

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



**Central
Bedfordshire**

please ask for Martha Clampitt
direct line 0300 300 4032
date 16 February 2010

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 17 February 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:

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

[Named Substitutes:

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

All other Members of the Council - on request

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

****As there are no Strategic Planning or Minerals and Waste Matters to be considered the meeting will start at 2.00p.m.***

AGENDA

1. **APOLOGIES FOR ABSENCE**

Apologies for absence and notification of substitute members

2. **CHAIRMAN'S ANNOUNCEMENTS**

If any

3. **MINUTES**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 20 January 2010.
(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 A4 of the Constitution.

6. **DISCLOSURE OF EXEMPT INFORMATION**

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

REPORT

Item	Subject	Page Nos.
7	Planning Enforcement Cases Where Formal Action Has Been Taken To consider the report of the Director of Sustainable Communities providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.	7 - 16
8	Confirmation of Tree Preservation Order No. 13/2009 (Land at the rear of 22 Heath Park Drive, Leighton Buzzard) To request that the Committee consider the unresolved objection made from Mr & Mrs Grasby of 25 Heath Park Drive following the making of Tree Preservation Order No. 13/2009 and to confirm the Order without modification.	17 - 20

Planning and Related Applications

To consider the planning applications contained in the following schedules:

Schedule A - Applications recommended for Refusal
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Item	Subject	Page Nos.
9	Planning Application No. CB/09/07039/FULL Address: Shuttleworth College, Old Warden Park, Old Warden Full: The erection of marquee in Old Warden Park for Summer Weddings with car parking in the Old Walled Garden from 1 May to 30 September in the years 2010 – 2014 and the installation of a septic tank. Applicant: Bedford College	21 - 28

Schedule B - Applications recommended for Approval

Item	Subject	Page Nos.
10	<p>Planning Application No. CB/09/07065/FULL</p> <p>Address: Elm Lodge, 18 Stoke Road, 20 Stoke Road and Elmside, Bossington Lane, Linslade, Leighton Buzzard</p> <p>Demolition of number 20 Stoke Road and Elmside, Bossington Lane and erection of single and two storey extensions to Elm Lodge residential nursing home (revised application CB/09/06271/FULL).</p> <p>Applicant: Nanco Enterprises Ltd.</p>	29 - 46

11	<p>Planning Application No. CB/09/06388</p> <p>Address: The Gables, Mill Lane, Potton</p> <p>Reserved Matters: Residential development following demolition of existing dwelling and outbuildings comprising the erection of 13 no. 3 bedroom dwellings and 1 no. 1 bedroom dwelling (pursuant to outline planning permission 06/0833/OUT). Matters to be considered are access, appearance, layout and scale.</p> <p>Applicant: Vigor Homes</p>	47 - 62
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Schedule C - Other Applications

Item	Subject	Page Nos.
12	<p>Planning Application No. CB/09/06583/CA</p> <p>Address : Clubhouse, Rectory Road, Steppingley</p> <p>Conservation Area Consent: Demolition of existing Cricket Pavilion with new building.</p> <p>Applicant : Steppingley Parish Council</p>	63 - 68

Address: Clubhouse, Rectory Road, Steppingley

FULL: Erection of new Cricket Pavilion to replace existing.

Applicant: Steppingley Parish Council

14 **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 10 March 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.

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Meeting: Development Management Committee
Date: 17th February 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:

To receive the monthly update of Planning Enforcement cases where formal action has been taken

Background

- (a) This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
- (b) The list briefly describes the breach of planning control, dates of action and further action proposed.
- (c) Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases please contact Sue Cawthra on 01462 611369.

CORPORATE IMPLICATIONS

Council Priorities:

This is a report for noting ongoing enforcement action.

Financial:

None

Legal:

None

Risk Management:

None

Staffing (including Trades Unions):

None

Equalities/Human Rights:

None

Community Safety:

None

Sustainability:

None

Appendices:

Appendix A – (Planning Enforcement Formal Action Spreadsheet – North & South)

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

Planning Enforcement formal action (DM Committee 17th February 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/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
2	CB/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	Appeal Received 08/01/2010			Await outcome of Appeal
3	CB/ENC/09/1046 Case Closed	Land at 63 Hitchin Road, Stotfold	Enforcement Notice - The keeping of ponies without planning permission.	30-Sep-09	28-Oct-09	25-Nov-09	Allowed			Appeal Allowed Enforcement notice Quashed
4	CB/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 Refused 18/01/2010
5	CB/ENC/09/1157	Land at 19 Sundon Road, Streetley	Enforcement Notice - erection of brick-built two-storey building.	30-Nov-09	11-Jan-10	5-Apr-10	Appeal Received 12/01/2010			Appeal not accepted by PINS- Out of time
6	CB/ENC/09/1268	18 Matthew Street	Breach of Condition Notice	4-Jan-10	4-Jan-10	3-Feb-10				Check compliance after 3-Feb-10
7	CB/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
8	CB/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
9	MB/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. Await outcome CB/09/07040/FULL

Planning Enforcement formal action (DM Committee 17th February 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
10	MB/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.
11	MB/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		Planning permission for barn extension, currently being built.	1 cabin removed, 2nd cabin empty to be removed when sold
12	MB/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.
13	MB/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	3-Apr-10	Appeal dismissed & uphold enforcement notice	Ombudsman complaint, no maladministration
14	MB/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, pre-app received.
15	MB/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
16	MB/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.
17	MB/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	Appeal received 12/01/2010			Await outcome of Appeal
18	SB/ENC/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

Planning Enforcement formal action (DM Committee 17th February 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
19	SB/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	Fence to be removed by 01/07/2010
20	SB/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
21	SB/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
22	SB/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
23	SB/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
24	SB/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	New planning application received
25	SB/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	New planning application received
26	SB/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
27	SB/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
28	SB/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.

Planning Enforcement formal action (DM Committee 17th February 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
29	SB/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.
30	SB/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.
31	SB/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.
32	SB/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
33	SB/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 to gain access.
34	SB/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.
35	SB/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.
36	SB/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.
37	SB/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
38	SB/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

Planning Enforcement formal action (DM Committee 17th February 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
39	SB/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
40	SB/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
41	SB/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

Planning Enforcement formal action (DM Committee 17th February 2010)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
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.
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: 17 February 2010
Subject: Confirmation of Tree Preservation Order No. 13/2009
(Land at the rear of 22 Heath Park Drive, Leighton Buzzard)
Report of: Andy Jones - Tree and Landscape Officer
Summary: To request that the Committee consider the unresolved objection made from Mr & Mrs Grasby of 25 Heath Park Drive following the making of Tree Preservation Order No. 13/2009 and to confirm the Order without modification.

Contact Officer: Andy Jones X 75161
Public/Exempt: Public
Wards Affected: Plantation, Leighton Buzzard
Function of:

CORPORATE IMPLICATIONS

None

RECOMMENDATIONS:

That the Committee confirms the Tree Preservation Order, which was provisionally made for 6 months, and is due to expire on the 19th April 2010.
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Background

1. The Tree Preservation Order (TPO) was instigated after the Council was contacted by the owner of 22 Heath Park Drive who wished to prune back the crowns of two large Oak trees at the rear of the property, back to the garden boundary line, and to reduce their height. The Council became concerned at this proposal since the appearance of Oaks can be adversely affected by pruning works and it was found that the trees were not protected by any Tree Preservation Order. A site visit was then arranged to investigate the matter.

A subsequent site visit was made on the 14th October 2009 when it was noted that the trees appeared to be within an area of enclosed footpath leading to Dovers Down School. It was also observed that several Birch trees in the same area of footpath had been topped with disfiguring results. The two Oak trees were found to be excellent mature specimens of fine shape and form, whose natural shape and appearance would be adversely affected by the proposed pruning works. This was especially significant with the trees being so close to the complainant's garden boundary. In this situation, the amount of branches

that could be removed (as part of exercising the common law right to prune overhangs) was considerable. It was observed that the overhanging branches were not causing any “actionable nuisance” as defined by case law and there was no justification for severe pruning works.

It was also recognised that the area was strongly wooded in character and the trees made a significant contribution to the amenity and character of the area, being visible from public areas, and that a Tree Preservation Order was justified.

2. A TPO was then made on the two Oak trees for the reasons that:-

- The trees are located within a designated Area of Special Character, typified by residential areas enhanced by mature wooded gardens, and thereby make an important contribution to this Area of Special Character.
- The trees have strong individual merit, being excellent examples of the species and having fine shape and stature.
- The Oak trees are visible from the surrounding highway, footpaths and public open space areas and make a positive contribution to the visual amenity and character of the area.
- The Oak trees contribute to the surrounding wooded character typical of the area and are an important constituent of the wooded character in its wider setting.

3. Following the serving of the TPO, an objection was received from Mr and Mrs E Grasby of 25 Heath Park Drive on the 7th November 2009. Their grounds for objections were based on the following:-

- The Order was made without a site visit involving the householders of 22 and 25 Heath Park Drive and without examining the impact that the trees have on the houses and gardens of the two properties.
- Oak tree T2 overhangs the garden by considerable amounts and due to its height and breadth makes the property dark and restricts the varieties of planting possible in the garden.
- The Order appears to have been made without thought being given to any tree management of the two trees in question. The trees appear to have been allowed to grow completely out of control for years without any maintenance and husbandry.
- It would appear to be an irresponsible and cavalier act on behalf of the Council to place a TPO on these two trees without first carrying out severe pruning to restrict the height and breadth. If either tree should fall then considerable damage would be caused.
- The TPO has been made in an underhand manner in response to an honourable representation made by a neighbour.

- The trees should be managed responsibly and the TPO prohibits any sort of work being done on them and the Council should prune the trees as a compromise.

The Tree & Landscape Officer's reply to these points in respect of the objection were:-

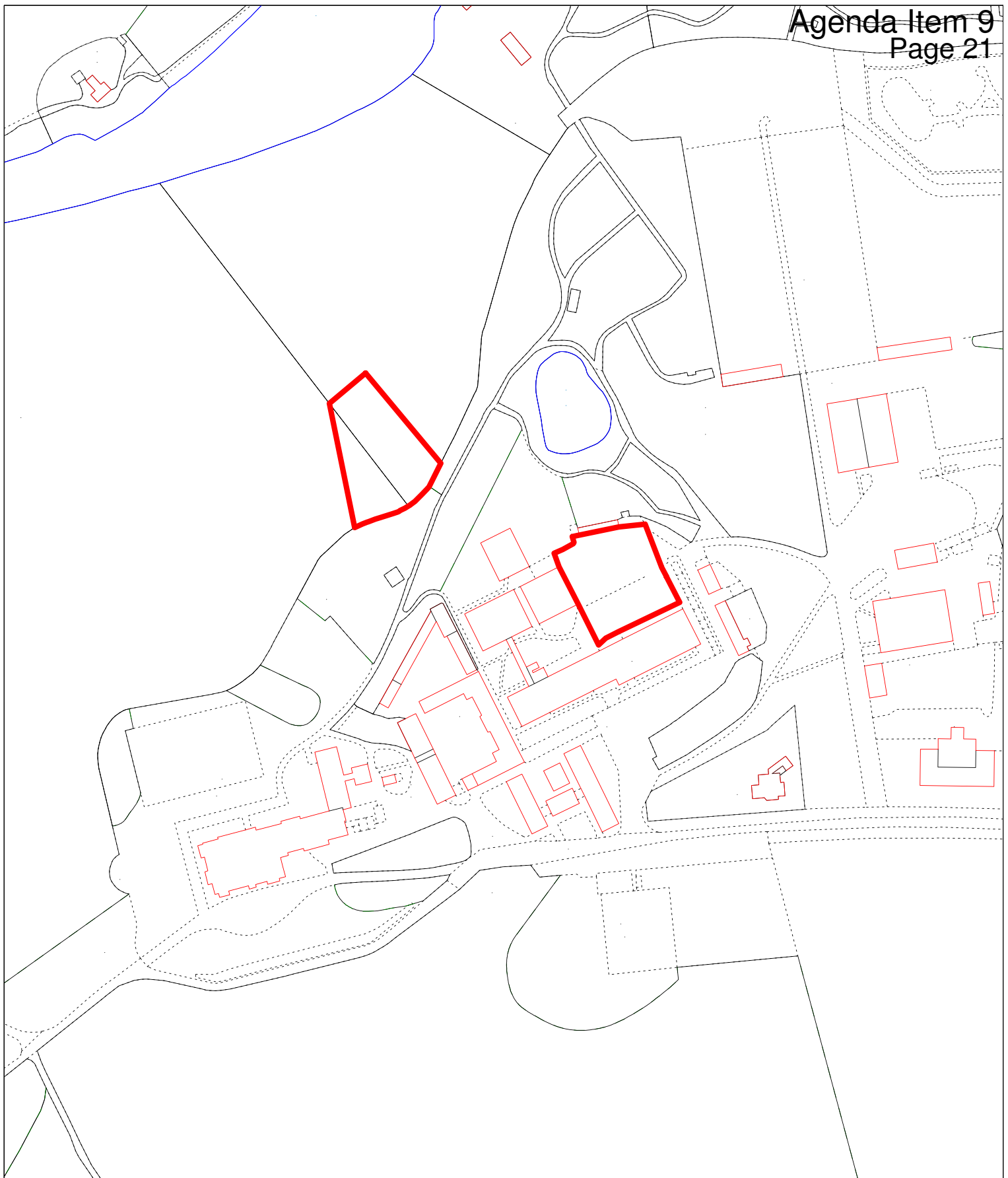
- Consultation site visits are not made prior to a TPO being served. This has proved counter productive in the past where damaging work has subsequently been carried out due to the forewarning that a TPO is about to be served.
 - Tree Preservation Orders apply to trees irrespective of the garden boundaries they may cross and are not just applicable to the property where the tree may be growing. A tree is protected in recognition of its contribution and stature to the overall local landscape. In respect of this, it is inevitable that a mature Oak will block light to adjacent gardens, and this is insufficient reason to severely prune a protected tree. Examples of justifiable reasons would include any direct conflict with the fabric of adjacent buildings, or if a tree has significant structural defects.
 - The purpose of this TPO was to prevent drastic and disfiguring pruning works being carried out by residents to their boundary line. This action is often unjustified and is harmful to trees. Severe pruning has regrettably already occurred to a number of Silver Birch trees within the curtilage of the school pathway, close to the boundaries of adjacent properties. This has been done to the detriment of their health and appearance, and will instigate other long-term problems for these trees.
 - It is regrettable that the Council is considered to have acted in an underhand manner in the serving of this TPO. By their very nature, the making of TPO's can never be undertaken with mutual acceptance by all parties. It was the Council's concerns in respect of the extent of works being proposed, and the history of previous pruning works, which prompted the making of this TPO.
 - It should be recognised that Dovers Down Lower School still retain independent responsibility for the maintenance of these trees and not Tree Officers of Central Bedfordshire Council. The making of this TPO does not prevent work from being carried out on a protective tree, provided it is done with the consent of the Local Planning Authority (Central Bedfordshire Council). If any resident wished to carry out work on any of these protected trees that overhang the garden, they may do so as part of the normal application process, where the reasons are evaluated and appropriate work is granted consent where considered justified, and where it would not harm the trees.
5. The Oak trees were assessed under TEMPO ("Tree Evaluation Method for Preservation Orders"), which is a nationally recognised system, produced by an independent arboricultural consultant, where scores are allocated towards meeting certain criteria needed required to justify a TPO. The scoring produced by the valuation method indicates that any score between 11 to 14 points

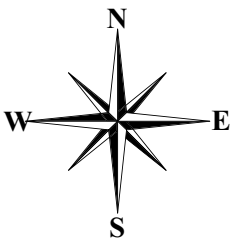
merits a “*defensible TPO*” and that any score over 15 points “*Definitely merits a TPO*”. Following a survey on the 14th October 2009, it was found that each of the Oak trees had a score allocation of 20 Points, based on the fact that they were:-

- In good condition
- Had a retention span of between 40 to 100 years
- They are large or medium trees clearly visible to the public
- The trees are principal components of an arboricultural feature (Area of Special Character - typified by mature wooded gardens)
- There is a perceived threat to one or more of the trees

6. Following the response from the Tree & Landscape Officer, there was no further correspondence received from the objectors, and the objection therefore remains unresolved.

Appendices: Copy of Tree Preservation Order No. 13/2009



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	CASE NO.
	Date: 04:February:2010	
	Map Sheet No	
Scale: 1:2500		

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Item No. 9

APPLICATION NUMBER	CB/09/07039/FULL
LOCATION	Shuttleworth College, Old Warden Park, Old Warden
PROPOSAL	Full: The erection of marquee in Old Warden Park for summer weddings with car parking in the Old Walled Garden from 1st May to 30th September in the years 2010-2014 and the installation of a septic tank.
PARISH	Old Warden
WARD	Northill and Blunham
WARD COUNCILLORS	Cllr Maudlin & Cllr Turner
CASE OFFICER	Samantha Boyd
DATE REGISTERED	18 December 2009
EXPIRY DATE	12 February 2010
APPLICANT	Bedford College
AGENT	Andrew Pym
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Cllr Maudlin – Significant local interest and implications for funding to the Shuttleworth Trust
	Full Application - Refused

Site Location:

The site lies within a Grade II* registered Historic Park and Garden and near to Shuttleworth Mansion, a Grade II* listed building. The house is the work of Henry Clutton, a 19th century architect, and is considered to be a building of substantial heritage importance.

The Old Warden Estate comprises around 1,862 hectares and is owned and managed by the Shuttleworth Trust. It includes farmland and woodland, the Village of Old Warden, and the Historic Park. Within the Park are a number of listed buildings, pleasure gardens, the Shuttleworth College and the Shuttleworth Collection and aerodrome. Much of the Park and the village are within a Conservation Area.

The Application:

Planning permission is sought for the erection of a marquee for 5 months (1 May to 30th September). The marquee would be sited to the north east of the Mansion House close to the Summer House and Sunken Garden. It is 28 by 12 metres with a service tent and separate wc. The application also includes the installation of a septic tank. The Old Walled Garden, to the south east of the marquee, is also included in this application and is to be used for parking. Marriage ceremonies often take place in the Mansion or the Summer House with the marquee being the venue of the wedding party.

It is proposed that the marquee would be used from 1st May to 30 September each year. This permission seeks consent from 2010 to 2014 (inclusive).

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPG15 Planning and the Historic Environment

Regional Spatial Strategy

East of England Plan (May 2008)

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

Bedfordshire Structure Plan 2011

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

CS15: DM13 Heritage in Development

Supplementary Planning Guidance

Design in Central Bedfordshire 2010

Planning History

03/01423/Full	Erection of marquee from 1 April to 30 September each year to 30 September 2008 (retrospective) Refused 30 September 2003.
04/00589/Full	Erection of marquee from 1 April to 30 September each year until 30 September. Refused 20 May 2004.
04/01367/Full	Erection of marquee from 1 April to 30 September each year until 30 September 2009. Approved 21 May 2005.
08/02366/Full	Erection of marquee from 1 April to 30 September each year from 2010-2014. Withdrawn 17/2/09
09/01207/Full	Erection of marquee from 1 April to 30 September each year from 2010 - 2014. Refused 23/07/09

**Representations:
(Parish & Neighbours)**

Old Warden Parish Council	No comments received at time of writing report
Neighbours	No comments received at time of writing report

Consultations/Publicity responses

Site notice displayed	11/1/2010
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Application advertised
English Heritage

08/01/10

English Heritage have advised on the previous applications. Concerns have been raised about the impact of the proposals on the character of the historic landscape and setting of the listed mansion.

Determining Issues

The main considerations of the application are;

- 1 Background
- 2 Policy
- 3 The effect upon the Historic Park and Garden and the setting of the Listed Building and the conservation area.
4. The impact on neighbouring amenity.

Considerations

1 Background

The marquee was granted temporary consent in 2004. The permission allowed the siting of the marquee from 1 April to 30 September each year until September 2009. Temporary consent was granted as a limited permission following the concerns of both English Heritage and the Council's Conservation Team with regard to the visual harm that the marquee would have on the wider landscape, the setting of the house, gardens and parkland. The consent was granted with the view that the suitability of a marquee on the site would be considered through the production of a Conservation Management Plan (CMP) for the site as a whole. In addition, the temporary consent was granted on the basis that the marquee would not be seen when viewed from the wider landscape, and that it would not create traffic issues.

The CMP is a long term management plan providing a vision for the future management of Old Warden Park. It has been prepared by the Joint Management Group and external consultants in order to set out conservation management and policies which are needed to protect the historic estate. The CMP has been in preparation since 2003. To date the CMP has not been formally agreed with the Council and English Heritage. A most recent draft version was submitted in December 2009 and is awaiting further discussion with English Heritage and the Conservation Team. The document will be subject to public consultation prior to it being formally adopted.

2. Policy

Policy CS15 of the Core Strategy aims to protect, conserve and enhance Listed Buildings, Conservation Areas and Registered Parks and Gardens. Development Management Policy DM13 ensures that proposals for development relating to Listed Buildings and Registered Parks and Gardens will pay particular attention to the conservation of local features. PPG15 - Planning and the Historic Environment states that 'planning authorities should protect registered parks and gardens'. The guidance goes on to say 'The effect of proposed development on a registered park and garden or its setting

is a material consideration in the determination of a planning application (para 2.24).

3 The effect upon the Historic Park and Garden and the setting of the Listed Building and the conservation area.

Visual impact

Following the re-evaluation of the proposal, the concerns of the Council's Conservation Team and English Heritage are still valid. The siting of the marquee is undoubtedly visible from a number of view points within the park itself, and from Old Warden village. This is clearly evident from the photographs submitted with the application. Whilst the position of the marquee is proposed to be altered, it would still be highly visible from a number of vantage points.

The CMP, prepared by the applicants own conservation consultants, refers to the marquee stating that 'the marquee does have an important role in generating significant income and relieving the pressure of events within the Mansion; but it does have a detrimental impact upon the landscape' (page 157).

Furthermore on page 75 of the document there is a plan that identifies key views across the gardens and pleasure grounds. The site of the marquee is in close proximity to a key view identified on this plan. The view of the marquee in this location would be clearly detrimental.

It is considered that the marquee, given its siting, design and colour would have an adverse impact upon the visual appearance of the Listed Buildings, Conservation Areas and Registered Parks and Garden

Traffic issues

The use of the marquee is causing wear and tear to the grass of the historic parkland, detracting from the setting of the house, park and garden. Damage which is also acknowledged by the applicants in the CMP. Page 109 comments - 'in 2005, access to the marquee followed a single route and this created another track in the park detracting from the views of the Mansion'.

Although the car parking is now proposed to be within the walled garden, this area is some distance from the marquee. Servicing vehicles would still require access to the marquee, along with disabled parking provision. There is no site location plan identifying an access route for servicing vehicles or provision for the disabled parking and access. Additionally the proposed septic tank would require excavation, causing further harm to the parkland.

Financial justification

It is acknowledged that the marquee provides a significant proportion of income for the Shuttleworth Trust. However this does not override the importance of protecting the site, which is of national importance, from detrimental proposals. The original permission provided five years for the Trust to address the

concerns of the marquee and make provisions for a more suitable solution. Given that the draft CMP is considered by the applicants to be in its final stages, there is no mention of a suitable replacement venue for weddings. The CMP notes that the visual intrusion of the marquee is reversible and other impacts can be mitigated by providing suitable infrastructure. When the temporary consent was granted in 2004, it was considered to be acceptable in the short term only. It was never the intention of the Council to grant long term permission for a semi-permanent marquee that would have a detrimental impact upon the gardens and parkland and the adjacent listed building.

4 The impact on neighbouring amenity

There are some neighbouring properties located within the Park however the nearest is some distance away from the marquee therefore no adverse impact is likely to occur.

5 Conclusion

A further grant of permission would be seen as accepting a permanent marquee structure, reinforced by the installation of a septic tank for the marquee use. The marquee would have a detrimental impact upon the landscape and the setting of the Grade II* listed building. The visual impact of the marquee is also acknowledged by the applicants themselves.

The siting and design of the marquee would have a detrimental impact on the Historic Park and Garden and would neither preserve or enhance the conservation area. Therefore, given the above considerations the proposal is considered to be unacceptable, contrary to advice given in PPG15 and Policies CS15 and DM13 of the Core Strategy. As such refusal is recommended.

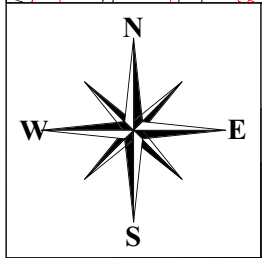
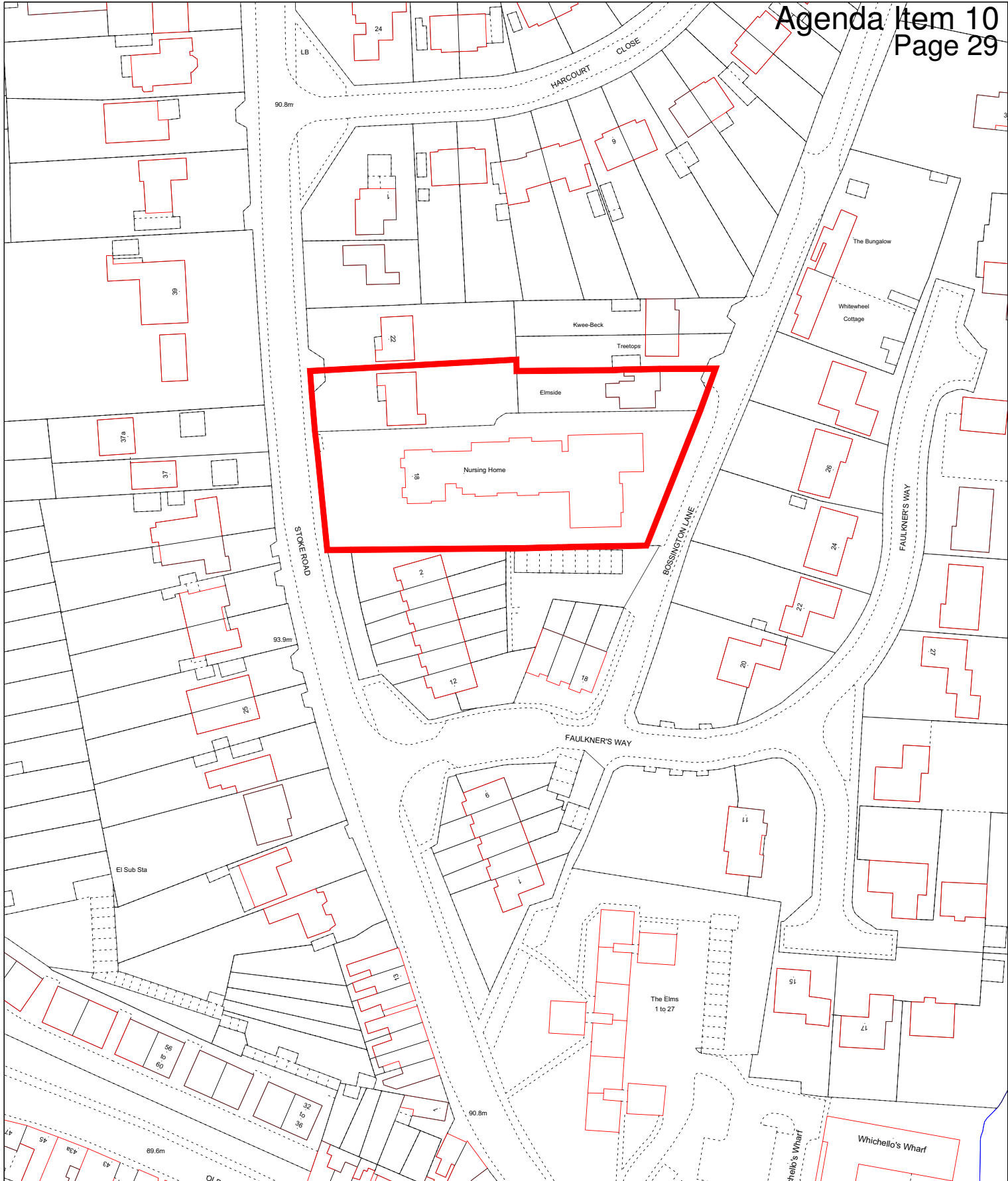
Reasons for Refusal

- 1 The siting of the marquee, due to its design and colour, would have an unacceptable adverse impact on the Historic Park and Garden, the setting of the adjacent Listed Building and would neither preserve or enhance the conservation area; as such the proposal is contrary to PPG15 and Policies CS15 and DM13 of the Core Strategy and Development Management Policies Document (2009).

DECISION

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Central Bedfordshire Council
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Date: 04:February:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 10

SCHEDULE B

APPLICATION NUMBER	CB/09/07065/FULL
LOCATION	Elm Lodge, 18 Stoke Road, 20 Stoke Road and Elmside, Bossington Lane, Linslade, Leighton Buzzard, LU7 2SW
PROPOSAL	Demolition of number 20 Stoke Road and Elmside, Bossington Lane and erection of single and two storey extensions to Elm Lodge residential nursing home (revised application CB/09/06271/FULL).
PARISH	Leighton-Linslade
WARD	Leighton Linslade Central
WARD COUNCILLORS	Cllrs Bowater, Johnstone, Sharer & Spurr
CASE OFFICER	Mr A D Robertson
DATE REGISTERED	24 December 2009
EXPIRY DATE	18 February 2010
APPLICANT	Nanco Enterprises Ltd
AGENT	Burnel Design Associates
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Bowater
RECOMMENDED DECISION	Full Application - Granted

Site Location:

Elm Lodge is a residential and nursing home located on the eastern side of Stoke Road, some 110m to the north of its junction with Faulknors Way. The property occupies a roughly rectangular shaped site which at the rear has a frontage to the unmade Bossington Lane. Immediately to the north of Elm Lodge are two detached houses, no.20 Stoke Road and 'Elmside', Bossington Lane. The application site comprises the combined curtilages of the three properties and has a frontage to Stoke Road of 41.0m and an average depth of some 82.0m. The curtilage of Elm Lodge and that of 20 Stoke Road lie within the Stoke Road Area of Special Character.

The Application:

Planning permission is sought for the demolition of the two detached houses and the erection of extensions to both the residential home at the front of the site and the nursing home to the rear. Additional car parking provision is also proposed at the front of the site.

At the front of the site, mostly within the existing curtilage of 20 Stoke Road, the extension to the residential home would comprise an 'L' shaped two storey building in the style of the original Elm Lodge with a single storey element to the rear which provides the link to the existing building. The frontage building would have a width of 12.3m and a depth of 10.1m with an overall height of 9.2m. The rear section would vary in width between 10.3m and 6.1m over its depth of 15.2m, with a height varying between 9.1m and 7.5m. This section of the extension would provide 14 additional en-suite bedrooms, new entrance, lift and other ancillary facilities.

Attached to the rear of this building would be a single storey element comprising a lounge, meeting room, matrons office and a basement storage area. It would have a

width varying between 6.5m and 9.0m, a depth of 14.4m and would incorporate a flat roof with a maximum height of 4.0m.

At the rear of the site, partly within the curtilage of Elmside and partly within Elm Lodge it is proposed to erect a two storey extension to the nursing home measuring 13.6m wide by 14.5m deep and incorporating a hipped roof, 7.5m high to the ridge. The extension would provide 13 additional en-suite bedrooms and a lounge.

Additional parking spaces would be provided at the front of the site with access by way of the existing entrance to Elm Lodge. The vehicular accesses to both of the existing dwellings would be closed off.

A statement in support of the application is attached as an appendix.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development.

PPS3 - Housing.

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)

South Bedfordshire Local Plan Review Policies

BE6 - Development in Areas of Special Character.

BE8 - Design and Environmental Considerations.

H2 - Provision for Housing via 'Fall-in' Sites.

H3 - Meeting Local Housing Needs.

H7 - Loss of Residential Accommodation.

T10 - Parking in New Development.

Planning History

SB/TP/89/0989	Permission for change of use from day nursery and residential to nursing home.
SB/TP/90/1015	Permission for two storey extension to residential home.
SB/TP/93/0312	Permission for two storey extension to provide 15 bedroom nursing home.
SB/TP/97/0500	Permission for two storey side extension and fire escape.
SB/TP/99/0626	Permission for rear conservatory.
SB/TP/00/0844	Permission for first floor extension to residential home.
SB/TP/08/0461	Permission for fire escape enclosure.
CB/09/6271/TP	Application for demolition of two dwellings and erection of single and two storey extensions - Withdrawn.

Representations:

(Parish & Neighbours)

Leighton-Linslade Town Council No objection.

Neighbours - 20,22 & 24 Faulkners Way, Treetops, Bossington Lane, 22A Stoke Road and resident of The Martins.	Object for reasons which can be summarised as follows:- <ul style="list-style-type: none">– unsuitable commercial development in a residential area;– overdevelopment involving large overbearing extension out-of-keeping with the area;– loss of two family homes;– increased traffic;– loss of outlook and light, overlooking and loss of privacy;– noise, dust and nuisance due to demolition and construction works and construction traffic;– noise nuisance due to increased activity and distressed residents;– potential flood risk;– suitability of Bossington Lane to take construction traffic;– existing access onto Bossington Lane should be closed off;– concern that screen planting may not be undertaken.
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Consultations/Publicity responses

Tree and Landscape Officer	No trees of merit are affected by the proposal. A line of Lime pollards and Holly on the boundary with 20 Stoke Road are not worthy of retention. An existing boundary hedge at the rear of the site provides useful screening and should be retained. The intended retention of the landscaping at the front of the site is welcomed.
Highways Officer	Detailed comments awaited. No objection in principle.
Environment Agency	No comment with regard to flood risk but suggests that consideration be given to the need to investigate contamination.

Determining Issues

The main considerations of the application are;

1. Principle of the development.
2. Impact on the character of the area,
3. Impact on residential amenity.
4. Highway safety and parking.

Considerations

1. Principle of the development.

The existing residential and nursing home is located within an otherwise wholly residential area and in this regard there are two main concerns raised by objectors in respect of the appropriateness of the proposed development, namely the commercial nature of the use of the building and the extension of the site leading to the loss of two existing dwellings. Whilst it is accepted that there

is a commercial element to the proposal in that residents pay for their accommodation and care, the basic purpose of the building is to provide residential accommodation. If the proposed use is deemed to be commercial then the same could be said of any residential accommodation for which rent is paid to the owner. In respect of the second issue, although the proposed development involves the demolition of two family houses which might appear to be contrary to Policy H7 of the Local Plan Review, the provision of the additional accommodation within the residential and nursing homes would be likely to result in the release of a more than compensatory number of dwellings for family occupation. In this connection the applicant advises that a high proportion of residents come to Elm Lodge from their own homes.

In Local Plan Review policy terms, Policy H3 requires that residential development should contribute to meeting the needs of the elderly, single and other small households and in relation to elderly persons accommodation it is recognised that there is likely to be a substantially increasing requirement for suitable housing accommodation for the elderly during the Plan period.

2. Impact on the character of the area.

The impact of the proposed development in the street scene is a particularly important consideration in this case having regard to the location of a large part of the site within an Area of Special Character. This issue is most significant in respect of the Stoke Road frontage from which vantage point the development would have its greatest impact on the character and appearance of the area. In this connection the replacement of a 1960's built house of no special architectural merit by a well designed new building which reflects the attractive appearance and detailing of the adjoining Elm Lodge would be likely to enhance rather than detract from the special character of the street scene in this part of Stoke Road. Although the replacement building would have a significantly greater frontage width and footprint than the existing dwelling, its overall impact in the street scene would not be unduly overbearing or excessive. The retention and reinforcement of the existing planted area to the front of the site would also assist in ensuring that the character of the area is maintained.

Whilst the overall extent of the proposed works is significantly greater in terms of building footprint than the existing dwellings, it is only the new frontage building that impacts on the Area of Special Character. The single storey section in the centre of the site would be hidden from general view by the two storey elements to the front and rear. The rear extension is not located within the Area of Special Character and although it is accepted that its visual impact from the Bossington Lane frontage is greater than the existing dwelling to be demolished, that impact would be no greater than the impact of the existing nursing home which was built on a vacant site. Notwithstanding this point, discussions have taken place with the applicant with a view to reducing the massing of the rear extension and we will report further on that matter at Committee.

3. Impact on residential amenity.

The main concerns in relation to the impact of the proposal on adjoining properties is in terms of visual impact, overlooking and loss of privacy. The only property directly affected by the sections of the development within the present curtilage of 20 Stoke Road is the adjoining property no.22. In order to minimise the impact of the proposed new building the following measures were incorporated within the originally conceived scheme and subsequently negotiated amendments:-

- the side elevation of the main frontage building would be set in further from

- the common boundary than the existing dwelling;
- the rear projections of the frontage building are stepped back from the boundary and their roof heights are lowered as they extend further into the site;
- there is only one first floor window within the side elevation of the rear projection and that would be at a high level and be obscure glazed;
- the width of the single storey central section of the extension has been reduced by up to 3.0m which, together with the retention of existing boundary screening minimises the visual impact of the building.

The property in Bossington Lane most affected by the nursing home extension is Treetops, the adjoining house to the north of the site. In an attempt to reduce any adverse impact on that property in terms of overbearing appearance, the rear section of the new building adjacent to the common boundary would be single storey with a flat roof. The only windows in the north facing side elevation would serve bathrooms and would be obscure glazed.

The neighbouring properties in Faulkners Way are set at a considerably lower level than the application site with Bossington Lane (which is 9.0m wide at this point) running between the respective rear boundaries which are defined in places by mature trees. The potential impact of the proposal on these properties is in relation to overlooking from first floor windows and overbearing appearance. Negotiations have recently taken place with the applicant in order to both reduce the bulk and visual impact of the building and to reduce the number of rear facing first floor windows. We will report further on this matter at Committee.

4. Highway safety and parking.

The Highway Officer has not provided detailed representations yet in connection with the current application, but is understood to raise no objection in principle. We will report further on this matter at Committee. The existing dual access arrangement appears to operate satisfactorily and no significant increase in traffic movements is anticipated. The existing access serving 20 Stoke Road would be closed off as part of the proposal, as would the access onto Bossington Lane, the closures taking place on the completion of each phase of the development.

The concerns regarding the suitability of Bossington Lane to take construction traffic is noted and has been discussed with the applicant. The same issue was raised at the time of the erection of the original nursing home extension fronting onto Bossington Lane and in order to address the concerns it is understood that the applicant arranged, where possible, for bulk loads of materials to be unloaded on Faulkners Way and transported to the site in reduced quantities. It is proposed to add an informative requesting that this practice be adopted in connection with the current proposal.

The required level of parking provision is based on a combination of the number of staff employed and the number of residents. The total requirement for the existing homes and the proposed extensions is 21 spaces, a level of provision which can be met.

Reasons for Granting

The principle of the provision of such residential homes in residential areas is clearly acceptable, as is evident from the existing Elm Lodge residential and nursing homes and the recently built homes in St. Georges Close and Vandyke Road in Leighton Buzzard. It is also often the case, particularly in urban areas, that such accommodation is provided within buildings of considerable size in terms of floor area

and site coverage, again as is the case of the two buildings referred to above, although in those examples the height of the buildings is not limited to two storeys. Among the representations received from neighbours is a suggestion that it would be more appropriate for the applicant to find an alternative site with more land, away from neighbours. This would not necessarily be a sustainable solution in terms of location, and would not enable the development to benefit from the use of facilities within the existing residential and nursing homes at Elm Lodge.

It has been demonstrated that the proposed extensions would not have an adverse impact on the Area of Special Character, indeed it could be argued that the replacement building on the Stoke Road frontage would improve the character of the area.

The scheme as originally submitted has previously been amended in an attempt to address the concerns of neighbours and further amendments have recently been negotiated.

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 occupation or use of any separate section or phase 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 The existing trees and hedgerows shall, unless otherwise agreed in writing by the Local Planning Authority, be retained and protected and shall not be destroyed, uprooted, felled, lopped or topped. 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 site.
(Policy BE8, S.B.L.P.R).
- 4 Before any section of the development hereby permitted is first occupied or

brought into use, the parking scheme shown on Drawing No. 00709/12C 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).

- 5 Before any section or phase of the development hereby permitted is first occupied or brought into use, all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
REASON: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.
- 6 Before each section or phase of the development hereby permitted is first occupied or brought into use, any existing access within the frontage of the land to be developed as part of that section or phase shall be permanently 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 site.
- 7 **Before development begins, a scheme for screen fencing and/or screen walling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before any section or phase of the development is first occupied or brought into use and thereafter retained.**
REASON: To safeguard the amenity of the area.
(Policy BE8, S.B.L.P.R).
- 8 **Before development begins, samples of the materials to be used for the external walls and roofs of all new buildings 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).
- 9 The windows shown on Drawing Nos. 00709/7B, 00709/8B and 00709/9B 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).
- 10 **The existing buildings shall not be demolished before a contract has been entered into for carrying out of works of redevelopment of the site.**
REASON: To ensure that premature demolition does not occur leaving an empty gap in the street scene.
(Policies BE6 & BE8, S.B.L.P.R).
- 11 **Before development begins, details of the proposed method of surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works as approved shall be constructed in accordance with the approved details before the related section or phase of the development is first occupied or brought into use.**
REASON: To ensure satisfactory drainage of the site.

- 12 No development shall commence until wheel-cleaning facilities have been provided at all site exits in accordance with a scheme 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.
- 13 This permission relates only to the details shown on Drawing Nos. 00709/13A, 00709/1C, 00709/2C, and 00709/3C received 24/12/09 and Drawing Nos. 00709/12B, 00709/4D, 00709/7B, 00709/8B and 00709/9B received 04/02/10 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
BE6 - Development in Areas of Special Character.
BE8 - Design and Environmental Considerations.
H2 - Provision for Housing via 'Fall-in' Sites.
H3 - Meeting Local Housing Needs.
H7 - Loss of Residential Accommodation.
T10 - Parking in New Development.

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. The applicant/developer is advised that, whilst the Council has no reason to believe that this site is contaminated, and is not aware of any potentially contaminative past use, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. Any staining, odours or other indications of contamination discovered during development should be reported to the Council's Public Protection Service. Any imported material for gardens or landscaping must be of a quality to British Standard for Topsoil, BS 3882:2007, as expected by the NHBC and other bodies.

5. The applicant/developer is advised that, due to the nature of the construction and surfacing of Bossington Lane where it provides access to the eastern section of the site, construction vehicles servicing that section of the site shall, wherever possible, load or unload on the highway nearest to the site.

DECISION

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ADDITIONAL PLANNING STATEMENT

**PROPOSED EXTENSIONS TO EXISTING RESIDENTIAL &
NURSING HOMES**

AT

ELM LODGE
18 STOKE ROAD LINSLADE
LEIGHTON BUZZARD
BEDS LU7 2SW

also incorporating

20, STOKE ROAD LINSLADE LEIGHTON BUZZARD LU7 2SW
and
"ELMSIDE" BOSSINGTON LANE LINSLADE LEIGHTON BUZZARD LU7 2TB

PREPARED BY:

BURNEL DESIGN ASSOCIATES
PO BOX 6202 LEIGHTON BUZZARD
BEDFORDSHIRE LU7 3YL

OCTOBER 2009

DOCUMENT REF No: APS/1

3RD FEBRUARY 2010

(Revised 4th February 2010)

1.

SCHEME REQUIREMENT & BENEFIT

Elm Lodge Residential Care and Nursing Home for the Elderly has been operating successfully on the application site for almost twenty years and has during this time, developed an extremely good reputation for the standard of care and facilities afforded to its residents.

As a result there has been for some considerable time, a waiting list for both the residential care & nursing sections, thus demonstrating a requirement for additional facilities on this site.

The Elm Lodge owners wish to alleviate this situation and therefore advise that the scheme currently before the council is one based on need rather than speculation.

It is understood that 90% of Elm Lodge occupancies come from the private housing sector and this inherently releases much needed private housing elsewhere. Thus if approved, the proposed scheme for extensions would enable the Elm Lodge facility as a whole, to be of increased benefit to the community.

As outlined within the planning submission, additional employment would also be available.

2.

OBSERVATIONS & OBJECTIONS FROM INTERESTED PARTIES

2.1

BOSSINGTON LANE FRONTAGE: EXTENT OF BUILDINGS.

Comments have been received regarding the extent of proposed new buildings facing this access.

These have been carefully considered and as a result, one first floor bedroom has been removed enabling the width of the forward most section to be reduced.

In addition, a flat roof has been introduced between the existing & proposed nursing facilities allowing a further reduction of the proposed main upper roof structure.

It is submitted that these alterations will tend to make the proposed new section more of a stand-alone element and thus decreasing the overall massing of the structure.

2.2

LOSS OF AMENITY FROM PROPOSED FIRST FLOOR WINDOWS FACING BOSSINGTON LANE:

Again objections have been carefully considered:

The proposed oriel window within the EXISTING nursing home has been re-orientated so that clear glazing now faces North-East. The view in this direction will be shielded by adjacent return walls forming the reduced first floor layout of the proposal.

The oriel window serving Bedroom 12 of the nursing home extension has been removed and replaced by a window facing sideways across the current facility garden area.

The remaining oriel windows serving Bedrooms 10 & 11 are positioned in close proximity to the large first floor windows currently serving 'ELMSIDE'. Although the vertical plane of the wall

containing the oriels is slightly forward of that of Elmside, the clear glazed area will be substantially less and as a result, it is submitted that the proposals will not significantly degrade the current situation.

Relative windows positions are shown on attached Sketch No: 00709/100 and extent of existing first floor windows currently serving Elmside, illustrated via attached front elevation photograph.

Furthermore, these are windows serving a nursing home when occupants by the nature of the term 'nursing', require more intense assistance and are generally much less 'ambulant' than those occupying the residential section. We are informed the majority of occupants would be bed-ridden when occupying their rooms, but at other times, if able to do so, would normally be transferred to the lounge areas located on the ground floor levels.

Thus by comparison with the potential for overlooking from 'Elmside' i.e. a property that could be occupied by fully fit and mobile people, the potential for overlooking from the proposed first floor windows must be considerably less.

LOAD CAPACITY OF BOSSINGTON LANE:

Comments have been received regarding the potential capacity of Bossington Lane to accommodate construction traffic.

This vehicular access is un-made and believed to be un-adopted. As a consequence it is unlikely any information as to its load-carrying capacity is, or ever has been available.

In view of this situation, Central Bedfordshire Waste Services Dept. have been consulted when it is understood that rubbish collection lorries having a Gross Laden Weight of 26 tonnes use Bossington Lane on a weekly basis. Accordingly it is therefore proposed to restrict all construction traffic accessing the site to this maximum laden weight.

PROXIMITY OF LOCAL SHOPS

It is understood comments have been received regarding distance from Elm Lodge to local shopping facilities.

This has already been addressed within the Design & Access Statement under section 2.3, when it was observed that as residents are unlikely to be sufficiently fit or ambulant to undertake such an activity on foot, thus requiring vehicle transportation when leaving the premises, the question of distance to shops would have little significance.

By the very nature of a person requiring either residential or nursing care on a long term basis would suggest this scenario to be the case.

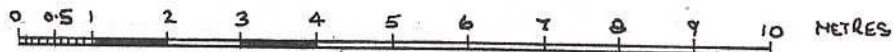
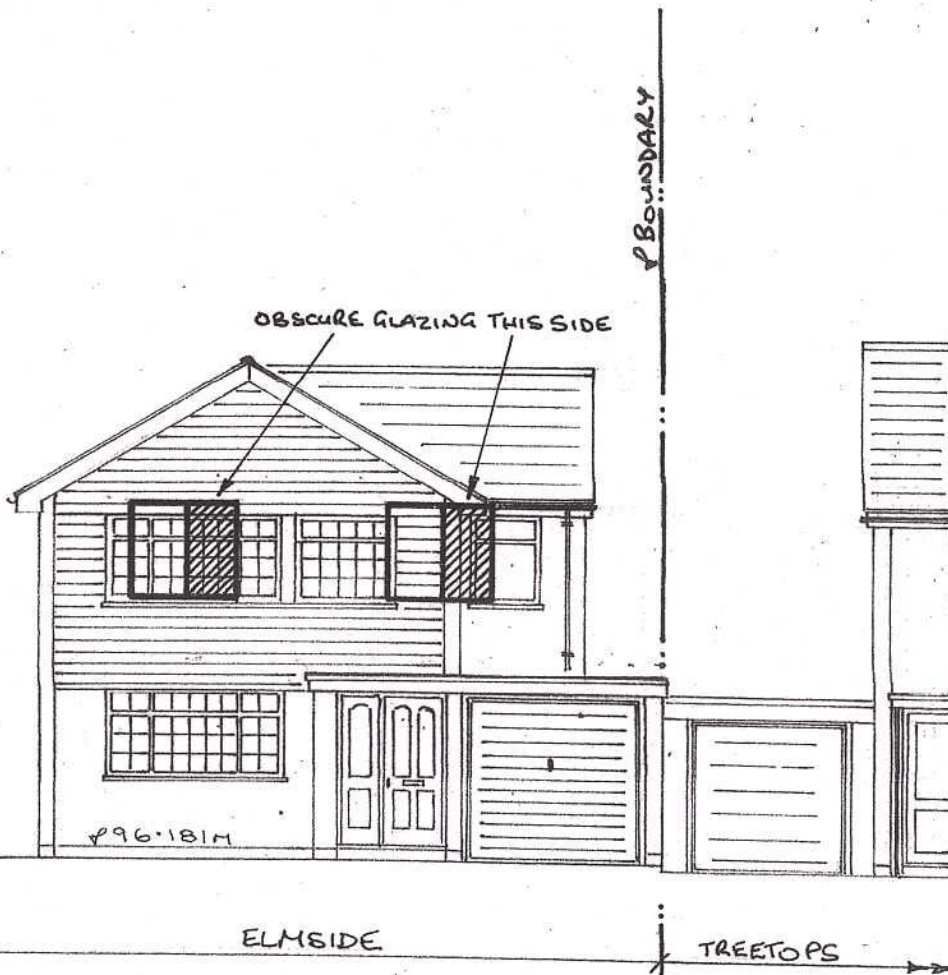
END

Paper Size A4

Sketch No: 007097

February 2010

BUNNELL DESIGN ASSOCIATES:
P.O. BOX 6202
LEIGHTON BUZZARD BEDS LUT 3YL
TEL: 01525 377213 FAX: 01525 852726



Scale: 1/100

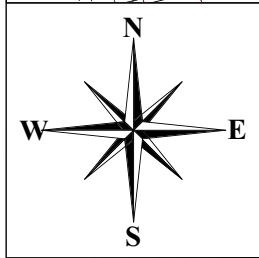
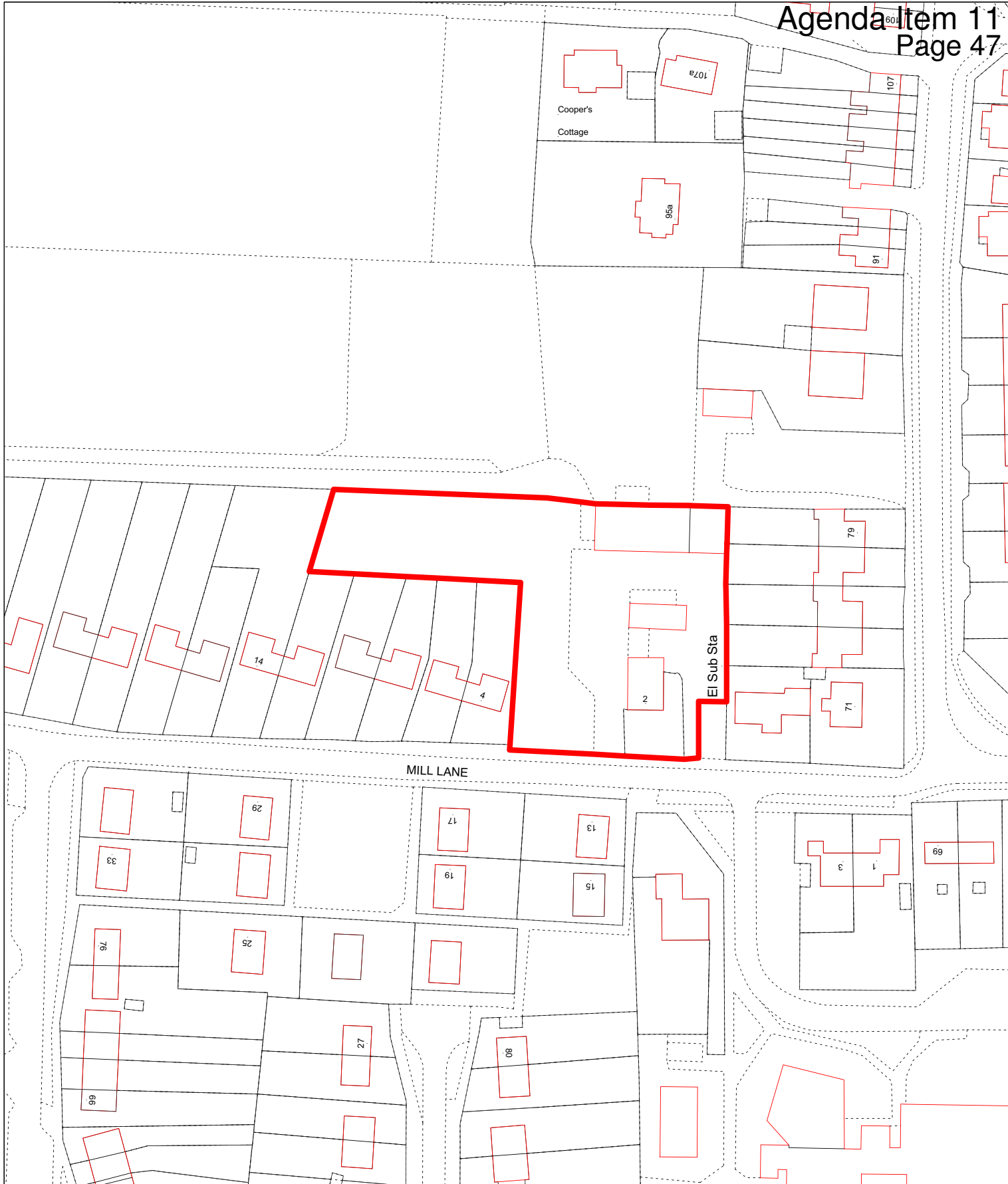
RELATIVE POSITIONS OF PROPOSED ORIEL WINDOWS TO BEDROOMS 10 & 11 IN RELATION TO EXISTING DETACHED DWELLING @ "ELMSIDE" BOSSINGTON LANE

PROPOSED NURSING HOME EXTENSION AT ELM LODGE, 18 STOKES ROAD, LINDSLADE LEIGHTON BUZZARD, LUT 2SW



ELMSIDE

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Date: 04:February:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 11

APPLICATION NUMBER	CB/09/06388/RM
LOCATION	The Gables, Mill Lane, Potton, Sandy, SG19 2PG
PROPOSAL	Reserved Matters: Residential development following demolition of existing dwelling and outbuildings comprising the erection of 13 no. 3 bedroom dwellings and 1 no. 1 bedroom dwelling (pursuant to outline planning permission 06/00833/OUT). Matters to be considered are access, appearance, layout and scale.
PARISH	Potton
WARD	Potton
WARD COUNCILLORS	Cllr D Gurney and Cllr A Lewis
CASE OFFICER	Godwin Eweka
DATE REGISTERED	18 November 2009
EXPIRY DATE	17 February 2010
APPLICANT	Vigor Homes
AGENT	Woods Hardwick Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Cllr Lewis – On grounds of privacy and bats nesting in the barns Full Application - Granted

Site Location:

This site has an area of 0.35 hectares and is located to the north side of Mill Lane towards the north western edge of Potton near the junction of Mill Lane with Everton Road. This is an L-shaped site with its frontage at Mill Lane. The site presently, comprises a bungalow known as 'Fairway' adjacent to the electric sub-station and a range of outbuildings to the rear and north of the site which are due to be demolished to make way for the proposed residential development.

To the north, the application site abuts a paddock and open countryside, to the south it abuts a footpath by Mill Lane frontage where there are two schools (i.e. Burgoyne Middle School and Potton Lower School, whilst the east and west boundaries adjoin the rear gardens of the adjacent residential properties. The surrounding area comprises residential development, paddock and open countryside.

This proposal has been advertised in the local press.

The Application:

Residential development following demolition of existing dwelling and outbuildings comprising, the erection of 13no. 3-bedroom dwellings and 1no. 1-bedroom dwelling (pursuant to outline planning permission 06/00833/OUT). Matters to be considered are access, appearance, layout and scale.

RELEVANT POLICIES:

National Policies (PPG & PPS)

Delivering Sustainable Development (PPS1)
Housing (PPS3)
Biodiversity and Geological Conservation (PPS9)

Regional Spatial Strategy

East of England Plan (May 2008)

Policy SS1 (Achieving Sustainable Development)
Policy WM6 (Waste Management in Development)

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

Bedfordshire Structure Plan 2011

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

DM2; DM3; DM15; DM10; CS1;

Supplementary Planning Document

Design Guide For Central Bedfordshire (January 2010)-Design Supplement (DS1).

South Bedfordshire Local Plan Review Policies

N/A

Supplementary Planning Guidance

N/A

Planning History

MB/81/00583/OUT	Residential development. (Refused 27/10/1981)
MB/06/00833/OUT	Residential development following demolition of existing dwelling and outbuildings (All Matters Reserved). Refused 12/07/06. Subsequent appeal was allowed on 10th January 2008 (Ref: APP/J0215/A/07/2036015/NWF).
MB/08/01979/RM	Residential development following demolition of existing dwelling and outbuildings, comprising of the erection of 12no. 3-bedroom dwellings, 1no. 2-bedroom dwellings and 1no. 4-bedroom dwelling (pursuant to outline planning permission ref: 06/00833/OUT. Matters to be considered are access, appearance, layout and scale. Withdrawn 08/01/2009.

**Representations:
(Parish & Neighbours)**

Potton Town Council

The Council still has concerns, despite these having been overturned by the Planning Inspectorate, that there will continue to be severe problems with the increased traffic in Mill Lane. Residents have also complained to the Town Council of the close proximity of some house to their homes. The Town Council has been informed that there are bats living in a barn in this area and this matter needs investigation.

Neighbours

Four letters of objection have been received. The grounds of objection are as follow:

- **Loss of Visual Amenity:** Our property and garden are overlooked as this will lead to loss of privacy. Plot 6 has a window looking directly into two of our bedrooms, our kitchen and dining room. Please note plot 8 which overlooks countryside does not have a side window.
- **Overbearing Impact:** The construction of plot 6 as viewed from our kitchen or dining room is overbearing and will significantly and measurably reduce the light into these two rooms.
- **Proximity of Development:** The houses proposed for plots 3 and 4 would be so close to us that not only would their upstairs windows overlook every window at the rear of our house, with plot 3 being only 18 metres from our bedroom. The upstairs windows of the houses on plots 1 and 2 would also overlook almost our entire back garden, the distance ranging from 9 metres to about 25 metres.
- **Density:** The density of the development as submitted in the withdrawn application (08/01979/RM), resulting in 14 dwellings and a higher density of 40 dwellings. This new proposal will again result in 14 dwellings and the same density.

Consultations/Publicity responses

Highways Section
Waste Management

No objections subject to conditions.
No objections, subject to condition. It is Council's policy that collection crews will not enter onto non-adopted roads. Therefore, the applicant needs to be aware that if the proposed access road is not to be adopted, a new collection point will need to be proposed by the highway boundary.

Ecology

No objection, subject to the imposition of condition prior to development.

Determining Issues

The main considerations of the application are:

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

Considerations

1. Principle of Development

This development is assessed against Policies CS1; DM2; DM3; DM4; DM10 and DM15 of the Central Bedfordshire Core Strategy and Development Management Policies (November 2009).

Potton is considered a 'Minor Service Centre' in the above document, where new housing development will help to deliver new community infrastructure and facilities that benefit the sustainability of the town.

Policy DM2 states that all proposals for new development should contribute towards sustainable building principles...Future new housing will be expected to comply with mandatory standards in relation to the Code for Sustainable Homes.

Policy DM3 requires all proposals to be appropriate in scale and design to their setting, contributing positively to creating a sense of place, respecting local distinctiveness through design and use of materials, efficient use of land, respecting amenity of surrounding properties, enhancing community safety and complying with current guidance on waste management, provision of hard and soft landscaping etc.

Policy DM4 states that within settlement envelopes and in 'Minor Service Centre' like Potton, the Council encourages small-scale housing development.

Policy DM10 requires development such as this to have a mix of housing types, tenures and sizes in order to meet the needs of all sections of the local community by promoting sustainable communities and social cohesion. This includes the provision of 'lifetime' homes. One of the main considerations would be the existing housing mix of the locally, the location and particular physical characteristics of the site, including its accessibility to local services as well as the current housing market conditions.

Policy DM15 states that the Council will ensure that where planning applications are considered to have an impact on wildlife, whether habitats or species or where applications are close to locally designated sites or important species, advice will be sought from relevant local organisations and applications considered to be harmful to wildlife will be refused.

The proposed site lies within the settlement envelope of Potton where it is already predominantly residential in character. The site currently has a vacant bungalow and outbuildings on it.

An outline permission had been granted for residential development on this site, following an appeal against the Council's decision to refuse permission (ref:

APP/J0215/A/07/2036015) on 8th January 2008. The principle of a residential development therefore, has already been established.

2. Impact of Development on Character and Appearance of the Area

The surrounding development comprise a mix of architectural styles of dwellings and sizes. The submitted proposal and house types and designs demonstrate a traditional two-storey dwellinghouses with complementary front entrance canopies and rear gables, together with one and a half brick gauged heads to windows. The flat over garage and dark stained weather-boarding designed dwelling, provides a variation in design style and appearance to the site and this complements the character and appearance of the area. For example, some useful design ideas as illustrated by the Council's Design Supplement 1 (DS1) have been incorporated into the scheme for example, by applying appropriate scale, appearance, height and density. It is considered the proposed residential scheme would create and complement local distinctiveness, thus enhancing its setting.

The proposed new access into the site from Mill Lane frontage in the southern end, has dictated the layout and building line of the dwellings. The four prominent dwellings on Mill Lane frontage (i.e. plots 1 and 2) and (plots 13 and 14), provide attractive facade, including front canopies to the dwellings, complemented and defined by picket fencing to the frontages. The garages to plots 2 and 3 and 13 and 14 have been designed with hipped roofs in order to enhance the overall design of the site, particularly light and visual aspect.

The access to the site is terminated by the corner hayloft property to the north-east of the site, the turning areas and hardstanding provide the parking for plots 6, 7 and 8 to the north-west of the site, including visitors parking. Plot 5 which is the flat over garage, provides parking for plot 5 and additional parking for plots 6, 7 and 8 respectively. The scheme does boasts two parking space per dwelling. Where garages are located, in all cases they are recessed behind the front elevation of the house in order to ensure a more subservient form of development and design and to avoid parked cars dominating the streetscene.

It is considered the L-shaped form of the land and layout does provide a sense of enclosure and security to the site. The associated planting, including the existing trees, would provide good screening to the site, particularly to the northern part where it adjoins the open countryside. The eastern part of the site along the boundary of plots 9, 10, 11 and 12 and the rear of properties at Everton Road would be adequately screened, together with other associated soft landscaping to the frontages of the proposed properties.

The site currently benefits from some trees with little significance. However, there are a number of hedges that should be maintained and retained at least during construction to act as a suitable screen from adjoining properties. The trees identified as H10 and G11 in the submitted topographical survey would appear to be on the grounds of the neighbouring property. It is considered protection would be required during construction of development.

It is anticipated that the materials for the development would follow the established pattern of traditional buildings constructed from local sourced materials. The proposed development therefore, is not likely to result in any

adverse impact on the character and appearance of the area.

3. Impact of Development on Neighbouring Properties

The proposed development has been sited to respect and safeguard the amenities of surrounding properties. The layout of the dwellings demonstrates adequate spacing around them in terms of achieving adequate amenity space to individual property. The proposed properties to the east of the site shares a boundary with the residential properties at Everton Road and are at least 29 metres from the new development as their rear gardens back onto the proposed site. As such, there would be no loss of light/privacy or overbearing impact on these dwellings. Plots 1 and 2 are 6 metres from the property at Number 4 and this is an adequate space to ensure that there would be no overbearing impact. However, in terms of overlooking from the first floor Bedroom 1 and ensuite bathroom of plot 1, the distance is between 10 metres and 11 metres and this is not considered detrimental to the owner-occupiers of Number 4 Mill Lane, given the orientation of the view. Similarly, it is not considered there is likely to be any adverse impact from the future occupants of plots 3 and 4.

The aspect from plots 3 and 4 is unlikely to cause any adverse visual impact to the owner-occupiers of Number 4 Mill Lane due to the angle from the upper floors of plots 3 and 4. The property at Number 4 Mill Lane has an extensive rear garden which extends beyond the garages of plots 1, 2 and 3 as well as the entire plots 3 and 4 properties. Whilst it is acknowledged there would be some overlooking from plots 3 and 4 to the rear garden of Number 4, it is not considered any detriment would be caused as a result, given the siting of the new dwellings. Any direct overlooking from the upper floor accommodation of plots 3 and 4 would be to the bottom end of the rear garden of Number 4 Mill Lane, which stands at a distance of 11.2 metres away and this is not viewed as being unreasonable. Moreover, plots 3 and 4 are adequately removed from the adjoining neighbour to ensure that they are not overbearing or give rise to a material loss of light.

Numbers 6, 8, 10, 12 and 14 Mill Lane would not suffer an unreasonable impact in terms of loss of light, privacy, overlooking or overbearing impact. These properties have a varying rear garden sizes of between 18 metres and 23 metres adjoining the site. Plots 5 and 6 will have a visual impact on the dwellings in Everton Road, but given the length of the adjacent gardens it is not considered that the resulting relationship would give an overbearing impact or material loss of light. It is considered therefore, that this development is not likely to result in any detriment to these adjoining residents at Mill Lane.

4. Highway Safety Implications

The Highway Section has considered this proposal and has advised accordingly. It is considered that the rear access door to the garage for plot 2 is not feasible as it would have to be accessed from plot 1 and the same for plot 13 where access would be in plot 14 garden. The Highway Section has advised that the proposed new access shall be 2.4m x 43.0m with visibility splay requirement. Plot 13: A 1.8m x 1.8m pedestrian visibility splay should be provided at the east side of the access of the development and Mill Lane.

The verge in front of the plot should be a footpath for pedestrian use to plots 5 to

8, as there is a lot of vehicular movement within this area. Also for adoption purposes, the Council would require a footpath here as this would be the only grass within the site which would need maintaining. Overall, the development is considered acceptable on highway grounds, subject to conditions.

5. Biodiversity Issues

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

This development has attracted the submission of 'Bat Inspection Report' which was prepared by ACD Ecology on behalf of the developer. It was concluded that the buildings comprise mainly of materials that are considered unsuitable for typical bat roosts. They conclude that the open nature of the internal layout of the buildings with all areas being visible makes it unlikely to support bat populations. Therefore, the buildings were determined to possess limited features which could be exploited by Bats and have accordingly, assigned ratings to the existing outbuildings on site. For example, buildings with low to negligible Bat roost potential are Buildings B1 and B5 and buildings with negligible Bat roost potential are Buildings B2, B3, B4 and B6.

The report concludes that in view of the buildings having negligible or low bat roost potential, it is not envisaged that further survey would be required, but a 'soft-approach' be adopted for demolition of the buildings with low-to-negligible potential (B1 and B5). Furthermore, that a 'soft approach' to demolition would require a full briefing of all personnel involved. Clear instruction should be given to cease work immediately, if a bat is encountered and to allow a licensed bat worker to attend to the bat(s). The 'soft approach' to the roof demolition for buildings would comprise:

- Removal of roof panels by hand;
- Careful removal by hand (using a crowbar, if necessary) of any soft boxes;
- Careful removal by hand of under-felting and removal by hand of lead flashing.

The report also noted that there are bird nesting sites in the barn of B5 and it must be noted that these are protected during the bird nesting season from March-August. The report recommends that if demolition is proposed within this period, a further inspection should be carried out.

The Council's Ecology has advised that there does not seem to be sufficient evidence to refuse the demolition on the possibility of the bats roosting in the open barn. Documentation from 2006 supports the case that the properties are not an established roost. However, it would have been far better to have had the recent Bat Survey undertaken during the summer months, which as a first site visit was undertaken in May would have been feasible.

There is no dispute about whether bats are present in the area and are feeding as the Survey suggests over the rough grassland, hedges and trees locally. Bats are mobile creatures and will colonise suitable buildings and trees, depending on the needs of the species.

The November study should have been able to determine whether bats were hibernating at the site. There appears to be no evidence of this.

Planning Obligations

This development does not attract any financial contribution towards local infrastructure or affordable housing because the outline decision was made on 8th January 2008, following an appeal decision and before the adoption of the Council's Planning Obligations Strategy (2008).

Reasons for Granting

That a residential development is considered acceptable by virtue of its location within the settlement envelope of Potton and as a previously developed site. It is considered the development satisfies Policies CS1; DM2; DM3; DM10 and DM15 of the Central Bedfordshire Core Strategy and Development Management Policies (November 2009).

Recommendation

That Planning Permission be granted subject to the following:

- 1 The permission shall extend only to the application as amended by 16374/100C; 1005C; 104A; 107A; 108B and 109A received 25th January 2010.

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

- 2 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 **Prior to the first occupation of the building the first floor windows in the side elevation of plots 6 and 8 of the development shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and restriction on its opening, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority.**

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

- 4 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification), no works shall be commenced for the extension of the buildings, any material alteration of its external appearance (including additional openings) or the erection of any building or structure within its curtilage until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

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

- 5 No building shall be occupied until the junction of the proposed vehicular access with the highway 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.

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

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

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

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

- 8 Before the premises are occupied the on site vehicular areas shall be constructed and surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits .

- 9 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.

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

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

- 11 The turning space for vehicles illustrated on the approved drawing No 16374/1005C shall be constructed before the development is first brought into use. (HC 27)

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

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

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

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

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

- 14 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout and bin collection points illustrated on the approved drawing No. 16374/1005C and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

- 15 The 2.0m wide service strip frontage of plot 4 shall be footpath and not

verge.

Reason: To provide a continued pedestrian footpath.

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

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

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

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

- 23 **Details of precautionary measures to be implemented during demolition works, including the removal of roof panels, soft boxes under-felting and lead flashing by hand shall be undertaken as outlined in the submitted Bat Inspection Survey to avoid impacts on protected species, shall be submitted to and approved by the Local Planning Authority prior to development commencing. The development shall be implemented in accordance with the details approved.**

Reason: In the interests of the environment and protected species and in accordance with Policy DM15 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and PPS9 (Biodiversity and Geological Conservation).

Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan.

This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

2. The applicant is advised that, under the provisions of the Highways Act 1980, no part of the structure, including foundations and surface water hardware shall be erected or installed in, under or overhanging the public highway and no window, door or gate shall be fixed so as to open outwards into the highway.
3. The Highway Authority has the power under Section 143 of the Highways Act 1980, to remove any structure erected on a highway.
4. The applicant is advised that in order to comply with Condition 5 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire 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, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
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 Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN.
6. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
7. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Planning and Control Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

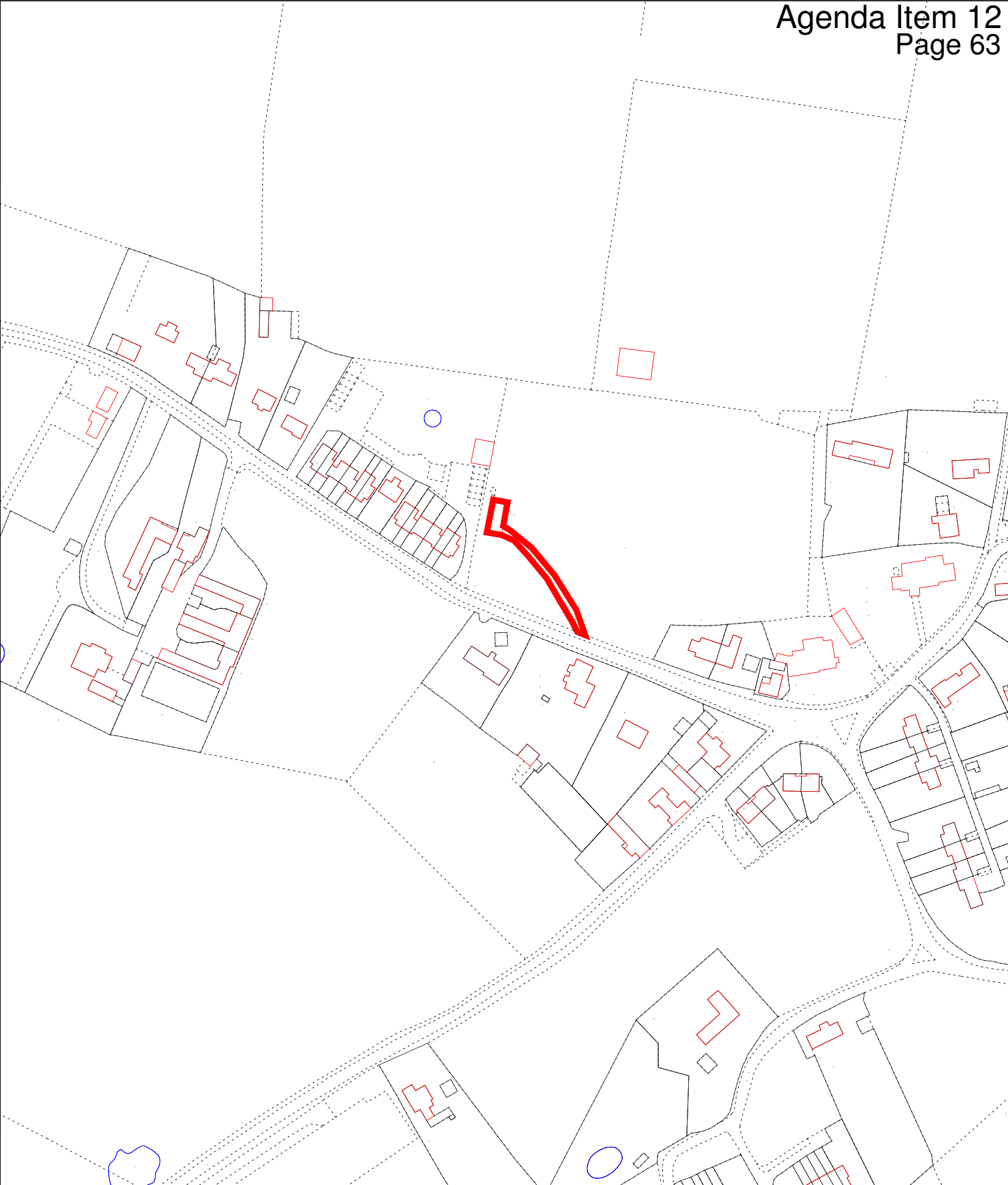
- 8. The applicant is advised that the closure of existing access shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access.

- 9. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Council's 'Cycle Parking Guidance - August 2006'.

DECISION

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	Date: 04:February:2010
	Map Sheet No

CASE NO.

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Item No. 12

APPLICATION NUMBER	CB/09/06583/CA
LOCATION	Clubhouse, Rectory Road, Steppingley, Bedford, MK45 5AT
PROPOSAL	Conservation Area Consent: Demolition of existing Cricket Pavilion.
PARISH	Steppingley
WARD	Flitwick West
WARD COUNCILLORS	Cllr Gale & Cllr Male
CASE OFFICER	Hannah Pattinson
DATE REGISTERED	02 December 2009
EXPIRY DATE	27 January 2010
APPLICANT	Steppingley Parish Council
AGENT	
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Agent is relative of Councillor Conservation Area - Granted

Site Location:

The application site is at Rectory Road, Steppingley and is also known as the Steppingley Club House & Association Playing Fields. The existing pavilion is a brick built building of poor construction and design.

The pavilion is located at the western side of the playing fields to the northern end of the rear gardens of the adjacent houses along Rectory Road.

The Application:

The pavilion is located within the Conservation Area for Steppingley and as such Conservation Area consent is sought for demolition. Planning permission has been sought separately for a new replacement pavilion.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS 1 Delivering Sustainable Development
PPS 2 Green Belts
PPG 17 Sport & Recreation

Regional Spatial Strategy

East of England Plan (May 2008)

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

Core Strategy & Development Management Policies (November 2009)

There are no relevant policies

Planning History

There is no relevant planning history

Representations: (Parish & Neighbours)

Steppingley Parish Council No comments received

Neighbours No comments received

Consultations/Publicity responses

Tree & Landscape No objections. The Lime tree nearby needs tree protection measures, as does the Holly hedge to the rear. Conditions required as follows:-
1 Protective fencing for the Lime tree and Hedge.
2.No storage of plant/materials within the protected area.
3.No washing of plant/equipment so as to allow run off to contaminate the root area of the tree/hedge

Determining Issues

The main considerations of the application are;

1. Impact upon the Conservation Area

Considerations

1. Impact upon the Conservation Area

It is proposed to demolish and replace the existing pavilion. The existing pavilion is a single storey building constructed of brick under an asbestos roof.

The building is not considered to be in character with the other properties on Rectory Road, Steppingley.

The main consideration is whether the building preserves or enhances the Conservation Area. If it is considered that the building does not preserve or enhance the Conservation Area then Conservation Area Consent would normally be forthcoming. The demolition of this building will in this instance also provide the opportunity for a replacement pavilion to be provided (planning application ref: CB/09/06581/FULL).

In this particular situation the pavilion proposed to be demolished is not considered to be either in a sound condition and neither does it merit any aesthetic or historic features. It is acknowledged though that due to its location it does play a role in the streetscene along Rectory Road although due to its poor construction its current value in the Conservation Area is considered to be low.

As such the principle of the demolition of the pavilion is supported subject to the clearance of the site and the removal of all detritus.

Reasons for Granting

It is not considered that the demolition of the pavilion would have a detrimental impact upon the Conservation Area.

Recommendation

That Conservation Area Consent be granted subject to the following:

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to ensure that this consent does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **No work shall commence on site until all trees, shrubs and features on the western boundary of the site are protected with a 2.3 high weldmesh fence securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**

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

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

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

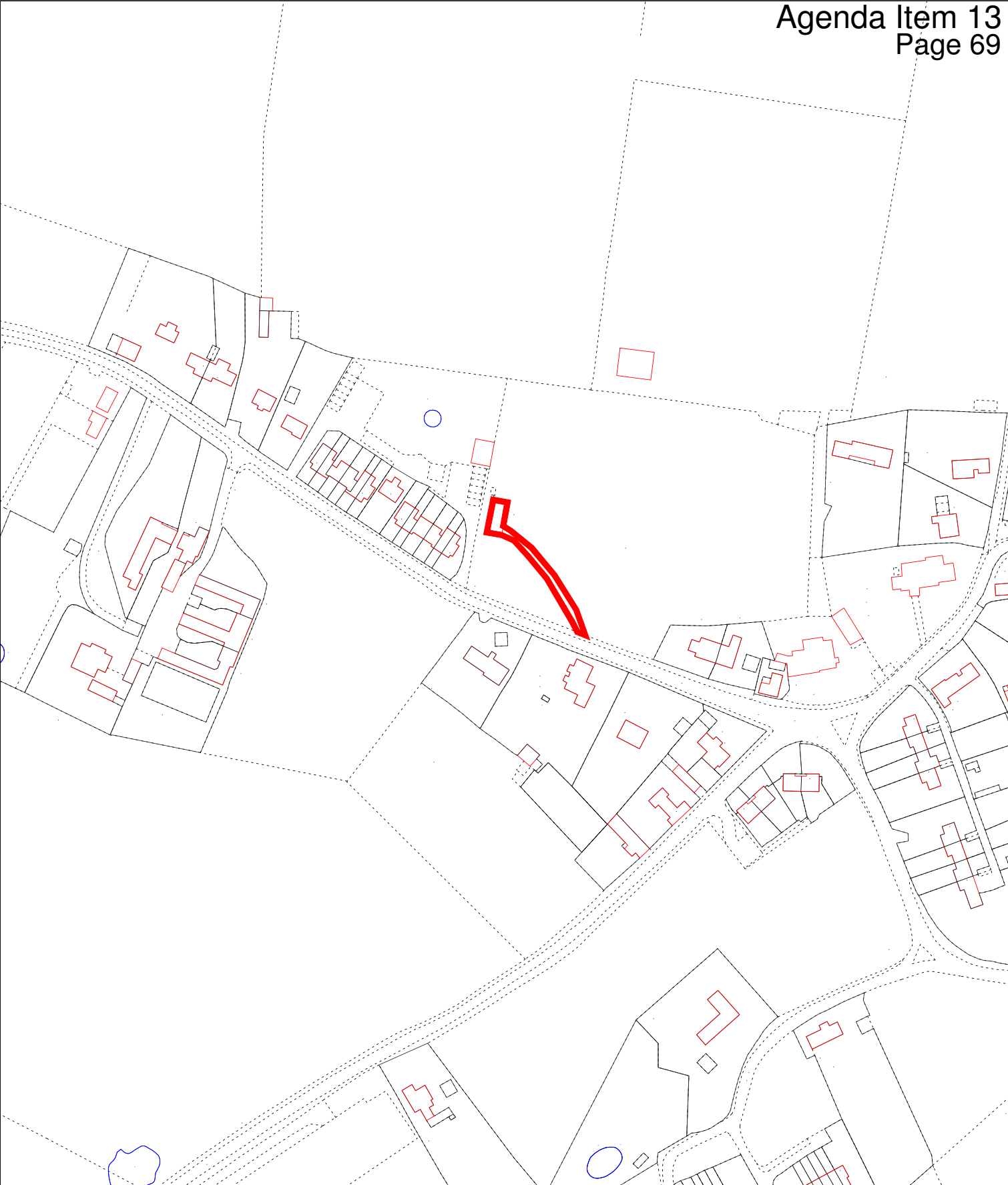
- 3 The demolition works hereby approved shall be completed within three months from the date of commencement of this Conservation Area Consent and all of the materials and fabric from the demolished building shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

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

DECISION

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Item No. 13

APPLICATION NUMBER	CB/09/06581/FULL
LOCATION	Clubhouse, Rectory Road, Steppingley, Bedford, MK45 5AT
PROPOSAL	Full: Erection of new cricket pavillion to replace existing.
PARISH	Steppingley
WARD	Flitwick West
WARD COUNCILLORS	Cllr Gale & Cllr Male
CASE OFFICER	Hannah Pattinson
DATE REGISTERED	02 December 2009
EXPIRY DATE	27 January 2010
APPLICANT	Steppingley Parish Council
AGENT	
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Agent related directly to Councillor
	Full Application - Granted

Site Location:

The application site is at Rectory Road, Steppingley, also known as the Steppingley Club House and associated playing fields. The existing pavilion is a brick built building of poor construction and design.

The pavilion is located at the western edge of the playing fields and to the northern end of the rear gardens of the adjacent houses along Rectory Road.

Steppingley has no settlement envelope and therefore the site is considered to be open countryside. In addition the application site is located within a Conservation Area and the South Bedfordshire Green Belt.

There is no existing parking provision on the site.

The Application:

This planning application seeks planning permission for a replacement pavilion following the demolition of the existing pavilion. Conservation Area Consent (Planning Ref: CB/09/06583/CA) for demolition of the existing pavilion has been applied for separately. It is proposed that the new pavilion would be located in the same position as the existing and would also be single storey.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPG17	Sport and Recreation

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 (2009)

There are no relevant policies

Planning History

There is no relevant planning history

Representations: (Parish & Neighbours)

Steppingley Parish Council No comments received

Neighbours No comments received

Consultations/Publicity responses

Public Protection North Acceptable and suggested conditions.
Disability Discrimination Comments that whilst provision has been made inside the
Officer pavilion for an accessible toilet there does not appear to
 be a level access to the building for wheelchair users,
 there only appears to be steps at the front.

Tree & Landscape No objections. The following conditions should be
Officer applied:-
 1. Protective fencing in line with BS 5837 (2005), to
 protect the adjacent Lime tree and the Holly hedge to the
 rear.
 2. No storage of plant/materials within the protected area.
 3. A landscape scheme to infill the gaps in the Holly
 hedge.

Determining Issues

The main considerations of the application are;

1. Impact upon the Character & Appearance of the Area & the Green Belt
2. Impact upon Neighbouring Amenity
3. Other Considerations

Considerations

- 1. Impact upon the Character & Appearance of the Area & the Green Belt**
The proposed new pavilion would be in the same location as the existing pavilion and as such would have the same relationship to both the playing fields and the adjacent residential properties.

The proposal is for a single storey pavilion which has been designed to be sympathetic to the character & appearance of the area & the Green Belt.

In summary it is considered that the principle of locating another pavilion in the location of the existing is acceptable. Furthermore it is considered that the replacement pavilion building would be more aesthetically pleasing than the existing building.

2. Impact upon Neighbouring Amenity

The replacement building would be in the same location as the existing. In addition no windows have been proposed in the western elevation facing towards adjacent residential properties. Therefore it is considered that the development would not result in an over bearing impact in terms of loss of privacy or light.

It is acknowledged that the proposed pavilion would be in relatively close proximity to neighbouring residential properties but is not considered that planning conditions would be required in this situation.

3. Other Considerations

The Disability Discrimination Officer has commented that no wheelchair access has been provided to the proposed pavilion. As such a condition would be added to any planning permission requiring details of wheelchair access to be provided.

The Tree and Landscape Officer has confirmed that they are not raising any objection subject to relevant conditions.

Reasons for Granting

The proposal would not result in detrimental impact upon the character or appearance of the area or the Green Belt. In addition the proposal is in accordance with guidance contained within PPG2.

Recommendation

That Planning Permission be granted subject to the following:

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

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

- 2 **Prior to the commencement of development, a scheme showing wheelchair access to be provided for the convenience of disabled persons shall be submitted to and approved in writing by the District Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use.**

REASON: To safeguard the interests of disabled persons.

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

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

Such fencing shall be maintained during the course of the works on the site.

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

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

- planting plans to gap up the existing holly hedge on the western side of the site;
- cultivation details including operations required to establish new planting;

The development shall be carried out in accordance with the approved details during the first planting season following commencement of development.

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.

DECISION

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