road outside the Cock Hotel and the sighting of sand vehicles coming in and going out of the village, despite a HGV ban from Shenley Hill Road towards Leighton Buzzard. The Parish Council requires that the applicant company is in some way made liable for the traffic using the company's site and that it is required to

police this traffic.

The hours of operation are not a major issue, but the hours allowed for plant maintenance are a problem for residents who live nearby and above the quarry. Plant maintenance is permitted to start at 6am Monday to Friday and 8am at weekends. The noise generated by this activity causes a nuisance at times, particularly in the summer months when residents are more likely to have windows open. The Parish Council therefore requires that the permitted hours for plant maintenance be limited to 0700 to 1800 hours Monday to Friday and 0900 to 1500 hours at weekends.

Issues have been raised with the MPA regarding un-sheeted lorries, traffic accessing the village, poor road cleaning, plant noise and boundary maintenance. To the Parish Council's knowledge, these matters have been communicated to the applicant and its representatives.

Sand lies on roads and pavements in the part of the village nearest the site entrance. The applicant does not ensure that all vehicles use the wheel cleaning facility or that vehicles are sheeted before leaving the site. HGVs depart the site with a considerable residue of sand on their bodies a result of loading. The Parish Council request that the applicant must be made responsible for ensuring that such problems do not occur. Given the past record of the applicant in managing vehicles, frequent checks and ad hoc monitoring is required to minimise their impact on the village. The Parish Council requires the installation of CCTV systems at the site to enable remote monitoring by the Council, as is intended at Stone Lane Quarry.

The company's consistent failure to meet its deadlines calls for closer monitoring of its activities in both quarries. The Parish Council request that the Council conducts formal operational reviews with the company every 6 months, that the Parish Council is advised beforehand of the dates, to enable it to draw attention to any concerns; and that the Parish Council is provided with written minutes of the reviews and any actions required of the company.

CB/09/06566/MW (Waste application)

The dates in the existing Section 106 Agreement should be adhered to. The importation of 290,000m³ of waste is unnecessary and the 2003 Agreement recognised that by excluding importation except from Bryants Lane Quarry. Using some of this overburden may cause a shortfall in what is needed to restore Bryants Lane but a detailed review of quantities required in that quarry has not been carried out. There is uncertainty of supply if material is sourced from outside the two quarries.

Importation of waste would lead to far more lorry movements along Woburn Road, which will be subject to increased numbers of HGVs due to the infilling at Stone Lane which is soon to start. There would be a maximum of 60 extra lorry movements per day if the application is allowed.

The community benefit arising from the proposed new Public Bridleway is welcomed. However, the all-important section from Reach Lane to the water tower is needed as soon as operationally feasible. It is noted that the application includes a plan which shows the western boundary of the quarry near Gig Lane on the wrong side of the tree line; that must be corrected.

There is much local feeling that the company has not followed the conditions it accepted in 2003. Too much sand has been removed without regard to conditions in the quarry, possibly leading to the 2007 slip, and the company has put all its resources into extracting sand without any evidence of its intention of restoring the quarry. Reach Lane Quarry and Bryants Lane Quarry are the only active sand workings located near the heart of the village. There are over 220 residences within 200 metres and a large part of the village is within 500 metres. The application proposes that areas furthest away from the village would be restored in the summer of 2010 whereas areas closest to it would not be restored until winter 2014 at the earliest.

It is noted that once the aftercare / maintenance programme expires after 5 years, there is no provision for continued management of the grassland. The Parish Council requires clear statements of intent beyond the end of the restoration programme.

Leighton Linlade
Town Council
Neighbours

No comments received.

Both planning applications were publicised in accordance with Article 8 of the Town and Country Planning (General Development Procedure) Order 1995, comprising advertisement in the local newspaper, the display of two site notices and notification of neighbours within 200 metres of the curtilage of the Reach Lane quarry site. The waste importation application has been advertised as a departure from the Development Plan in accordance with regulations.

With respect to both applications, a total of 14 letters of objection were received from 13 households. In addition, Andrew Selous MP has written to the Council to request that a constituent's objections be taken into account and placed before the Committee when the applications are determined.

The Council has also received a letter from a neighbouring

landowner who has drawn attention to an error on the restoration drawings regarding the positioning and alignment of the western boundary of the quarry where it abuts a paddock on Gig Lane. Accordingly, the applicant has submitted amended restoration plans showing an amended boundary which does not encroach upon land outside of the curtilage of the quarry permission site.

An amalgamation of neighbour objections and concerns in connection with both applications is set out below:

- (a) The current applications are very similar 'in principle' to those applications previously submitted;
- (b) The applicant should honour the timescales for cessation of extraction and completion of restoration, as contained within the current Section 106 Agreement.
- (c) Residential property was purchased on the understanding that the quarry would not be active beyond January 2010;
- (d) A precedent would be set if the period of permission for mineral extraction is extended making it difficult to resist similar applications elsewhere or in relation to this site;
- (e) Failure to demonstrate that sand is unique or that there are special commercial or strategic reasons for working the additional sand;
- (f) It has not been demonstrated that the option of sourcing all restoration material from Bryants Lane Quarry would prejudice the future reinstatement of that site;
- (g) Risk of recurrence of landslips and implications for safety of homes nearby;
- (h) Why is there so much sand left? If the mineral is left *in situ* then the import of waste would not be necessary;
- (i) Proposals are more for the profitable import of waste than repair of the June 2007 slippage;
- (j) Impracticalities of checking every incoming load of waste to see whether or not it is acceptable;
- (k) Concerns about rodents and disease associated with landfill;
- (l) Adverse impact of increased noise, dust and general disruption to the village if permission is granted, particularly as residential properties are in close proximity;
- (m) Adverse impact on, or disturbance to, local wildlife and presence of badger sett(s) within the quarry.
- (n) Highways Issues:
 - (i) speeding HGV vehicles through the village and consequent danger to pedestrians;

- (ii) Increase in volume of HGV traffic;
 - (iii) inadequate access arrangements and road layout at junction with Woburn Road;
 - (iv) vehicles turning left out of the site onto Woburn Road; and
 - (v) trafficking of mud and sand onto the highway and pavement.
- (o) Restoration proposals:
- (i) should not involve any further extraction or importation of inert waste;
 - (ii) could be strengthened through provision of open access to large areas of the quarry; allocation of spaces for recreational activities and planting of more trees and hedgerow rather than grassland to contribute to the community becoming carbon neutral; and
 - (iii) a permissive bridleway route can be revoked at short notice.

Consultations / Publicity responses:

Environment Agency

CB/09/06556/MW (Minerals application)

No comments having reviewed the application detail.

CB/09/06566/MW (Waste application) – A Permit will be required from the Agency for the import of inert waste, which will be subject to a groundwater risk assessment. The previous comments made in respect of the withdrawn applications (see letters dated 22nd August 2008 and 13th August 2009) are still pertinent, as summarised below:

- It will be necessary to engineer a liner to contain the wastes and protect the underlying major aquifer. The Flood Risk Assessment (FRA) submitted with the application is acceptable and the surface water drainage strategy should be implemented in accordance with this document. The soakaway at the base of the site should be constructed at a suitable distance from the edge of the sidewall liner to prevent undermining of the engineered waste containment.

Central Beds
Environmental Health
Officer (EHO)

CB/09/06556/MW and CB/09/06566/MW (both applications)

Does not object to the revised proposals provided there are no changes to details approved pursuant to conditions 16 and 17 of existing 2003 minerals consent, which deal with noise and dust respectively (with the exception that condition 16 be corrected to correctly reflect what is stated in MPG11 and MPS 2).

Heath & Safety Executive	CB/09/06556/MW and CB/09/06566/MW (both applications) Confirm that they do not have any comments to make on the proposals.
Anglian Water	No comments received.
Central Beds Highway Development Control Manager	CB/09/06556/MW and CB/09/06566/MW (both applications) No objection on highway grounds. The information provided with both applications suggests that there is no intention to increase the number of permitted HGV movements at the site.
Natural England	CB/09/06556/MW and CB/09/06566/MW (both applications) Based on the information provided Natural England has no comments, as it is unlikely that the proposals will have any significant detrimental effect on the restoration of the quarry.
Greensand Trust	No comments received.
Countryside Access Service (Rights of Way Officer)	CB/09/06556/MW and CB/09/06566/MW (both applications) Support the proposal as the applicant is committed to providing a perimeter bridleway. However, it is questioned whether the first section of bridleway could be dedicated earlier if this part of the site would no longer form part of the operational area after 2010. It is recommended that the Public Bridleway be realigned further into the site at the south east corner and that a secondary access be provided onto Gig Lane utilizing an existing gate. This would allow an additional 315 metres of bridleway to be provided as part of the first section and provide a safe route for enable walkers / riders by removing the need to use Eastern Way.
CBC Archaeologist	CB/09/06556/MW and CB/09/06566/MW (both applications) No objection to the proposed variation of conditions, as quarrying has removed any archaeological remains which the land once contained. However, the quarry itself represents the physical remains of sand extraction, which is an important industry historically in this part of Bedfordshire. Given the significance of the sand pits to the local community and its formative role in the local area's character, it is important that an adequate record is made of the sand pits before their industrial character is lost to restoration. This can be achieved through making a detailed photographic record of the site before restoration following the advice in PPG16 'Archaeology and Planning'. Such a requirement could be secured through an appropriate planning condition.
Parish Paths Partnership (P3 Group)	CB/09/06556/MW and CB/09/06566/MW (both applications) Oppose both applications on the basis that they will delay completion of restoration until 2015. The Group would favour a restoration that starts immediately using overburden from Bryants Lane where required and sand

extraction should stop early in 2010 to enable restoration to be completed by 2011.

The Group are however pleased to see a dedicated Right of Way (ROW) offered as part of the proposed restoration. Since the submission of the 2008 applications, subsequently withdrawn, a bridleway has been offered around the southern boundary of the site, although it would only be permissive until 2015. Together with the ROW, previously agreed as a footpath but now proposed as a bridleway, from the centre of the village in Reach Lane to the water tower and onto the planned Webb's Way, a greatly improved network will become available.

There are some issues which the Planning Authority should take into consideration. The applications state that the section from Reach Lane to the water tower not be completed until near the end of the restoration period in 2014. This is the most important section since it would provide a link from the centre of the village. An earlier restoration date would enable these routes to be provided sooner rather than later.

The Group would like to see the first section of permissive bridleway from Overend Green Lane to the water tower extended to the top of Gig Lane, with an additional access point there so that walkers and riders would not need to use Eastern Way at all. Eastern Way is an ongoing concern and is unsuitable for pedestrians and riders as heavy lorries use this route from Chamberlains Barn Quarry to Double Arches Quarry. There would be an increase in traffic if the application for a haul road from Chamberlain's Barn is approved.

Part of the bridleway's route within Reach Lane is unclear because it is understood that the boundary of the quarry is wrongly marked. Both sections of the proposed bridleway should be offered as a dedicated public ROW without any delay because permissive routes can be revoked at short notice.

Ramblers Association
(Leighton Buzzard
Group)

CB/09/06556/MW and CB/09/06566/MW (both applications)
The Ramblers Association do not wish lodge any objection in respect of either application.

Leighton Buzzard
Society

CB/09/06556/MW and CB/09/06566/MW (both applications)
The Society objects to this application. It is unreasonable to expect the residents to endure continuing disturbance to the village for a further 5 years, with the additional lorry movements from tipping of waste. It is not understood why there is an alleged need to import inert waste into Reach Lane when there is a large amount of stored overburden in the adjoining Bryants Lane Quarry.

There is no good reason why the proposed bridle path from Gig Lane to Overend Green should not be dedicated as a public right of way at the outset. If permission is granted, a condition should be included to that effect. There should also be a condition requiring dedication of the route from Reach Lane to Gig Lane as soon as practicable.

County Mammal
Recorder

Strongly recommends that a survey is arranged to assess the use of the site by badgers prior to any work being undertaken. It seems likely that badgers are present, or at least using the site for foraging given the proximity of other setts (there is one less than 400 metres away) and the likely suitability of the quarry for sett building.

Determining Issues

The main considerations relating to these applications are:

1. **Policy Approach and Information Requirements**
2. **Green Belt**
2. **Disturbance**
4. **Water Quality, Flood Risk and Surface Water**
5. **Transportation**
6. **Landscape**
7. **Restoration, Aftercare, Biodiversity and Rights of Way**
8. **Assessment of Justification and Need for Development**
9. **Conclusions**

Considerations

1. Policy Approach & Information Requirements

In deciding these applications, the Council must have regard to section 38(6) of the Planning and Compulsory Purchase Act 2004. Proposals must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan consists of The East of England Plan (May 2008), which effectively supersedes the Bedfordshire Structure Plan. Until the emerging policies of the Minerals & Waste Local Development Framework are adopted, the policies of the Bedfordshire & Luton Minerals & Waste Local Plan, Adopted January 2005 (MWLP) and the South Bedfordshire Local Plan First Review, Adopted January 2004 (SBLPFR), are formally saved and form the policy framework against which applications should be determined.

Policies M6 (*Requirements for determination of minerals applications*) and GE1 (*Matters to be addressed in planning applications*) of the MWLP set out the criteria for assessing minerals and waste applications. The applicant has sought to demonstrate the existence of valuable remaining sand deposits and has put forward a revised programme of working and progressive restoration accompanied by a timetable. These are standard information requirements

for the type of applications under consideration, as set out in policy M6 of the MWLP.

The applicant has submitted further drawings showing a completely revised sequence of extraction, backfilling / infilling and restoration material movements together with a timescale for progressive working and restoration. This has been devised to tie in with the proposed programme of further sand extraction and landfilling. This phasing information is a standard requirement for determination of applications of this nature, as prescribed by policy M6 b) & d) of the MWLP, particularly as in this case the operator has not adhered to current approved phasing plans and seeks to regularise the situation on the ground by demonstrating a clear and progressive way forward.

Policy GE1 of MWLP advises that minerals and waste planning applications must provide sufficient information to enable a full and proper assessment of all the issues arising, including need in the national, local and regional context, traffic implications and all relevant environmental impacts, as addressed below. A judgement needs to be made as to whether or not adequate information has been provided on each relevant issue.

2. Green Belt

PPG2 sets out national planning guidance in respect of sites within designated Green Belts. Reach Lane Quarry lies wholly within the South Bedfordshire Green Belt. The two-part test to be applied is whether development represents inappropriate development in the Green Belt and, if so, whether there are very special circumstances present which clearly outweigh both the harm caused by virtue of the inappropriateness and any other harm.

PPG2 lists the five purposes of including land in Green Belts:

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

At the local level, guidance on Green Belts is contained in Policy GE5 (Protection of Green Belt Land) of the MWLP. Policy GE5 states that planning permission for waste development will only be granted where very special circumstances can be demonstrated to justify the proposal. It adds that all minerals and waste development proposals should preserve the openness of the Green Belt.

CB/09/06556/MW – (Minerals application)

Whilst there is not a general presumption against mineral working in the Green Belt, as there is with waste disposal operations, it is still necessary to consider whether proposed mineral extraction would compromise openness and conflict with the purposes of including land within the Green Belt. The advice in PPG2 at paragraph 3.11 is that minerals are exceptional in that they

can be worked only where they are found and their extraction is only a temporary activity. Further guidance is provided in MPS1. In recognising that minerals are “*essential for development and through that for our quality of life and creation of sustainable communities*”, MPS 1 goes on to state that “*.....mineral extraction need not be inappropriate development in the Green Belt, nor conflict with the purposes of designating Green Belts*” but “*.....in permitting minerals development in the Green Belt, authorities should ensure that the high environmental standards are maintained during operation... and that sites are well restored to afteruses consistent with Green Belt objectives.*”

The greater time frame over which both extraction and restoration is intended to take place would undoubtedly have a degree of impact upon the scene, character and setting of the South Bedfordshire Green Belt in the Heath & Reach area. Although there would be no lateral extension of the quarry void, a sizable area of land is affected by the proposals. The applicant proposes to expedite restoration over more than half of the site, incorporating the highest points in the quarry on the eastern / south eastern slopes, which are most apparent in the landscape from Heath & Reach village. It is considered that the programme put forward maximises the opportunity for early restoration of a considerable portion of the site (14.8 hectares) that would no longer be operational. Furthermore, the programme provides for subsequent phases to be restored and landscaped in a timely fashion. I am of the opinion that, notwithstanding the proposed extension of the life of the site until winter 2015, provided that the phasing programme is delivered on time, the development would achieve the ‘high environmental standard’ and ‘well restored’ criteria set out in PPG2 (para. 3.11). On this basis, it is concluded that the sand extraction and restoration proposals set out in this application do not constitute inappropriate development in the Green Belt.

The proposed final landform and proposed afteruse of the site for agriculture, amenity and areas of woodland is deemed to be consistent with Green Belt objectives, in particular that of safeguarding the countryside from encroachment.

CB/09/06566/MW – (Waste application)

Landfilling is not the currently approved method for restoring the quarry; the current consent stipulates that only on-site materials are permitted to be used (with an allowance for movement of restoration material across the boundary from Bryants Lane). It is necessary therefore to consider the effect of the landfill element, on its own account, on the openness of the Green Belt and whether this operation would conflict with the purpose of including land in it.

Paragraph 3.12 of PPG2 states that the carrying out of engineering operations and other operations and the making of material changes of use of land will be inappropriate development “*unless they maintain openness and do not conflict with the purposes of including land within the Green Belt*”. For the purposes of PPG2, the disposal of waste can be classed as a change of use and therefore covered by the provisions of paragraph 3.12.

The Guidance states (PPG2 para. 3.13) that when large-scale development (including the tipping of waste) occurs, it should, as far as possible, contribute

to the achievement of the objectives for the use of land in Green Belt.

As there is a general presumption against landfilling in the Green Belt, since it is, by definition, considered to be inappropriate development, approval should not be forthcoming except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations. PPG2 advises that it is incumbent on the applicant to demonstrate very special circumstances to justify the grant of permission.

Operations and associated activities to dispose of waste would be likely to detract from the rural character of the area. The activity would be likely to have a more industrial appearance and result in some temporary loss of openness, which is the most important attribute of Green Belts. Whilst it is arguable that views of the landfill operation would be somewhat limited given the local topography and boundary vegetation, lack of visibility does not mean that openness would be preserved.

The applicant contends that very special circumstances exist to justify landfilling because imported fill is an essential requirement for satisfactory restoration of the site. In other words, the location of the development is integral to the application.

There is recognition in Policy W21 of the MWLP (*Inert waste landfill*) that disposal of waste to contribute to the restoration of old mineral workings can be acceptable where proposals contribute to the restoration of old mineral workings or demonstrate a net environmental benefit. This mirrors the advice in MPG 7 (para. 21), which promotes the development of high standard restoration proposals and advises that landfilling of some sites can "...provide opportunities to re-create pre-working or acceptable, new landscapes". The proposal to import 290,000m³ of inert material to make up a deficit of restoration material and achieve a stable final landform capable of sustaining a suitable afteruse accords, in principle, with policy W21 and MPG7.

The proposed final restored landform for the landfill area would be consistent with the intended afteruse of the site for agriculture, amenity and areas of woodland and it would not appear incongruous in the landscape or visually intrusive. As such, the final landform would accord with the purpose of safeguarding the countryside from encroachment, set out in PPG2.

A judgement as to whether there are special circumstances present in this case to justify waste development in Green Belt is considered in the conclusion to this report. Firstly, however, it is necessary to consider whether the development proposals would cause any other harm in terms of environmental disturbance or pollution and this question is addressed in the subsequent sections.

3. Disturbance

CB/09/06556/MW and CB/09/06566/MW – (both applications)

Policy GE18 of the MWLP (Disturbance) states that planning permission will only be granted for minerals and waste development proposals which are

likely to generate disturbance from noise, dust, mud on the highway, fumes, gases, odour, illumination, litter, birds or pests, where the anticipated disturbance is reduced as far as practicable and is outweighed by other planning benefits of the proposals. Furthermore, policy BE8 of the SBLPFR advises that proposals likely to generate disturbance and other pollution emissions must ensure that they do not unacceptably disturb or otherwise affect adjoining properties and uses.

The closest sensitive receptors are 60 metres from the boundary of the curtilage of the quarry. The remaining mineral phases identified by the operator are situated between 90 and 220 metres from the nearest dwelling. The inert waste tipping operation would be a minimum of 90 metres from the nearest property.

Local residents have cited noise emissions as a reason for objection to the proposals. File records indicate that there have been occasional complaints to the Minerals and Waste Team about noise emanating from Reach Lane Quarry, most recently in August 2008. There was a subsequent noise complaint in September 2009, but it was established that this was specifically in relation to maintenance and movement of plant and equipment in and around the workshop shed within Bryants Lane Quarry. As such, the approach has been to address the matter under the appropriate conditions for the Bryants Lane permission site.

The applicant is not proposing to alter the current set of quarry working hours imposed by permission 9/2003. Mineral *extraction* is permitted to take place between 0700 to 1800 hours on Mondays to Fridays and 0700 to 1300 hours on Saturdays. Mineral *processing* is allowed to take place for an additional hour early in the morning, between 0600 hours and 0700 hours Mondays to Saturdays. The times allowed for plant maintenance are more relaxed covering weekday evenings until 2100 hours, and during the daytime on Sundays and Bank Holidays. With regard to the waste importation proposal, the applicant has requested slightly more limited hours than presently allowed for mineral extraction. The same weekday start time of 0700 hours is proposed but with an earlier finish time of 1700 hours. It is proposed that waste operations would take place between 0700 and 1300 hours on Saturday mornings, which corresponds with permitted Saturday working times for mineral extraction. The above working times are standard operating hours for mineral extraction and waste disposal operations and I do not see any overriding case for further restricting them on any grant of permission.

There are no technical objections from the Environmental Health Officer on grounds of noise in respect of either application. Whilst I consider that there is a risk of noise nuisance at the nearest dwellings if proper controls are not in place, especially when backfilling and waste tipping operations approach surrounding ground levels near the site boundary, I am satisfied that noise emissions could be the subject of appropriate planning conditions in order to minimise any impact. Having regard to MPS2 and PPG24, I consider that a requirement for submission of a similar but updated scheme for monitoring and control of noise should be attached to any new mineral extraction and restoration permission. I also consider that noise emissions from the proposed waste tipping operation could be effectively controlled provided that

specific safeguards are in place, including imposition of the same noise limit as currently applies to mineral-related operations. This would ensure conformity with Policy GE18 of the MWLP.

In relation to dust, the deposit of sand on the road and pavements outside the site has given rise to complaints over recent years. It continues to be a matter of concern for residents and the Parish Council as borne out by publicity of the applications. A wheel shaker grid is located next to the weighbridge and the operator also possesses a road sweeper machine which is regularly deployed to remove sand and debris transferred onto the highway. Whilst the applicants have emphasised the point that there is no intention to increase the number of permitted HGV movements at the site, there would nevertheless be an intensification of movements over recent levels and there is also the likelihood that waste HGVs would encounter muddy areas when depositing waste at the tipping cell. I therefore consider that a wheel wash facility would be a necessary preventative measure if the importation of waste is allowed to proceed. The Environmental Health Officer is otherwise satisfied with existing dust mitigation measures for quarrying operations and a similar set of controls could apply to the waste importation activity to ensure conformity with Policy GE18 of the MWLP.

4. Water Quality, Flood Risk and Surface Water

CB/09/06556/MW and CB/09/06566/MW – (both applications)

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

The applicant considers that both applications do not pose any risk to the water environment. The Environment Agency has no adverse comments to make in respect of either application. A PPC Permit application for landfilling, which includes a groundwater risk assessment, has been lodged with Environment Agency for some time. The regulations dictate that a Permit cannot be issued unless a relevant planning permission is in place.

The deposit of clean and validated inert waste material should not give rise to contamination of land or groundwater. By definition, inert material is that which does not undergo any physical, chemical or biological transformations, and would include uncontaminated earth and excavation waste such as brick, concrete, stone, etc. As such, the tipping operations would not present problems with rodents or a risk to health, as suggested by concerned local residents. An engineered clay liner would be required to contain the wastes and safeguard against the possibility, however insignificant, of pollution of the underlying major aquifer. A neighbour has questioned whether the processing of checking every incoming load would be impracticable. There is a legal requirement for hauliers and developers to produce Waste Transfer Notes (WTNs), which must contain enough information about a consignment / load of waste to enable anyone coming into contact with it to handle it safely and either dispose of it or allow it to be recovered within the law. Subject to a

condition requiring that only inert material is deposited on site, it is considered that the importation proposal would not conflict with Policy GE20 of the MWLP.

In accordance with the requirements of PPS25 and Policy GE19 of the MWLP, a Flood Risk Assessment (FRA) accompanies the inert landfill application. The site is located within Flood Zone 1, defined as an area which has less than 0.1% annual probability of river flooding in any year. The FRA needs to demonstrate that sufficient attenuation for a flood event with such degree of probability is catered for in the landfill design. An indicative surface water management strategy has been submitted for the landfill area and the wider quarry site. Control of run off is paramount in maintaining the quality of the restored surface in the long term. French drains and swales (ditches) would direct surface run off to the water body and a soakaway would need to be constructed. The Environment Agency has confirmed that the drainage strategy for the site as a whole as described in the application is acceptable. As such I find that both applications conform to Policies GE20 and GE26 of the MWLP.

5. Transportation

CB/09/06556/MW – (Minerals application)

Policy GE23 of the MWLP (Transport: Suitability of Local Road Network) states that planning permission will only be granted where the material is capable of being transported to and from sites via the strategic highway network. The suitability and capacity of access routes must also be taken into account.

No additional HGV movements are proposed in connection with the proposed revisions to the mineral operation. On this basis, there is no objection from a highways perspective.

CB/09/06566/MW – (Waste application)

Reach Lane and Bryants Lane Quarries are currently permitted a combined maximum of 160 movements per day, utilising the recently improved shared entrance off Woburn Road. The applicant has calculated that over representative three-month periods during 2006, 2007 and 2008, the combined mineral operation for both quarries generated a daily average of 69 movements. Based on the assumption that all loads delivered to the site would involve fully-laden 20 tonne gross weight tipper lorries with a maximum body volume of 15m³, there would need to be an average of 19 loads delivered per full working day (equating to 38 vehicle movements) in order to achieve the desired importation figure of 290,000m³ over the 3 year and 8 months tipping period requested. There is no question, therefore, that waste importation traffic could be accommodated within the existing lorry movement allowance in the 2003 mineral permission. In reality, however, there are fluctuations in available waste volumes as and when large contracts became available, so at certain times the applicant would want to operate at or close to the maximum level of 160 movements.

Neighbours have raised the concern that there would a significant increase on recent actual traffic levels. However, my Highways Development Control

Officer is of the opinion that there are no sound highway reasons for imposing a reduced limit on traffic movements in and out of the shared access. The access itself and the approach roads are deemed to be adequate to cater for the peak level of traffic currently permitted to use the site.

The site entrance lies on the edge of Heath & Reach village, approximately 1.7 km to the south of the A5 roundabout at Sheep Lane, which forms the nearest point on the strategic highway network. The recent implementation of lorry ban zones covering the north and east of Leighton Buzzard means that *through* traffic must not use Woburn Road, Heath and Reach. Unless mineral deliveries or waste collections are being made locally, in which case vehicles must exit the ban area by the shortest possible route, HGV movements must not take place through the village beyond the Shenley Hill Road junction. It would not be a logical route for HGVs drivers wanting to get to Leighton Buzzard and beyond to cut through Heath and Reach village and then turn off at Shenley Hill Road because the weight limit applies south of the Mile Tree Road junction. The appropriate route for HGV drivers is to turn right out of the quarry and head northwards towards the A5. The Parish Council suspects that some drivers are flouting the lorry ban and have suggested that the applicant be held to account for any breaches and be made responsible for policing the traffic. However, enforcement of the lorry ban is the responsibility of Bedfordshire Police.

The imposition of a condition to prohibit traffic turning left out of the site would not be an effective remedy in this case. The reason for this is that Woburn Road is not the section of road junction immediately outside the site; vehicles first have to cross the highways of Reach Lane and Bryants Lane. Whilst it is possible to restrict the initial turning movement out of a site by imposition of a planning condition, once a vehicle is on the public highway and fully outside the permission site, the direction of the vehicle cannot be controlled by planning condition. A lorry routeing Agreement is a possible option in some circumstances, but in this case it would only serve to duplicate the legal force of the lorry ban.

With regard to the installation of a CCTV system at the site entrance, with remote access for viewing by the Planning Authority, this is seen as a more effective means of monitoring and controlling inward and outward traffic movements as well as operating times. Such a requirement has been imposed on other minerals and waste sites in the Leighton Buzzard area and it would not be unreasonable to do so in this case if permission is forthcoming.

Subject to suitable conditions being imposed, I conclude that the landfilling application accords with Policy GE23 of the MWLP.

6. Landscape

CB/09/06556/MW and CB/09/06566/MW (both applications)

Policy GE9 (Landscape Protection and Landscaping) of the MWLP requires that development proposals must be sympathetic to local landscape

character and any adverse impacts should be reduced as far as practicable and outweighed by other planning benefits.

The landscape character of the area is set out in the County Council's Landscape Character Assessment (LCA). The landscape character of the Heath & Reach area is classified as 'Woburn Greensand Ridge' (type 6A). It is characterised by a large scale, rolling elevated landscape with variable field and roadside boundaries and numerous wooded areas. Active and restored mineral workings also have an influence on the landscape character - sand pits interspersing areas of woodland are often visible along the roadsides.

The extension to the operational life of the mineral site and the subsequent postponement of the restoration end date, together with the introduction of landfill operations, would cause a degree of harm to the visual amenity of the Green Belt and detract from the rural character of the area, albeit temporarily. Weighing against these adverse effects are the environmental and planning benefits arising from the improved scheme of restoration devised by the applicant, including a perimeter bridleway.

The Central Bedfordshire Landscape Enhancement Officer supports the proposals subject to amplification on several aspects of the restoration plan, such as management of existing trees and hedgerows and selective use of a limited topsoil resource. It is considered that localised re-profiling throughout the site, within the parameters of the submitted contour plan, would be an important additional requirement to break up uniformity. These points of detail could be agreed by way of appropriately worded condition(s). The dedication of an area south and south east of the plant site to natural colonisation (a process which is also underway there) plus the swift reinstatement of the upper eastern slopes with additional hedgerow features convey important landscape benefits. The high ground on the eastern side of the site near Overend Green Lane and Eastern Way is open to distant views from Heath and Reach village and beyond and therefore the restoration of this area at the earliest opportunity is also seen as important in landscape terms. It is considered that the range and extent of tree, shrub and hedgerow planting and inclusion of linear grazing meadows would be sympathetic to the local landscape character and appropriate in scale to the landform and surrounding area. As is normal practice, a 5-year period of maintenance of the planting would be imposed to ensure establishment.

In view of the above, and notwithstanding the short term harm to the landscape brought about by delaying the restoration end date to 2015, the application is seen to be in accordance with PPS7, PPS10, and Policies GE9 and GE10 and GE26 of the MWLP.

7. Restoration, Aftercare, Biodiversity and Rights of Way

CB/09/06556/MW and **CB/09/06566/MW** (both applications)

Policy GE26 (*Restoration*) of the MWLP requires that all proposals for all non-permanent minerals development include high quality restoration of the site within a reasonable timescale. Opportunities for habitat creation should also be considered and, where practical and desirable, incorporated into

restoration proposals.

MPG7 (Annex A, para. A9) states that the final landform should be the best available compromise between the intended afteruse, compatibility with the natural landscape and slope stability. The contours proposed do not differ significantly from those currently approved and the applicant continues to rely upon the '*Geotechnical Slope Stability Report*' produced by Atkins in 2002. This report concludes that an overall 1 in 5 angle of slope provides an adequate factor of safety for restored batters.

However, slopes shallower than 1 in 5 have been introduced towards the base of the quarry to ensure safe and convenient use of the water body for fishing / other amenity use and to facilitate silt fall out. The proposed southern and eastern batter slopes of around contain subtle changes to the existing approved gradients, but are seen as appropriate for long term quarry slope conditions at the site. The proposed overall landform would be capable of sustaining the intended afteruses of the site for agriculture (i.e. grassland / grazing) and amenity.

The latest submitted restoration drawing is broadly similar to the currently approved one. It contains the same component parts of open grassland, grazing fields, a central water body feature and blocks of tree planting but the applicant has sought to include some additional biodiversity enhancement compared to the approved plan with over 0.5km of additional hedgerow and an area of bare sand. Further habitat improvement could be secured if a condition is attached to the grant of permission for local variation of the final contours in order to promote a more varied flora and fauna.

The applicant proposes to retain the site manager's office / accommodation, beyond the life of the quarry, although it is proposed to demolish all other structures and buildings. Whereas the current Section 106 Agreement appears to allow the site manager's office / accommodation to be retained after the quarry is finished, this building was excluded from the currently approved restoration drawing. Irrespective of this, the current application affords the Council the opportunity to re-consider the matter. There appears to be no special case for permanent retention of the building in order that it may serve as the company headquarters. The building would lose its ancillary status as a facility to serve the operational Reach Lane Quarry site once the area has been fully restored. The applicant therefore needs to demonstrate an exception to Green Belt policy. No case has been put forward. I am inclined to the view that this building should be removed upon final restoration of the quarry at the end of 2015; this would need to be included as an obligation in a Section 106 Agreement should permission for further mineral extraction be forthcoming.

Schedule 5 of the Planning Act provides powers to Minerals Planning Authorities to impose 'aftercare conditions' on the grant of planning permission in relation to land which is to be used for such purposes following mineral working. The need for aftercare stems from the recognition that land needs to be given treatment for a number of years after the initial restoration has been carried out. The ultimate aim behind the concept of aftercare is that, over time, the land will be brought to a standard whereby it does not have to be treated differently from undisturbed land. The maximum aftercare

period of five years can on occasion be extended by mutual consent, but in this case the standard maximum period is considered to be adequate.

Policy GE13 (*Species and habitat protection and enhancement*) of the MWLP states that planning permission will be refused for proposals that would actively affect rare or threatened species or their habitats, except where any adverse effect would be overcome by appropriate on or off site mitigation measures, or, the adverse effects are reduced as far as practicable and are clearly outweighed by other planning benefits of the proposal and appropriate mitigation and/or compensation measures are taken. One resident has raised the prospect that badger sett(s) exist within the quarry working, although no details have been provided. The County Mammal Recorder has confirmed that there are no records of badger activity within the confines of the quarry, but that does not rule out the possibility that this species has been attracted to the site given the presence of a sett fairly close by. The relevant primary legislation is the Protection of Badgers Act 1992, which is mainly based on the need to protect badgers from baiting and deliberate harm. Planning Policy Statement 9 '*Biodiversity and Geological Conservation*', emphasises the importance of establishing the presence or otherwise of protected species, and the extent to which they may be affected by the proposed development, before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. Generally, therefore, it is not appropriate to leave such matters to the post-determination stage. However, in this instance the development site comprises an operational quarry working that has undergone extensive earthworks with recent disturbance such that it is likely to be of limited biodiversity value. Ultimately, even if this species is present, there will now sufficient areas subject to no further activity for any population to be protected. Taking the above into account, it is considered that a requirement for surveys and mitigation measures can be addressed by a planning condition.

Policy GE21 of the MWLP requires minerals proposals, that would lead to disruption of the public right of way network, to provide suitable alternative arrangements to maintain or enhance public access opportunities and restoration proposals to enhance and/or extend opportunities for public access.

The proposed deferral of final restoration at Reach Lane Quarry to 2015 would not disrupt the existing rights of way network. The temporary diversion of Footpath 1 is connected to the Bryants Lane site which has consent for mineral extraction until 2042; it must be reinstated to its original route but this cannot happen in the short term.

The applicant's offer of a permissive perimeter bridleway, to be delivered in two stages, followed by dedication of the whole route as a ROW upon permanent cessation of operations, should be attached great importance. It is considered to be an important concession on the part of the applicant company, which would significantly enhance the existing approved restoration plans by providing, in time, a direct link from the village of Heath and Reach to the wider path network. The provision of a bridleway would help to mitigate the extended period of disruption to the community brought

about by extending the operational life of the site. The proposal is supported by the Council's Rights of Way Officer and is welcomed by the P3 Group and the applicant has agreed to their request for the first section of bridleway to be extended from the water tower to an existing gated access on Gig Lane in order that it can be reached without the need for walkers / riders to use Eastern Way. Some objectors, including the P3 Group, have suggested that the first section of bridleway should be dedicated immediately as a path with permissive status can be closed at short notice. I can understand the misgivings in this regard. However, it is conceivable that an adopted route could impede essential works affecting the upper slopes. A Section 106 Agreement could be framed to ensure that closure of the permissive route is only on grounds of essential quarry works and not at the whim of the landowner.

In addition to meeting the broad aims of Policy GE21 of the MWLP, the bridleway proposal is also supported by Policy GE3 (*Environmental Improvement of the Greensand Trust area*). Schemes for restoration and afteruse within the Greensand Trust project area should support the aims and objectives of that organisation. The most relevant objective in terms of the proposals for Reach Lane is to develop, improve and promote public rights of way networks. The Greensand Trust also promotes public open access It should be noted that the applicant has rejected the suggestion that open public access should be provided on the restored site, so the restoration proposals would not fulfil this wider objective of the Greensand Trust.

8. Assessment of Justification and Need for Development

CB/09/06556/MW (Minerals application) –

Mineral Extraction and Importance of Mineral Deposits:

The applicant seeks to extend the period of extraction at the site beyond the current expiry date of 30th January 2010 (which itself was a 6-year extension of time) to April 2015. This will allow 133,600m³ (213,760 tonnes) of *in situ* remaining sand to be won from existing permitted phases plus a further 80,700m³ (129,120 tonnes) of additional *in situ* mineral outside those permitted areas, which appears to have been sterilised historically due to the incompatibility of the two quarries when ownership was divided. Given that the two sites are now in single ownership, it is now possible to extract mineral up to the boundary.

There were estimated to be approximately 500,000 tonnes of available mineral reserves when permission for further mineral working was granted in 2003 (i.e. now the presently approved working area). The applicant blames a combination of factors for the failure to work out these permitted reserves. Firstly, it was envisaged that extraction operations would be concentrated in Reach Lane but this has not turned out to be the case due to customer requirements for blended products. Secondly, mineral volume calculations in 2003 were based on the assumption that the water table was level but groundwater monitoring has demonstrated that the water table dips to the south east, accounting for an extra 50,000 tonnes. Thirdly, the operator has recovered additional quantities of sand from the site which were previously

thought to contain only overburden. Fourthly, it is also claimed that the landslide of June 2007 interrupted extraction operations as all resources were put into emergency engineering works.

One of the main deficiencies of the withdrawn application, and one of the grounds for the tabling a recommendation of refusal, was the applicant's failure to demonstrate that the proposed extraction would yield specialist industrial / silica sands, which are recognised as a scarce resource limited to a few areas of the country. The 'need' for the proposed extraction remains a critical issue in determination of the latest application. This is because continued extraction would have implications for the environment, landscape and local community in that not only would it lead to delay to final restoration and thus bring a degree of prolonged disturbance to the area, but also exacerbate a shortage of on-site material. These negative impacts must be balanced against the need for extraction of the mineral.

Sand or sandstone resources are classed as silica sand when the physical, chemical and mineralogical properties are such that it is marketed for uses other than as a construction aggregate. Unlike building and concreting sand, which have a relative local market, specialist sand products may be transported considerable distances. The raw materials range from high grade white sand used for glass manufacture, chemical industry and ceramic applications through to more impure sands (coloured yellow, orange or brown) which, when processed fill a market need for a particular grading of sand

MPG15 '*Provision of Silica Sand in England*' advocates the importance of safeguarding nationally important silica sand resources, stating in paragraph 2 that there is a "...need to protect unworked silica sand deposits against sterilisation by other forms of development except where there are overriding planning reasons for releasing this land for other purposes". Further, in paragraph 65, MPG15 goes on to state that regard should be given to ".....whether the particular nature and qualities of the silica sand, such as suitability for particular end-use not met by other available sources in the area or region, in itself justifies granting permission".

The applicant has engaged specialist consultants (GWP), as part of the preparation of this re-submitted application, to undertake an assessment of the quality and quantity of the mineral contained within the proposed areas remaining to be extracted. The report of GWP's findings accompanies the application for revisions to phasing of extraction and restoration proposals.

In order to assist the Council as Minerals Planning Authority in reaching a decision on the revised application, Cuesta Consulting Ltd have been appointed to provide specialist advice on the 'need' argument and the findings of the GWP report on mineral characterisation. As author of the 'Bedfordshire Silica Sand Study 2006/07', Cuesta Consulting has experience and knowledge from previous research in this field. It has not been possible for officers to rely solely upon the Bedfordshire Silica Sand Study as a point of reference because the report only considered Reach / Bryants Lane Quarries in very broad terms due to a lack of information provided by the operator.

The main findings of the GWP report are summarised below:

The remaining sand at Reach Lane comes from the lower Brown Sand, a division of Woburn Sands lying below the white Silver Sand, which only has remaining reserves in Bryants Lane. The quality and variability of sand was assessed through examination of exposed faces, and sampling and grading analysis of a total of 32 samples of sand. From examination of the current exposures, it is estimated that 60 per cent of the remaining un-dug sand may be of coarse-to-medium grading and suitable feed for specialist sand production. It is expected that the top c2 – 3 metres and the basal will have a higher proportion of medium to coarse sand than the intermediate part of the excavation. It is estimated (with the aid of 3D modelling computer software), that the proposed excavation would release c296,000 tonnes of *marketable* sand, of which some c177,000 tonnes (60 per cent) is medium to coarse sand suitable for specialist sand production. The remainder (119,000 tonnes) would comprise high quality 'soft' building sand. The Brown Sand is highly variable and recognition of the different qualities of sand and careful, selective excavation is necessary to optimise the production of specialist sand and building sand to ensure consistency of the products. The sands exploited at Reach Lane are, when washed, slightly iron-stained golden-coloured sands that are not a substitute for the high purity white sands found in the upper bench of Bryants Lane. These sands are used in applications where colour and slight-staining is not an important consideration. The washed products have a high silica content of 98 – 99 per cent, which together with the grading characteristics make it suitable for a range of specialist uses. Certain coarse sand products are supplied to a distributor outside the region to fill a recognised market need. The report contains a breakdown of estimated sand volumes by type in respect of each proposed working phase.

Having considered the GWP report, the Council's advisor is of the opinion that, in most respects, it is a very thorough assessment of the geology of the deposits exposed within Reach Lane Quarry, and the sand products capable of being produced from these. For the first time, the applicant has provided a clear indication of the relationship between the geology, the methods of extraction and processing, and the final product types, together with a reasonable assessment of the proportions of each product likely to be capable of being produced. There are some limitations in the assessment however. It does not appear to include any new sub-surface borehole investigations. Instead it is based primarily on existing exposures and the testimony of people at the site for a number of years. For these reasons, the estimated volumes of each type of sand within the remaining reserves must be treated with a degree of caution. Moreover, the GWP report includes caveats regarding the proportions of each type of sand capable of being produced, noting the need for 'careful extraction' in order to separate the relatively coarse feedstock for specialist sand production from the finer-grained ('soft') building sand. Whilst it has been the normal custom of L.B Silica Sands to carry out selective extraction in order to maximise the production of specialist sands, and whilst there remains a commercial imperative for them to continue doing so, the final proportions of different sand products may be quite different to those indicated in the report. Notwithstanding these

limitations, Cuesta Consulting conclude that the GWP report presents a credible justification for the existence of specialist sand reserves which ought not to be sterilised. The report provides a sensible comparison with the materials produced at the other silica sand quarries in the Leighton Buzzard area and notes that there are existing specific markets for the Reach Lane products, alongside those served by the larger producers. Although the quantities involved are relatively small, and probably uncertain, the Council's advisor is inclined to the view that the need for extraction has been demonstrated. It is suggested that if the extraction goes ahead, then in the interests of improved understanding of the Leighton Buzzard silica sands in general, and the accuracy (or otherwise) of site-specific assessments such as that prepared by GWP, the operator ought to monitor and record the actual proportions of the four main specialist sand gradings obtained as the deposit is worked and (or at least) the overall ratio of specialist sands to inferior grade building sands and 'reject' material.

Whilst it is considered that the existence of quality silica sand reserves, as demonstrated by the GWP report, is sufficient to justify the need for extraction, it is still appropriate to have regard to the question of silica sand landbank². Policy M3 of the MWLP, which reflects the advice in MPG15 (para. 47), requires the Council as Minerals Planning Authority to maintain a landbank of at least 10 years for 'individual production sites'. As Reach Lane and Bryants Lane Quarries use a single processing plant, they are deemed to constitute a single production unit for the purposes of this policy. The applicant estimates that the total combined reserve figure for the Reach and Bryants Lane quarry complex is 1,968,300m³ (3,149,280 tonnes). Therefore, if the annual output is taken to be 140,000 tonnes and if it is assumed that 60 per cent of the reserves comprise specialist sand, then the approximate silica sand landbank is calculated to be 13.5 years. The landbank figure would drop to about 12.02 years if the mineral identified to be worked at Reach Lane is taken out of the equation. The current proposal for continued extraction at Reach Lane therefore finds support in Policy M3 in that it would help to maintain the landbank at this particular quarry complex above the 10-year threshold.

Backfilling and Restoration

It has been necessary for the applicant to conduct a further modelling exercise to support the revised applications. This has involved a comparison of the base of sand extraction with the proposed restoration contours in order to calculate the total volume of material needed to achieve the desired landform and the availability of on-site overburden material for this purpose. The restoration material deficit has been re-assessed, taking into account the reduced volume of sand now proposed to be worked and the intention to source less overburden from Bryants Lane. It is calculated that the deficit is now 424,100m³, a marked reduction from the figure of 739,500m³ noted in the previous application. It is not in question that the proposal to continue

² A landbank is a stock of planning permissions for the winning and working of minerals to enable the minerals supply industries to respond speedily to fluctuations in demand and to take account of the lead times that may be involved in obtaining planning permission and bringing the site into full production.

sand extraction at the site in order to exhaust the existing permitted area and exploit a wedge of mineral on the site boundary is driving this stated shortage of restoration material. This is because the material deficit is calculated on the assumption that the proposed extraction of 214,300m³ of *in situ* sand would take place.

The applicant contends that a number of logistical difficulties would arise should the Council decide that no further extraction of material should be allowed beyond the expiry date of 30 January 2010 and that restoration of the site should be completed within 15 months of that expiry date. According to the applicant's calculations, 177,000m³ of un-dug sand deposits would need to be removed in order to allow formation of the proposed final contours. A slightly greater volume of mineral would need to be shifted in order to create the approved restoration landform, as it is steeper-sided and lower at the base. The current floor of the pit where further working is intended lies up to 10 metres higher than approved restoration levels. If this mineral is left *in situ*, the applicant is concerned that it would be necessary to look at alternative restoration landforms, which in turn might mean that the drainage system has to be redesigned, all of which could contribute to delays. The applicant points out that the sand which sits above the proposed or existing approved restoration levels would not be competent material for permanently stabilising the 2007 slip and forming the correct slope conditions.

CB/09/06566/MW (Waste application) –

The applicant asserts that there is a fundamental need for the import of waste to the quarry. First, inert material would be placed at the base of the June 2007 slip failure to provide an overall buttress and address the issue of long term stability. Second, an overall deficit of restoration material exists such that the proposed final contours cannot be achieved without fill from external sources.

An application of this nature must be accompanied by a slope stability report prepared by a "competent person", in accordance with advice in PPG14 and MPG5. The report included with this application explains the emergency interim works that have already been undertaken and approved by the Health and Safety Executive. Essentially these interim works have involved reducing the steepness of the temporary clay overburden slope to a batter of between 1 in 3 and 1 in 4. The slope stability report recommends that further earthworks are now put in place to address the long term risk of further slippage by creating a safe permanent batter in the region of 1 in 5. The final slope across the proposed infill area has been designed accordingly. The Health and Safety Executive has not lodged any concern or objection regarding the proposed final slope.

As there is inadequate suitable restoration material within Reach Lane Quarry, the question arises as to the whether it is acceptable on planning grounds for a proportion of that deficit to be made up of imported material, as currently proposed, or whether the applicant should be relying wholly or more mainly upon Bryants Lane for the source of restoration clays. The applicant's chosen approach is to source a limited quantity of overburden (133,000m³) from across the boundary in Bryants Lane, thus leaving the greater part of

the deficit (290,000m³ or 68 per cent) to be made up with imported material. The application contains a 'materials balance' assessment for Bryants Lane Quarry. An important caveat of this exercise is that it is only based on indicative restoration levels that show how the two sites could integrate at the boundary; these levels have not been formally submitted for determination and cannot be considered in the scope of this report. As such, it merely provides an indication of *potential* deficit. The materials balance exercise shows that a substantial quantity of overburden material exists within Bryants Lane (c2.4M³), this being vastly in excess of what is stated to be required to finish Reach Lane Quarry. However, even if all available overburden material is retained within Bryants Lane, there could still be a sizeable deficit. Although there is some doubt about the accuracy of these volumes, I am of the opinion that there is a reasonable likelihood of some restoration material deficit in Bryants Lane. If it did transpire that there was little or no deficit of restoration material, there would then be scope to achieve a better restoration profile in a shorter time period.

I consider that the latest proposal strikes an acceptable balance between limiting the amount of fill that is brought in from elsewhere and seeking to avoid a scenario where the ability to restore Bryants Lane Quarry is prejudiced by significantly increasing a probable materials deficit.

The period requested for waste importation, from April 2010 until December 2013, means that restoration would not take significantly longer than would be the case if the operator relied solely upon overburden from Bryants Lane Quarry for restoration of the south western part of the Reach Lane site. More importantly, the waste importation proposal would not itself extend the operational life of Reach Lane Quarry if the application for an extended period of mineral working is approved.

Policy W1 of the MWLP (*Key Principles*) states that planning permission for waste management proposals will only be granted where it:

- contributes to meeting the strategic aim of the Plan to reduce the amount of waste which goes to landfill;
- takes account of the waste hierarchy;
- does not significantly increase development options further up the hierarchy; and
- conforms with the proximity principle.

The applicant expects that the majority of the inert material would be sourced from the Bedfordshire and Milton Keynes area. Bedfordshire does not presently have sufficient capacity to recycle all construction and demolition waste arisings in the county and although landfill is considered the last resort within the waste hierarchy, inert waste landfills offer a solution to manage this waste. In this case, the applicant argues that the landfilling with imported waste is necessary to achieve the satisfactory restoration of a quarry void. It is not considered that the granting of permission for inert landfill at Reach Lane would impede development options further up the waste hierarchy (i.e. recycling and re-use). In this context, the proposal is deemed to accord with Policy W1 of the MWLP.

On the question of need for the import of waste as a waste management

option for Bedfordshire, PPS10 advises that when proposals are consistent with an up-to-date development plan and there are no other material considerations that warrant refusal of the application, Waste Planning Authorities should not require applicants for new waste facilities to demonstrate a quantitative or market need for the proposal.

Conclusions

Due to the nature of these application proposals within the South Bedfordshire Green Belt, planning policy has required that a balancing exercise be undertaken, and, in particular, weighing up whether special circumstances exist to justify the tipping of waste.

I have formed the view, taking into account the advice of Cuesta Consulting Ltd, that the need for the proposed sand extraction has been demonstrated. The applicant has provided a credible justification for the existence of specialist high grade sand reserves, which ought not to be sterilised, even though this comes at a cost in terms of the deficit of restoration material.

I consider there is merit in the applicant's submission that a sizable proportion of the mineral would have to be removed in any case because undug sand lies above the proposed (and currently approved) restoration profile. Leaving the mineral in situ would therefore complicate the restoration process leading to possible delays in finding a satisfactory restoration solution. This point appears to me to reinforce the case for continued extraction. A further related point is that the sand which sits above the final levels is not suitable for use elsewhere in the void in order to make up some of the calculated deficit in backfill material. Clay material has to be used instead.

If one adopts the position that the need for mineral extraction has been demonstrated on grounds of its importance as a silica sand reserve, then it follows that the waste importation proposal to make up a deficit of restoration material proposal would not, on its own account, extend the operational life of Reach Lane Quarry.

A relevant and important factor in support of the waste importation element is that it would reduce the need to source clay overburden from across the boundary in Bryants Lane Quarry, thereby helping to avoid the prospect of prejudicing the future restoration of that site.

A disadvantage of any extension to the operational life of the mineral site and postponement of the restoration end-date, together with the introduction of landfill operations, is that there would be a temporary impact on the visual amenity of the Green Belt and would also detract from the rural character and appearance of the area. This negative impact would clearly be reduced however through very nearly immediate restoration of nearly 15 hectares of the quarry which are unaffected by future intended operations.

It is recognised that there are a number of important benefits associated with, and policy support for, both application proposals. There is an improved restoration scheme on the table. In particular, I afford considerable weight to the additional community benefit which would accrue from the offer of a perimeter bridleway, to be dedicated as a right of way in 2015, since it would

provide a crucial link from Heath and Reach to the wider parish path network.

Whilst both application proposals have the potential to cause adverse impacts by reason of noise and dust, I am of the opinion that such impacts can be reduced as far practicable and controlled by the use of conditions. In addition to planning controls, the landfill operations would be licensed and monitored by the Environment Agency.

My overall conclusion is that planning benefits and other factors amount to very special circumstances, which outweigh the harm to the Green Belt and the other harm identified.

In the event that this Committee is minded to refuse both applications, the applicant will be obliged to cease extraction straight away and produce an alternative plan for restoring the site within the currently prescribed timescale (i.e. by 30th April 2011).

RECOMMENDATION

CB/0906556/MW (Revisions to phasing of extraction and restoration proposals (variation of conditions 1, 13, 14 and 22 of planning permission no. 9/2003) –

It is recommended that planning permission be granted subject to the conditions set out below and subject to the applicant / landowner entering into a Section 106 Agreement in respect of:

- the creation of a dedicated right of way (bridleway) upon restoration of the site as a whole and, as an interim arrangement, provision of that route as a permissive bridleway in two stages upon restoration of the appropriate phases in accordance with the submitted application details;
- provision of traffic sign(s) on Woburn Road to direct drivers to Reach Lane / Bryants Lane Quarry;
- dismantling and removal of processing plant site and foundations to be completed on or before 31st October 2014 (to enable sand extraction to take place within phase D);
- sand extraction to terminate on or before 30th April 2015;
- export of raw and processed sand stockpiles from the site to be completed on or before 30th June 2015;
- dismantling / demolition and removal of all other plant, buildings (including the site manager's accommodation / office building), foundations, machinery, equipment and hard surfaces on or before 30th September 2015; and
- approved landscaping and restoration works (excluding aftercare and maintenance requirements) to be fully completed on or before 31st December 2015.

Draft Conditions

1. The determination of this scheme of conditions hereby approved shall extend to the area edged with a bold black line on the attached plan ref. no. CB/0906556/MW-1 and the development shall be carried out in accordance with the planning application dated 10th November 2009 as supported and amended by Atkins' letters dated 23rd December 2009 and 5th January 2010 and enclosures referred to therein, except where modified by other conditions of this permission, and except for any minor amendments which may be approved in writing by the Local Planning Authority.

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

Time Limits

2. The determination of this scheme of conditions hereby approved shall be begun not later than the expiration of 1 year from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.

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

Mineral Extraction and Phasing

3. No mineral extraction shall take place on site except within the phases A to D identified on Drawing no. 4092431/405 Rev. A and, unless otherwise approved by the Local Planning Authority, extraction within each such phase shall be completed on or before the completion dates specified on that drawing.

(Reason: To restrict development not authorised by this permission and to ensure a timely completion of mineral extraction in each phase so as not to impede progressive restoration – Policy GE26 of the MWLP)

4. No extraction of sand shall take place to a depth greater than 1 metre above the groundwater surface contours shown on Drawing ref. no. REACH0901B-4 of the GWP report, unless evidence is submitted to the Local Planning Authority and agreed in writing which demonstrates that a lower water table level currently exists, in which event extraction shall be permitted to take place to a specified increased depth not closer than 1 metre above the water table.

(Reason: To restrict the depth of working and to protect the groundwater – Policy GE20 of the MWLP)

Hours of operation

5. Unless otherwise approved in writing by the Local Planning Authority, no mineral extraction or earth moving operations authorised or required under this determination shall take place except between the following hours:

0700 hours to 1800 hours Mondays to Fridays

0700 hours to 1300 hours Saturdays

and at no time on Sundays and Public / Bank Holidays

(Reason: To protect the amenities of neighbouring properties – Policy GE18 of the MWLP).

6. Unless otherwise approved in writing by the Local Planning Authority, no mineral processing operations authorised or required under this determination shall take place except between the following hours:

0600 hours to 1800 hours Mondays to Fridays

0600 hours to 1300 hours Saturdays

and at no time on Sundays and Public / Bank Holidays

(Reason: To protect the amenities of neighbouring properties – Policy GE18 of the MWLP).

7. Unless otherwise approved in writing by the Local Planning Authority, no HGVs¹ or other commercial vehicle movements into and out of the site shall take place except between the following hours:

0600 hours to 1800 hours Mondays to Fridays

0600 hours to 1300 hours Saturdays

and at no time on Sundays and Public / Bank Holidays

(Reason: To protect the amenities of neighbouring properties – Policy GE18 of the MWLP).

8. Unless otherwise approved in writing by the Local Planning Authority, no plant maintenance authorised or required by this under this determination shall take place except between the following hours:

0600 hours to 2100 hours Mondays to Fridays

0600 hours to 1700 hours Saturdays

0800 hours to 1700 hours Sundays and Public /Bank Holidays

(Reason: To protect the amenities of neighbouring properties – Policy GE18 of the MWLP).

Vehicular Access

¹ All vehicles over 7.5 tonnes gross vehicle weight.

9. There shall be no vehicular access to the site other than via the existing entrance to Bryants Lane Quarry, as shown on plan ref. no. CB/0906556/MW-1, except as permitted by condition 10 of this determination of scheme of conditions.

(Reason: In the interests of highway safety – Policy GE23 of the MWLP)

10. The former Reach Lane Quarry entrance shall only be used for purposes of aftercare and maintenance of the restored areas of the quarry site.

(Reason: To safeguard the amenities of the surrounding area and in the interests of highway safety – Policies GE18 and GE23 of the MWLP)

11. The existing sign at the Bryants Lane Quarry weighbridge requesting HGV drivers to turn right out of the quarry premises onto Woburn Road (except for local deliveries or collections) shall be retained throughout the life of this determination of scheme of conditions and the practice of putting written instructions on all weighbridge tickets instructing drivers departing Bryants Lane Quarry to enter and leave the quarry premises via Woburn Road and the A5 to the north shall continue throughout the life of this determination of scheme of conditions.

(Reason: In the interests of highway safety, to safeguard the amenities of the surrounding area and to ensure consistency with condition 10 of ROMP approval no. 10/1997 – Policies GE18 and GE23 of the MWLP)

12. In addition to the existing requirements set out in condition 7 under ROMP approval no. 10/1997 for the cleaning of the wheels and bodies of vehicles leaving Bryants Lane Quarry, HGVs associated with mineral operations at both Bryants Lane and Reach Lane Quarries shall only exit the quarry premises having first passed through the wheel wash installation (as soon as it becomes available), which is to be provided pursuant to the permission for importation of inert waste (application ref. CB/09/06566/MW).

(Reason: To prevent the carriage of mud and debris onto the highway and in the interests of highway safety – Policy GE1e) of the MWLP)

13. No load of sand shall leave the Bryants Lane Quarry entrance unless sheeted down, otherwise contained, or damped down with clean water to prevent the emission of sand and dust.

(Reason: To prevent the carriage of mud and debris onto the highway and in the interests of highway safety – Policies GE1e) and GE18 of the MWLP)

Vehicle Movements

14. Unless otherwise approved in writing by the Local Planning Authority, there shall not be more than a combined total of 160 HGV movements³ on Mondays to Fridays and a combined total of 80 HGV movements on Saturdays using the approved Bryants Lane Quarry access in connection with mineral operations and the import of materials for blending operations at Bryants Lane Quarry and mineral operations and the disposal of inert waste at Reach Lane Quarry.

(Reason: To ensure that the combined total number of HGVs permitted to use the Bryants Lane entrance does not exceed the existing limit as imposed by condition 4 of ROMP approval no. 10/1997 and condition 8 of appeal decision no. T/APP/X0225/A/97/289193/P2 in the interests of highway safety – Policy GE23 of the MWLP)

15. A record of all daily mineral HGV movements using the Bryants Lane Quarry access shall be maintained at all times and shall be submitted to the Local Planning Authority at the end of every 6 month period from the beginning to the conclusion of mineral operations.

(Reason: To allow monitoring of other relevant planning conditions)

16. There shall be no importation of waste shall unless and until a CCTV camera has been installed which monitors the entrance to the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (a) the columns and cameras to be used;
- (b) the area covered; and
- (c) the capability for remote access viewing by officers of the Local Planning Authority

The CCTV system as may be approved in writing shall thereafter be implemented only in accordance with the approved scheme.

((Reason: To allow monitoring of traffic movements, operating times and the condition of the site entrance and public highway – Policies GE18 and GE23 of the MWLP)

Environmental Protection

17. The suppression and monitoring of dust shall take place in accordance with the submitted scheme, referenced BC/CS/2003/17, as approved by letter dated 29th May 2003, except where modified by other conditions of this determination of scheme of conditions.

(Reason: To minimise any nuisance to nearby properties by reason of dust – Policy GE18 of the MWLP)

³ A vehicle entering the site and then exiting the site is classed as 2 movements for the purposes of this determination of conditions.

18. No vehicle shall move around the site or along internal haul roads at a speed greater than 10 mph and speed limit signs shall be erected and maintained in prominent positions on the site throughout the period of sand extraction and restoration.

(Reason: To minimise any nuisance to nearby properties by reason of dust – Policy GE18 of the MWLP)

19. No development shall take place unless and until a scheme for the monitoring and control of noise has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in accordance with the approved scheme. The scheme shall include:

- (a) Noise monitoring locations;
- (b) Except for temporary operations, the free-field Equivalent Continuous Noise Level LAeq (1 hour), attributable to the operations subject to this determination of scheme of conditions, shall not exceed 55dB LAeq, 1 hour free-field for a total of eight weeks or 10dB(A) above the existing background noise level L90 whichever is the lower;
- (c) For temporary operations including site preparation, soil and overburden stripping, bund formation and removal and final restoration, the free-field noise level at the points in (a) shall not exceed 70dB LAeq, 1 hour for a total of eight weeks in any calendar year, except as may be agreed in writing by the Local Planning Authority;
- (d) Noise monitoring and recording procedures;
- (e) Presentation of results;
- (f) Noise suppression measures; and
- (g) Procedures to be adopted in the event of the maximum permitted noise levels being exceeded

(Reason: To minimise disturbance to nearby sensitive receptors by reason of noise – Policy GE18 of the MWLP)

20. No floodlighting shall be installed and used on site except in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. Thereafter, no floodlighting shall be installed and used unless in accordance with the approved scheme.

(Reason: To minimise disturbance to the local environment – Policy GE18 of the MWLP)

21. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

(Reason: To prevent the possible contamination of groundwater – Policy GE17 of the MWLP)

22. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bunded walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sightglasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage and all filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund

(Reason: To prevent the possible contamination of groundwater – Policy GE17 of the MWLP)

Wildlife Protection

23. No development shall take place unless and until a detailed mitigation plan for the surveying and protection of badgers on those parts of the site not currently used for mineral extraction has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme as may be approved shall be carried out in full.

(Reason: To safeguard protected species – Policy GE13 of the MWLP)

24. No restoration works, including clearance of vegetation, shall take place on site except between August and March, being outside the bird nesting season, unless a prior survey has been undertaken by a competent ornithologist to ensure that no nesting birds will be disturbed, and only then with the prior written notification of the Local Planning Authority.

(Reason: To ensure the protection of nesting birds – Policy GE13 of the MWLP)

Phased backfilling and Restoration

25. Except for such modifications as may be agreed in writing by the Local Planning Authority, and except where modified by condition 30 of this determination, the movement and spreading of overburden materials, formation of the final restoration profile and landscaping shall take place progressively in accordance with the Planning Supporting Statement entitled '*Application for the Alterations to the Phasing of Extraction of Material at Reach Lane Quarry, Heath and Reach*' dated November 2009, the Planning Supporting Statement entitled '*Application for the Importation of Inert Waste for the Purposes of Restoration at Reach Quarry, Heath and Reach*' dated November 2009 and more particularly in accordance with restoration phasing Drawing

no. 4092431/406 Rev. B and the sequence of landscape phasing Drawings numbered 4092431/414 Rev. B, 4092431/415 Rev. B, 4092431/416 Rev. B and 4092431/417 Rev. B. Each phase shall be reinstated and landscaped in accordance with the schedule of completion dates set out in Tables 3.2 and 4.4 of the aforementioned Planning Supporting Statements.

(Reason: To secure a satisfactory programme of progressive reinstatement and landscaping of the site – Policy GE26 of the MWLP)

26. No materials other than engineering clays and overburden from Bryants Lane Quarry shall be imported to the site for the purposes of the reinstatement and restoration allowed by this determination of scheme of conditions.

(Reason: To restrict development not authorised by this permission)

27. The final landform and surface restoration levels of the site shall accord with the finished pre-settlement contours shown on Drawing No. 4092431/407 Rev. A, except for such modifications as may be approved in writing by the Local Planning Authority.

(Reason: To restrict development not authorised by this permission and to ensure a satisfactory standard of restoration – Policy GE26 of the MWLP)

28. Prior to commencing landscaping of each phase, a topographical survey shall be carried out and submitted to the Local Planning Authority. The survey shall demonstrate that each phase has been reinstated in accordance with the pre-settlement restoration contours shown on Drawing No. 4092431/407 Rev. A.

(Reason: To ensure compliance with approved restoration contours – Policy GE26 of the MWLP)

29. No development shall take place unless and until a detailed scheme for the surface water drainage of the restored site, accompanied by a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall develop the outline proposals shown on Drawing no. 4092431/410 Rev. A and shall include details of the location and design of a soakaway. Thereafter, the scheme shall be implemented in full in accordance with the details as may be approved.

(Reason: To provide for the satisfactory drainage of the restored site – Policies GE17 and GE19 of the MWLP)

30. The final site landscape restoration, including provision of a Public Right of Way (bridleway) shall be in accordance with the indicative details shown on Drawing no. 4092431/412 Rev. B, as clarified and

amended by Atkins' letter dated 23 December 2009, and except where modified by other conditions of this determination of scheme of conditions. No development shall take place unless and until a detailed restoration scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for:

- (a) localised re-grading to achieve more undulating finished slopes, within the parameters set by Drawing no. 4092431/407 Rev. A, and variation in the width and profile of the swales;
- (b) identification of areas for placement of indigenous topsoils and specification of soil depths to ensure optimal use of the limited soil resource;
- (c) retention of the existing screen bund at the south west corner of the site, approved pursuant to scheme no. BC/CS/2003/15, until at least the conclusion of landfilling operations and restoration in phase 5;
- (d) treatment of the restored surfaces prior to seeding and planting;
- (e) within that part of restoration phase 7 adjoining Reach Lane, removal of all scrap items stored on the land, identification of banks, mounds, trees and hard surface areas to be retained or removed, where re-contouring of the land is to be carried out and where the topography of the land is to be left as it is;
- (f) a survey of, and management / conservation plan for, the existing boundary hedgerows on Gig Lane and Overend Green Lane, accompanied by a timetable;
- (g) a programme for management of the conifer screen alongside Reach Lane during the operational life of the Reach Lane Quarry site;
- (h) extent, alignment and specification of fencing, gates, paths and tracks;
- (i) removal of plant and all buildings (including the site manager's accommodation / office building), foundations, machinery, equipment and hard surfaces and satisfactory restoration of those areas where such demolition has taken place;
- (j) open grassland, grazing and wildflower seeding mixes;
- (k) species, sizes and spacing of tree, shrub and hedgerow planting;
- (l) infilling of gaps on the Gig Lane boundary hedgerow;
- (m) measures for protection and maintenance of planting and replacement of failed, missing or dying trees, shrubs and hedgerow plants over a 5-year period from date of planting;
- (n) creation of a permissive bridleway route followed by a dedicated public right of way (bridleway), to include

- details of precise alignment, width, surfacing, fencing and maintenance; and
- (n) monitoring regime to assess developing ecological interest, including those areas to be left to natural regeneration.

The scheme as may be approved shall be implemented in full.

(Reason: To provide for the satisfactory restoration of the site – Policies GE21 and GE26 of the MWLP)

Aftercare

31. No development shall take place unless and until a scheme for the aftercare and management of the restored site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
- (a) Provide an outline strategy, in accordance with Annex 5 of MPG 7, for the 5-year aftercare period, specifying the steps to be taken and the period during which they are to be taken, and including provision for chemical analysis and treatment of the surface, any remedial drainage / underdrainage, filling of any depressions and an annual progress meeting.
 - (b) Provide for a detailed annual programme, in accordance with Annex 5 of MPG7, to be submitted to the Local Planning Authority not later than 1 month prior to the annual aftercare meeting.

The implementation of the aftercare and management scheme shall be carried out progressively upon final restoration of each phase in accordance with the approved details and completed within 5 years, unless otherwise agreed in writing by the Local Planning Authority.

(Reason: To ensure that over time the land is brought to a good standard – Policy GE27 of the MWLP)

Production

32. Details shall be submitted to the Local Planning Authority as follows:
- (a) annual sales and remaining sand reserves for the site in tonnes;
 - (b) a record of the actual proportions of the four main specialist sand gradings (P17, P205, P16/30 and 8/25) obtained from the site as the deposits are worked;
 - (c) the overall ratio of specialist sands to building sands to 'reject' material obtained from the site as the deposits are worked and the quantity of each category in tonnes; and

- (d) the overall ratio of sands obtained from Reach Lane Quarry to Bryants Lane Quarry in tonnes.

The period provided for shall be from 1 January to 31 December each year (or part thereof in the initial year) and information shall be provided by 31 March for the preceding period.

(Reason: In the interests of improved understanding of Leighton Buzzard silica sands in general, and of the accuracy of the site-specific assessment of the mineral, and to assist forward planning of mineral resources)

Miscellaneous

33. Throughout the period of mineral extraction and restoration operations, a copy of this planning permission, including relevant documents and plans and schemes subsequently approved pursuant to it, shall be displayed on site during working hours in a location which is readily accessible to any person undertaking the development.

(Reason: For the avoidance of doubt)

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

CB/09/06566/MW (Importation of inert waste for the purposes of restoration of Reach Lane Quarry) –

It is recommended that planning permission be granted subject to the conditions set out below and subject to the applicant / landowner entering into a Section 106 Agreement in respect of:

- the creation of a dedicated right of way (bridleway) upon restoration of the site as a whole and, as an interim arrangement, provision of that route as a permissive bridleway in two stages upon restoration of the appropriate phases in accordance with the submitted application details.

Draft Conditions

1. Planning permission shall extend to the area edged with a bold black line on the attached plan ref. no. CB/0906566/MW-2 and the development shall be carried out in accordance with the planning application dated 10th November 2009 as supported and amended by Atkins' letters dated 23rd December 2009 and 5th January 2010 and enclosures referred to therein, except where modified by other conditions of this permission, and except for any minor amendments which may be approved in writing by the Local Planning Authority.

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

Time Limits

2. The development hereby permitted shall be begun not later than the expiration of 1 year from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.

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

3. The waste importation and tipping operations hereby permitted shall cease on or before 4 years of the date of commencement of the development. The reinstatement, restoration and landscaping of the site (excluding the aftercare requirements) as required by this permission shall be completed within a further 12 months of this cessation date.

(Reason: To ensure that the development hereby permitted is completed within an acceptable timescale – Policy GE26 of the MWLP)

Levels and Phasing

4. The final landform and surface restoration levels shall accord with the finished pre-settlement restoration contours shown on Drawing No. 4092431/407 Rev. A, except for such modifications as may be approved in writing by the Local Planning Authority.

(Reason: To restrict development not authorised by this permission – Policy GE26 of the MWLP)

5. Upon completion of reinstatement of the site by importation of inert waste, but prior to commencement of landscaping, a topographical survey shall be carried out and submitted to the Local Planning Authority. The survey shall demonstrate that the site has been reinstated in accordance with the pre-settlement restoration contours shown on Drawing No. 4092431/407.

(Reason: To provide for a satisfactory restoration of the site – Policy GE26 of the MWLP)

Hours of operation

6. Unless otherwise approved in writing by the Local Planning Authority, no operations or activities authorised or required by this permission, including HGV movements into and out of the site, but excluding essential plant maintenance, shall take place except between the following hours:

0700 hours to 1700 hours Mondays to Fridays
0700 hours to 1300 hours Saturdays

and at no time on Sundays and Public / Bank Holidays

(Reason: To protect the amenities of neighbouring properties – Policy GE18 of the MWLP)

Access

7. Except as permitted by condition 8 of this permission, there shall be no vehicular access to the waste importation site other than via the existing entrance to Bryants Lane Quarry and unless otherwise approved in writing by the Local Planning Authority all vehicles shall use the internal haul road, as shown on plan ref. no. CB/09/06566/MW-2, in order to access the landfilling area.

(Reason: In the interests of highway safety and to restrict development to that applied for – Policy GE23 of the MWLP)

8. The former Reach Lane Quarry entrance shall only be used for purposes of aftercare and maintenance of the site.

(Reason: To safeguard the amenities of the surrounding area and in the interests of highway safety – Policies GE18 and GE23 of the MWLP)

9. No development shall take place unless and until a scheme for the installation and use of a fixed wheel wash facility at the Bryants Lane Quarry entrance has been submitted to and approved by the Local Planning Authority. The scheme as may be approved shall be implemented prior to the importation of waste to the site and thereafter complied with at all times.

(Reason: To prevent the transport of mud and debris onto the highway and in the interests of highway safety – Policies GE18 and GE23 of the MWLP)

Vehicle Movements

10. Unless otherwise approved in writing by the Local Planning Authority, there shall not be more than a combined total of 160 HGV movements³ on Mondays to Fridays and a combined total of 80 HGV movements on Saturdays using the approved Bryants Lane Quarry access in connection with mineral operations and the import of materials for blending operations at Bryants Lane Quarry and mineral operations and the disposal of inert waste at Reach Lane Quarry.

(Reason: To ensure that the combined total number of HGVs permitted to use the Bryants Lane entrance does not exceed the existing limit as

³ A vehicle entering the site and then exiting the site is classed as 2 movements for the purposes of this permission.

imposed by condition 4 of ROMP approval no. 10/1997 and condition 8 of appeal decision no. T/APP/X0225/A/97/289193/P2 in the interests of highway safety – Policy GE23 of the MWLP)

11. A record of all daily waste HGV movements using the Bryants Lane Quarry access shall be maintained at all times and shall be submitted to the Local Planning Authority at the end of every 6 month period from the beginning to the conclusion of waste importation operations.

(Reason: To allow monitoring of other relevant planning conditions)

12. There shall be no importation of waste shall unless and until a CCTV camera has been installed which monitors the entrance to the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (a) the columns and cameras to be used;
- (b) the area covered; and
- (c) the capability for remote access viewing by officers of the Local Planning Authority.

The CCTV system as may be approved in writing shall thereafter be implemented only in accordance with the approved scheme.

(Reason: To allow monitoring of traffic movements, operating times and the condition of the site entrance and public highway – Policies GE18 and GE23 of the MWLP)

Environmental Protection

13. No waste other than dry solid inert waste material shall be deposited on the site.

(Reason: To prevent the possible contamination of the groundwater and to protect the amenities of neighbouring properties – Policy GE17 of the MWLP)

14. The suppression and monitoring of dust shall take place in accordance with the submitted scheme, referenced BC/CS/2003/17, as approved by letter dated 29th May 2003, except where modified by other conditions of this permission.

(Reason: To minimise any nuisance to nearby properties by reason of dust – Policy GE18 of the MWLP)

15. No vehicle shall move around the site or along internal haul roads at a speed greater than 10 mph and speed limit signs shall be erected and maintained in prominent positions on site internal routes throughout the period of sand extraction and restoration.

(Reason: To minimise any nuisance to nearby properties by reason of dust – Policy GE18 of the MWLP)

16. No development shall take place unless and until a scheme for the monitoring and control of noise has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in accordance with the approved scheme. The scheme shall include:
- (a) Noise monitoring locations;
 - (b) Except for temporary operations, the free-field Equivalent Continuous Noise Level L_{Aeq} (1 hour), attributable to the operations subject to this determination of scheme of conditions, shall not exceed 55dB $L_{Aeq, 1 \text{ hour free-field}}$ for a total of eight weeks or 10dB(A) above the existing background noise level L_{90} whichever is the lower;
 - (c) For temporary operations including site preparation, soil and overburden stripping, bund formation and removal and final restoration, the free-field noise level at the points in (a) shall not exceed 70dB $L_{Aeq, 1 \text{ hour}}$ for a total of eight weeks in any calendar year, except as may be agreed in writing by the Local Planning Authority;
 - (d) Noise monitoring and recording procedures;
 - (e) Presentation of results;
 - (f) Noise suppression measures; and
 - (g) Procedures to be adopted in the event of the maximum permitted noise levels being exceeded

(Reason: To minimise disturbance to nearby sensitive receptors by reason of noise – Policy GE18 of the MWLP)

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

(Reason: To minimise disturbance to the local environment – Policy GE18 of the MWLP)

18. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

(Reason: To prevent the possible contamination of groundwater – Policy GE17 of the MWLP)

19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bunded walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and

sightglasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage and all filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund

(Reason: To prevent the possible contamination of groundwater – Policy GE17 of the MWLP)

Restoration

20. Except for such modifications as may be agreed in writing by the Local Planning Authority, and except where modified by condition 25 of this determination, formation of the final restoration profile and landscaping of the landfill site shall take place in accordance with the Planning Supporting Statement entitled '*Application for the Importation of Inert Waste for the Purposes of Restoration at Reach Quarry, Heath and Reach*' dated November 2009, the Planning Supporting Statement entitled '*Application for the Alterations to the Phasing of Extraction of Material at Reach Lane Quarry, Heath and Reach*' dated November 2009 and more particularly in accordance with restoration phasing Drawing no. 4092431/415 Rev B. The site, which comprises phase 5 of the restoration plan for the wider quarry, shall be reinstated and landscaped in accordance with the relevant completion dates set out in Tables 3.2 and 4.4 of the aforementioned Planning Supporting Statements.

(Reason: To secure a satisfactory programme of progressive reinstatement and landscaping of the site – Policy GE26 of the MWLP)

21. Engineering clays and overburden shall be sourced from Bryants Lane Quarry to supplement the imported inert waste material so as to make up the shortfall of on-site restoration materials, in accordance with details contained in paragraph 4.12 and Table 4.3 of the Planning Supporting Statement entitled '*Application for the Importation of Inert Waste for the Purposes of Restoration at Reach Quarry, Heath and Reach*' dated November 2009.

(Reason: To restrict development not authorised by this permission)

22. The final landform and surface restoration levels of the site shall accord with the finished pre-settlement restoration contours shown on Drawing No. 4092431/407 Rev. A, except for such modifications as may be approved in writing by the Local Planning Authority.

(Reason: To ensure compliance with approved restoration contours – Policy GE26 of the MWLP)

23. Prior to commencing landscaping of the site, a topographical survey shall be carried out and submitted to the Local Planning Authority. The

survey shall demonstrate that the site has been reinstated in accordance with the pre-settlement restoration contours shown on Drawing No. 4092431/407 Rev. A.

(Reason: To provide for a satisfactory restoration of the site – Policy GE26 of the MWLP)

24. No development shall take place unless and until a detailed scheme for the surface water drainage of the restored site, accompanied by a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall develop the outline proposals shown on Drawing no. 4092431/410 and shall include details of the location and design of a soakaway. Thereafter, the scheme shall be implemented in full in accordance with the details as may be approved.

(Reason: To provide for the satisfactory drainage of the restored site – Policies GE17 and GE19 of the MWLP)

25. The final site landscape restoration, including provision of a Public Right of Way (bridleway), shall be in accordance with the indicative details shown on Drawing no. 4092431/412 Rev. B, as clarified and amended by Atkins' letters dated 23rd December 2009 and 5th January 2010, and except where modified by other conditions of this permission. No development shall take place unless and until a detailed restoration scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for:

- (a) localised re-grading to achieve more undulating finished slopes, within the parameters set by Drawing no. 4092431/407 Rev. A, and variation in the width and profile of the swales;
- (b) identification of areas for placement of indigenous topsoils and specification of soil depths to ensure optimal use of limited soil resource;
- (c) retention of the existing screen bund at the south west corner of the site, approved pursuant to scheme no. BC/CS/2003/15, until at least the conclusion of landfilling operations and restoration in phase 5;
- (d) treatment of the restored surfaces prior to seeding and planting;
- (e) a survey of, and management / conservation plan for, the existing boundary hedgerows on Gig Lane and Overend Green Lane, accompanied by a timetable;
- (f) a programme for management of the conifer screen alongside Reach Lane during the operational life of the Reach Lane Quarry site;
- (g) extent, alignment and specification of fencing, gates, paths and tracks;

- (h) removal of plant and all buildings (including the site manager's accommodation / office building), foundations, machinery, equipment and hard surfaces and satisfactory restoration of those areas where such demolition has taken place;
- (i) open grassland, grazing and wildflower seeding mixes;
- (j) species, sizes and spacing of tree, shrub and hedgerow planting;
- (k) infilling of gaps on the Gig Lane boundary hedgerow;
- (l) measures for protection and maintenance of planting and replacement of failed, missing or dying trees, shrubs and hedgerow plants over a 5-year period from date of planting; and
- (m) creation of a permissive bridleway route followed by a dedicated public right of way (bridleway), to include details of precise alignment, width, surfacing, fencing and maintenance; and
- (n) monitoring regime to assess developing ecological interest.

The scheme as may be approved shall be implemented in full.

(Reason: To provide for the satisfactory restoration of the site – Policies GE21 and GE26 of the MWLP)

Aftercare

26. No development shall take place unless and until a scheme for the aftercare and management of the restored site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
- (a) Provide an outline strategy, in accordance with Annex 5 of MPG 7, for the 5-year aftercare period, specifying the steps to be taken and the period during which they are to be taken, and including provision for chemical analysis and treatment of the surface, any remedial drainage / underdrainage, filling of any depressions and an annual progress meeting.
 - (b) Provide for a detailed annual programme, in accordance with Annex 5 of MPG7, to be submitted to the Local Planning Authority not later than 1 month prior tot the annual aftercare meeting.

The implementation of the aftercare and management scheme shall be carried out progressively upon final restoration of each phase in accordance with the approved details and completed within 5 years, unless otherwise agreed in writing by the Local Planning Authority.

(Reason: To ensure that over time the land is brought to a good standard – Policy GE27 of the MWLP)

Miscellaneous

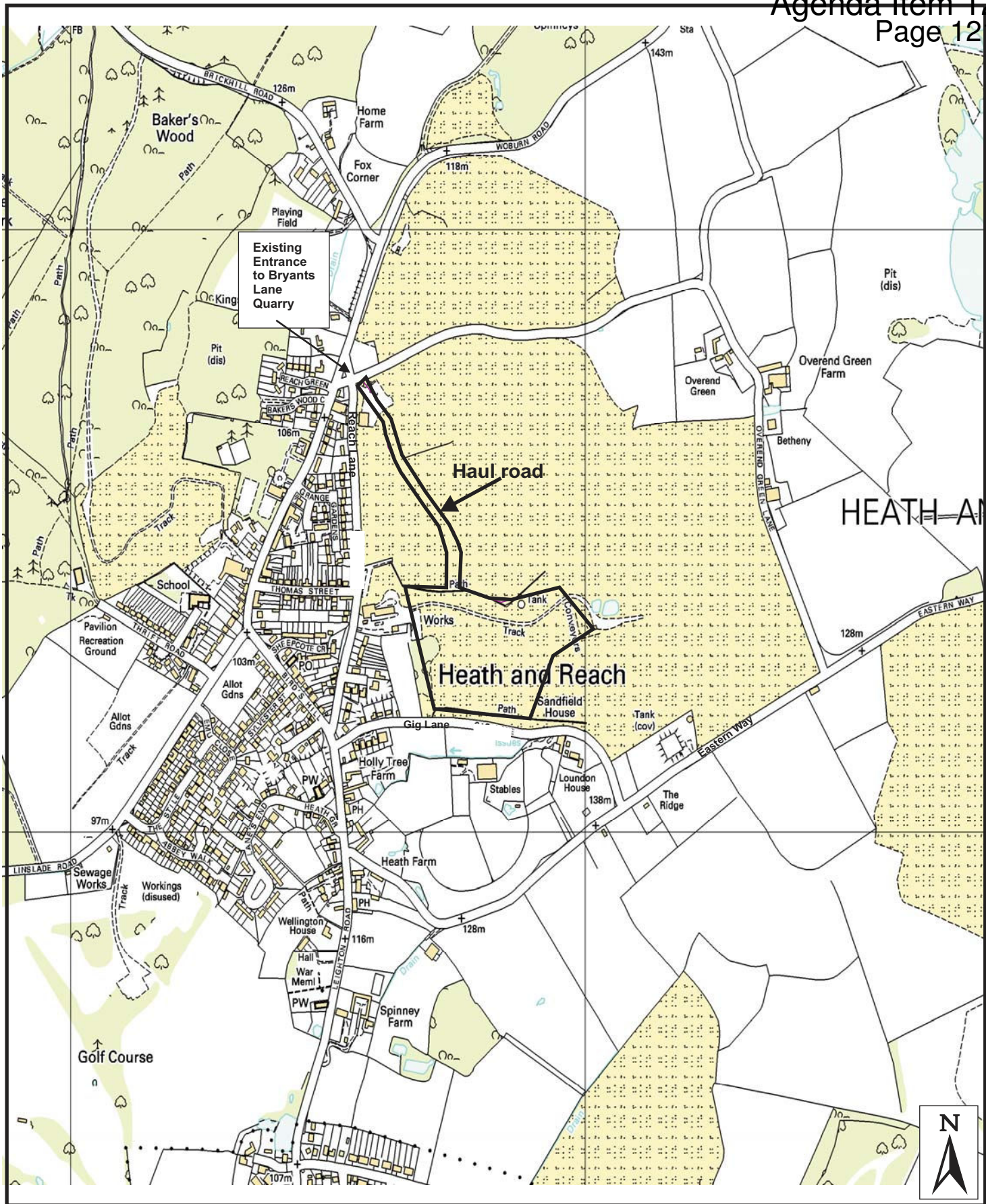
- 27. Throughout the period of inert landfilling and restoration operations, a copy of this planning permission, including relevant documents and plans and schemes subsequently approved pursuant to it, shall be displayed on site during working hours in a location which is readily accessible to any person undertaking the development.

(Reason: For the avoidance of doubt)

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

DECISION

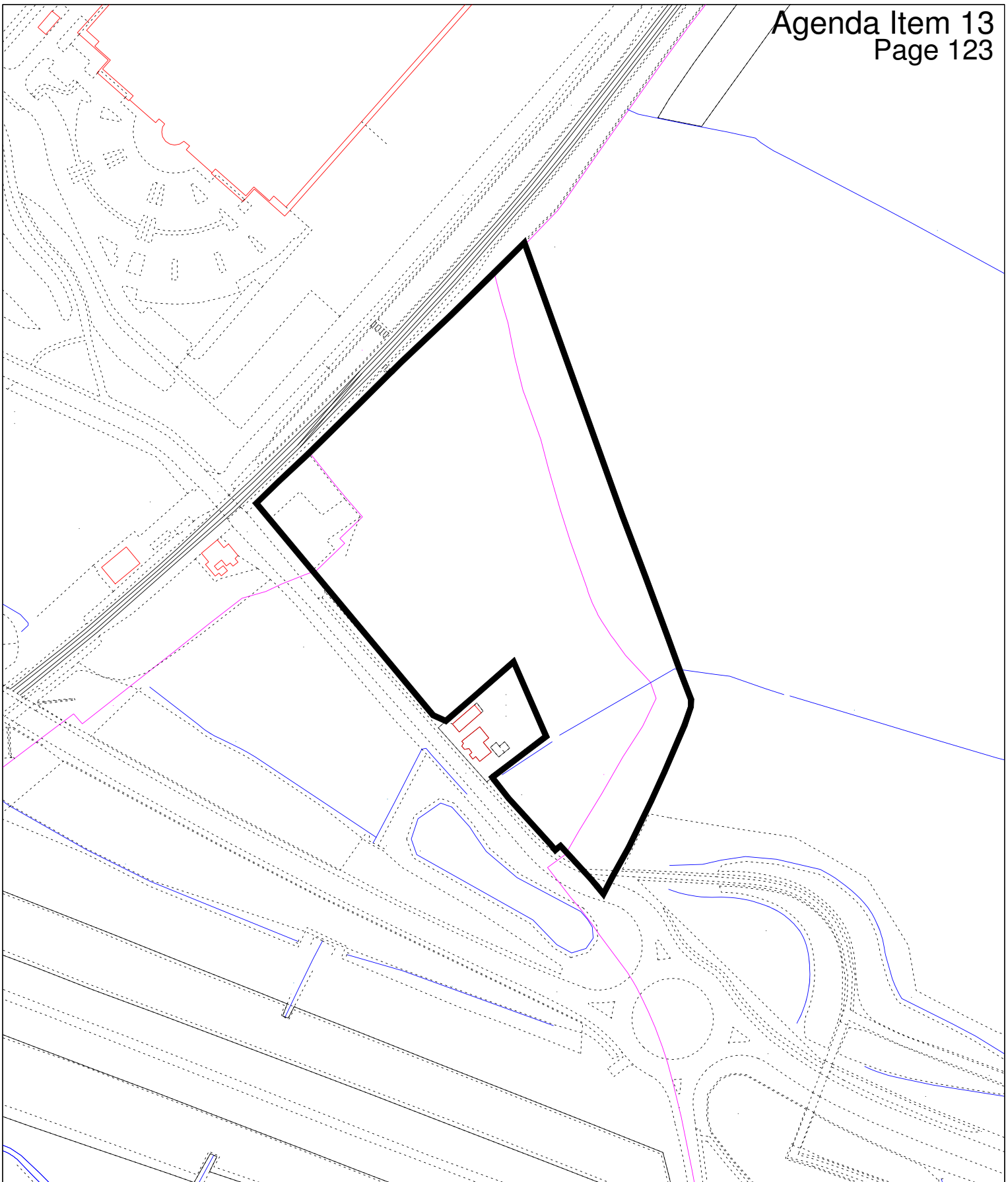
.....
.....

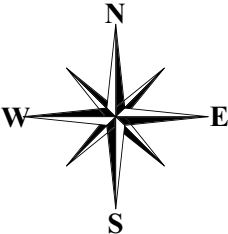


<p>Title: Reach Lane Quarry, Heath & Reach.</p> <p>Application Number CB/09/06566/MW</p> <p>Importation of inert waste for the purpose of restoration of Reach Lane Quarry</p>	<p>Date: January 2010</p>
	<p>Scale: 1:10,000</p>
	<p>Ref No: CB/09/06566/MW-2</p>

<p>Roy Romans, Team Leader - (Minerals and Waste), P.O. Box 1395, Bedford, MK43 5AN. Tel: 0300 300 8000.</p>	  <p>Central Bedfordshire Council and Bedford Borough Council working together</p>
---	---

This page is intentionally left blank



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	CASE NO.
	Date: 07:January:2010	
	Map Sheet No	
Scale: 1:2500		

This page is intentionally left blank

Item No. 13

APPLICATION NUMBER	CB/09/06288/FULL
LOCATION	Land R/O The Bedford Arms Station Road Ridgmont
PROPOSAL	Full: Erection of 2 no. workshops and use of land for commercial vehicle sales, repairs and haulage depot. Resubmission 04/00646/FULL.
PARISH	Ridgmont
WARD	Woburn and Harlington
WARD COUNCILLORS	Cllr F Chapman, Cllr B Wells
CASE OFFICER	Nicola Stevens
DATE REGISTERED	15 October 2009
EXPIRY DATE	14 January 2010
APPLICANT	Newton Trailers Ltd
AGENT	CMI Consulting
REASON FOR COMMITTEE TO DETERMINE	Major Development and a Departure from the Development Plan.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The site is adjacent to the Railway Station and Marston Gate Distribution Centre. The Bedford Arms Public House was once located on this site but has been demolished. The land on the site is sloping and the site is in a very prominent position in an area protected by restrictive countryside policies. The site is located within the open countryside, an Area of Great Landscape Value and the Marston Vale Community Forest. The site is naturally sloping in nature with a 4.5m gradient from Station Road to the northern boundaries. There are trees and a hedgerow around the boundaries of the site.

The Application:

This proposal seeks consent for the erection of 2 workshop buildings following amendments to the scheme previously approved under ref: 04/00464/FULL for which construction has already begun.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS7 - Sustainable Development in Rural Areas

PPG13 - Transport

PPG24 - Noise

Mid Bedfordshire Local Plan First Review 2005 Policies

- CS3 AGLV
- CS5 Marston Vale Community Forest
- CS19 Development in the countryside
- DPS5 Character of area and protect residential amenity
- DPS11 buffer landscaping
- DPS12 Settlement pattern
- EMP2A Employment provision

Core Strategy and Development Management Policies Adopted November 2009

- CS1 Selected Settlements
- CS2 Developer contributions
- CS3 Heathy and Sustainable Communities
- CS13 Climate Change
- CS16 Landscape and Woodland
- DM1 Renewable Energy
- DM3 High Quality Development
- DM4 Development within and beyond settlement envelopes
- DM9 Providing a range of transport
- DM17 Accessible green spaces

Planning History

- 26/95/903 Outline: Erection of 35 bedroomed hotel including parking and landscaping following demolition of existing public house buildings (all matters reserved except means of access).
Approved 9.7.96
- 26/99/56 Variation of conditions 2 & 3 (duration of consent) attached to planning consent ref: 26/95/903 dated 9.7.96 - Outline consent for 35 bedroomed hotel including parking and landscaping following demolition of existing public house buildings (all matters reserved except means of access).
Approved 23.2.99
- 02/174 Variation of conditions 1 & 2 (duration of consent) attached to planning consent ref: 26/99/56 dated 23.1.99 - Renewal of outline consent for 35 bedroomed hotel including parking and landscaping following demolition of existing public house buildings (all matters

reserved except means of access).
Approved 12.3.02

02/978/OUT Outline: erection of 65 bedroomed two storey hotel (all matters reserved except means of access).
Approved 19.11.02

04/2057/OUT Full: Variation of condition 2 attached to outline planning permission ref. 02/00978/OUT dated 22/11/02 for erection of 65 bedroomed, two storey hotel (all matters reserved except means of access) - renewal of permission.
Approved 22.12.04

04/646/Full Full: Full: Erection of 3 No workshop buildings and use of land for commercial vehicle sales, repairs and haulage depot. Approved 13.12.08

**Representations:
(Parish & Neighbours)**

Ridgmont Parish Council	The proposed changes do not constitute major changes either to the approved operation of the site or the overall environmental impact of the site. Concerned about impact on existing public footpath and proposed vehicular access.
Brogborough Parish Council	No comments received
Husbourne Crawley Parish Council	No comments received
Neighbours/Site Notice/Advert	No comments received

Consultations/Publicity responses

Highways Agency	No objection. The application will not adversely affect the A421 trunk road or M1 at this location. The Highway Agency does not intend to issue a direction and would not wish to comment further.
Highways Officer	No objection subject to the inclusion of the previous conditions.
Environment Agency IDB	No objection. Advisory comments made The red line does not include the sustainable drainage arrangements agreed with the board. As long as these drainage proposals are linked to the current application the Board has no objection. Recommend the proposed swale/storage pond and ancillaries are constructed and in use prior to the development proceeding so the site is adequately drained.
Public Protection North	No objection subject to conditions to control the impact of noise and light pollution remaining in force against this site.
Tree and Landscape Officer	Landscape details have been previously approved and can be done so again.

Marston Vale Officer	The proposal should contribute to the Forest of Marston Vale. Technically 39% of the 2.5ha site should be planted, however, it's fairly full of infrastructure so suggest a financial contribution equivalent to 39% tree cover off site (Policies ENV1 and ENV5 Regional Guidance).
Footpaths Officer	No comments received
Ramblers Association	No comments received
Minerals & Waste Officer	No comments received

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Visual impact
3. Residential amenity
4. Highways
5. Other issues

Considerations

1. Principle of development

The majority of the application site is greenfield although a small part of it has previously been developed where the old pub stood but has now been demolished. The background to the site is that outline was granted for either a 35 or 65 bed roomed hotel. Application ref: 04/464/Full then sought full consent for the erection of 3 workshop buildings and use of land for commercial vehicle sales, repairs and haulage depot. The benefit of that application was that it would allow the existing business operations at Station Yard Harlington to be relocated to Ridgmont and the Harlington site to then be used for commuter parking for which full consent was granted under ref: 03/982. Newton Commercials supply approximately 27% of all commercial bulk trailers sold in the UK.

In the previous application ref: 04/464/Full was determined that the benefits that would accrue from the proposal outweighed the restrictive countryside policies. As such the principle of development has already been accepted on this site for the use proposed. The main consideration in this application will be whether the changes proposed still result in an acceptable form of development when measured against local planning policy criteria which will be discussed below.

This proposal constitutes a departure from the provisions of the Adopted Local Plan, as the site has not been allocated for development. As in the previous application, this application has also been advertised accordingly.

2. Visual impact

The application site for this proposal only extends to buildings A and B. Building C is still covered by the previous consent ref: 04/464/Full. As such the description of development has been amended accordingly.

The changes proposed are a result of new health and safety recommendations released by VOSA (vehicle and operator services agency). This has meant a linear increase in the size of Workshop A by 8 metres, and a repositioning of workshop B because of this increase. There have been no other material changes to the design of the buildings from the previously approved application ref: 04/464/Full. There has been no increase in the height of building A and in visual terms the extension of the building is considered acceptable in its relationship to the previously approved design. Levels for the two buildings remain the same as previously approved. The size and scale of the proposed extension is also considered acceptable in relation to the wider visual impact of the redevelopment of this site.

In terms of the layout, the revisions would result in a slightly smaller area of hardstanding to the north west of building A and two less parking lorry bays to the side of workshop B used for out of working hours recovery parking. Again visually this is considered acceptable in relation to wider visual impact of the redevelopment of this site.

Condition 10 attached to ref: 04/646/Full required details of the foundations for building B to ensure no adverse impact on trees and hedge along the boundary of the site. Building B is now slightly further away from the boundary than previously approved and the Tree and Landscape Officer has no objection to the revised details. Revised details have been provided which take into account the changes to the development and are in accordance with the landscaping of the site approved under condition 4 under ref: 04/646/Full. The Tree and Landscape Officer has no objection to the revised details.

The Marston Vale Officer has suggested that a financial contribution be sought for the additional increase in floorspace sought under this current application. The applicant has pointed out that The Planning Obligations SPG seeks to negotiate on commercial developments of 1000m² or more. As this application results in a floorspace increase of 310m² a financial contribution would not be appropriate.

3. Residential Amenity

The application site wraps around the three open sides of The Old Fruit Farm, the fourth comprising its frontage to Station Road. Careful assessment was made in determining the previous application to ensure the proposal would not result in any undue noise and disturbance for the adjoining residential property. This included a landscaping belt and earth bund along the boundary with the Old Fruit Farm and a number of conditions relating to the operation of the development. Although building A will be enlarged it will be no nearer the Old Fruit Farm than already approved and as such it is not considered that the revised scheme will unduly harm the residential amenities of the adjoining neighbour.

The Environmental Health Officer has no objection to the revised scheme subject to conditions to control the impact of noise and light pollution remaining in force against this site.

4 Highways

The development is immediately adjacent to the new Ridgmont Bypass completed in June 2008. As previously approved, the plans show temporary access being taken from an entrance close to the railway line, and a new access to be created at the other end of the site which will be brought into use after the Bypass has been opened. A section 106 was attached to ref: 04/646/Full to ensure that the development is connected to the bypass in an appropriate manner and at an appropriate time. Access to the site remains the same as previously approved. The Highway Officer has no objection subject to the inclusion of the previous conditions.

The Parish Council have raised concern that the Design and Access Statement states at 4.2 that 'the site has 2 main access and exit routes which will help to promote good flow of vehicles around the site' but the plan says temporary access to Station Road. The applicant has clarified by stating that they will have to continue using the existing entrance (nearest the level crossing) as they await technical approval of the southern entrance and confirmation that the highway authority will remove signage which currently affects the access. Condition 32 requires the closure of existing accesses on the site frontage including the temporary access prior to occupation of the buildings.

The Parish Council have also expressed concern about how the existing public footpath across the site will be dealt with during and after construction. The applicant has clarified by stating that with regards to the layout the provision of way-markers have been agreed by condition. The footpath is currently subject to a temporary closure/diversion order and an ongoing extinguishment order.

5. Other issues

The IDB have noted that the red line does not include the sustainable drainage arrangements agreed with the board. However, as long as these drainage proposals are linked to the current application the Board has no objection. It is recommended the proposed swale/storage pond and ancillaries are constructed and in use prior to the development proceeding so the site is adequately drained. The applicant has confirmed in writing that the storm water drainage system has been constructed in accordance with the previously approved details.

The nearby Ridgmont Station is a Grade II Listed Building and will be unaffected by the revised scheme.

Reasons for Granting

The proposal is in conformity with Policies CS1, CS5, CS19, DPS5, DPS11, DPS12, EMP2A of the Mid Bedfordshire Local Plan First Review adopted December 2005 and policies CS1, CS2, CS3, CS13, CS16, DM3, DM4, DM9, DM17 of the Core Strategy and Development Management Policies Adopted November 2009 as the proposal will not have a harmful impact on the character and appearance of the locality and does not seriously harm the amenities of neighbours. Appropriate and safe provision has been made for access and parking.

The proposal is in conformity with Planning Policy Statements 1 (Delivering Sustainable Development) and 7 (Sustainable Development in Rural Areas).

Recommendation

That Planning Permission be APPROVED subject to the following:

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

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

- 2 Materials for the external finishes of building A shall be implemented in accordance with the details shown on drawings P09-099-GA04 and P06-147-GA19 to P06-147-GA19 inclusive unless otherwise agreed in writing with the Local Planning Authority. Materials for the external finishes of building B shall be submitted to and approved by the Local Planning Authority within two months of the date of this decision. Development shall be implemented in accordance with the approved details.

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

- 3 Level details shall be implemented in accordance with the details shown on drawing no P09-099-L01 unless otherwise agreed in writing with the Local Planning Authority.

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

- 4 Hard and soft landscape works shall be implemented in accordance with the details shown on drawings NTL01 and P09-147-GA100A unless otherwise agreed in writing by the Local Planning Authority.

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

- 5 The planting which shall have been approved consequent to Condition 4 above 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 building(s) 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.

- 7 The temporary tree protection measures and areas prohibited from use by contractors and such other measures to be taken in the interests of existing tree and hedgerow protection shall be implemented in accordance with drawing P06-147-TP01 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the existing trees and hedgerow on and adjacent to the site in the interests of visual amenity.

- 8 The earthworks including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform shall be implemented in accordance with the details shown on drawings P09-099-L01 and P09-099-GA100A unless otherwise agreed in writing by the Local Planning Authority.

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

- 9 Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this decision. Only the details thereby approved shall be implemented.

Reason: To protect the visual amenities of the site and its surrounding area.

- 10 Details of the design of building B foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees and hedgerows on or adjoining the site, shall be implemented in accordance with drawing no P09-99-P08 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.

- 11 Boundary treatment shall be implemented in accordance with the details shown on drawing no P09-099-L01 unless otherwise agreed in writing with the Local Planning Authority. The boundary treatment shall be completed before the buildings are occupied

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

- 12 Noise resulting from the use of the plant, machinery or equipment shall not exceed background levels during the day of 60dB LA90 and at night 54dB LA90 at the boundary of the nearest noise sensitive premises.

Reason: To protect the amenities of occupiers of neighbouring properties

- 13 Repair and maintenance of vehicles, plant, machinery or (and) equipment hereby approved shall not operate except between the hours of 07:00am and 19:00pm on Mondays to Saturdays, and not at all on Sundays and Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities which occupiers of neighbouring properties might reasonably expect to enjoy

- 14 No deliveries shall be taken at or dispatched from the site outside the hours of 8.00am and 18.30pm on Mondays to Saturdays, and not at all on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities which occupiers of neighbouring properties might reasonably expect to enjoy

- 15 No paint spraying shall be carried on except in a purpose-built part of the building to which extraction and filtration equipment has been fitted. Details of the equipment shall be submitted to and approved by the Local Planning Authority in writing within two months of the date of this decision. The equipment shall be effectively operated and maintained in accordance with the manufacturers instructions. Equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

Reason: To protect the amenities of occupiers of neighbouring properties

- 16 Between the hours of 23:00pm and 08:00am no more than two vehicles may be moved on site, or taken at or dispatched from the site and vehicles may be parked only in the out of working hours recovery parking area identified on dwg no P09-099-L01 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties

- 17 No ventilation and extraction equipment shall be installed on site without prior approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of occupiers of neighbouring properties

- 18 No equipment, goods, waste or other materials shall be deposited or stored in the open outside the buildings on the site.

Reason: To safeguard the character and appearance of the site and the surrounding area.

- 19 The premises shall be used for commercial vehicle sales, repairs and haulage depot and no other purpose.

Reason: To ensure the Local Planning Authority retains full control of the future use of the land/buildings in view of the special circumstances of the case.

- 20 Disposal of foul and surface water drainage on all land within the applicants control including that outlined in blue shall be implemented in accordance with the details approved under ref: 04/646/Full unless otherwise agreed in writing with the Local Planning Authority. 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.

- 21 Finished floor levels that demonstrate that there will be no unreasonable flood risk in accordance with the advice given in PPS25 shall be implemented in accordance with the details approved under planning permission ref: 04/646/Full unless otherwise agreed in writing with the Local Planning Authority. No part of the development shall be brought into use until the approved details have been implemented.

Reason: To minimise flood risk in accordance with Policy DPS17 of the Mid Bedfordshire Local Plan First Review Adopted 2005 and PPS25.

- 22 The scheme for the provision and implementation of pollution control to the water environment on all land within the applicants control including that outlined in blue shall be implemented in accordance with the details approved under ref: 04/646/Full unless otherwise agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification.

Reason: to prevent the increased risk of pollution to the water environment

- 23 Details of the treatment of the public footpath which runs through the site shall be implemented in accordance with the details shown on drawing no P09-099-L01 unless otherwise agreed in writing by the Local Planning Authority. These approved works shall be carried out in full before construction of the workshops is commenced.

Reason: To ensure the footpath is safe and convenient to use.

- 24 Details of the speed restraint measures to be introduced along the access road, especially where it crosses the public footpath shall be implemented in accordance with the details approved under planning permission ref: 04/646/Full unless otherwise agreed in writing by the Local Planning Authority. These approved works shall be carried out in full before the development is first brought into use.

Reason: In the interests of pedestrians within the site

- 25 Details of cycle parking facilities shall be implemented in accordance with drawing no P09-099-L01 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of cyclists using the development.

- 26 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.

- 27 The construction of the junction of the proposed temporary access with the highway shall be implemented in accordance with the details shown on drawing S7595-504/P2 unless otherwise agreed in writing 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.

- 28 An area of land within the applicants control across the whole of the site frontage measuring at least 4.5m from and parallel to the nearside edge of the adjacent road carriageway including land outlined in blue shall be provided and thereafter be kept free of all obstruction to visibility over a height of 1.05m above the adjoining road channel level.

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

- 29 Any gates provided shall open away from the highway and be set back a distance of at least 15.0 metres from the nearside edge of the carriageway of the adjoining highway.

To enable vehicles to draw off the highway before the gates are opened.

- 30 A wheel cleaning facility shall be implemented in accordance with details previously approved under ref: 04/646/Full unless otherwise agreed 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.

- 31 The permanent vehicular access to be constructed shall not be brought into use until such time that visibility splays have been provided at its junction with the public highway in accordance with details shown on drawing no S7595-504/P2 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 32 Before the premises are occupied any existing access within the frontage of the land to be developed including the temporary access, which is within the applicants control including land outlined in blue, shall be closed in a manner to the Local Planning Authority's written approval.

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

- 33 Details of pedestrian access to the railway station shall be implemented as approved under ref: 04/646/Full unless otherwise agreed in writing by the Local Planning Authority. The development shall not be brought into use until the approved works are completed.

Reason: To protect pedestrian safety and encourage other means of accessing the development other than the car.

- 34 Details of the location and construction of a temporary access to serve the development shall be implemented in accordance with the details approved under planning permission ref: 04/646/Full unless otherwise agreed in writing by the Local Planning Authority, such access to be used only until redundant signage has been removed. The development shall not be brought into use until the approved works under this condition are completed.

Reason: In the interests of pedestrian and highway safety.

Notes to Applicant

1. You are advised to note the comments of the Environment Agency as set out in the enclosed letter.
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 Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Customer Contact Centre, 6th Floor, County Hall, Bedford, MK42 9AP quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or required the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

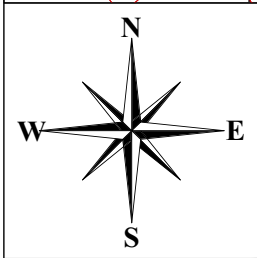
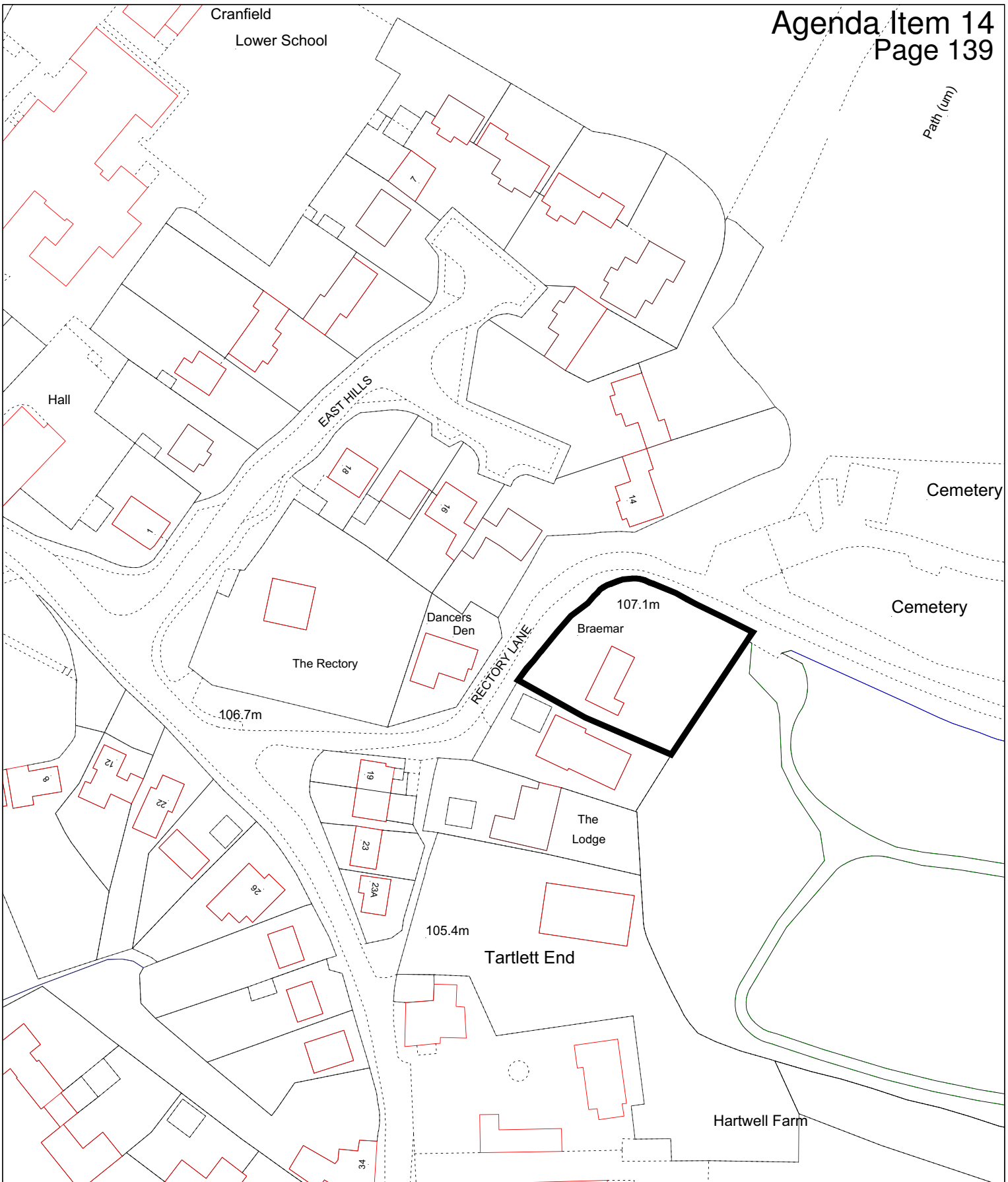
4. The applicant is advised that no highway surface water drainage system designed as part of a new development will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the development Planning and Control Group, Central Bedfordshire Council. Further details can be obtained from the Engineering Policy and Planning Group, Central Bedfordshire Council, Borough Hall, Bedford, MK42 9AP.

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 Consultants, The Babtie Group, PO Box 272, The Merton Centre, 45 St Peter's Street, Bedford, MK40 2ZY.

DECISION

.....
.....

This page is intentionally left blank



© Crown Copyright. All rights reserved.
Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 06:January:2010

Map Sheet No

CASE NO.

Scale: 1:1250

This page is intentionally left blank

Item No. 14

SCHEDULE B

APPLICATION NUMBER	CB/09/06518/FULL
LOCATION	Braemar, Rectory Lane, Cranfield, Bedford, MK43 0BJ
PROPOSAL	Full: Demolition of existing building and replace with two dwellings.
PARISH	Cranfield
WARD	Cranfield
WARD COUNCILLORS	Cllr Bastable & Cllr Matthews
CASE OFFICER	Nicola Stevens
DATE REGISTERED	06 November 2009
EXPIRY DATE	01 January 2010
APPLICANT	Mr G Greenwood
AGENT	Robert H Robertson & Associates
REASON FOR COMMITTEE TO DETERMINE	Councillor Matthews request due to Parish Council concerns of overdevelopment, out of character and height of development
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The site is in the main a rectangular area of land located on the eastern side of Rectory Lane. It lies within the settlement envelope of Cranfield. The site is surrounded by a mix of housing types and styles to the north, south and west. To the east lies open countryside. A detached bungalow known as Braemar currently occupies the site.

The Application:

The application seeks full consent for the demolition of the existing bungalow and erection of 2 dwellings.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS:

PPS1: Delivering Sustainable Development

PPS3: Housing

Mid Bedfordshire Local Plan First Review 2005 Policies

- LPS1 Selected settlements
- DPS5 New development
- DPS9 Provision of amenity areas and open space
- DPS10 Highways provision for new development
- H06 Location of new residential development

Core Strategy and Development Management Policies Adopted November 2009

- CS1 Selected settlements
- CS2 Developer Contributions
- CS3 Health and Sustainable Communities
- CS4 Linking Communities – Accessibility and Transport
- CS16 Landscape and Woodland
- CS17 Green Infrastructure
- DM3 High Quality Development
- DM4 Development within and beyond settlement envelopes

Supplementary Planning Guidance

A Design Guide for New Residential Development in Mid Bedfordshire
Adopted 2004

Mid Bedfordshire Council Planning Obligations SPG Adopted Feb 2008

Planning History

None

Representations:

(Parish & Neighbours)

Cranfield Parish Council	Object, the height will dominate the local amenities. Design is out of character with the surrounding area and will affect the streetscene. Over development of the site. The amount of trees being removed will affect the aspect of the locality. A site visit is required.
Neighbours/Site Notice	2 letters of objection, concerned that demolition is carried out carefully as there may be asbestos, the replacement properties would appear very dominant for this rural corner of the village and concerned they are taller in height than surrounding properties, suggest siting the dwellings to the rear so the height does not dominant Bridleways or preferably the dwellings should be restricted to single storey, what is to happen to the large area to the rear and to stop it becoming a business site? Concerned about loss of privacy. This scheme will set a precedence in the area.

Consultations/Publicity responses

Highway Officer	No comments received
Tree & Landscape Officer	The intention seems to be to retain the trees T6767 (Ash) and T6768 (Sycamore). Suggest the area between them is fenced off during both demolition and construction and a minimal dig surface used.
Planning Liaison Officer	No comments to make

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Visual impact
3. Residential amenity
4. Highways
5. Other issues

Considerations

1. Principle of development

The site is located within the large settlement of Cranfield wherein the principle of new residential development is acceptable as endorsed by Policy HO6 of the Local Plan and DM4 of the Core Strategy subject to various criteria being satisfied.

The proposal is for 2 dwellings (following demolition of the existing bungalow) on a site 0.12 hectares in size equating to a density of development of 16 dwellings per hectare. Although the comments of the Parish Council are noted, the figure set out in PPS3 of 30 dwellings per hectare is a minimum and it is considered that the development proposed does reflect the character and nature of the village edge and in this context the erection of 2 dwellings is considered acceptable.

The proposal falls within the settlement boundary and is considered to constitute an under utilised resource. It is not defined for any purpose within the adopted Local Plan and therefore its development for residential purposes is wholly appropriate and compliant with planning policy.

2. Visual impact

The application seeks consent for 2 one and a half storey dwellings. The layout of the development is linear in its form, determined by the width and depth of the site. The site lies on the rural edge of the village. The character of the area at this point is mixed comprising bungalows directly to the south and two storey dwellings to the north and east. Sufficient gardens are provided around both properties to show that the proposal will not result in over development.

In terms of design, the dwellings will be constructed of facing brickwork plinths with medium stained feather edged boarding over and roof tiles, details to be agreed by condition. The dwelling on plot 1 will measure approx 6.0m in height, the dwelling on plot 2 by approx 6.25m, linked together by open car hovels. Both dwellings will project forward of the existing dwelling but will not be further than the adjoining dwelling Bridleways. There is a gradual gradient across the site falling from west to east.

In terms of the scale of the existing dwellings, Braemar is only 0.1m taller than Bridleways. To accommodate the increase in height of the proposed dwellings the ground level is to be lowered so that the dwelling on plot 1 will be 0.71m taller than Bridleways and on plot 2 by 0.96m. Although the scale and massing of built development will be greater than existing due to lower eaves heights and greater depth of roofspace, this site has a wide frontage (approx 17m) which can easily accommodate two dwellings on this site. With the reduction in ground levels and the proposed relationship and distances between properties it is

considered that the proposed increase in height of the dwellings is visually acceptable in streetscene terms. In terms of ridge heights the proposed dwellings will be slightly taller than Bridleways but lower than the two properties opposite in East Hills. As such it is considered that the scale, massing and design of the dwellings is reflective of the mix of dwelling types and styles in the immediate locality.

There are a number of existing trees on the site. The applicant states that careful consideration has been given to landscaping the site in order to retain a significant amount of the perimeter trees and a Tree Survey has been submitted in support of the application. The report shows that the trees are generally in poor form with their value restricted to the site. The Tree and Landscape Officer has no objection to this approach subject to condition.

In this instance, it is concluded that the development of this site for 2 dwellings, in the form proposed would not result in any unacceptable harm to the character or visual amenities of the area.

3. Residential amenity

The bungalow directly to the south of the application site known as Bridleways has a garage to the front facing onto Rectory Lane. It has two bedroom windows, and a kitchen window and door on its side elevation facing the application site. There is an existing 1.7m fence along the shared boundary in front of these windows, the remainder of the boundary to the front and rear being 1.2m high. The dwelling on plot 1 will be sited approx 1.2m closer to the boundary (blank sided) and brought forward on the plot in line with the bedroom window closest to Rectory Lane. It is considered that with the reduction in ground level and given the relationship and orientation of the properties there would be no undue loss of light, privacy or overbearing impact to the bedroom windows. A large glazed opening is also proposed in the side elevation towards to the rear of the property approx 10.5m away from the shared boundary and opposite the kitchen window at Bridleways. Again due to the lower ground level, the fact that this would be single storey and given the existing fence line this part of the proposal would not result in any undue loss of privacy for the occupiers at Bridleways. A balcony is also proposed on the rear elevation to serve the first floor bedroom, this will not unduly harm the privacy of the neighbour whose main garden is to the rear of the property and a condition could be attached to ensure a screen is erected on the side of the balcony to ensure no loss of privacy to the ground floor kitchen window, which also has another window on the rear.

The two 2 storey dwellings opposite, Nos 14 and 15 East Hills, are both blank sided facing the application site. Dancers Den is a split level property with the single storey element being closest to the application site. Whilst the dwellings will have main habitable windows at first floor facing onto this part of Rectory Lane and they will project forward of the existing bungalow Braemar and thus be closer to the road, they will still be more than 20 metres away from the existing properties opposite. Therefore whilst the comments of one of the neighbours is

noted it is not considered that this proposal will result in undue loss of privacy for the occupiers of those properties, nor will there be any loss of light or overbearing impact.

No other surrounding properties would be affected as they are located too far away.

The private amenity space for each dwelling would be acceptable, providing for an appropriate level of usable amenity for future occupiers.

4 Highways

Vehicular access to the site will be taken directly from Rectory Road. It is proposed to re-use the existing access and create a new one. No highway and pedestrian safety concerns have been raised by the Highway Officer.

5 Other issues

Waste

The Planning Development Liaison Officer has not raised any objection to the proposed development.

Although the comments of neighbours are noted regarding concern that demolition is carried out carefully as there may be asbestos, any environmental or health issues are covered by separate legislation and cannot be taken into consideration when determining this application. However a note to applicant could be attached to inform them of this possibility.

Unilateral Obligation

There is a requirement for a Unilateral Obligation to be provided. This has been submitted and is now satisfactorily completed.

Reasons for Granting

The proposal is in conformity with Policies LPS1, H06, DPS5, DPS9, DPS10 of the Mid Bedfordshire Local Plan First Review adopted December 2005 and policies CS1, CS2, CS3, CS4, CS16, CS17, DM3, DM4 of the Core Strategy and Development Management Policies Adopted November 2009 as the proposal does not seriously harm the amenities of neighbours and will not have a harmful impact on the character and appearance of the locality. Appropriate and safe provision has been made for access and parking.

The proposal is in conformity with Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing), and Technical Guidance: Design Guide for Residential Areas in Mid Bedfordshire Adopted 2004 and Mid Bedfordshire Council Planning Obligations Supplementary Document Adopted Feb 2008.

Recommendation

That Planning Permission be APPROVED subject to the following:

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

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

- 2 Notwithstanding the details shown, no development shall commence until full details of both hard and soft landscaping are submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- i) materials to be used for any hard surfacing;
- iii) planting plans, including schedule of size, species, positions, density and times of planting;
- iv) cultivation details including operations required to establish new planting;

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

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

- 3 The scheme approved in Condition 2 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 buildings 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.

- 4 **Notwithstanding the details shown, no development shall commence until details of materials to be used for the external finishes of the development hereby approved are 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.

- 5 **No development shall commence until a scheme is submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied.**

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

- 6 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on the side (southern) elevation of the building on plot 1.

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

- 7 All existing onsite building and other structures shall be demolished and all resultant detritus completely removed from the site prior to the commencement of building works unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

- 8 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings and gardens 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.

- 9 All works to or affecting trees on or adjoining the site including tree protection measures and fencing shall be carried out in accordance with the relevant recommendations of the Tree Survey Report dated 5 October 2009 unless otherwise agreed in writing by the Local Planning Authority. The area between T6767 and T6768 shall be fenced off during both demolition and construction and only removed when the final drive has been constructed.

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

10 No development shall commence until details of a visibility screen wall to the south side of the first floor rear balcony on plot 1 has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first use of the building and thereafter retained.

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

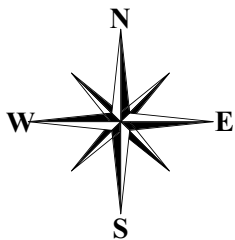
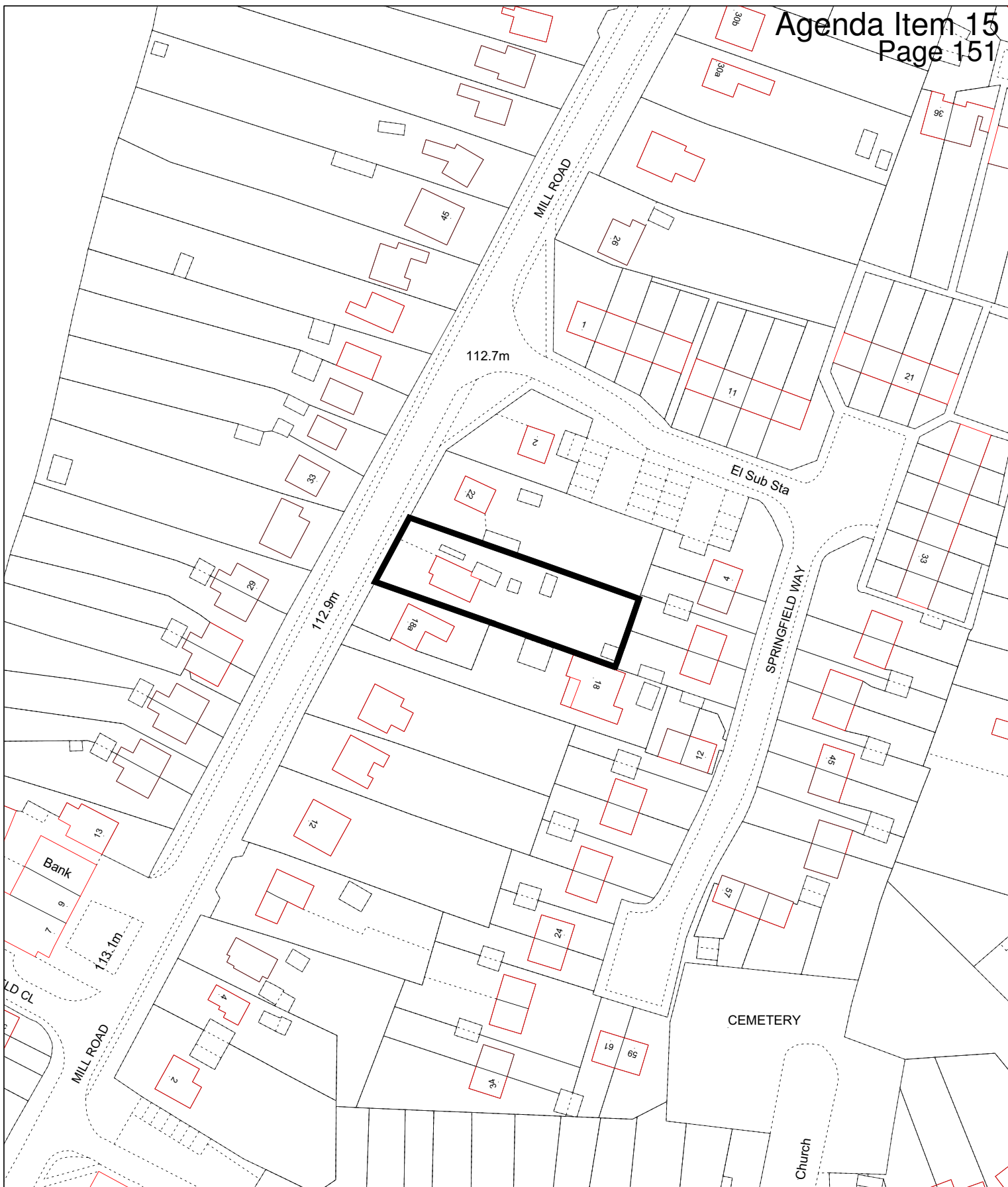
Notes to Applicant

1. You are advised to note that local residents have raised concern that there may be asbestos in the existing bungalow. You are advised to contact the Environmental Health Team prior to any demolition on the site for further guidance.

DECISION

.....
.....

This page is intentionally left blank



© Crown Copyright. All rights reserved.
Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 06:January:2010

Map Sheet No

CASE NO.

Scale: 1:1250

This page is intentionally left blank

Item No. 15

APPLICATION NUMBER	CB/09/06810/FULL
LOCATION	20 Mill Road, Cranfield, Bedford, MK43 0JL
PROPOSAL	Full: Erection of 3 no. bedroom detached dwelling.
PARISH	Cranfield
WARD	Cranfield
WARD COUNCILLORS	Cllr Bastable & Cllr Matthews
CASE OFFICER	Julia Ward
DATE REGISTERED	10 December 2009
EXPIRY DATE	04 February 2010
APPLICANT	Mr Chana
AGENT	J & J Architectural & Construction Services Ltd
REASON FOR COMMITTEE TO DETERMINE	Loss of amenity, loss of light, overbearing nature of proposal, poor access and cramped form of development.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is located within the Settlement Envelope of Cranfield as defined in the Core Strategy (adopted November 2009). It is situated on the south-eastern side of Mill Road, a busy through road within the village. The surrounding area is predominantly residential in character with two storey detached houses along Mill Road and two storey semi-detached houses to the rear of the site along Springfield Way.

The site is currently occupied by a single storey bungalow fronting Mill Road. There are several derelict outbuildings within the rear garden and an existing garage to the rear of the property.

The Application:

The applicant is seeking consent for the erection of a detached three bedroom dwelling in the rear garden of 20 Mill Road. Access would be taken from the existing access point on Mill Road. The proposal would be 6.5 metres high to the ridge of the roof.

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)

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

CS1 Development Strategy
CS2 Developer Contributions
CS14 High Quality Development
DM3 High Quality Development
DM4 Development Within and Beyond Settlement Envelopes

Supplementary Planning Guidance

Technical Guidance: Design Guide for Residential Areas (adopted 2004)

Planning History

CB/09/00620/FULL Erection of single detached 4 bedroom dwelling - refused 29/05/09 due to the inappropriate height, scale and massing of the proposed dwelling, cramped form of development, inadequate turning facilities for emergency services, and no Unilateral Undertaking being submitted.

Representations: (Parish & Neighbours)

Parish Council Cranfield Parish Council - Any comments will be reported at Committee

Adj Occupiers Any comments received will be reported at Committee

Consultations/Publicity responses

Highways Any comments will be reported at Committee.

NATS The proposed development has been examined from a technical safeguarding aspect and does not conflict with the safeguarding criteria. There are therefore no objections to the proposal.

Determining Issues

The main considerations of the application are;

1. Principle of "backland development" in this location
2. Impact of the proposal on the character and appearance of the area
3. Impact of the proposal on the residential amenities of adjoining occupiers

4. Highways considerations
5. Any other material planning considerations

Considerations

1. Principle of "backland development" in this location

Policy CS1 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) defines Cranfield as a Minor Service Centre. The policy states that at this Minor Service Centre, new housing development will help to deliver new community infrastructure and facilities that benefit the sustainability of these towns. Policy DM4 states that within the Settlement Envelopes of Minor Service Centres, the Council will approve housing and other development commensurate with the scale of the settlement, taking into account its role as a local service centre.

In addition, planning permission has previously been approved for a dwelling in the rear garden of 18 Mill Road (ref: 04/01528, approved 13/12/04) and more recently a bungalow has been approved within the garden of 12 Mill Road (ref: 08/00162, approved 11/04/08).

The principle of tandem development may therefore be acceptable in this location subject to the impact of the proposal on the visual amenities of the area and the residential amenities of adjoining occupiers.

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

This part of Mill Road is not characterised by any one particular style or type of dwelling. The existing bungalow at 20 Mill Road is flanked by two storey houses at 18 and 22 Mill Road, with a two storey dwelling at the rear of 18 Mill Road (18A Mill Road).

The proposed dwelling would be located behind the existing dwelling at 20 Mill Road. The proposal would be 1 metre higher than the existing bungalow. It is noted that the dwelling approved to the rear of 18 Mill Road is a large two storey dwelling with a detached double garage along the boundary with 20 Mill Road.

Following the previous refusal of planning permission for a dwelling in this location (ref: CB/09/00620/FULL - see planning history above), this application has been revised from the previous submission. The proposal has been reduced in height from 7.4 metres to 6.5 metres and the distance between 20 Mill Road and the proposal has been increased from 18 metres previously proposed to 19 metres.

The applicant has also submitted a Design and Access Statement in support of the proposal, a photographic survey along Mill Road, and a cross-section indicating that the scale and height of the proposed dwelling in relation to surrounding properties. This information indicates that the proposed dwelling would not be visible to the line of sight along Mill Road.

It is considered that having regard to the policies contained in the Design Guide (2004) and the photographic survey, the proposal would not have such a detrimental impact on the character and appearance of the area to warrant refusal of the application.

The Design and Access Statement indicates that the proposed materials are to be soft red bricks and grey concrete roof tiles to match the existing property. It is considered appropriate to attach a condition requiring full details of materials to be submitted and agreed. It is also considered appropriate to attach a condition requiring full details of proposed landscaping to be submitted and agreed.

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

The proposal would comprise a rear garden depth of 10.5 metres which meets the guidance contained within the Mid Beds Technical Planning Guidance: Design Guide for Residential Areas in Mid Bedfordshire. A minimum distance of 19 metres would be achieved between the proposal and the existing bungalow and 23 metres between the proposal and 8 and 10 Springfield Way. It is considered that these distances are acceptable in this instance given the proposal is a single storey dwelling with velux windows in the roof and therefore there would not be any undue overlooking to adjoining properties.

A two storey dwelling lies adjacent to the application site at 18A Mill Road. This dwelling has an associated garage located along the boundary with the application site. The proposed dwelling would be located adjacent to this garage and would be of a similar scale and massing to the garage. It is therefore considered that the proposal would not appear unduly prominent or overbearing when viewed from neighbouring properties.

There is a significant landscaping screen located between the proposal and the boundary with 22 Mill Road. Given the distance between the proposal and this property, it is considered that the proposal would not have a significant impact on the residential amenities of occupiers of this property.

4. Highways considerations

The proposed dwelling would take its access from the existing access point off Mill Road. The submitted plans indicate that an adequate turning area for a 6.11m x 2.2m vehicle would be provided in front of the proposal. Yard gulleys would be provided within the access road to collect surface water drainage. A refuse collection point would be located at the site frontage outside of the highway.

Two car parking spaces would be provided at the dwelling in the form of an attached single garage and one space to the front of the dwelling. In addition, a secure cycle store for 3 no. cycles would be provided at the rear of the property.

Any comments from the Highways officer will be reported at Committee.

5. Any other material planning considerations

A planning application for the erection of a 3 bedroom dwelling requires a Planning obligation to be submitted and agreed by the Council. The Planning Obligations Strategy was adopted by the Council on 20th February 2008 and became operative on 1st May 2008. In accordance with national planning policy contained within PPS1 (Delivering Sustainable Development), Local Planning Authorities are required to ensure that new development is planned to be sustainable. Where communities continue to grow, many require additional infrastructure, for example health care services. Policy CS2 of the Core Strategy advises that developer contributions will be expected from any development which would individually or cumulatively necessitate additional or improved infrastructure, or exacerbate an existing deficiency.

The level of contribution for this proposal 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 contribution required in this instance would be £16,597.

Such a draft Unilateral Undertaking has not been received at the time of writing this Committee report. An update on any such Undertaking received will be reported at Committee.

Reasons for Granting

The proposed dwelling by reason of its scale, height and massing and distance to surrounding properties would appear in keeping with the character of the area and would not have any detrimental impact on the residential amenities of adjoining occupiers. The proposal is therefore in conformity with policies CS1, CS2, CS14, DM3 and DM4 of the Core Strategy and Development Management Policies (adopted November 2009), PPS1 - Delivering Sustainable Development and Technical Guidance: Design Guide for Residential Areas (adopted 2004).

Recommendation

That Planning Permission be granted subject to receipt of a satisfactory unilateral undertaking and 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 Before any development is undertaken on site, a scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.

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

- 3 Before any development is undertaken on site, full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- proposed finished levels or contours;
- materials to be used for any hard surfacing;
- planting plans, including schedule of size, species, positions, density and times of planting;
- cultivation details including operations required to establish new planting;
- 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 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

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

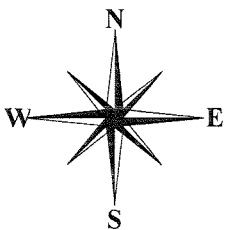
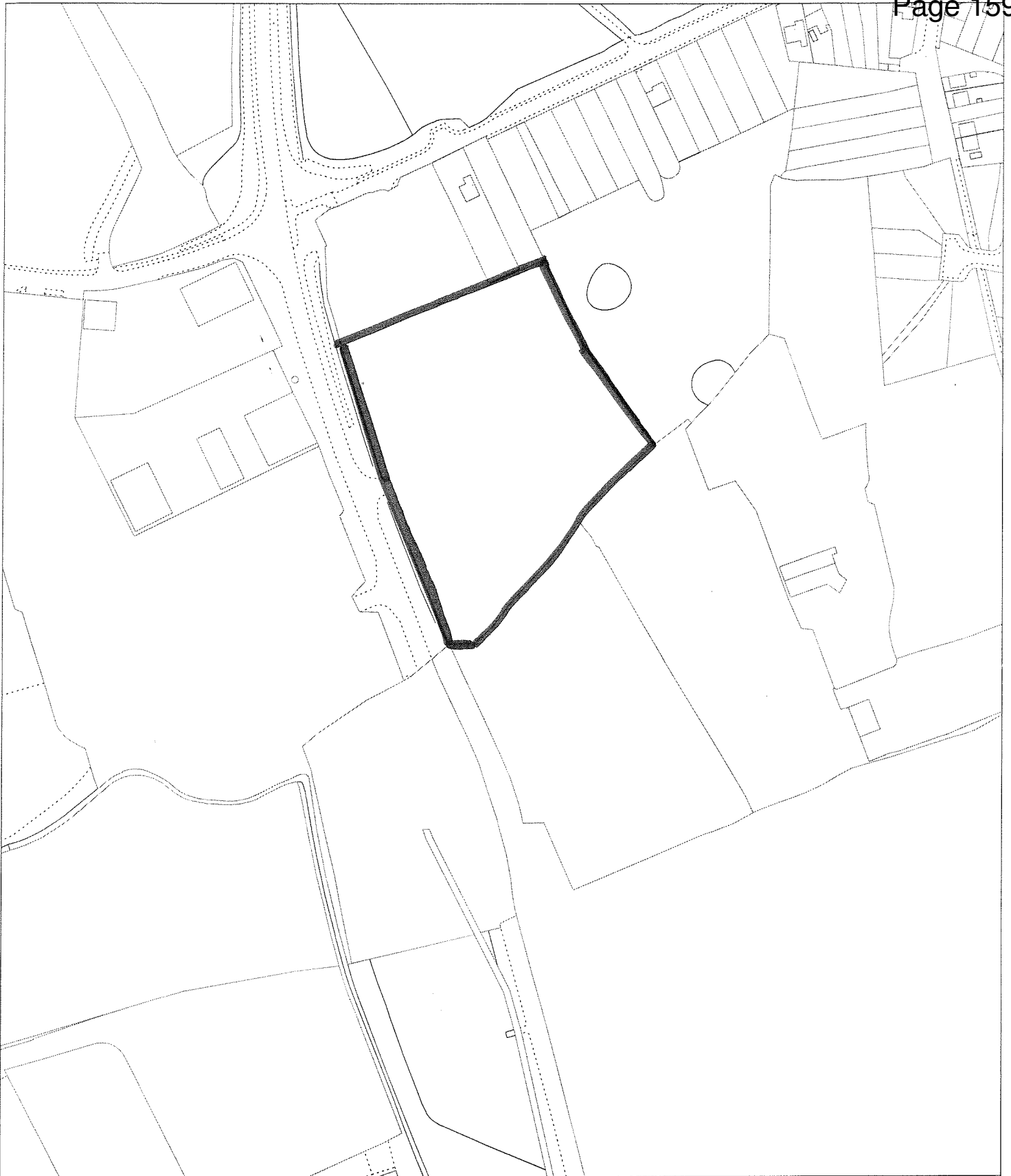
- 5 The boundary treatments as indicated on drawing ref: JJ08-0020/ 003 rev A and within the Design and Access Statement shall be implemented prior to first occupation of the dwelling.

Reason - In the interests of the visual amenities and residential amenities of neighbouring occupiers.

Notes to Applicant

DECISION

.....
.....



© Crown Copyright. All rights reserved.
Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 08:January:2010

Map Sheet No

Application No.
MB/03/02216/OUT

Scale: 1:2500

Land adjacent to Station Road, Maulden Bypass, Ampthill

This page is intentionally left blank

Item No. 16

APPLICATION NUMBER	MB/03/02216/OUT
LOCATION	Land Adjacent To Station Road, Maulden Bypass, Ampthill
PROPOSAL	Outline: Residential development - all matters reserved except means of access.
PARISH	Ampthill
WARD	Ampthill
WARD COUNCILLORS	Cllr P Duckett and Cllr G Summerfield
CASE OFFICER	Nicola Stevens
DATE REGISTERED	21 January 2004
EXPIRY DATE	21 April 2004
APPLICANT	Lisscourt Limited
AGENT	C W & ER C Shrimplin
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	To Advise members on a further variation to the conditions and the section 106 S106 Pending

Purpose of this report

At the meeting of the Development Control Committee of Mid Bedfordshire District Council on the 15 August 2007, Members resolved to approve this application for Outline consent subject to the signing of a Section 106 Legal Obligation.

A report was prepared on the 22 July 2009 in order to advise Members of the progress of the application. At that meeting clarification was sought on the vehicular access to the site to ensure it is adequately addressed. As a result, this report has been prepared in order to advise Members on the current situation regarding this aspect of the application.

Following the Committee meeting on the 22 July, the wording of the highway conditions has been reassessed and it is considered that condition 33 does not take effect early enough in the development. It is now considered that condition 33 should be amended to ensure that the access to the site is closed prior to implementation of the planning permission. It is also considered inappropriate to require that the access is also dealt with in the Section 106 agreement. Circular 11/95 'The Use of Conditions in Planning Permissions' recommends that Local Planning Authorities should impose a condition rather than seek to deal with the matter by means of a planning obligation. A reworded condition 33 would ensure that no development can commence until the existing private access is closed. As such it is recommended that condition 33 should be reworded as follows:

No development shall commence until the existing private access from the A507 to the development land is 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.

Condition 32 already ensures that the sole means of vehicular access to this site can only be taken from the entrance roundabout to be constructed on the A507 and through the Hallam land to the south. No other means of vehicular access can be taken at any other point without separate planning consent.

Furthermore, the applicant has requested that condition 35 be removed. This condition was imposed as a result of the financial contributions towards educational provision having been calculated to reflect a scheme based on 40 dwellings (to accord with the number of dwellings set out in the Adopted Development Brief - 210 dwellings have been approved on the adjoining site resulting in 250 dwellings in total). This new condition would have restricted the outline scheme to 40 dwellings.

However, following further negotiations the applicant has pointed out that there may be an opportunity to get slightly more than 40 dwellings on the site. The education contribution within the 106 is therefore being reconsidered with a view to it being replaced by a pro-rata figure which would ensure appropriate payments are made no matter what the ultimate number of dwellings is on the site. Given that the application is seeking outline consent with all matters reserved except means of access as previously approved as such on 5 August 2007, and that the numbers of dwellings can be adequately assessed and controlled at the reserved matters stage, it is recommended that condition 35 should now be deleted.

With the removal of condition 35, condition 36 relating to public art will need to be renumbered as condition 35.

Conclusion and Recommendation

The Authority of Members is sought to ratify its earlier resolution to Approve outline consent subject to the signing of a Section 106 Planning Obligation incorporating the above changes to conditions.

THE REMAINDER OF THIS REPORT CONTAINS EARLIER SUBMISSIONS TO
THE DEVELOPMENT CONTROL COMMITTEE

Appendix

Report Development Control Management Committee 22 July 2009

Purpose of this report

At the meeting of the Development Control Committee of Mid Bedfordshire District Council on the 15 August 2007, Members resolved to approve this application for Outline consent subject to the signing of a Section 106 Legal Obligation.

This report has been prepared in order to advise Members on the current situation regarding the application.

Following that meeting, negotiations have been undertaken with the applicant to agree the terms of the Section 106. All details have now been agreed.

However, given the length of time that has expired since the resolution to approve the application it is considered best practice to bring this application back to Committee to ratify its earlier resolution to Approve and to agree to the following changes.

Following negotiations with the applicant it has been agreed that the financial contributions towards educational provision should be amended to reflect a scheme based on 40 dwellings. This would accord with the number of dwellings set out within the Adopted Development Brief (210 dwellings have already been approved on the adjoining site resulting in 250 dwellings in total). A new condition would need to be attached to ensure the outline scheme is restricted to 40 dwellings. This would become condition 35 and be worded as follows:

The permission shall authorise the erection of no more than 40 dwellings.

Reason: In order to ensure the development meets the guidance contained within the West Amptill Planning and Development Brief 2006 and to ensure compatibility with elements of the associated Section 106 agreement.

The applicant has requested that the public art element be dealt by condition instead of within the Section 106 Planning Obligation. This would accord with guidance set out within Circular 11/95 'The Use of Conditions in Planning Permissions' and as such it is recommended the following condition (36) be attached.

Prior to commencement of development a scheme for the provision and future maintenance of public art shall be submitted to and approved in writing by the Local Planning Authority. The public art shall be sited as approved prior to the occupation of the 20th dwelling. The development shall be implemented solely in accordance with the approved details.

Reason: In order to achieve a satisfactory form of development in accordance with the West Amptill Development Brief and Policy DPS27 of the Mid Bedfordshire Local Plan First Review Adopted 2005.

The applicant has also requested that in view of the current economic climate the time allowed for the implementation of the permission should be adjusted to five years (rather than three). It is considered that this is a reasonable request given the time that has elapsed since the resolution for this application was first made back in August 2007 and to reflect the current economic climate and as such it is recommended that conditions 2 and 3 be amended as follows:

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five 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.

The development hereby permitted shall be begun either before the expiration of five 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.

Conclusion and Recommendation

The Authority of Members is sought to ratify its earlier resolution to Approve outline consent subject to the signing of a Section 106 Planning Obligation incorporating the above changes to conditions.

Report Development Control Committee 15 August 2007

Site Location:

The site lies to the west of the town of Ampthill. The site is bounded by woodland and housing to the east and north, to the west lies the A507 and beyond this lies the Ampthill Industrial Estate and Business Park. To the south lies the Town Council's allotments and the 'Hallam' land. The latter has residential development of 210 dwellings approved subject to the signing of a Section 106. The site area totals some 1.35 hectares and is a vacant and underused site which has previously been used for open storage of vehicles.

The site lies wholly within the Settlement Envelope of Ampthill. A Development Brief was adopted by this Council's Executive in October 2006 to guide the future development of the area, including this site, and the Council's consideration of planning applications.

The application is presented to the Development Control Committee at the request of the Ward Councillor.

For members awareness it is not considered the development triggers need for an Environmental Impact Assessment.

PPS/PPG:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS9 – Biodiversity & Geological Conservation
PPG13 – Transport
PPG16 – Archaeology & Planning
PPG17 – Planning for Open Space, Sport & Recreation
PPS22 – Renewable Energy
PPS23 – Planning & Pollution Control
PPG24 – Planning & Noise
PPS25 – Planning & Flood Risk

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

Bedfordshire County Structure Plan Adopted 1997	1, 3, 4, 5, 8, 9, 10, 11, 19, 25, 33, 34, 38, 39, 40, 55, 65, 66, 67, 70, and W5
Mid Bedfordshire Local Plan First Review Adopted December 2005	LPS1, LPS3A, LPS4, CS1, NC2, NC3, NC8, A2, A3, DPS1, DPS5, DPS7, DPS9, DPS10, DPS11, DPS12, DPS14, DPS16, DPS17, DPS19, DPS20, DPS20A, DPS23, DPS24, DPS27, PHS5, PHS6, SR2, SR5, SR6, HO2, HO4, HO5, HO6, HO9, TP1A, TP1, TP5, and TP8
Technical Planning Guidance	Planning and Development Brief West Ampthill, October 2006; A Design Guide for Residential Areas in Mid Bedfordshire 2004; Affordable Housing (2004); Wildlife in Development (2003). Recreational Open Space Strategy (2005) Bedfordshire Community Safety Design Guide (Draft 2005) Cycle & Walking Strategy for Mid Beds (2000) Mid Beds Cycle Route Mapping Project (2001)

Planning History

03/697/OUT Outline: residential development, all matters reserved except means of access. Refused 26.6.03

The applicant failed to: firstly, demonstrate that this site is suitable for residential use, secondly, to demonstrate that the proposed residential development will be a sustainable form of development as it did not provide any potential to properly integrate with the existing urban area of Ampthill and did not offer the use of modes of transport other than the car and, thirdly, to permit the proposal would lead to further conflicting braking and turning traffic movements on a stretch of strategic highway network subject to the national speed limit and thereby lead to conditions detrimental to highway safety and convenience.

05/525/OUT Outline: residential development, all matters reserved. Yet to be determined

Adjacent Land
05/273/OUT

Outline: Residential development up to 190 dwellings - all matters reserved except means of access. Scheme 1. Not yet determined

- 05/274/OUT Outline: Residential development up to 190 dwellings - all matters reserved except means of access. Scheme 1 (Duplicate application) Appeal for non determination lodged in abeyance.
- 05/275/OUT Outline: Residential development up to 210 dwellings - all matters reserved. Scheme 2. Minded to be approved at 13.6.07 DC Committee subject to signing of Section 106
- 05/276/OUT Outline: Residential development up to 210 dwellings - all matters reserved. Scheme 2 (Duplicate application). Minded to be approved at 13.6.07 DC Committee subject to signing of Section 106

**Representations:
(Parish & Neighbours)**

Amphill TC No objection, subject to vehicular access into the site from the A507, footpath/cycleways for new residents to gain direct access into the existing settlement of Amphill, for noise abatement support a bank planted with trees to enhance the natural environment.

The Town Council would not support any access from the Lisscourt land into the former Morgana Works site off Station Road nor would they support any vehicular access onto the already congested junction of Tavistock Avenue with Flitwick Road.

The Town Council would only support access to the proposed development by means of a three armed roundabout off the A507 at the entrance into the site as shown on approved drawing no. 203068/20Rev D.

Adj Occupiers

Original consultation response in 2003

3 letters concerned about density, vehicular access and impact onto Station Road, lack of consultation, loss of a commercial site, and harmful impact to future residents sited close to the existing industrial area. However, issues since been considered and addressed where necessary in the Development Brief.

No letters received following re-consultation in 2007

Consultations

This application has been the subject of a considerable number of consultations and the following responses are based on the letters received following adoption of the Development Brief and the re-consultation period:

- CC (Highways) No objection subject to conditions and Section 106
- CC (Planning) Request financial contributions towards purchase of additional library books, the provision of additional older people's services and children's services, a recycling site (need to

	consider location), Coopers Hill SSSI, education provision.
CC (ROW)	No comments received
CC (Archaeology)	No objection subject to a suitably worded condition
CC (Minerals)	No objection provided a suitably worded condition
Env Agency	No comments received
Int Drainage Board	No objection provided a suitably worded condition
Anglian Water	No comments received
Heartlands PCT	No objection
CPRE	No comments received
Wildlife Trust	No comments received. However it should be noted that a financial contribution has since been agreed for the adjoining Hallam site.
Natural England	No objection - details of financial contribution towards Coopers Hill should be the same as the adjoining Hallam site.
Ramblers Assoc	No comments received
EHO Pollution	No objection subject to Section 106 and conditions relating to an acoustic barrier along the A507, mitigation measures for dwellings falling within noise band NEC B and submission of a Phase 2 site Investigation Report.
MBDC Waste Management	No comments received
MBDC Footpaths Officer	No comments to make as no public rights of way are affected
MBDC Housing Officer	No comments received
MBDC Arb Off	No comments received
MBDC Design Team	The design statement is poor and inadequate, no mention of Design Codes.
MBDC Open Space Officer	No objection subject to conditions and Section 106 agreement
MBDC Community Safety	No comments received
MBDC Senior Engineer	No comments with regard to disabled access
Local Amenity Society	No comments received following re-consultation. Originally objected to vehicular access onto Station Road however following adoption of Development Brief access is now proposed off the A507

Determining Issues

The main considerations of the application are:

- 1.Principle of development
- 2.Using land efficiently
- 3.New community facilities
- 4.Safe & Secure Environment
- 5.Encouraging sustainable travel
- 6.Landscape, Biodiversity & Archaeology
- 7.Using Resources efficiently
- 8.Protecting amenity
- 9.Design concept

Considerations

1. Principle of Development

Background

This application (ref: 03/2216/OUT) by 'Lisscourt' seeks outline consent for residential development with all matters reserved except means of access. Following the Development Brief process vehicular access has been amended and is now proposed through the adjoining 'Hallam' site onto the A507.

Application ref: 05/525/OUT seeks outline consent for residential development with all matters reserved.

The overall area of land including the Lisscourt and Hallam sites available is approximately 11 ha. Because it was desirable that these parcels of land are planned in a comprehensive and co-ordinated way the submitted outline applications for the whole area have been held by the Council to allow a Development Brief to be produced. It was subsequently adopted at the Executive Committee in October 2006.

The Local Plan allocation suggests that 150 dwellings be accessed via Tavistock Avenue. However, with the additional land parcels being brought forward which fall within the settlement envelope, this whole development area could accommodate a minimum of 250 dwellings. A number of options for vehicular access to the area were considered as part of the Development Brief process. It was concluded that "Station Road is constrained by existing and predicted traffic demand. Its junction with Flitwick Road is unlikely to function adequately in 2016 and is unlikely to support anything other than a relatively small scale development. On balance it would be preferable that no further development is provided on Station Road. Although Tavistock Avenue has greater scope there are highway, environmental and residential design issues to consider which would make excessive development difficult to justify. A limit on dwelling numbers via Tavistock Avenue is considered necessary". On balance the alternative for outward facing access via the A507 is the preferred choice. The proposed solution within the Development Brief is to provide two new roundabouts on the A507.

Now that the Brief has been adopted it is recommended that the two applications relating to the Lisscourt land should now be processed and ultimately determined by the Council.

The Application

This is an application for outline planning permission, with all matters reserved except means of access. The proposal seeks consent for residential development.

The application is accompanied by specialist documents comprising a Design Statement, Acoustic Assessment, Flood Risk Assessment, Geo-Environmental Desk Study Report, Transport Assessment, Travel Plan and a detailed plan showing proposed off site highway works (Dwg 203068/20 Rev D).

Amphill is identified as a large settlement within the Adopted Local Plan which is characterised by significant areas of residential estate and employment development and benefits generally from the highest overall levels of community, service and transport provision relative to other settlements in Mid Beds.

The application site lies within the settlement envelope of Amphill wherein policy stance normally allows the principle of further residential development. The land lies unallocated in terms of the Local Plan proposals map. It is considered that the proposal for residential development would make use of under-utilised land.

2. Using land efficiently and providing a mix of housing

Density

With the two Lisscourt and Hallam land parcels, the Development Brief covers an area of approx 11 Hectares which can provide at least 250 dwellings (210 dwellings on the Hallam site) based on guidance in PPS3. This will achieve an average net density of at least 30 dwellings per hectare across the site.

Within this overall density the design concept envisages areas of higher, mid, and lower density and as such a condition should be attached to ensure compliance with the principles of layout and densities set out within the Development Brief. The range of densities will assist with the delivery of a mix of house types.

Affordable Housing

28% of the total number of dwellings on the site should be provided as affordable housing. Development of a range of types, sizes, location and tenures of accommodation will need to be achieved through the Section 106 agreement. It will also be required to ensure the provision of free and serviced land for affordable housing.

The Development Brief states that a proportion of affordable housing will be constructed to the 'lifetime homes' standard of construction and a proportion will be fully wheelchair accessible. This can be secured by condition.

Housing Mix

In accordance with Policy H09 in the Local Plan the Development Brief requires schemes to contribute towards mobility/wheelchair standards. This will be achieved through an appropriately worded condition.

Conditions should also be attached to ensure a proportion of new housing be provided with self contained annexed accommodation for extended family living and that a proportion are built to live and work standards in accordance with the Development Brief.

Also in accordance with the Development Brief a proportion of self build plots should be provided via condition.

3. **New community facilities**

Education

The site is within easy walking distance of a number of schools; the Firs Lower School, Russell Lower School, Alameda Middle School and Redbourne Upper School and Community College.

The Development Brief acknowledges that the development will have an impact on the local schools. The Local Education Authority, Bedfordshire County Council has confirmed that contributions will be required for additional educational facilities in the catchment area schools and this will need to be secured through the Section 106 Legal Agreement.

New community building/health facilities

Investigations were undertaken as part of the Development Brief process to explore the need for any new community buildings and/or the need for improvements to existing buildings associated with the development. The outcome being that there is no justification for such a facility or related improvements directly as a result of this scale of development.

Initial consultation with the Bedfordshire Primary Health Care Trust (PCT) during the Development Brief process indicated that there would be a requirement for a financial contribution towards health provision as a direct result of this development.

However, the PCT have now stated that having carefully considered the likely impact on the current health facilities the development is unlikely to have a negative impact on service levels. The PCT therefore had no objection and as such no financial contribution was required.

Play and open space

For children's play the Development Brief recommends a variety of equipped and non-equipped play areas. A condition will need to be attached to ensure the on site play areas are provided and designed to an agreed specification. The Section 106 will ensure their future management and maintenance is secured.

A balancing pond/attenuation area is proposed on the site. At this stage it is not known whether the pond will be for attenuation purposes only or have public access. Regardless of who adopts this area in the future, conditions should be attached to ensure that appropriate safety measures for the construction and design of the pond is undertaken in accordance with the Royal Society for the Prevention of Accidents (RoSPA) or equivalent body. The Section 106 Agreement will need to ensure the production of a Management Plan and address issues of maintenance.

A condition should also be attached to secure the boundary with the A507 to prevent children playing in the buffer planting from accessing the road.

The scale of the development generates its own requirement for sporting open space. However, the Development Brief identifies that large scale sporting facilities would be inappropriate within a residential development. Consequently a financial contribution should be sought toward the provision of off site sporting facilities.

Amenity open space should be provided on the site. Although no details of its provision have been provided, it is considered that this can be dealt with at the reserved matters stage. It is noted that there is a small area of protected woodland in the north east corner of the site, however it is not known whether it is intended to be used for amenity open space, nor whether it would be suitable for such a use. In any event the scheme will have to comply with Policy SR5.

Maintenance and management

The section 106 should ensure responsibility for the maintenance and management of all play and open space. This will need to be to an agreed specification to either be undertaken by the applicants themselves or by relevant authorities transferred to them for adoption.

Retailing

The Development Brief states that the option of including a local convenience store within the new development has been considered but there are doubts about whether this would be viable. This being due to the size of residential development for the area not being large enough to generate such a need and not wanting to create additional traffic onto the A507 as a result of such a use.

4. Safe & Secure Environment

The Development Brief aims to create a development that reduces opportunities for crime and anti-social behaviour. Reserved matters applications will need to demonstrate that they have been designed to maximise security and a sense of ownership of the overall environment. All buildings and public spaces will need to incorporate measures to reduce crime opportunities and take account of secured by design principles in line with Policy DPS23. Careful choice of landscape species will be required in terms of long term management and maintenance issues. Design of car parking and garaging will need to be carefully addressed at the reserved matters stage.

Separate design statements accompanying each reserved matters planning application will need to demonstrate compliance with the outline Design Statement, the Design Guide and the Development Brief subject to condition.

In accordance with the draft Community Safety Design Guide and the Development Brief the provision of CCTV cameras have been considered for the overall area. The Community Safety Officer confirmed for the adjoining Hallam site that given that this is purely a residential scheme, with no community facilities that may have needed coverage, there is no requirement in this instance for CCTV within the development.

5. Encouraging sustainable travel

Policy H08(6A) states that the allocation site should be accessed off Tavistock Avenue. However, as already stated above, because it was desirable that all the relevant parcels of land within the settlement envelope are planned in a comprehensive and co-ordinated manner the Development Brief process considered other options for obtaining vehicular access to this area. The adopted Development Brief agrees that there will be only one point of all purpose vehicular access to the site and that should be from the A507.

It should be noted that although unlikely, the granting of this application could result in the provision of the two roundabouts on the A507 and an access road on land to the south without the Hallam site being developed. However, this is unlikely to be viable for the developer and this scheme should be seen as an extension of the Hallam site.

Public Transport

The Development Brief seeks to ensure that the development will maximise the accessibility to public transport. Access to bus stops on Dunstable Street and Flitwick Road serving the wider bus network will be via footpaths through the existing adjoining residential area. The Highway Authority have confirmed that a financial contribution to be agreed through Section 106 negotiations will be required towards a Demand Responsive Travel service linking to Ampthill Town Centre and Flitwick Town Centre/Railway Station. The service shall also be part of the Flitwick and Harlington PlusBus scheme.

Walking and cycling

A condition should be attached to ensure that at reserved matters stage the layout will incorporate routes for walking and cycling to facilitate movement to, through and around the development. Provision should be made for safe and secure cycle parking within the development.

Financial contributions will need to be provided towards off site cycle links to the wider area as part of the Section 106 Agreement. Contributions should also be provided towards cycleway provision at Flitwick railway station. Financial contributions towards off site pedestrian improvements are not being sought from this application as there are no direct links from this site, however, they are being sought on the adjoining Hallam site.

It will be important to ensure a pedestrian/cycle link is provided for within the layout from the application site to the Hallam land to the south via condition. A pedestrian/cycleway link is shown on the illustrative master plan from the Lisscourt land along the A507 up to Station Road and on Drg 203068/20 Rev D and should be covered by condition provided it is wholly within Highway ownership, confirmation of which is currently being sought. In order to ensure connectivity with the adjacent Ampthill Industrial Estate the Highway Authority has confirmed that a pedestrian and cycling refuge will need to be constructed to allow appropriate and safe means of foot and cycle crossing of the A507.

Vehicular access

This application originally sought vehicular access through the adjacent former Morgana site to Station Road. However, following the adoption of the Development Brief the means of access has been amended so that access will now be taken off the A507 via a new roundabout.

A Transport Assessment has been submitted in support of the application which has been assessed by the Highway Authority, Bedfordshire County Council, who have confirmed that the principal of this outline development and form of means of access is acceptable in highway terms.

The one point of vehicular access to the whole area (including the application site and the Hallam development to the south) will be taken directly off A507. This will involve creating a new three arm roundabout providing site access off the A507 north of the existing DooLittle Mill roundabout and Business Park (as shown on submitted drg no 203068/20 Rev D).

The roundabout will need to be designed in accordance with submitted details. However, unlike the applications for the adjoining Hallam site (dealt with by a Grampian Style condition) its implementation will need to be dealt with via the Section 106. This is because the roundabout is not wholly on highway land, it will be partly constructed on land within Hallam's ownership.

In order to maintain highway safety for users on the strategic highway network and to ensure that the site access roundabout is safe the Development Brief identifies the need for a further three arm roundabout at the junction of Station Road and the A507, providing improved access to the Ampthill Industrial Estate (as shown on submitted drg no 203068/20 Rev D).

Although considered unlikely that this site would be developed on its own, based on the small scale of the development taken in isolation, officers are of the view that it does not justify the need for the second roundabout. It should be noted that the implementation of the second roundabout has been secured via the consent of the much larger Hallam site. Views have been sought on this aspect from the Highway Authority and will be reported verbally at the meeting.

It will be important to ensure that the sole means of vehicular access to the site is via the new entrance roundabout and access road through the Hallam land. No direct access will be permitted from the site onto Station road via the residential development on the former Morgana factory site. A suitably worded condition should be attached.

A primary street will be created through the site linking the application site to the Hallam site to the south. This will be dealt with as part of the master plan submission and reserved matters applications.

Additional off site highway works

The Highway Authority has confirmed that the requirements for off site highway works under the Safer routes to school initiative will be the provision of a crossing on Flitwick Road near Redborne Upper School to be secured via the Section 106 Agreement.

Travel Plans

The applicant has submitted a Travel Plan in support of the application the contents of which are noted. However, further refinement of its content is required and as such a condition will need to be attached. It should also ensure that a Residential Information Pack is produced and distributed to the occupiers of the properties.

6. Landscape, Biodiversity & Archaeology

Landscape

The Development Brief makes it clear that the development should seek to mitigate against any adverse impact to current local wildlife, it should contribute towards, a 'net gain' of wildlife, and existing important landscape features should be retained where possible. The site itself has few features of landscape value having previously been used for open storage. However, it does have a small area in the northern corner which is covered by a Tree Preservation Order. As these trees are worthy of retention an appropriate strategy for the site will need to be agreed.

No Landscape Assessment and Landscape Strategy have been submitted for the site. However, it is considered that this could be dealt with by condition to ensure details are submitted prior to submission of reserved matters. Details of planting and timing of implementation, future maintenance and retention should be addressed via the use of conditions and the Section 106 Agreement.

Biodiversity

An ecological appraisal of the site was carried out as part of the Development Brief process. This shows that the site does not provide habitats for any protected species. Existing hedgerows should be retained and enhanced and an appropriate strategy for the site must be agreed via condition. Proposals for habitat improvement should be included at the reserved matters stage.

To the north of the application site and Station Road lies Coopers Hill, a Site of Special Scientific Interest (SSSI) and a County Council Wildlife Site (CWS). The site is owned by the Town Council and managed by a group made up of various bodies. The Development Brief acknowledges that due to its urban location and pressure from users it already suffers damage. The addition of houses to the south of Station Road will mean more pressure will be put on this fragile site. As such a financial contribution is considered necessary to help mitigate against any additional pressures put onto the Coopers Hill site as a direct result of this development. This will need to be secured via the Section 106 Agreement.

Archaeology

The Archaeological Officer has confirmed that a programme of archaeological investigation in advance of development should provide adequate mitigation for the impact of the proposed development on archaeology.

7. Using resources efficiently

In accordance with the advice within PPS22 and PPS23, the adopted Development Brief, and the requirements of RSS14, the applicants are required to produce an Energy and Waste Minimisation Strategy to help guide the development of this site. It will be expected to take into account the aims of objective 6 within the Development Brief which seeks 'to take all reasonable opportunities to maximise energy efficiency, to make use of renewable energy, to minimise water use, resource use and waste and provide facilities for recycling. This includes the use of recycled building materials, a proportion of electricity being generated from renewable energy sources, use of low pollution lighting, and features to deliver energy and water efficiency, measures for waste minimisation and recycling. Although the Development Brief makes reference to the construction of all dwellings being expected to comply with a 'very good'

EcoHomes rating for dwellings this was superseded by the Code for Sustainable Homes in April 2007 and as such an appropriate level will need to be agreed as part of the strategy taking account of best practice.

The Minerals and Waste Authority initially objected to this proposal because no Waste Audit has been submitted. However, this application was submitted well in advance of the requirements for Waste Audits (April 2006). As such the Minerals and Waste Authority has removed its objection subject to a suitably worded condition which would ensure a two stage approach to providing the necessary information, firstly setting out the broad principles of waste management followed by the submission of a detailed waste audit.

An Energy Strategy has also not been submitted at this outline stage. However, it is considered this can be adequately conditioned. Provision will also need to be made to ensure a statement detailing compliance with the strategy is also undertaken.

In conclusion, subject to the matters outlined above being incorporated into and implemented through an Energy and Waste Minimisation Strategy then it is considered that the requirements of PPS22 and PPS23, the Development Brief and RSS14 will have been complied with.

8. Protecting amenity

Protection of residential amenity

Subsequent reserved matters applications will address attention to detail within the scheme, and ensure that solutions and measures will be adopted to ensure consideration of privacy, relationships between dwellings, garden spaces, and relationships with access roads, footpaths and public spaces. Careful consideration will also need to be given to guidance set out within the Council's adopted document "A Design Guide for Residential Areas in Mid Bedfordshire 2004".

A condition should be attached to ensure a statement of measures for protecting the amenity of residents during the construction of development is submitted.

Contamination

The Environmental Health Officer has confirmed that the findings of the Geo-Environmental Desk Study Report are reasonable. Further information is required which can be adequately dealt with by condition.

Noise assessment

An Acoustic Assessment (Nov 06) has been submitted in support of the application to look at what attenuation is required to reduce the impact of noise from road traffic flows from the A507. The two options used are an earth bund or an acoustic wall (the latter has a slightly lower performance) which would be up to three metres in height in places. Using either of the above results in the majority of the site falling within NEC A which is considered acceptable for new residential development to take place. For the first row of housing closest to the A507 located to the north of the site the noise levels are just into NEC B where noise does need to be taken into account to ensure an adequate level of protection. The report suggests mitigation such as glazing and acoustically attenuated passive ventilation will be required for those dwellings.

The Environmental Health Officer has confirmed an acoustic barrier will be needed to protect the new properties on the site from noise, to be secured through the Section 106 and condition. A further condition will also be required to ensure appropriate mitigation measures are carried out to any dwellings which fall within the NEC B area.

It was determined at the Development Brief stage that noise from the industrial area would not have a detrimental impact on residential development in this location.

9. Design Concept

Design Concept

One of the aims of the Development Brief is to set a design concept for the future of the site. An illustrative masterplan for the site has been produced. This was used to form the basis of the 'Design Statement' but it is considered to be poor and inadequate in support of this application. However, given that the application was submitted before the change in regulations requiring Design and Access Statements (August 2006) and that broad principles of design are incorporated within the adopted Development Brief it is considered that the following can be adequately secured through conditions. The precise details of access, siting, design, landscaping and appearance of the development would need to be determined at the reserved matters stage.

The importance of the design of the development is emphasised by objective 8 – The Design Concept “To create a high quality environment, which in its design and form achieves the identity of a natural extension to Ampthill, responding to local distinctiveness, the locality and the constraints and opportunities of the site and its surroundings”. It is envisaged that the above objective will need to be met through considerations relating to movement, landscape and open space, density, built form, key buildings and groupings, affordable housing and sustainability. The Design Statement needs to be revised for clarification to accord with the Development Brief in relation to heights of development.

Unlike the larger Hallam site, given the small scale of the development it is not considered that a design guide and codes are required for this development. Subject to adherence to the Development Brief and adopted Technical Guidance it is concluded that a form of development will be created which comprises a natural extension to Ampthill and does not adversely harm the character and appearance of the area.

Public Art

In accordance with Policy DPS27 in the Local Plan the Development Brief requires schemes to contribute towards public art. This will be achieved through the Section 106 Agreement.

10. Other issues

Drainage

As part of the Development Brief process a Flood Risk Assessment was undertaken. It confirmed that the development area lies beyond any land considered to be a flood risk during the 1 in 100 or 1 in 1,000 year fluvial event.

The development of the application site will need to incorporate both an internal site drainage system and a balancing pond, to ensure that surface water is discharged evenly to the drainage system beyond the site boundaries. Surface water discharge from the development will use the existing watercourse on the western boundary. In addition a balancing pond will be provided on the site primarily designed to ensure proper water retention but also to enhance the bio-diversity and appearance of the site overall (its siting and design can be dealt with by condition). The IDB have no objection to the drainage details submitted and suggests relevant conditions/legal agreements be attached to any approval to ensure its future maintenance and management. A condition will need to be attached to ensure a Stage 2 FRA is undertaken. In relation to the culvert beneath the A507 into which the balancing pond will outfall, a condition will also be required to ensure no peak storm water discharge from the site.

In terms of foul water drainage Anglian Water confirmed as part of the Development Brief process that sufficient capacity exists at the existing pumping station adjacent to Tavistock Avenue to accommodate the likely flows from the development. In order to pump foul water up to the existing network, a new pumping station will be required.

Section 106 Legal Agreement

Many of the issues considered above indicate the need for a Section 106 Legal Agreement to be entered into with the developers to ensure that the impacts of this development are properly mitigated, and to achieve appropriate off site works in connection with the development. The following Heads of Terms are recommended:

- the provision of 28% affordable housing
- contributions towards educational provision
- the provision of open space and play facilities within and outside the application site
- contributions towards sporting open space provision
- management/maintenance agreements
- contributions towards public transport
- off-site highway improvements
- contributions towards the provision and promotion of the local cycleway network and cycleway provision at Flitwick railway station
- off site footpath and cycle links
- an appropriate stand off from the A507 to include bunding and landscaping;
- contributions towards Coopers Hill SSSI
- provision of public art

Conclusion

In conclusion subject to the formulation of a Legal Agreement incorporating the details outlined in the Heads of Terms section and the conditions detailed below it is considered that the proposal will comply with the adopted West of Ampthill Planning and Development Brief.

Reasons for Granting

The proposal is in conformity with PPS1, PPS3, PPS7, PPS9, PPG13, PPG16, PPG17, PPS22, PPS23, PPG24, and PPS25.

Bedfordshire County Structure Plan Adopted 1997 1, 2, 3, 4, 5, 8, 9, 10, 11, 19, 25, 33, 34, 38, 39, 40, 55, 65, 66, 67, 70, and W5

Mid Bedfordshire Local Plan First Review Adopted December 2005 LPS1, LPS3A, LPS4, CS1, CS19, NC2, NC3, NC8, GBT1, A2, A3, DPS1, DPS5, DPS7, DPS9, DPS10, DPS11, DPS12, DPS16, DPS17, DPS19, DPS20, DPS20A, DPS23, DPS24, DPS27, PHS5, PHS6, SR2, SR5, SR6, HO2, HO4, HO5, HO6, H08(6A), HO9, TP1A, TP1, TP5, and TP8

Technical Planning Guidance 2006; Planning and Development Brief West Ampthill, October 2006;
A Design Guide for Residential Areas in Mid Bedfordshire 2004;
Affordable Housing (2004);
Wildlife in Development (2003).
Recreational Open Space Strategy (2005)
Bedfordshire Community Safety Design Guide (Draft 2005)
Cycle & Walking Strategy for Mid Beds (2000)
Mid Beds Cycle Route Mapping Project (2001)

RECOMMENDATION:

It is recommended that subject to the completion of a Section 106 Legal Agreement requiring contributions towards those matters set out in the report than **APPROVE** Planning Permission subject to the conditions detailed below. However, if there are any minor changes or adjustments to the conditions considered necessary by the Director of Environmental and Planning Services then it is requested that these changes be delegated to the Director of Environmental and Planning Services.

Appendix

Development Control (West) Committee 21 December 2004

The Purpose of this Report

At the meeting on the 28 September 2004, Members resolved to defer this application in order that a development brief could be progressed of which the application site the subject of this proposal will form a part. The deferral was to the end of 2004.

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

This report has been prepared in order to advise Members on the current situation regarding the application.

Following that meeting, a series of meetings have taken place with officers of the District and County Council, Town Council, and relevant landowners to progress the development brief.

This Council has also hired Stuart Turner Associates of Milton Keynes to prepare a Design and Development Brief to guide the development to take an independent view. The original intention was that this work would produce a series of options that could be presented to the public on 27th November. This would then have led to development of a preferred option and a final Design and Development Brief for everyone to sign up to before Christmas 2004.

However, on 3rd October this Council advertised the 'Disposal of Open Space' regarding the area of land required to link the development with Tavistock Avenue. Since the advert a petition and around 60 letters of objection have been received, the bulk of the concerns focusing on the loss of open space, but mainly traffic impact on safety and congestion. A decision was made by the Head of Planning Services to hire independent transport consultants to assess the transport options and safety issues, using up to date traffic survey material. The company URS of Horne Lane, Bedford have now been hired and they will finish their work by Christmas 2004. Residents have been informed of this decision.

It is hoped that it will then be possible to marry the transport work with the Design and Development Brief and go to consultation on the options by January 2005 at the latest with a six week period for response prior to reassessing the content of the Draft Brief.

RECOMMENDATION

The Authority of Members is sought to continue to progress the development brief prior to the making of any decision on the application. In light of the observations made thus far, a deferral to the Development Control West Committee on the 10 May 2005 is requested. This application will not be brought back until the Development Brief has been approved by this Council.

Development Control (West) Committee 28 September 2004

The Purpose of this Report

At the meeting on 25 May 2004 Members resolved to defer this application in order that a Development Brief could be prepared for the wider area of land to the east of the bypass, and that further investigation could be undertaken on the access to the site. The deferral was for three cycles.

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

This report has been prepared in order to advise Members on the current situation regarding the application.

Meetings have been held between the relevant land owners and Planning Officers. There is a positive agreement to the preparation of a Development Brief as an appropriate way to take the development potential of this land forward. There is, however, currently a staffing issue as resources in the Planning Policy Teams are

already heavily committed with on-going projects. As a result the two primary land owners, Lisscourt Ltd and Hallam Land Limited are being asked to help to fund the preparation of a Brief by external consultants. Their final agreement to this is currently awaited. Given this agreement, it is anticipated that an urban design consultant will undertake the preparation of a brief, with a draft prepared for November and a final submission for adoption as supplementary planning guidance potentially being available at the end of 2004.

Members are therefore asked to agree to a further deferral of this item, pending the completion of this on-going work.

CONCLUSION AND RECOMMENDATION

The Authority of Members is sought to continue to prepare a Development Brief for the area. In light of the observations made thus far, a deferral until the end of 2004 is requested.

Development Control Committee 25 May 2004

Site Location:

The site is approximately 1.35 Ha in size and lies to the west of the town of Ampthill with an existing access directly onto the A507. It is a vacant and unused site previously used for open storage of vehicles. The site is surrounded by residential to the north east and south east, woodland directly to the east, allotments to the south and a commercial building to the north. The A507 bypass lies directly to the west, with the Station Road Industrial Estate located on the other side of the road which has a mix of existing B1, B2 and B8 uses.

This application is seeking outline consent for residential development with only means of access to be considered. All other matters are reserved. Access is proposed to be taken through the adjoining Morgana works site onto Station Road.

For Members awareness, outline application ref: 03/697 seeking residential development on this site with proposed means of access to be taken directly off the A507 was refused in June 2003 for three reasons. The applicant failed to: firstly, demonstrate that this site is suitable for residential use, secondly, to demonstrate that the proposed residential development will be a sustainable form of development as it did not provide any potential to properly integrate with the existing urban area of Ampthill and did not offer the use of modes of transport other than the car and, thirdly, t

PPG:

PPG1 - General Policy & Principles

PPG3 - Housing

PPG13 - Transport

PPG24 - Planning & Noise

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

Beds Structure Plan Adopted 1997 policies 1, 8, 20, 25 and 34

Mid Beds Local Plan Adopted 1993 policies BE1, H7

Mid Beds Local Plan First Review Deposit Draft incorporating proposed modifications November 2003 policies DPS1, DPS5, DPS10, DPS11, DPS14, DPS19, DPS20, DPS24, H02, H05, H06, SR5, PHS6 applies

Planning History

03/697/OUT	Permissions dating back to the 1980's for maintenance workshop and vehicle storage, porta-cabin building in 1985 and a refusal for outline retail foodstore in 1995. Outline: residential development, all matters reserved except means of access. Refused 26.6.03
------------	--

**Representations:
(Parish & Neighbours)**

Amphill TC	No objection in principle, however concerned: - that any development of the site should be integrated into Amphill via suitable access and exit routes into the site, -about additional traffic movements into Station Road, this is part of the safer routes to school and exit for MBDC offices. At certain times of the day the level of on street parking results in only sufficient width for one vehicle, - suggest the traffic flow and traffic management in Station Rd & the Crescent need to be considered as part of this proposal. Should look for additional access into the site.
Adj Occupiers	3 letters concerned about the number of houses proposed, additional traffic will be generated along Station Road to the detriment of highway safety. It has limited visibility and problems of congestion at its entrance/exit onto Dunstable Street, on-street parking, two schools and problems of gridlock. Lack of consultation.

Consultations

CC (Highways)	No objection subject to conditions and a Section 106 Legal Agreement
Env Agency	No objection
Wildlife Trust	No objection. Numerous comments made with regard to the details of the proposal including any open space within the development should benefit people & wildlife, landscaping & planting be sensitive to needs of wildlife, where possible existing ecological features such as hedgerows, mature trees & ditches should be retained, works should not take place during the breeding bird season or harm adjoining sites one of which is Coopers Hill County Wildlife site.

Amenity Society	Extremely concerned about this development site. There will be huge traffic implications so close to a school entrance and also coming out at the inadequate mini roundabout onto Dunstable Street, with poor visibility.
Int Drainage Board	The IDB notes that the proposed method of storm water disposal is by way of soakaways. Soakaway drainage may not operate successfully in this area. Planning consent should be conditional on surface water details.
Amphill Business Initiative	Object - due to the loss of a sizeable commercial site, the site is not suitable for residential use due to its proximity with the industrial area opposite leading to resident complaints about noise etc, the continued use of the site for commercial uses would provide a buffer between the residential and industrial area, commercial use of the site would ensure local jobs.

Determining Issues

The main considerations of the application are:

1. Principle of development - Impact on Locality
2. Highways - Contamination
3. Other issues - Noise
 - Landscape

Considerations

1. Principle of development

Impact on locality

The application site lies within the settlement envelope of Amphill wherein policy stance normally allows the principle of further residential development. The land lies unallocated in terms of the local plan proposals map. It is considered that the proposal for residential development would make use of under-utilised land. The site has previous open storage consent and was used for storing vehicles up until 2001. It is vacant at present and currently advertised for let. A few temporary structures remain on site which appear to have been there for some time.

The applicant has stated that he considers that a development focussed on Station Road will mark the northern limit of this part of Amphill along the Bypass Road. Further to the north is a change from urban to rural character with woodland on the other side of Station Road. The Local Plan Inspector has recommended that land further to the south of the site be allocated for housing development. The applicant argues that in visual terms the urban form would be consolidated by the development of this site.

It is noted that the application site would not physically be joined to the land identified by the Inspector for housing, being separated by the existing allotments and a thin strip of other land. However, there is concern about the sustainability of redeveloping this site for residential development. Whilst the revised means of access now offers the use of modes of transport other than the car such as pedestrian and cycling access directly onto Station Road which is an improvement from the previously refused application ref: 03/697, in wider strategic terms there are concerns that it will

lead to unco-ordinated piecemeal development in the area contrary to the policies and objectives in the local plan. The site will only be separated by one field from that area now recommended to be an allocation site within the Proposed Modifications under policy (H08(6A)) for about 150 dwellings with access to be taken directly off Tavistock Avenue. Were an application to be submitted for the remaining field between these two sites this could result in far wider issues being raised about vehicular access and its impact on the highway network and the overall form of built development on the character and appearance of the area. A development brief is required to guide development on the allocation site. It is considered that the development brief should therefore encompass a wider area to include land to the north up as far as Station Road including the site which forms this application. However, until such time as a development brief has been produced and adopted it is not considered that any detailed reserved matters can properly integrate with the existing urban area of Ampthill.

The applicant has been approached in respect of undertaking a joint development brief, but has clearly indicated that they wish the application determined as set out. The principle of development, although is supported, the integration issue is clearly unresolved. Given that this site is isolated the integration issue becomes a material consideration of some significance. It is suggested that the applicant contributes via the Section 106 Legal Agreement to that process, to enable a joint brief to come forward

Contamination

Also, the principle of development of this site for housing needs to be considered in the light of the following comments. Given the history of the site and its previous uses the concern regarding land contamination formed part of one of the reasons for refusal on the previous application due to insufficient information. However, in support of this application a Geo Environmental Desk Study report has been submitted for consideration which concludes that the risk of the site of contamination being present on the site is low. This has been assessed by the Environmental Health Officer and subject to a suitably worded condition regarding further details of how any land contamination, if any, will be mitigated against then this part of the scheme is acceptable.

Noise

There is also the issue of noise to be considered for any future residential occupiers of the site in relation to road traffic noise as the site lies directly adjacent to the A507 which is a strategic network, and in terms of noise and air quality issues as the site lies opposite the existing industrial estate. This formed part of one of the reasons for refusal in the previous application. Officers were concerned that the proposal to develop this site will mix residential with existing B2 uses associated with the industrial area. B2 uses are not normally considered acceptable close to residential properties because of problems which can arise such as noise and disturbance, dust and odours adversely affecting residential amenity.

No noise survey has been submitted to support this second application. However it is noted in the recently approved application for residential development on the immediately adjoining site the Morgana Works (ref: 03/1468/Full) that a recent noise survey has been undertaken for that scheme. Given how up to date that report is and that it applies directly to the immediately adjacent site it is considered that its conclusions on noise issues can also be applied to this site. That report states that

there have been complaints to Environmental Health Officers alleging noise nuisance from Amphill Scrap from existing residents in the area. Complaints have also been received in the past regarding clouds of acrid smoke caused by the burning of plastics and rubber still attached to scrap metal entering the fragmentiser. Amphill Scrap processes more than 100,000 tonnes of scrap metal each year, with the fragmentiser processing 1500 tonnes per week. The separation of metals creates intense heat inside the frag causing any remaining plastics, fabric, rubber attached to metal components to burn. The process is regulated by the Environment Agency, as the company requires a waste management license to operate. On occasion fires occur, therefore, at times it is possible that the proposed development would be affected by emissions from this process.

Noise from Amphill Scrap takes the form of machinery noise and sporadic violent explosions caused by LPG bottles or partially filled/full petrol tanks entering the fragmentiser. The End of life Vehicle Directive is now in force and therefore all vehicles should be depolluted prior to entering the fragmentiser. As a result, the number of explosions should be greatly reduced. Their frequency is already sporadic, and on operation under the new regulations, should be reduced to occasional accidental instances only. At such a level, it is considered by officers that it would be unreasonable to resist development on this site when development has been authorised on the Morgana site, although it is acknowledged that their occurrence causes disturbance to a wide area of the town. With regard to the problems arising from Amphill Scrap it is felt that whilst these are very legitimate concerns there are insufficient grounds to raise objection that would be upheld on appeal particularly since the problem is likely to cease in the future and in view of the very sporadic nature of the nuisance

The noise survey undertaken for the adjoining site under ref: 03/1468/Full shows that noise from the A507 is dominant and having reviewed the noise report accompanying that application the Environmental Health Officer is confident that this source can be resolved by condition.

In assessing this application, the Environmental Health Officer has stated that whilst the site is not ideally suited for residential development it would be difficult to defend a refusal on these grounds given that there is no objection to the Morgana site next door. Therefore it is suggested that conditions should be attached requiring a noise survey to be undertaken in accordance with PPG24 and a scheme for protecting the proposed dwellings should be submitted and approved. The agent has also suggested in writing that a substantial screen bund could be constructed along the A507 frontage of the site. Whilst bunding may not be appropriate visually in this location there are other methods of dealing with noise. Again, this issue will need careful consideration at the reserve matters stage.

Landscape

The A507 frontage is very important visually as it acts as a strong buffer to the built development further to the south where there is a strong visual tree hedge screen. In relation to this site the height of the land above the A507 works against the site at present as any development would be intrusive in the wider context. Therefore, there is a need for a significant landscape buffer belt to run the length of the western boundary of the site. This may be able to take the noise mitigation measures at the same time, but it is difficult to be sure as there are no details of the development at this moment in time. The width of such a landscape buffer could be 15 to 20 metres

and still require careful design work to articulate building form and height to produce a development that is not intrusive visually but also integrated with the rest of the town. If the principle was acceptable then an appropriate condition setting out the need for a sensitive buffer landscape zone along the western boundary could be produced.

2. Highways

Existing vehicular access to the site is achieved via a simple access junction directly off the A507. A03/1468/Full provision for emergency vehicles to remove the barrier in exceptional instances. A Section 278 Agreement is required because the application proposes off-site modifications to Station Road. The Section 278 will also be required to cover footway/cycle improvements including the ability to cycle to the A507 from Station Road, an activity which is presently prohibited.

With regards to this application the Highways Authority has confirmed that it has no objection to the proposal taking access off Station Road through the Morgana Site, provided that off site highway works similarly required under ref: 03/1468/Full are also conditioned to this proposal, and that the existing access onto the A507 be permanently closed. Under no circumstances will the Highways Authority support access onto the A507. In addition a residential development on this site will require a financial contribution towards Safe Routes to Schools to be included within a Section 106 Legal Agreement. Therefore, from a technical highway safety viewpoint, there is no objection from the Highways Authority for residential redevelopment of this site together with the Morgana site to warrant a reason for refusal.

Whilst the adjoining application for residential development under 03/1468 was approved with a condition attached restricting no more than 16 dwellings to be accessed onto Station Road from that site, this is a separate application and has to be determined on its own merits. Given that the highways authority has no objection to a further residential development being accessed onto Station Road by gaining access through the Morgana premises on the same line as the recently approved development on that site there are no sustainable highway reasons for refusing this application on highway grounds.

It should be noted that if the adjoining application for residential development is not implemented, it would not restrict the development of this site for housing development subject to sorting out the technicalities of demolishing part of the adjoining Morgan works building and providing adequate visibility splays.

3. Other issues

The proposal is outline with only means of access to be considered as this stage, therefore, issues such as the effect of any residential development on adjoining residential amenity cannot be fully assessed due to no information being available on siting, design, screening etc.

Mix and density of any residential development will need to be provided in accordance with PPG3. The However, the number of dwellings does not form part of this application and the issue of mix and density cannot therefore be considered when determining this application.

There is a Tree Preservation Order on the application site. It is considered important that the trees around the periphery of the site should be retained and that no development within 15 metres of the base of any of these trees takes place. This would need to be addressed within any layout submitted together with a full and detailed landscaping scheme. Although details of landscaping and siting are reserved matters and these issues cannot be considered when determining this application appropriate conditions can be attached to protect the existing trees.

There would be a requirement to provide on site play provision, informal sporting space and amenity open space. No off site contributions relating to open space requirements has been identified due to the level of surplus in the area.

In accordance with Policy H02 a requirement of 28% affordable housing would need to be provided on this site divided across the mix of tenures as stated in the recently undertaken housing needs survey.

Together with an element of affordable housing, cycleway and educational financial contributions, and offside highway works are likely to be required within a Section 106 Legal Agreement with any approved scheme on this site.

Conclusion

In principle the use of this land for residential purposes is acceptable. It is therefore considered on balance to approve the application subject to a Section 106 Legal Agreement being completed first. The Section 106 will require affordable housing up to 28%, cycleway and education contributions, off-site highway works, a possible financial contribution towards the development brief process. Regardless of this decision on this application work on a development brief for the wider area needs to start as soon as possible so that some basic principles can be established to allow development to come forward with the knowledge that future applications could be supported.

1 Approval of the details of:-

- (a) the siting of the buildings;
- (b) the design of the buildings;
- (c) the external appearance of the buildings;
- (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 shall be carried out 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.

- 2 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.

- 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 Unless otherwise agreed in writing by the Local Planning Authority, no Reserved Matters Application shall be submitted until and unless the illustrative Masterplan (Figure 12 of the Development Brief) has been expanded upon to provide the following:

- i) A detailed landscape strategy for the whole site
- ii) a strategy for improving ecological opportunities on the site
- iii) a breakdown of residential densities across the whole site in accordance with the Development Brief.
- iv) a strategy for the location and provision of 28% of housing to be affordable, to include a proportion to be constructed to the 'lifetime homes' standard of construction.
- v) a strategy for the location and provision of a minimum 2% of housing to contain annexes for extended families and self build plots unless otherwise agreed in writing with the Local Planning Officer, to include reference to their spread across the application site
- vi) the location and scale of play, sport and open space facilities.
- vii) the provision of lighting to all communal car parking areas.
- viii) an Energy, Pollution and Waste Minimisation Strategy to include energy reduction measures in all buildings, to provide recycling and waste facilities and storage on a household level, to control the disposal of waste material and recycling of topsoil within the construction phase of the development and to demonstrate the provision of additional energy/sustainability features in each showhome to be constructed on the site, all to be implemented in accordance with the guidance in PPS 22 and PPS23, such strategy to demonstrate compliance with RSS14 and the Development Brief and the Managing Waste in New Developments Supplementary Planning Guidance and other such guidance at the time of submission which may be deemed necessary.
- ix) Notwithstanding the details contained in the Design Statement February 2007, parameters shall be agreed with the Local Planning Authority to define the maximum storeys, heights, widths and depths of buildings

- x) Notwithstanding the details contained in the Travell Plan October 2006, further details shall be agreed in accordance with the Highway Authority letter dated 16 July 2007

The development shall be implemented in accordance with the agreed details and with the principles established within the West Ampthill Planning and Development Brief 2006 and the Mid Bedfordshire Local Plan First Review Adopted 2005.

Reason: In order to achieve a satisfactory form of development in accordance with the Development Brief.

- 5 Each Reserved Matters Application shall be accompanied by a written Design Statement which (unless otherwise agreed with the Local Planning Authority) shall demonstrate how the application is in accord with the adopted or approved Strategies, and Development Brief required by condition 4 above.

Reason: To ensure that the development achieves the objectives set out in the Development Brief and Strategies.

- 6 All planting, seeding or turfing shall be carried out in accordance with an agreed implementation timetable. If during a period of 5 years from the completion of that part of the development, any trees or plants die, are removed, or become seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agree otherwise. For the purpose of this condition a planting season shall mean the period from November to February inclusive.

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

- 7 The Landscape Strategy required by condition 4 above shall define and provide for the retention and protection of appropriate existing landscape features including the woodland in the north east corner of the site protected by a Tree Preservation Order.

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

- 8 Prior to the commencement of works details including location, height and materials of temporary protective fencing or hoardings and areas prohibited from use by contractors and such other measures to be taken in the interests of existing tree and hedgerow protection shall have been submitted to and approved in writing by the Local Planning Authority and implemented as approved.

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

- 9 All new dwellings shall be designed to meet the Eco Homes rating system with BREEAM or equivalent “very good” standard or its equivalent and shall be accredited on a housing standard basis by an approved BRE-licensed assessor prior to occupation.

Reason: To satisfy requirements for sustainable development contained in the Development Brief.

- 10 Each reserved matters application shall incorporate the provision of 8% of housing being to mobility standards and shall include a detailed justification for its mix of house types, tenures and sizes demonstrating how this meets the principles of Objective 1 of the Development Brief.

Reason: To ensure the development is sustainable and in accordance with the aims of the Development Brief.

- 11 Each reserved matters application shall incorporate the provision of a minimum of 2% of self build plots unless otherwise agreed in writing with the Local Planning Authority, and shall include a detailed justification for its mix of house types, tenures and sizes demonstrating how this meets the principles of Objective 1 of the Development Brief.

Reason: To ensure the development is sustainable and in accordance with the aims of the Development Brief.

- 12 Each reserved matters application shall incorporate the provision of 10% of live/work units and house types unless otherwise agreed in writing with the Local Planning Authority, and shall include a detailed justification for its mix of house types, tenures and sizes demonstrating how this meets the principles of Objective 1 of the Development Brief.

Reason: To ensure the development is sustainable and in accordance with the aims of the Development Brief.

- 13 Notwithstanding the provisions 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 undertaken for the removal of annex accommodation in extended family units and live/work accommodation without the specific grant of planning permission by the Local Planning Authority.

Reason: In order to ensure a range of accommodation is retained across the site in the interests of sustainable community living.

- 14 Before any works commence on site details of advance or structural landscape planting in accordance with Figure 10 of the Development Brief shall be submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be carried out prior to any houses being first occupied unless otherwise agreed in writing by the Local Planning Authority.

This shall be protected during building operations and maintained to encourage its establishment for a minimum of five years following the practical completion of the development. Any trees or significant areas of planting which are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period shall be replaced as soon as is reasonably practicable to the satisfaction of the Local Planning Authority.

Reason: To ensure an appropriate standard of visual amenity in the local area.

- 15 Before any development is commenced on the site details of the layout and design of play and sport facilities, including the equipment, furniture, surfacing and boundary treatment to be installed, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details to a timescale to be agreed in writing with the Local Planning Authority.

Reason: To ensure the provision of adequate play and children's recreation facilities.

- 16 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 in accordance with a timescale agreed in writing with the Local Planning Authority. 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.

- 17 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position and design, and appropriate safety measures for the construction of the balancing ponds/attenuation areas. The balancing ponds/attenuation areas shall be completed in accordance with a timescale agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the completed development and security of the site.

- 18 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected within the structural landscaping along the western boundary with the A507. The boundary treatment shall be completed prior to any houses being first occupied unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the completed development and provide a secure boundary along the A507.

- 19 Prior to the development hereby approved commencing on site details of the final ground and slab levels of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Such detail shall include sections through both the site and the adjoining properties or land, 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 a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 20 No development shall take place until a Scheme of Archaeological Resource Management has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details.

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

- 21 There shall be no destruction or removal of vegetation during the months of March to August inclusive, except as otherwise approved in writing by the Local Planning Authority.

Reason: To protect breeding birds.

- 22 Prior to the commencement of any works on site (including the removal of any vegetation) a further survey shall be undertaken to identify the presence of badgers on or using the site. The results of the survey shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, and shall include proposals for any necessary works or actions to mitigate impacts. The development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of badgers.

- 23 Development shall not begin until a scheme protecting the proposed dwellings from noise from road traffic adjacent to the development hereby approved, to include provision of an acoustic barrier along the western boundary with the A507 and mitigation measures for any dwellings falling within NEC 'B' in accordance with Figure 2 of the Peter Brett Associates Acoustic Assessment November 2006 has been submitted to and approved in writing by the Local Planning Authority; and no dwelling shall be occupied before the works relevant to it have been completed.

Reason: To ensure that the amenities of residents are not prejudiced by excessive noise and in accordance with the aims of the Development brief.

24 Prior to the commencement of works pursuant to this permission details shall be submitted, of:

i) A phase 2 site investigation report documenting the ground conditions of the site with regard to potential contamination, and incorporating chemical and gas analysis as identified as being appropriate by the already submitted phase 1 environmental desk study report, and following its recommendations.

ii) A detailed scheme for remedial works and measures to be undertaken to mitigate any risks to human health and the wider environment posed by any contaminants and/or gases identified by the phase 2 report.

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

iv) Any remediation scheme, as agreed in writing shall be fully implemented before the development hereby permitted is first occupied.

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

vi) On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a validation report.

Reason: To protect human health and the environment.

25 Details of the method of disposal of foul and surface water drainage to include a stage 2 Flood Risk Assessment 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.

26 Prior to the commencement of development, a scheme for the provision and implementation of a sustainable urban drainage system that results in no increase in peak storm water discharges from the site shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

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

- 27 There shall be no burning of materials on site unless previously approved in writing by the Local Planning Authority.

Reason: To protect the amenity of adjoining occupiers and to protect landscape features.

- 28 No development shall commence until a Code of Construction Practice has been submitted to and approved by the Local Planning Authority which shall detail methods that all developers, contractors and sub-contractors will employ and shall include:

- i) details of traffic routes and points of access/egress to be used for construction purposes,
- ii) measures to suppress dust,
- iii) the siting and appearance of works compounds
- iv) wheel cleaning facilities for construction traffic

The implementation of the development shall only be undertaken in accordance with the approved Code.

Reason: To safeguard the amenities of adjoining occupiers, to protect the surrounding countryside, and to prevent the deposit of material on the highway.

- 29 Works of construction, including the use of plant, vehicles and machinery necessary for the implementation of this consent, shall only take place (other than as specifically approved in writing by the Local Planning Authority prior to any works being undertaken) between 0800 hours and 1800 hours on Mondays to Fridays inclusive, and 0800 hours to 1300 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the adjoining occupiers.

- 30 A waste audit shall be prepared and submitted for the site in accordance with the following:

a) Prior to the submission of any reserved matters application, an outline waste audit shall be submitted to and approved in writing by the Local Planning Authority to deal with the broad principles of waste management in the development;

b) Before the development hereby permitted is commenced a detailed Waste Audit addressing the construction and subsequent occupation of the development has been submitted and approved in writing by the Local Planning Authority. The Detailed Waste Audit must be in accordance with the approved Outline Waste Audit required by condition - a) above. The Detailed Waste Audit must include details of;

- i) The anticipated nature and volumes of waste that the development will generate.

- ii) Measures to maximise the re-use on-site of waste arising from demolition/engineering/landscaping
- iii) Steps to be taken to ensure effective segregation of wastes at source during demolition and subsequent construction of the development including, as appropriate, the provision of waste sorting, storage and recovery and recycling facilities
- iv) Any other steps to be taken to minimise the generation of waste throughout any required demolition and during construction of the development,
- v) Provision within the proposed development to encourage occupiers to manage their waste effectively and sustainably. This may include provision for waste and recycling storage areas, road and development layouts which allow waste and recyclables to be collected effectively, provision of community recycling facilities.
- vi) Provision for monitoring the implementation of steps i) – v)
- vii) A timetable for implementing steps i) – vi)

Reason: To ensure that waste is managed sustainably during the development in accordance with objectives of Policies W5 and W6 of the Bedfordshire and Luton Waste Local Plan 2005.

- 31 This permission shall not extend to the layout and associated engineering details submitted in support of the application with the exception of the roundabout design on the entrance to the site as shown on Drg No 203068/20 Rev D.

Reason. For the avoidance of doubt.

- 32 The sole means of vehicular access to the site shall be via the entrance roundabout as shown on Drg No 203068/20 Rev D and through the Hallam land to the south. No other means of vehicular access shall be taken at any other point without separate planning consent.

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

- 33 Before the access is first brought into use, the existing private access from the A507 to the development land 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.

- 34 Prior to the first occupation of any residential property details shall have been submitted to and agreed with the Local Planning Authority in writing of a welcome Travel Pack for all residents. Such Pack shall include the provision of information on sustainable travel modes, public transport facilities (including timetables and season tickets), and walking and cycling routes for school work healthcare employment services and leisure, and shall be issued to each household on first occupation. The Pack shall be updated as necessary through the course of development, and such additional information shall be distributed to those households already

occupied within the site.

Reason: To encourage the use of modes of transport other than the private motor car.

- 35 No development shall commence until details of a pedestrian and cycleway access from the application site to Station Road as shown on Drg No 203068/20 Rev D have been submitted to and approved by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details

Reason: To facilitate development of the whole area in accordance with the approved development brief.

- 36 No development shall commence until details of a pedestrian and vehicular access from the application site to the Hallam land to the south have been submitted to and approved by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: To facilitate development of the whole area in accordance with the approved Development Brief.

- 37 Prior to the commencement of development details of cycle parking provision across the site together with details of the design and signage of the cycle and pedestrian routes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: In the interests of the amenity of pedestrians and cyclists using the development.

Notes to Applicant

1. The applicant is advised that in order to comply with Conditions (above) of this permission it will be necessary for the developer of the site to enter into an agreement with Bedfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, Bedfordshire County Council, County Hall, Bedford, MK42 9AP.
2. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development., Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. The Development Planning and Control Group, Bedfordshire County Council must approve any

improvements. Further details can be obtained from the Engineering Policy and Planning Group, Bedfordshire County Council, County Hall, Bedford, MK42 9AP.

3. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Bedford, MK42 9AP.
4. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Bedfordshire County Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Bedfordshire County Council's Customer Contact Centre, 6th Floor, County Hall, Bedford, MK42 9AP quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or 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.
5. The applicant is advised that the closure of existing access(es) shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Bedfordshire Highways, Bedfordshire County Council's, Customer Contact Centre, 6th Floor, County Hall, Bedford, MK42 9AP. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access(es).
6. All roads to be constructed within the site shall be designed in accordance with Bedfordshire County Council's publication "Highway Development Control Design Guide - January 1995" and the Department of the Environment/Department of Transport's "Design Bulletin 32", or any amendment thereto.
7. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Engineering Policy and Planning Group, Bedfordshire County Council, County Hall, Bedford MK42 9AP, for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
8. The developer's attention is drawn to the attached copy of Waste Management Notes.

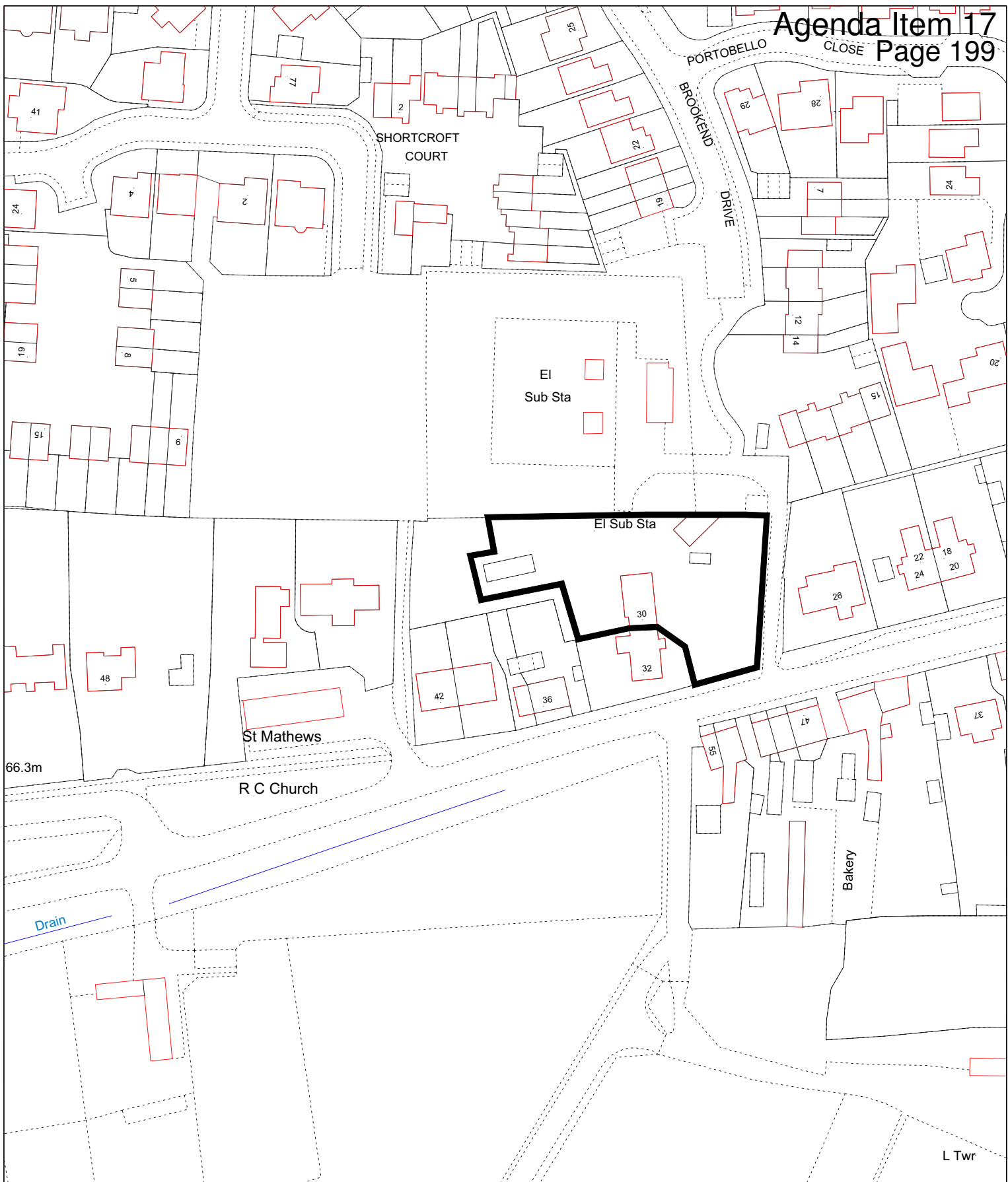
- 9. The developer is reminded that works involving the habitat of badgers, bats, breeding birds, etc may require a protected species disturbance licence. Further information can be obtained from Natural England, Beds and Cambs Team, Ham Lane House, Ham Lane, Nene Park, Orton Waterville, Peterborough, PE2 5UR Tel 01733 405 850.

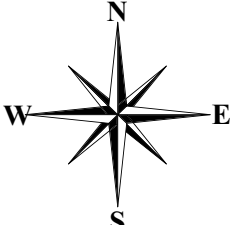
- 10. The applicant/developer is advised that under the terms of the adopted Development Brief there is no provision made for direct vehicular access to be taken to Station Road via the adjacent site currently the subject of a residential development but formerly known as Morgana Works, and that any application which proposed such a connection would not be looked upon favourably by the Local Planning Authority.

DECISION

.....
.....

This page is intentionally left blank



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)
	Date: 06:January:2010
	Map Sheet No

CASE NO.

Scale: 1:1250

This page is intentionally left blank

Item No. 17

APPLICATION NUMBER	CB/09/06068/FULL
LOCATION	Land at 30 Sharpenhoe Road, Barton-le-Clay, Bedford, MK45 4SD
PROPOSAL	Erection of two detached dwellings, one with detached single garage, and erection of single storey rear extension to no. 30.
PARISH	Barton-Le-Clay
WARD	Barton-le-Clay
WARD COUNCILLORS	Cllrs Tony Northwood & Janet Nunn
CASE OFFICER	Mr A D Robertson
DATE REGISTERED	01 October 2009
EXPIRY DATE	26 November 2009
APPLICANT	Vigor Homes
AGENT	Woods Hardwick Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Northwood
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The site comprises the curtilage of 30 Sharpenhoe Road, one of a pair of semi-detached properties located on the northern side of the road within the Barton Conservation Area. The two properties, nos. 30 and 32 are set at right angles to the road with their front elevations facing east, no. 32, a timber framed and thatched grade 2 listed building being closest to the road. No. 30 originally a listed timber framed building, has been extended and modernised in the past and was de-listed in 1998.

Roughly 'L' shaped, the site has a road frontage of 15.0m, a width on the rear boundary of 59.5m, a depth which varies between 34.0m on the eastern boundary and approx.18.0m on the western boundary, and an area of 0.16ha. The section of the site close to the road frontage comprises an area of informal garden and contains a number of trees which make a valuable contribution to the character and appearance of the street scene. The eastern and northern boundaries, which delineate the extent of the conservation area in this section of Sharpenhoe Road, are defined by hedgerows of varying quality.

The Application:

It is proposed to develop the site by the erection of two detached dwellings and to refurbish and extend the existing house. One of the properties, an 'L' shaped two storey four bed roomed dwelling with a single storey rear projection comprising kitchen, breakfast room and single garage, would be built in the north-eastern corner of the site, partly on the footprint of an existing garage/summer house. The second property, a chalet style dwelling with bedrooms in the roofspace, would be built in the north -western section of the site, with a detached single garage sited to the rear of the property. The works to the existing house would include the erection of a two storey extension to the rear north-western corner, measuring 5.1m wide by 2.6m deep and incorporating a pitched roof with rear facing gable. Internal works include the removal of internal partitions at ground floor level to create an enlarged lounge, new entrance lobby, and the formation of a ground floor family room and first floor bathroom, en-suite and dressing room in conjunction with the proposed rear extension. Externally, it is intended to insert new windows to the front elevation, block-up window openings in the north facing flank elevation, and incorporate false

timber framing with rendered infill panels to all elevations.

The existing access drive would be widened at its junction with Sharpenhoe Road and realigned within the site away from the front elevations of the existing dwellings to run between the trees in the centre of the site to serve the new dwellings, a vehicle turning area, and a new parking area for no. 30.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development.

PPS3 - Housing.

PPG13 - Transport.

PPG15 - Planning and the Historic Environment.

Regional Spatial Strategy

East of England Plan (May 2008)

ENV7 - Quality in the Built Environment.

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

South Bedfordshire Local Plan Review Policies

BE8 - Design and Environmental Considerations.

H2 - Making Provision for Housing via 'Fall-in' Sites.

H8 - Extensions to Dwellings.

T10 - Parking in New Developments.

Planning History

10414/LRD/60/153

Permission granted for alterations and extensions.

14665/LRD/64/426

Permission granted for erection of garage and garden room.

Representations:

(Parish & Neighbours)

Parish Council
(15/10/09)

Object on the following grounds:-

- overdevelopment of the site;
- the proposed works to no.30 would detract from the adjacent listed building, no.32;
- no provision is made for car parking at no.30;
- the construction of the proposed access road would result in the loss of two parking spaces on Sharpenhoe Road which already suffers from insufficient resident parking and increased demand from visitors to the Methodist Church and Youth Hut.

(17/12/09)

Object to the revised scheme on the following grounds:-

- loss of trees and frontage wall is of detriment to the conservation area;
- insufficient visibility provision on busy road renowned for speeding;
- concern about proposed tree protection measures;
- dwelling to n.e. corner will dominate area and is of inappropriate design; chalet bungalow design unfortunate;
- historic fabric of existing building will be lost; could the

- cottage be re-listed?;
- the structure of the adjacent listed building may be affected;
- any further hard surfaces or roof drainage will exacerbate flooding potential at no. 32;
- support the contents of the English Heritage letter;
- designs do not preserve or enhance the character of the conservation area;
- the proposal will materially and detrimentally affect the setting of the listed building and adjacent historic cottage.

(A copy of the letter is attached as an appendix).

Neighbours

Nos. 32, 38, 40, 49, 53 and 55 Sharpenhoe Road and previous owner of no.32, object for some or all of the following reasons:-

- the Design and Access Statement contains a number of inaccuracies;
- proposed dwellings are too big and would dominate the site and be detrimental to the character and appearance of the adjoining listed building (no.32) and the street scene as a whole;
- extensions to no.30 are too large and works would aesthetically ruin its character and that of the adjoining listed building and may cause damage to the internal structure of the listed building;
- the proposed parking is inadequate and the development would exacerbate existing parking, congestion and road safety problems on Sharpenhoe Road which is a busy and dangerous road;
- overlooking and loss of privacy;
- nuisance to owners of adjoining property during construction work due to noise, vibration, dust, fumes and higher propensity for crime;
- removal of part of the historic front garden wall and gates would impact on the character of the area;
- removal of trees and shrubs would result in loss of wildlife habitat;
- potential flooding problems;
- concern regarding siting close to electricity sub-station;
- the site boundary with no.32 is incorrect.

Consultations/Publicity responses

Environmental Health Officer (16/10/09)	No objection in principle to residential development but recommends the imposition of conditions to address potential contamination and noise issues arising from the adjoining electricity sub-station.
Environment Agency (19/10/09)	No comment.
Archaeologist (22/10/09)	No objection on archaeological grounds.

Society for the
Protection of Ancient
Buildings (04/11/09)

Express concern about the effect the proposed works to 30 Sharpenhoe Road may have on the listed building, no. 32. Conditions should be included to ensure that no damage is caused to no.32. Also points out a number of inaccuracies contained within the Design and Access Statement.

Landscape Officer
(16/11/09)

Comments as follows:-

- Following discussions with the architect, the scheme now retains strategically important trees along the Sharpenhoe Road frontage and along the northern boundary of the site marking the edge of the conservation area;
- Encroachment of the driveway into the root protection area of retained trees will necessitate the use of a cellular confinement system the specification of which is included in the applicants Arboricultural Method Statement;
- Recommends the imposition of conditions which refer to specific methodology in the supporting documentation.

Conservation Adviser
(16/11/09)

Raises the following concerns:-

- the use of false Tudor boarding as an external treatment is inappropriate and should be omitted in favour of simple brick or render finishes;
- the proposed refurbishment works may have a practical impact on the fabric of no.32 and a condition should be imposed to require the submission of a method statement to demonstrate how the works will be carried out without harm to the fabric of the listed building;
- any elements of the older building fabric of no.30 which are of positive value should be retained. Considers that the layout of the overall development and the design of the proposed new houses and extension of no.30 are acceptable and would not cause undue harm to the character of the conservation area or the setting of the adjacent listed building.

Comments that the Design and Access Statement contains a number of inaccuracies.

Highway Engineer
(19/11/09)

No objection subject to the imposition of conditions.

English Heritage
(02/12/09)

Objects on the following grounds and recommends refusal for the reason that the proposal will neither preserve nor enhance the character and appearance of the conservation area:-

- the requirement to provide a widened access to serve the development will result in the loss of a section of the front boundary wall;

- although the quality of planting within the site may be relatively poor, it does enhance the conservation area and the more immediate setting of the listed building. The proposals require much of this planting to be removed or heavily pruned, resulting in the loss of the "overall sense of green" and opening up views of the proposed development and the 20th century housing beyond;
- the new house will dominate both nos. 30 and 32 and will urbanise and erode the semi-rural character of this part of the conservation area;
- the intention to return the external appearance of the cottage to something more in keeping with a property of its age is welcomed, however there is concern that the works do not pay sufficient regard to the historic plan form of the cottage and historic fabric will be lost as a result.

(A copy of the letter is attached as an appendix).

Determining Issues

The main considerations of the application are;

1. Planning Policy.
2. Impact on the character and appearance of the Conservation Area.
3. Impact on the setting and fabric of the Listed Building.
4. Access and Parking.
5. Impact on Residential Amenity.

Considerations

1. Planning Policy.

The site lies outside the Green Belt and within the main built-up area of Barton Village. Accordingly the proposed development is considered to be acceptable in principle and is in accordance with national and local policies which encourage the development of vacant and under-used land in urban areas and in villages well served by existing facilities. There is existing residential development on Sharpenhoe Road to the west and east whilst to the north lies the extensive Grange Farm estate.

2. Impact on the character and appearance of the Conservation Area.

The site is within a small section of the Conservation Area on the northern side of Sharpenhoe Road which comprises the curtilages of nos. 30 to 42. Whilst the frontages of the adjoining properties nos. 36 to 42 are largely open, the curtilages of nos. 30 and 32 are defined by extensive tree and shrub planting which gives this section of the conservation area a semi-rural appearance and makes a significant and valuable contribution to the street scene. In determining the application it is therefore important to ensure that this attribute of the conservation area is not adversely affected. In this connection, lengthy pre-application discussions took place in order to ensure that the impact of any development on the existing trees and shrubs was minimised, early proposals involving the removal of two western red cedars from the group of trees close to the road frontage in order to provide an alternative access to the rear of the site being considered to be totally unacceptable. The current scheme, although involving the removal of one tree from the group, does retain the strategically

important trees along both the site frontage and the eastern and northern site boundaries which define the extent of the conservation area at this point. It is also proposed to carry out additional tree and hedgerow planting in order to supplement the existing boundary planting which is somewhat sparse in places. In this respect it is considered that the character of the conservation area would be reinforced.

The group of trees and shrubs on the site frontage, as well as adding to the character of the conservation area, effectively screens the rear section of the site and accordingly the proposed dwellings would not be clearly visible when viewed from the road frontage. This is of course not a reason to accept a scheme which is not appropriate in terms of the scale and design of the proposed dwellings and whilst we had concerns with regard to certain details of the proposed dwellings and the alterations to the existing property, revised plans have been submitted which overcome those concerns and address some of the objections raised. The revisions include the following:-

- changes to the design of the proposed two storey dwelling involving a reduction in ridge and eaves heights and front elevation detailing;
- removal of the mock timber framing from the front and flank elevations of the existing cottage and the proposed rear extension.

3. Impact on the setting and fabric of the Listed Building.

The proposed development, although not taking place within the curtilage of the listed building, no.32 Sharpenhoe Road, nevertheless has the potential to affect its setting. However, the relationship between the proposed dwellings and no.32 is considered to be such that any impact would be minimal having regard to the distances involved, the existence of intervening screen planting and the improvements made to the design of the proposed two storey dwelling.

Concern has also been raised regarding the impact of the proposed alterations to the existing property on the setting and the fabric of the listed building. On the first of these issues, the amendments made in respect of the proposed alterations would not result in the setting of the listed building being adversely affected, indeed, the overall package of alterations which will rectify some of the damage to the building which took place in the 1960's, would be of benefit to the cottage itself and the adjoining listed building. The concerns raised with regard to possible damage to the fabric of the listed building as a result of the various refurbishment works to no. 30 are noted and have been discussed with the developer who intends to ensure that all historic features are retained as this approach will add to the character of the property. It is intended however to impose appropriate conditions in order to ensure that the historic fabric of both properties is not adversely affected.

4. Access and Parking.

The existing access is to be widened in order to provide a width of 4.1m at the site entrance as required by the Highway Officer. Although a section of the front boundary wall is to be removed in order to facilitate this widening there would be no loss of on-street parking space as a result. Visibility splay and on-site parking and turning provision is in accordance with the Highway Officers requirements. Two parking spaces are retained for the existing cottage.

5. Impact on Residential Amenity.

It is considered that the relationship between the proposed and existing properties is such that there would be no adverse impact in terms of overlooking, loss of privacy or overbearing appearance. Although in the scheme as originally submitted there was potential for overlooking of part of the garden to no.32, revised plans have been submitted which satisfactorily address the

issue. The existing access serving no.30 which runs close to both properties is to be re-routed away from the dwellings which will reduce the potential for noise nuisance due to vehicle movements.

Reasons for Granting

Whilst the location of land within a conservation area does not preclude its residential development, there is a requirement to ensure that a high priority is given to the objective of preserving or enhancing the character or appearance of the area. Given that this site is within an area where residential development is encouraged by national and local housing policy, it is considered that the proposal as amended would not be in conflict with conservation objectives either in terms of its impact on the character and appearance of the conservation area or the setting of the listed building.

Recommendation

That Planning Permission be GRANTED subject to the following:

- 1 The development shall begin not later than three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**
REASON: To ensure a satisfactory standard of landscaping.
(Policy BE8, S.B.L.P.R).
- 3 Notwithstanding the details shown on the approved plans, the existing trees and hedgerows shall be retained and protected in a manner to be approved in writing by the Local Planning Authority and shall not be destroyed, uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees or hedgerows removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced by trees or hedgerow specimens of such size and species as may be agreed with the Local Planning Authority. Such trees or hedgerow specimens shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.
REASON: To comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard existing trees on the site.
(Policy BE8, S.B.L.P.R).

- 4 Before development begins, tree protection fencing and ground protection measures shall be fully installed and thereafter properly maintained and fully managed in strict accordance with the details shown on the approved Tree Protection Plan, Drawing No. WHK16889-03, and the associated Arboricultural Method Statement (Ref: WHK16889ams) submitted as part of the application.
REASON: To comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard the existing trees on the site.
(Policy BE8, S.B.L.P.R).
- 5 The proposed areas of "No-Dig" surface shall be provided in accordance with the design specification and in the precise locations as shown on the approved Tree Protection Plan, Drawing No. WHK16889-03, and shall be installed in strict accordance with the Arboricultural Method Statement (Ref. WHK16889ams) submitted as part of the application.
REASON: To comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard the existing trees on the site.
(Policy BE8, S.B.L.P.R).
- 6 Before development begins, a Project Arboriculturist shall be appointed to carry out monitoring and supervision of work on the site in strict accordance with the Arboricultural Method Statement (Ref. WHK16889ams) submitted as part of the application.
REASON: To ensure that the development is carried out in accordance with the approved details.
- 7 The developer and Project Arboriculturist shall adhere strictly to all stipulated methodology identified in the Arboricultural Method Statement (Ref.WHK16889ams) submitted with the application.
REASON: To ensure that the development is carried out in accordance with the approved details.
- 8 Before the development is first occupied or brought into use, the parking scheme shown on Drawing No.16239 / 1006.Rev.A shall be completed and thereafter retained for this purpose.
REASON: To ensure provision for car parking clear of the highway.
(Policy T10, S.B.L.P.R).
- 9 **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed building/s shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**
REASON: To control the appearance of the building/s.
(Policies BE8 & H8, S.B.L.P.R).
- 10 **Before development begins, details of the levels of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.**
REASON: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.
(Policy BE8, S.B.L.P.R).

- 11 **Before development begins, the positions of the re-aligned access drive and the proposed dwellings shall be pegged out on site and their positions approved in writing by the Local Planning Authority.
REASON: To enable consideration to be given to the precise layout of the development.
(Policy BE8, S.B.L.P.R).**
- 12 The windows shown on Drawing No. 16239/106A shall be permanently glazed with obscured glass.
REASON: To protect the privacy of the occupiers of adjoining properties.
(Policy BE8, S.B.L.P.R).
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building/s hereby permitted shall be carried out without the grant of further specific permission from the Local Planning Authority.
REASON: To control the external appearance of the building/s in the interests of the amenities of the area.
(Policy BE8, S.B.L.P.R).
- 14 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property without the grant of further specific permission from the Local Planning Authority.
REASON: To control the development in the interests of the amenities of the area.
(Policy BE8, S.B.L.P.R).
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be inserted into the south facing elevation of the proposed dwelling to be erected on Plot 2.
REASON: To protect the amenity of neighbouring residents.
(Policy H2, S.B.L.P.R).
- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), any garage, car port or parking space hereby permitted shall be kept permanently available for the parking of motor vehicles.
REASON: To ensure that off-street parking is retained in the interests of highway safety.
(Policy T10, S.B.L.P.R).
- 17 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.

- 18 Before development begins, details of a bin storage/collection point shall be submitted to and approved in writing by the Local Planning Authority. The facility shall be provided in accordance with the approved details prior to the first occupation of any dwelling.
REASON: In the interest of amenity.
(Policy BE8, S.B.L.P.R).
- 19 The communal areas and the vehicle turning area to the front of Plot 1 shall be placed in the control and ownership of a single body which shall be responsible for the management and maintenance of those areas.
REASON: To retain off-street parking and turning provision and thereby minimise the potential adverse impact on the convenience of road users.
- 20 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.
- 21 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.
- 22 No development shall commence until wheel-cleaning facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development commences and the Site Developer(s) shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has been substantially completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).
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.
- 23 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied within relation to that contamination.

(a) Site Characterisation

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

persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

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

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

(d) Reporting of Unexpected Contamination

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

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

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

- 24 Before development begins, a noise assessment for the site shall be undertaken in accordance with the assessment methodology set out in BS4142:1997 "Method for rating industrial noise affecting mixed residential and industrial areas". The noise assessment shall assess the impact of noise arising from the adjoining electricity sub-stations and shall include details of any noise mitigation measures considered necessary to ensure that appropriate noise levels within the proposed dwellings and outdoor amenity areas are achieved. The completed noise assessment shall be submitted to the Local Planning Authority for approval before development begins and any works which form part of the approved scheme shall be completed before any dwelling is occupied, unless an alternative period is previously agreed in writing by the Local Planning Authority.

REASON: To protect the amenity of future occupiers of the development.

- 25 Before development begins, a method statement detailing any works to be undertaken to the fabric of the adjoining listed building, 32 Sharpenhoe Road, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out only in accordance with the approved details.

REASON: To safeguard the historic and structural integrity of the listed building.

- 26 Before development begins, a schedule of works shall be submitted to and approved in writing by the Local Planning Authority detailing those elements of the existing fabric and fittings within the existing dwelling which are to be repaired and retained and those which are to be removed. The work shall be carried out only in accordance with the approved details.

REASON: To ensure that those elements of historic building fabric which are of value are retained.

- 27 This permission relates only to the details shown on Drawing No. 16239/1007A received 01/10/09, Drawing Nos. 16239/105, 16239/107, WHK16889-03 and WHK16889-11 received 23/09/09 and Drawing Nos. 16239/1006, 16239/106A and 16239/109.A received 23/11/09, or to any subsequent appropriately endorsed revised plan.

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

Notes to Applicant

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

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

South Bedfordshire Local Plan Review Policies

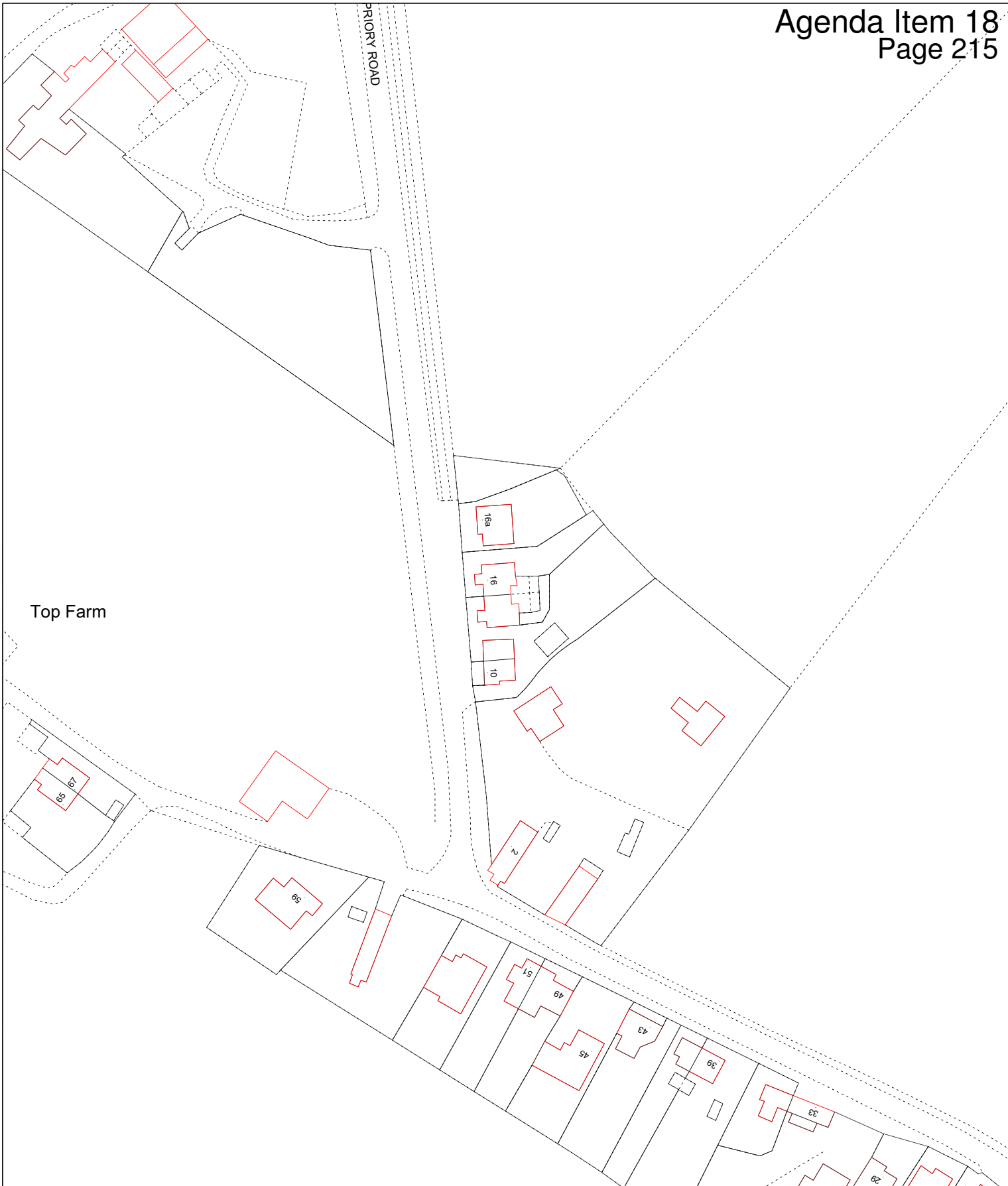
- BE8 - Design and Environmental Considerations
- H2 - Making Provision for Housing via 'Fall-in' Sites
- H8 - Extensions to Dwellings
- T10 - Parking in New Developments

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. No works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Customer Contact Centre, 6th Floor, Borough Hall, Bedford, MK42 9AP quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

DECISION

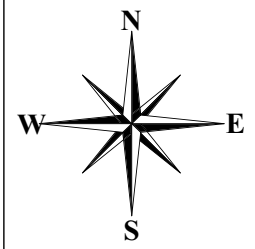
.....
.....

This page is intentionally left blank



Top Farm

PRIORY ROAD



© Crown Copyright. All rights reserved.
Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 06:January:2010

Map Sheet No

CASE NO.

Scale: 1:1250

This page is intentionally left blank

Item No. 18

SCHEDULE C

APPLICATION NUMBER	CB/09/06892/FULL
LOCATION	16 Priory Road, Campton, Shefford, SG17 5PG
PROPOSAL	Full: Erection of ground floor rear/side extension
PARISH	Campton/Chicksands
WARD	Shefford
WARD COUNCILLORS	Cllr Burt and Cllr Brown
CASE OFFICER	Mary Collins
DATE REGISTERED	14 December 2009
EXPIRY DATE	08 February 2010
APPLICANT	Mr Alan Stone
AGENT	Architectural Design Ltd
RECOMMENDED DECISION	Full Application - Granted
REASON FOR COMMITTEE TO DETERMINE	Applicant employee of Central Bedfordshire Council

Site Location:

16 Priory Road, Campton is a semi-detached property forming part of a pair of cottages.

The property has a pitched slate roof with a decorative ridge tile and is constructed in a cream brick laid in a Flemish bond with darker brick quoins and brick detailing around the windows in the front elevation. To the front the property has a porch. The property has been extended previously to the rear forming a two storey gable projection. The rear section of the dwelling is rendered. The application site is within the Settlement Envelope.

Priory Road is characterised by a mixture of dwellings of varying ages and styles. Priory Road is a rural lane with residential development along the eastern side of the road. There is open countryside to the rear and opposite the property.

The Application:

Planning permission is sought for the erection of an extension to the rear/side.

RELEVANT POLICIES:

National Policies (PPG & PPS)

- PPS 1 Delivering Sustainable Development
- PPS 3 Housing

Regional Spatial Strategy

East of England Plan (May 2008)

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

Bedfordshire Structure Plan 2011

None

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

DM3 - Criteria for extensions

Supplementary Planning Guidance

Technical Planning Guidance: Extensions and Alterations: A Design Guide for Householders 2004

Planning History

MB/98/01659

Full: Erection of first floor rear extension. Approved
14/01/99

Representations: (Parish & Neighbours)

Campton PC
Adj Occupiers

To be reported
To be reported

Consultations/Publicity responses

Site Notice posted To be reported
30/12/09

Determining Issues

The main considerations of the application are;

1. Visual impact upon the character and appearance of the area
2. Impact upon neighbouring residential amenity

Considerations

1. Visual impact upon the character and appearance of the area

An extension is proposed to the rear. It will project to the rear by a distance of 3 metres and will wrap around the rear corner of the property projecting to the side by 2 metres. The extension is inset from both side boundaries by a distance of one metre and is approximately 7.7 metres wide. The walls of the extension will be rendered to match the existing rear projection and the roof will be laid in

slate.

The extension will have a lean to roof to the rear section with gables to each side. A small section with a sloping roof and open sides with timber corner posts will project forwards alongside the side wall of the existing dwelling by a distance of approximately one metre.

The section of the extension that projects to the side will be visible from the front of the property and presents a sloping roof. However the extension is set back from the front elevation of the property by a distance of approximately 7 metres and is partially screened by a fence and gate separating the front and rear gardens, as such views of the extension from the street will be recessive. Views of the extension are limited to those immediately to the front of the property due to the screening of the extension by the host dwelling and the dwelling at 16a Priory Road. The extension is subservient and is not considered to have a detrimental impact on the appearance of the dwelling or the street scene.

The rear garden of the property backs onto open countryside, however public views of the rear elevation of the property will be minimal and as such the proposal is not considered to be detrimental to the wider landscape.

2. Impact upon neighbouring residential amenity

14 Priory Road is attached to the host dwelling and has also been extended previously to the rear in line with the rear of the host dwelling. A window in the rear elevation of this property serves a utility room. This window is not considered to be detrimentally affected by a loss of light as a result of the extension.

The proposed extension is inset by one metre from the boundary and presents a wall to the boundary. Although the roof does not slope away from the boundary the proposal is not considered to be overbearing on the boundary due to its single storey nature and its inset from the shared boundary. No windows are proposed in the side wall of the extension and as such a detrimental loss of privacy through overlooking should not result.

16a Priory Road is a detached property and is separated from the proposed extension by a distance of two metres and being single storey the extension will not be overbearing on the boundary. There are no windows in its side wall facing the extension and it is considered that windows in the rear of this property will not be detrimentally affected by a loss of light.

The extension is set in from the boundaries with both neighbouring properties by a distance of one metre and is screened by boundary fencing, it is not considered necessary to impose a condition restricting the addition of windows in the sides at a later date.

Conclusion

In light of the above considerations it is recommended that planning permission is Granted.

Reasons for Granting

The proposal is in conformity with Policy DM3 of the Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009 as the proposal is appropriate in scale and design to its setting and respects the amenity of surrounding properties. It is also in accordance with Planning Policy Guidance: PPS1: Delivering Sustainable Development and PPS3: Housing.

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.

Notes to Applicant

DECISION

.....
.....