

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



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

## NOTICE OF MEETING

### DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

**Wednesday, 24 March 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 17 February 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 4 of the Constitution.

6. **DISCLOSURE OF EXEMPT INFORMATION**

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

<b>REPORT</b>
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<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
7	<b>Planning Enforcement Cases Where Formal Action Has Been Taken</b> (a) To consider the report of the Director of Sustainable Communities providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.  (b) Dunstable Section 215 Update Report	9 - 32

### **Planning and Related Applications**

To consider the planning applications contained in the following schedules:

<b>Schedule A - Applications recommended for Refusal</b>
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<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
8	<b>Planning Application No. CB/10/00242/FULL</b>  <b>Address:</b> 66 High Street, Henlow  Full: Part demolition, change of use and two storey extension to farm 6 no. residential units.  <b>Applicant:</b> Henlow Parish Council	33 - 40
9	<b>Planning Application No. CB/10/00247/CA</b>  <b>Address:</b> 66 High Street, Henlow  Full: Part demolition, change of use and two storey extension to farm 6 no. residential units.  <b>Applicant:</b> Henlow Parish Council	41 - 46
10	<b>Planning Application No. CB/10/00482/FULL</b>  <b>Address:</b> Land Adjacent Springwood House, 22 Ickwell Green, Ickwell  Full: Demolition of existing outbuildings and the construction of a new 2 storey 4-bedroomed detached house and associated works.  <b>Applicant:</b> Mr & Mrs MaGuinness	47 - 58

11 **Planning Application No. CB/10/00356/VOC** 59 - 66

**Address:** Land and buildings at College Farm, Bourne End, Cranfield

Removal of Condition 8: From planning permission CB/09/01017/Full dated 20/07/09.

**Applicant:** Mr C Green

**Schedule B - Applications recommended for Approval**

**Item Subject Page Nos.**

12 **Planning Application No. CB/09/07065/FULL** 67 - 78

**Address:** Elm Lodge, 18 Stoke Road, 20 Stoke Road and Elmside, Bossington Lane, Linslade.

Full: 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 C/09/06271/Full).

**Applicant:** Nanco Enterprises Ltd.

13 **Planning Application No. CB/09/0679/REN** 79 - 96

**Address:** Dukeminster Estate, Church Street, Dunstable

Residential Development for up to a maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to a maximum of 300sq metres of class A1 floorspace and up to a maximum of 520sq metres of class D1 floorspace.

**Applicant:** Lionsgate Properties

14 **Planning Application No. CB/09/06437/OUT** 97 - 130

**Address :** Boscombe Place (former Renault site) Boscombe Road, Dunstable

Outline: Demolition of all existing buildings and erection of single 67,164 sqm Class B8 distribution warehouse including ancillary enclosed covered yard (adjacent Ridgeway Avenue site boundary), 3,1132sqm three storey offices, 360sqm transport office and 32sqm gatehouse (total floor space 70,688sqm) and provision of 185 HGV parking spaces (including 76 loading bays) and 294 car parking spaces (revised application SB/OUT/09/00127).

**Applicant :** Gazeley UK Ltd.

15 **Planning Application No. CB/09/07055/OUT** 131 - 142

**Address:** Land Adjacent 67 London Road, Sandy

Outline: Development of site for employment uses within use class B1@, B2 and B8 with ancillary office accommodation, up to 8,180sqm and approx, 163 car parking spaces and associated access arrangements, demolition and land raising (All matters reserved except access).

**Applicant:** Kier Property

16 **Planning Application No. CB/09/06528/OUT** 143 - 168

**Address:** Land adjacent to 192 High Street North and North West of adjoining Tavistock Street, Dunstable.

Outline: Erection of 24 Dwelling and up to 1700sqm of business and storage/distribution units (class B1 & B8)(outline).

**Applicant:** Direct Pallets Limited

17 **Planning Application No. CB/09/06626/Full** 169 - 200

**Address:** Land Rear of Town Farm Court and 53 High Street, Henlow

Full: Residential development of 29 dwellings consisting of affordable rental: 3 x 1 bed apartment, 1 x 2 bed house, 2 x 3 bed houses. Affordable shared ownership: 2 x 1 bed apartments, 1 x 2 bed house, 1 x 3 bed house, Private sale: 2 x 2 bed houses, 4 x 3 bed houses, 4 x 4 bed houses, 9 x 5 bed houses.

**Applicant:** Town Farm Homes Ltd

18 **Planning Application No. CB/09/06630/CA** 201 - 208

**Address:** Land Rear of Town Farm Court and 53 High Street, Henlow.

Conservation Area Consent: Demolition of bungalow at 53 High Street.

**Applicant:** Town Farm Homes Ltd

19 **Planning Application No. CB/10/00330/Full** 209 - 218

**Address:** 4 Owlswood, Sandy

Full: Two storey side extension.

**Applicant:** Mr Patterson

<b>Schedule C - Any Other Applications</b>
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**Item Subject Page Nos.**

20 **Planning Application No. CB/10/00337/Full** 219 - 226

**Address:** 11 Willow Way, Ampthill

Full: Single storey rear extension Dormers to front and rear, erection of front porch.

**Applicant:** Mr & Mrs S Dix

21 **Planning Application No. CB/10/00196/Full** 227 - 234

**Address:** Caddington Village School, Five Oaks, Caddington

Full: Single storey extension to school building.

**Applicant:** Caddington Village School.

22 **Flexible Approach to the Implementation of the Council's adopted Planning Obligation Strategy** 235 - 238

The report seeks the support of the Development Management Committee for the introduction of a more flexible approach to the implementation of the Council's adopted Planning Obligation Strategy.

23 **Site Inspection Appointment(s)**

Members are reminded that the Committee's next meeting will not be held until 28 April 2010, following the Council's Annual General Meeting on 22 April 2010. As a result, and in accordance with Appendix A of the Code of Practice for (the) Conduct of Site Investigations, the timing and arrangements for the conduct of any site inspections required prior to 28 April will be agreed by the Assistant Director, Legal and Democratic Services and the Assistant Director of Development Management in consultation with the Chairman of the Committee.

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**Agenda Item:**

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**Meeting:** Development Management Committee

**Date:** 24<sup>th</sup> March 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

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Contact Officer: Sue Cawthra (Tel: 01462 611369)

Public/Exempt: Public

Wards Affected: All

Function of: Council

**RECOMMENDATIONS:**

- 1. To receive the 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 24th March 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>1</b>	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				Meeting held 3/3/10 - planning application awaited for new fan/extractor units to reduce noise
<b>2</b>	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
<b>3</b>	CB/ENC/09/1079	Arcade Nursery, A507 Stoffold Road, Arlesey	BOCN - breach of condition 3, no retail sales	21-Oct-09	21-Oct-09	20-Nov-09				Further monitoring to ensure compliance
<b>4</b>	CB/ENC/09/1157	Land at 19 Sundon Road, Streatley	Enforcement Notice - erection of brick-built two-storey building.	30-Nov-09	11-Jan-10	5-Apr-10	Appeal Received 12/01/2010			Appeal not accepted by PINS- Out of time
<b>5</b>	CB/ENC/09/1268	18 Matthew Street, Dunstable	Breach of Condition Notice	4-Jan-10	4-Jan-10	3-Feb-10				Complied, continue to monitor
<b>6</b>	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
<b>7</b>	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					Details submitted, awaiting decision

## Planning Enforcement formal action (DM Committee 24th March 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>8</b>	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. Further planning application received. Await outcome CB/09/07040/EUJL
<b>9</b>	MB/ENC/05/0178	Land at Maulden Garden Centre, Water End, Maulden	Enforcement Notice - change of use from nursery to garden centre, 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.
<b>10</b>	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
<b>11</b>	MB/ENC/06/0244	Land at The Green Man, Broom Road, Stanford	Enforcement Notice - extractor fan duct, 2 masts supporting security cameras and flood lighting.	9-Dec-08	9-Jan-09		Appeal received 4/2/09	26-Nov-09	Appeal dismissed & uphold enforcement notice.	Further discussions on compliance. Revised planning application CB/09/6800 received, awaiting further information.
<b>12</b>	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
<b>13</b>	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. Rear yard not in use.
<b>14</b>	MB/ENC/08/0370	Land at Hadenham Farm, Gravenhurst Road, Shillington	Enforcement Notice - Mobile Home	11-Feb-10	11-Mar-10	9-Jun-10	Appeal received 8/3/10			Await outcome of appeal
<b>15</b>	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
<b>16</b>	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.
<b>17</b>	MB/ENC/09/0034	Land at Whitsundaes 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

## Planning Enforcement formal action (DM Committee 24th March 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>18</b>	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 refused 4/3/10, further action required.
<b>19</b>	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
<b>20</b>	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
<b>21</b>	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
<b>22</b>	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
<b>23</b>	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
<b>24</b>	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
<b>25</b>	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
<b>26</b>	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 commence prosecution.
<b>27</b>	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

## Planning Enforcement formal action (DM Committee 24th March 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>28</b>	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.
<b>29</b>	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.
<b>30</b>	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.
<b>31</b>	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.
<b>32</b>	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	Work agreed with Conservation Officer and Planning Officer
<b>33</b>	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 date 29/3/10.
<b>34</b>	SB/ENF/08/0006	Land adjacent Hillside, The Green, Whipsnade	Change of Use from amenity land to private residential & enclosure od land by fence and hedge	9-Apr-08	9-May-08	5-Jun-08	13-Nov-08	13-Feb-09	Appeal dismissed but compliance periods extended	Substantial progress in compliance. Further tidying and planting taking place.
<b>35</b>	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.
<b>36</b>	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.
<b>37</b>	SB/ENF/09/0001 <b>Case closed</b>	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	Planning application CB/10/00211 withdrawn, not expediant to take further action

**Planning Enforcement formal action (DM Committee 24th March 2010)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>38</b>	SB/ENF/09/0002 <b>Case closed</b>	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	Planning application CB/10/00211 withdrawn, not expedient to take further action
<b>39</b>	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
<b>40</b>	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
<b>41</b>	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 20th January 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:** 24<sup>th</sup> March 2010  
**Subject:** Dunstable Section 215 Update Report  
**Report of:** Director of Sustainable Communities

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

Forty sites have been contacted regarding the external condition of land and buildings, the attached matrix are in addition to the ones included in the Development Management Committee Agenda 16<sup>th</sup> December 2009.

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Contact Officer: Annabel Gammell, Planning Officer  
Vicki Davies, Planning Officer

Public/Exempt: Public

Wards Affected: Dunstable, Dunstable Downs

Function of: Council

**Appendices:**

Appendix A – Matrix relating to Section 215 work.

**Background Papers:** (open to public inspection)

**Location of papers:** Priory House, Chicksands

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

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

		Clean walls at 1 <sup>st</sup> floor level Repaint wooden detailing and window cill at 2 <sup>nd</sup> floor level						
CB/EN/09/1225	The Priory Public House, Chiltern Road, Dunstable	1. Repair & repaint window frames and bargeboards 2. Clean windows and glazing in doors 3. Remove weeds and overgrown vegetation from paving & flowerbeds and mow grassed areas 4. Remove rubbish from site 5. Replace broken windows 6. Secure loose wiring 7. Repair/replace wooden gates to rear of property	27/8/09	5/10/09	19 <sup>th</sup> October 2009			No further action at present time as correct landowner now identified and 1 <sup>st</sup> letter sent regarding condition of the property
CB/EN/09/1223	23 High Street North, Justbuffet.com	Remove all woodwork above and around canopy Repaint all window frames at 1 <sup>st</sup> and 2 <sup>nd</sup> floor level	27/08/09	05/10/09	19 <sup>th</sup> October 2009	Works commenced 30 <sup>th</sup> November 2009	Awaiting completion of works	None at present

		Remove redundant hanging basket Remove redundant "Imperial Dynasty" sign Repaint cream render at 1 <sup>st</sup> floor level Mend or remove lighting at 1 <sup>st</sup> floor level						
CB/EN/09/1221	5 High Street South, The Money Box	1. Repaint woodwork around shop frontage 2. Repair and repaint rotten woodwork 3. Clean windows 4. Remove whitewash from windows 5. Remove fly posters 6. Repair and repaint all window frames and surrounds at 1 <sup>st</sup> and 2 <sup>nd</sup> floor levels 7. Repaint northern and western elevations at ground, 1 <sup>st</sup> , 2 <sup>nd</sup> floor levels 8. Replace broken window on 3 <sup>rd</sup> floor 9. Secure loose wiring	27/08/09	05/10/09	19 <sup>th</sup> October 2009	Not yet complied with		Pass file to Legal Department in order to commence legal proceedings
CB/EN/09/1251	59 High Street North, Old	1. Clean door and door frames	02/09/09	05/10/09	19 <sup>th</sup> October	Photos of completed		None – works complete

	Post Office	<ol style="list-style-type: none"> <li>2. Clean steps to entrance</li> <li>3. Clean windows</li> <li>4. Replace broken glazing</li> <li>5. Remove litter from pigeon defence</li> <li>6. Remove fly posters</li> <li>7. Clean canopy</li> </ol>			2009	works taken on 17/11/09		
CB/EN/09/1254	38 High Street South, Dunstable - Vacant	<ol style="list-style-type: none"> <li>1. Replace missing tiles</li> <li>2. Repaint window and door frames on front &amp; rear elevations</li> <li>3. Repair damaged render and repaint wall forming side elevation</li> </ol>	03/09/09	15/10/09	23 <sup>rd</sup> October 2009	Not yet complied with – works to be complete by Christmas		None at present
CB/EN/09/1224	The Winston Churchill, Church Street	<ol style="list-style-type: none"> <li>1. Repair and repaint the woodwork on all four elevation</li> <li>2. Removal of unnecessary/redundant wall furniture such as cigarette bins and broken lamps</li> <li>3. Removal of all graffiti from the exterior of the building</li> <li>4. Removal of all</li> </ol>	27/8/09	5/10/09	21 <sup>st</sup> October 2009	Not yet complied with – landowner advises that they are currently selling property		Pass file to Legal Department in order to commence legal proceedings

		<p>redundant signage</p> <p>5. Removal of all fly posters</p> <p>6. Replacement of all windows which are cracked, missing or broken</p> <p>7. Remove or mend the canopy of the side (eastern) elevation</p> <p>8. Clean all windows</p> <p>9. Secure all loose wiring in a discreet and appropriate fashion</p> <p>10. Clean brick work at ground and first floor level on all 4 elevations</p> <p>11. Repaint the first floor areas which are currently painted peach (white would be colour of preference)</p> <p>12. Repair or replace and paint all fascia boards white</p> <p>13. Ensure all elevations are in a clean condition</p> <p>14. Repair and repaint all window frames</p>						
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		15. Removal of all boarding that is in place over windows and replace with glass						
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Planning Enforcement Progress of Section 215 Action:

Enforcement case number	Location	What needs to be done	Progress to date	Next steps	Other information
CB/EN/09/1264	22 High Street South, Dunstable – (Walkinz) Vacant	1. Repair and repaint shopfront 2. Clean window and door glazing	Windows and shopfront to be cleaned shortly	Maintain contact with landowner who is taking legal action against tenants	Landowner also owns 20 High Street South (CB/EN/09/1230)
CB/EN/09/1230	20 High Street South, Dunstable – (Lunaria Designs) Vacant	1. Repair and repaint shopfront 2. Remove sign and make good 3. Clean window and door frames & sign on rear elevation 4. Remove boarding on rear elevation windows and replace broken glazing	Boarding removed from windows on rear elevation.  Windows and shopfront to be cleaned shortly	Maintain contact with landowner who is taking legal action against tenants	Landowner also owns 22 High Street South (CB/EN/09/1264)
CB/EN/09/1250	21 High Street North, Dunstable – Papa Johns	1. Replace broken glazing 2. Repaint window frames & cills at 1 <sup>st</sup> & 2 <sup>nd</sup> floor level	Canopy cleaned  Landowner agreed to undertake other works over next few	Maintain contact with landowner	

		<ul style="list-style-type: none"> <li>3. Clean brickwork and stonework</li> <li>4. Repaint decorative fascia on roof overhang</li> </ul>	months		
CB/EN/09/1263	48 High Street North, Formerly Pizza Hut	<ul style="list-style-type: none"> <li>1. Repaint woodwork on wooden sign</li> <li>2. Remove posters</li> <li>3. Clean whitewash from windows</li> <li>4. Repaint window cills and frames on 1<sup>st</sup> and 2<sup>nd</sup> floors</li> </ul>	Pizza Hut have agreed to carry out the works, they have gone out to tender and are expecting to start works shortly	Have requested completion of section 330 notice to ascertain ownership details with a view to serving section 215 notice	
CB/EN/09/1246	8-10 West Street, West Street Pharmacy	<ul style="list-style-type: none"> <li>1. Removal of temporary signage</li> <li>2. Removal of "Body Basics" signage</li> <li>3. Repaint blue door</li> <li>4. Removal of fly posters</li> <li>5. Removal of blackboard from side wall</li> </ul>	Owner identified, discussion regarding works.	Owner will need an application for a permanent sign, we are in discussion and he intends to submit an application for Advertisement Consent shortly	The owner is conscious of the need for sensitive design as it is central to the Conservation Area.
CB/EN/09/1225	The Priory Public House, Chiltern Road, Dunstable	<ul style="list-style-type: none"> <li>1. Repair &amp; repaint window frames and bargeboards</li> <li>2. Clean windows and glazing in doors</li> </ul>	Owner identified – 1 <sup>st</sup> letter sent	Send 2 <sup>nd</sup> letter if no response received by 10/12/09	

		<p>3. Remove weeds and overgrown vegetation from paving &amp; flowerbeds and mow grassed areas</p> <p>4. Remove rubbish from site</p> <p>5. Replace broken windows</p> <p>6. Secure loose wiring</p> <p>7. Repair/replace wooden gates to rear of property</p>			
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Planning Enforcement Success Stories of Section 215 Action:

Enforcement case number	Location	What has been done	Date	What is to be done in future	Other information
CB/EN/09/1242	35 High Street South, Dunstable - KFC	1. Window frames repainted at 1 <sup>st</sup> floor level 2. Items stacked against windows at 1 <sup>st</sup> floor level removed	Photos taken of completed works 2/11/09		Works complete
CB/EN/09/1277	60-72 High Street North – above Argos, Iceland etc	1. Window frames above no64 at 1 <sup>st</sup> & 2 <sup>nd</sup> floor level repainted 2. Missing tiles above no68 replaced 3. Bargeboard no62-no68 repainted	Photos taken of completed works 2/11/09		Works complete
CB/EN/09/1262	71 High Street North, Dunstable - Vacant	1. Window and door frames repainted 2. Broken glazing replaced 3. Windows cleaned 4. Missing tiles replaced	Photos taken of premises being refitted 17/11/09		Works complete
CB/EN/09/1280	25 High Street South, Dunstable – Pennys Fashions	1. Missing tiles replaced 2. Woodwork around	Photos taken 19/10/09	1. Repaint window frames & cills at 1 <sup>st</sup> & 2 <sup>nd</sup> floors	Agree timescale for completion of works

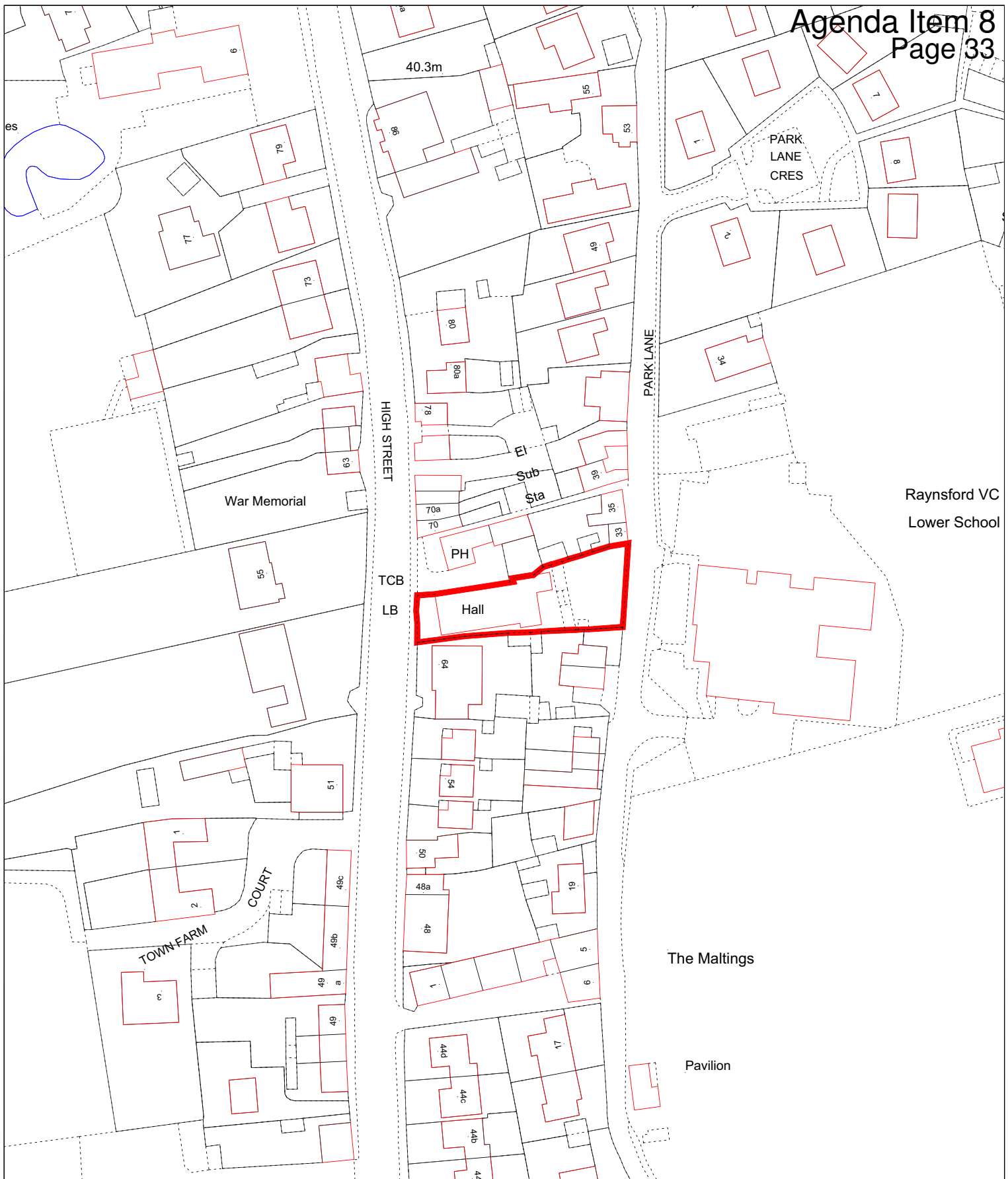
		sign covered by new sign			
CB/EN/09/1229	46 High Street South, Dunstable – Smith, Brown & Sprawson Solicitors	1. Grass and weeds removed from parking area to rear of building 2. Window frames repaired and repainted 3. Missing render repaired 4. Walls repainted 5. Canopy over front entrance repaired & repainted 6. Graffiti removed	Photos taken of completed building 2/11/09		Works complete
CB/EN/09/1299	37 High Street South, Dunstable – Cash Converters	1. Window frames on side elevation repainted 2. Access door on side elevation repainted	Photos taken of completed works 19/10/09		Works complete
CB/EN/09/1239	1B West Street, Computer Friendly	1. Window and door frames repainted	17/11/09	1. Replace missing tiles with once to match existing or remove all tiles and paint walls	Agree timescale for completion of works
CB/EN/09/1297	27 High Street South, The Straw Hatter	1. Wooden area behind the “Straw Hatter” repainted 2. Window and door frames cleaned 3. Blue tiles both sides	Photos taken of completed works 2/11/09		Works complete

		of shop front cleaned			
CB/EN/09/1237	27-29 West Street, Yum Yums Cafe	1. Side dutch blind removed 2. Rotten wooden side panel replaced with white PVC 3. Repaint bargeboard 4. Mend the remaining blind	Photos taken 01/10/09	1. Replace the removed blind	Agree timescale for completion of works
CB/EN/09/1240	41 High Street South, Southern Fried Chicken	Scaffolding erected – works commenced	Photos taken 1/12/09	1. Replace missing tiles 2. Repaint the walls white (where currently white) around the signage on front elevation 3. Repaint 1 <sup>st</sup> floor render white	
CB/EN/09/1251	59 High Street North, Old Post Office	1. Doors and door frames cleaned 2. Steps to entrance cleaned 3. Windows cleaned 4. Broken glazing replaced 5. Litter from pigeon defences removed 6. Fly posters removed 7. Canopy cleaned	Photos of completed works taken on 17/11/09		Works complete

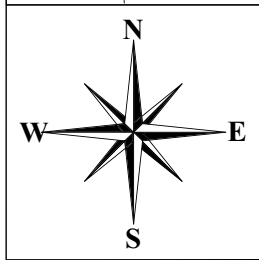
CB/EN/09/1261	57 High Street North, Dunstable - Vacant	1. Shopfront & windows cleaned	26/11/09	1. Repaint canopy over shop – should be complete w/c 30/11	Landowner agreed to undertake works to external areas of shop
CB/EN/09/1276	69 High Street North, Dunstable Community Church	1. Repainted ground floor window frames, cills, porch area and pillars white 2. Repainted wood under roof overhang white 3. Repaint area at bottom of building black.	Photos taken of completed building 2/11/09		Works complete

Enforcement case number	Location	What has been done	Date	What is to be done in future	Other information
CB/EN/09/1242	Garages to the rear of shops no 54-70 Langdale Road, Dunstable	1. Removal of items from within remaining structure of garage 2. Demolish remaining parts of walls of the garage 3. Remove remaining parts of roof	27/11/09		Works complete





Raynsford VC  
Lower School



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Date: 11:March:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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**Item No. 8**

<b>APPLICATION NUMBER</b>	<b>CB/10/00242/FULL</b>
<b>LOCATION</b>	<b>66 High Street, Henlow, SG16 6AB</b>
<b>PROPOSAL</b>	<b>Full: Part demolition, Change of use and two storey rear extension to form 6no. residential units.</b>
<b>PARISH</b>	<b>Henlow</b>
<b>WARD</b>	<b>Langford and Henlow</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Clarke &amp; Cllr Rogers</b>
<b>CASE OFFICER</b>	<b>Dee Walker</b>
<b>DATE REGISTERED</b>	<b>25 January 2010</b>
<b>EXPIRY DATE</b>	<b>22 March 2010</b>
<b>APPLICANT</b>	<b>Henlow Parish Council</b>
<b>AGENT</b>	<b>Henlow Parish Council</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Rogers called it to Committee on grounds of local interest and its location within the Conservation Area</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Refused</b>

**Site Location:**

The application site is located at 66 High Street in Henlow, which is currently used the Henlow Parish Hall. The building is a single storey building with a hall, stage, committee room, kitchen and toilet facilities. The site is located wholly within the settlement envelope as well as within the designated Henlow Conservation Area.

**The Application:**

The application seeks permission to convert the building into 6 no. one bedroom residential units. There are a number of external alterations namely the part demolition of the south and east side of the building, insertion of windows in the west and south elevations for the first floor rooms and the removal of a number of windows in the north and east elevation.

This is a revised scheme following a refusal under ref: CB09/05986/FULL on grounds of unacceptable alterations that would clutter and unbalance the appearance of the building; adverse impact on the amenities and privacy of occupiers of nearby residential properties and the omission of a legal agreement in accordance with the Council's Planning Obligations Strategy.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

- PPS1 Delivering Sustainable Development (2005)
- PPS 3 Housing (2006)
- PPG15 Planning and the Historic Environment (1994)
- PPG24 Planning and Noise (1994)

## **Regional Spatial Strategy**

East of England Plan (May 2008)

Milton Keynes and South Midlands Regional Strategy (March 2005)

## **Bedfordshire Structure Plan 2011**

N/A

## **Central Bedfordshire Core Strategy & Development Management Policies 2009**

Policies CS2, CS14, Central Bedfordshire Core Strategy & Development CS15, DM3 & DM13 Management Policies (2009)

## **Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development (2009)

Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008)

## **Planning History**

MB/97/00805

Full: Alterations to front access – Approved 23.07.1997

MB/09/05986

Full: Part demolition and part two-storey rear extension to form 6 no. residential units – Refused 14.09.2009

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

Henlow Parish Council  
Adjacent Occupiers

The Parish Council fully supports these applications  
One email received objecting to the proposal on the following grounds:

- unacceptable changes to the external appearance
- overdevelopment of the site;
- buildings out of scale with the surrounding houses;
- loss of pedestrian route;
- creation of hideaway to the detriment of the occupiers;
- density of development adjacent to public house and school;
- possible increase in on street parking to the front;
- intrusive to the privacy and amenity of its neighbours to the south;
- plans fail to consider the points raised in the Henlow Conservation Area review of October 2009;
- proposal exceeds housing target levels recommended at a regional level when calculating an appropriate modal figure.

One letter received setting out a number of objections on the following grounds:

- dwellings unacceptable for habitation by reason of their

- design;
- unacceptable standard of living for future occupants;
- a need remains for this public building;
- removes the historic use of this 'positive' building contributing to the Conservation Area;
- mangling of the architectural integrity of the building is harmful and neither preserves or enhances it;
- financial gain by its sale is an irrelevant planning consideration;
- upper floor windows have not been demonstrated as practicable and any legal obligation is unlikely to be enforceable;
- loss of privacy to the rear of no. 64 remains.

### Consultations/Publicity responses

Henlow VDA	Has a number of objections: <ol style="list-style-type: none"> <li>1. Changes to the west elevation create an unbalanced façade destroying the original character of the building;</li> <li>2. Creating 6 dwellings within these tight boundaries is a significant overdevelopment of the site;</li> <li>3. Proposed dwellings are not to scale with the surroundings and it is questionable how emergency services would gain access;</li> <li>4. Resident parking assumes that the existing parish hall spaces can be relocated to the new occupiers and their visitors; and</li> <li>5. There would be an intrusion on privacy to neighbours on the southerly side. The proposed non-opening of south facing first floor windows being guaranteed apart from emergency via a clause in the deeds would be difficult if not impossible to enforce.</li> </ol>
Public Protection Team	No objections subject to a condition being attached to any consent granted
Highways Team	No objections subject to conditions being attached to any consent granted
Site Notice Posted	03.02.2010
Newspaper Advert	05.02.2010

### Determining Issues

The main considerations of the application are;

1. Principle of development
2. The effect on the character of the conservation area
3. The impact that the proposal will have on the residential amenity of neighbouring properties
4. Any other implications of the proposal

## Considerations

### 1. Principle of Development

The application is for the conversion of a community building into 6 no. residential units. Policy DM3 places emphasis not only on the design of new development but the space around buildings and the features required to make the building function successfully (e.g. parking, garden space). The criteria set out in DM3 is assess further within this report.

All of the proposed units are to be one bedroom with an open plan sitting/kitchen/dining area with bedroom and bathroom to the first floor. The unit to the front of the building would have a separate lounge and kitchen/diner with one bedroom and a bathroom at first floor. Externally, the only amenity space would be to the front of the units (south elevation). As these are one-bedroom units, it is considered that the proposed provision of the amenity areas is acceptable.

The site is located within the settlement envelope and as such the principle of the conversion to residential units is acceptable.

### 2 Effect on the Character and Appearance of the Conservation Area

The site is located within the Henlow Conservation Area. The parish hall together with some adjoining houses has been identified in the 2009 Henlow Conservation Area Appraisal as 'Positive Buildings'.

The street elevation frontage on the village hall (originally the Vicar's Club Room, 1893) is a local landmark in the High Street, with a clock and bellcote above a rather stern red brick wall with corbelled and recessed panels together with a roof of welsh slate.

The revised scheme has reduced the size of the first floor windows in the front elevation thus retaining the existing ground floor windows as the prominent feature. Although this is still somewhat awkward and unbalanced, it is the best that can be achieved. The number of first floor windows in the south elevation have remained the same but now the windows are fixed shut with obscure glazing. In an attempt to compensate for this loss of outlook, roof lights have been inserted to provide some form of daylight to the bedrooms. The Conservation Team were consulted on the revised scheme and they advise that the application has overcome the design reasons for refusal. It is considered that the overall design of the proposal would preserve the character and appearance of the conservation area.

### 3 Impact of the Proposal on the Residential Amenity of Neighbouring Properties

The principal properties that may be affected by the proposal are nos. 64 High Street; 31 and 35 Park Lane.

The development introduces 5 no. first floor windows into the south elevation to serve bedroom windows to the individual units. At the closet point, these windows would be within 4 metres of the shared boundary with no. 64 High Street. Due to the positioning of the existing dwelling, the first floor windows to units unit 3, 4, 5 and 6 would face directly onto the rear garden of no. 64.

Furthermore, units 5 and 6 would face directly onto the small rear garden space to no. 31 Park Lane.

The scheme has been revised to try and address this issue by obscure glazing the entire first floor windows in the south elevation and fixing them shut with the ability for them to be opened in the event of an emergency. The revision also introduces roof lights into each unit in an attempt to compensate for the light and outlook lost from the obscurely glazed elevation windows. Although this addresses the issue of overlooking in theory, it results in poor design and inadequate standard of amenities for future occupiers of the dwellings. Furthermore, although the windows will be fixed shut apart from in the event of an emergency, this would be difficult to impose on future owners and impossible to enforce by way of any form of condition to any consent granted. As a result it is considered that there would be a very poor standard of amenities for occupiers that is considered to be unacceptable and contrary to Policy DM3.

It should be noted that the Planning Inspector on a recent appeal made the following comments regarding sole room windows that are obscurely glazed:

*'...such glazing would allow for adequate levels of daylight to these rooms but it would result in an exceptionally poor outlook that would provide an unreasonable standard of accommodation for the occupiers. Consequently it would not be an acceptable means of addressing any overlooking and a condition requiring it to be retained would not be appropriate ..... if obscured glazing were to be in the bedrooms, the proposal would create unsatisfactory living conditions, and if such glazing were not to be used it would result in an unacceptable loss of privacy in the rear amenity area of the neighbouring property...' (Ref: APP/P0240/A/09/2111207 - 20 & 20A Horslow St, Potton)*

The Inspector concluded that the proposal would create unreasonable living conditions for residents.

The proposed rear extension will extend out towards the parking area and will be of a two storey nature. Given its location towards the northern boundary of the site, it is not considered that it will have any adverse impact on the residential amenity to neighbouring properties.

#### **4 Any Other Implications**

The Public Protection Team was consulted on the revised proposal. They note that the redesign on unit 1 for noise mitigation is acceptable but they will require the submission of a scheme specifying the sound insulation technique and materials to be used along with validation of their implementation as part of a condition. They therefore suggest an appropriate condition be attached to any consent granted.

The Highways Team were consulted on the proposal and made the following comments. The existing access will be taken from Park Lane and this will not alter, although visibility from the access is extremely poor due to the site abutting the carriageway, the neighbouring properties boundary wall and where vehicles park within the site. The visibility can be increased to 8.0m with the indicated visibility splay. Park Lane is a one way road from south to north with vehicle speeds being reduced due to the on street parking and the narrowness of the carriageway. The traffic generation from the hall and the proposal are

comparable, considering only 8 vehicles can park on site at one time. They realise the use of the hall would be outside off peak times however parents from the school opposite use the car park to pick up and drop off their children at peak times thus making traffic generation like for like.

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

This application was submitted on 25 January 2010 and as such the proposal would attract Planning Obligations. A legal agreement was submitted with the application but due to the provision for affordable housing within the scheme, a revised template is required. To date this is with the legal team and should be available shortly. Should the completed legal agreement not be submitted prior to the Committee date then an additional reason for refusal will be entered onto the late sheet.

**Reasons for Refusing**

The proposal, by reason of its design and siting, particularly the fenestration for the bedrooms would result in an unacceptable standard of accommodation for future occupiers; as such it is contrary to Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2006). It is therefore considered **unacceptable** and that planning permission should be refused.

**RECOMMENDATION**

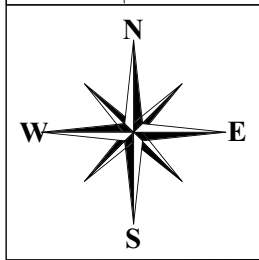
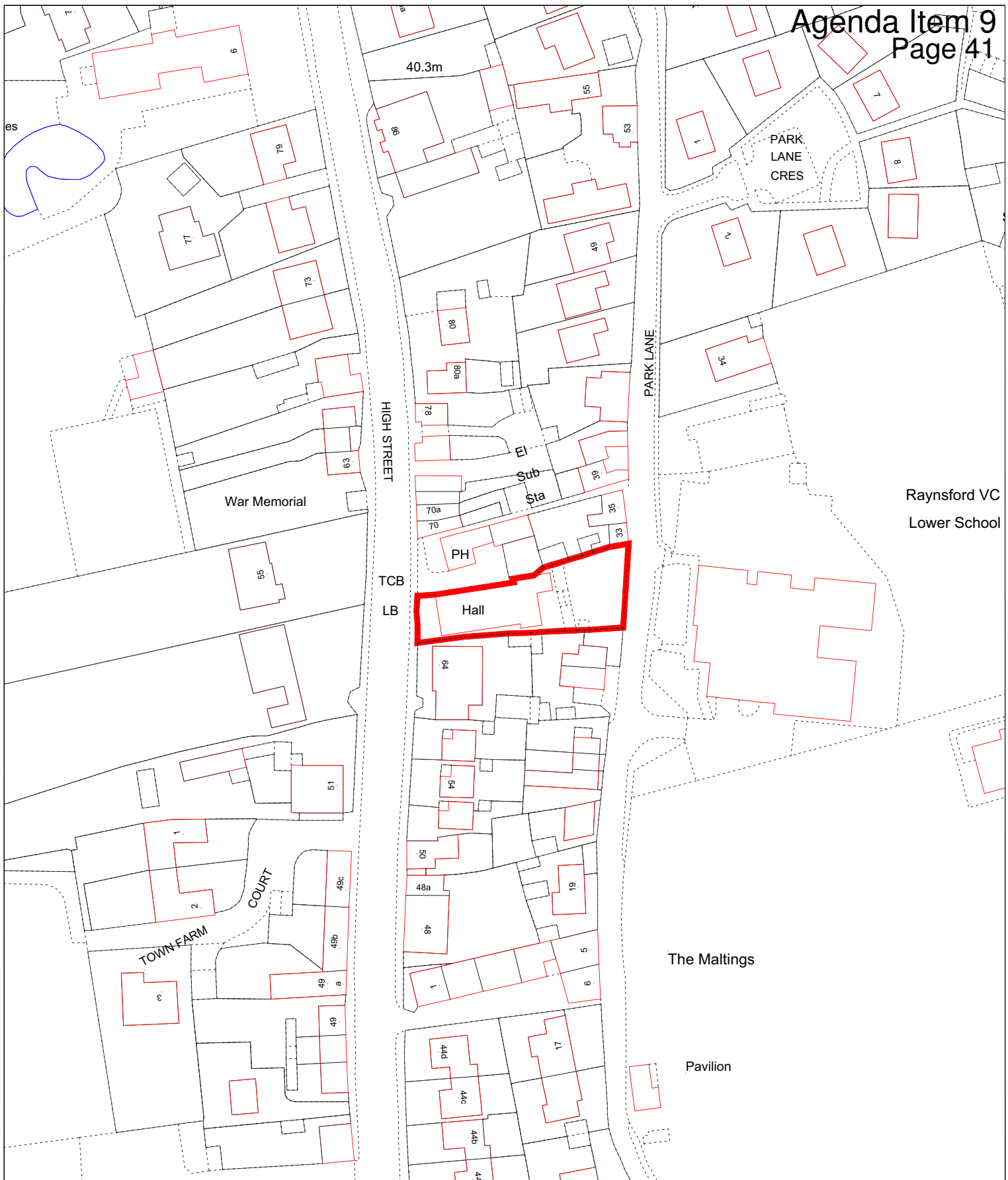
REFUSE Planning Permission for the application set out above on the following reason(s):

- 1 The proposed development, by reason of its design and siting, particularly the fenestration for the bedrooms would result in an unacceptable standard of accommodation for future occupiers; as such the proposal is contrary to Policy DM3 of the Adopted Core Strategy and Development Management Policies 2009, Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2006).

**DECISION**

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Date: 11:March:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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**Item No. 9**

<b>APPLICATION NUMBER</b>	CB/10/00247/CA
<b>LOCATION</b>	66 High Street, Henlow, SG16 6AB
<b>PROPOSAL</b>	Conservation Area Consent: Part demolition of building to form 6no. residential units.
<b>PARISH</b>	Henlow
<b>WARD</b>	Langford and Henlow
<b>WARD COUNCILLORS</b>	Cllr Clarke & Cllr Rogers
<b>CASE OFFICER</b>	Dee Walker
<b>DATE REGISTERED</b>	25 January 2010
<b>EXPIRY DATE</b>	22 March 2010
<b>APPLICANT</b>	Henlow Parish Council
<b>AGENT</b>	Henlow Parish Council
<b>REASON FOR COMMITTEE TO DETERMINE</b>	Cllr Rogers called it to Committee on grounds of local interest and its location within the Conservation Area
<b>RECOMMENDED DECISION</b>	Conservation Area - Refused

**Site Location:**

The application site is located at 66 High Street in Henlow, which is currently used the Henlow Parish Hall. The building is a single storey building with a hall, stage, committee room, kitchen and toilet facilities. The site is located wholly within the settlement envelope as well as within the designated Henlow Conservation Area.

**The Application:**

The application seeks conservation area consent to demolish part of the building in order to convert it into 6 no. on bedroom residential units. The scheme for the conversion is being considered under planning ref: CB/10/00242/FULL.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

- PPS1 Delivering Sustainable Development (2005)
- PPG15 Planning and the Historic Environment (1994)

**Regional Spatial Strategy**

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

**Bedfordshire Structure Plan 2011**

N/A

Policies CS15 & Central Bedfordshire Core Strategy & Development  
DM13 Management Policies (2009)

### Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development (2009)

### Planning History

MB/97/00805 Full: Alterations to front access – Approved 23.07.1997  
MB/09/05986 Full: Part demolition and part two-storey rear extension to  
form 6 no. residential units – Refused 14.09.2009

### Representations: (Parish & Neighbours)

Henlow Parish Council  
Adjacent Occupiers

The Parish Council fully supports these applications  
One letter received setting out a number of objections on  
the following grounds:

- dwellings unacceptable for habitation by reason of their design;
- unacceptable standard of living for future occupants;
- a need remains for this public building;
- removes the historic use of this 'positive' building contributing to the Conservation Area;
- mangling of the architectural integrity of the building is harmful and neither preserves or enhances it;
- financial gain by its sale is an irrelevant planning consideration;
- upper floor windows have not been demonstrated as practicable and any legal obligation is unlikely to be enforceable;
- loss of privacy to the rear of no. 64 remains.

### Consultations/Publicity responses

Henlow VDA

Has a number of objections:

1. Changes to the west elevation create an unbalanced façade destroying the original character of the building;
2. Creating 6 dwellings within these tight boundaries is a significant overdevelopment of the site;
3. Proposed dwellings are not to scale with the surroundings and it is questionable how emergency services would gain access;
4. Resident parking assumes that the existing parish hall spaces can be relocated to the new occupiers and their visitors; and
5. There would be an intrusion on privacy to neighbours on the southerly side. The proposed non-opening of south facing first floor windows being guaranteed apart from

emergency via a clause in the deeds would be difficult if not impossible to enforce.

Site Notice Posted 03.02.2010  
Newspaper Advert 05.02.2010

## Determining Issues

The main considerations of the application are;

1. The effect on the character of the conservation area
2. Any other implications of the proposal

## Considerations

### 1 Effect on the Character and Appearance of the Conservation Area

The site is located within the Henlow Conservation Area. The parish hall together with some adjoining houses has been identified in the 2009 Henlow Conservation Area Appraisal as 'Positive Buildings'.

The street elevation frontage on the village hall (originally the Vicar's Club Room, 1893) is a local landmark in the High Street, with a clock and bellcote above a rather stern red brick wall with corbelled and recessed panels together with a roof of welsh slate.

The proposed part demolition of the side of the building would have a limited visibility within the streetscene of High Street but a greater visibility within Park Lane. Policy CS15 of the Core Strategy and Development Management Policies requires that the Council will protect, conserve and enhance the district's heritage within Conservation Areas. The demolition will involve the removal of the part of the main building. The Conservation Team were consulted on the overall proposal and although the principal of the partial demolition in context with the conversion on the building to residential units is considered acceptable, the demolition on its own merits is unacceptable as in the absence of an approved conversion scheme it would have a detrimental effect on the Conservation Area and would not preserve nor enhance it. As such the application for consent should be refused.

### 4 Any Other Implications

There are no other significant considerations for this application.

## Reasons for Refusing

The scheme, by reason of its site, design and location, is contrary to Policies CS15 and DM13 of the Central Bedfordshire Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2006). It is therefore considered **unacceptable** and that conservation area consent should be refused.

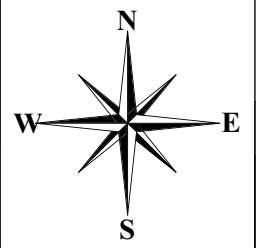
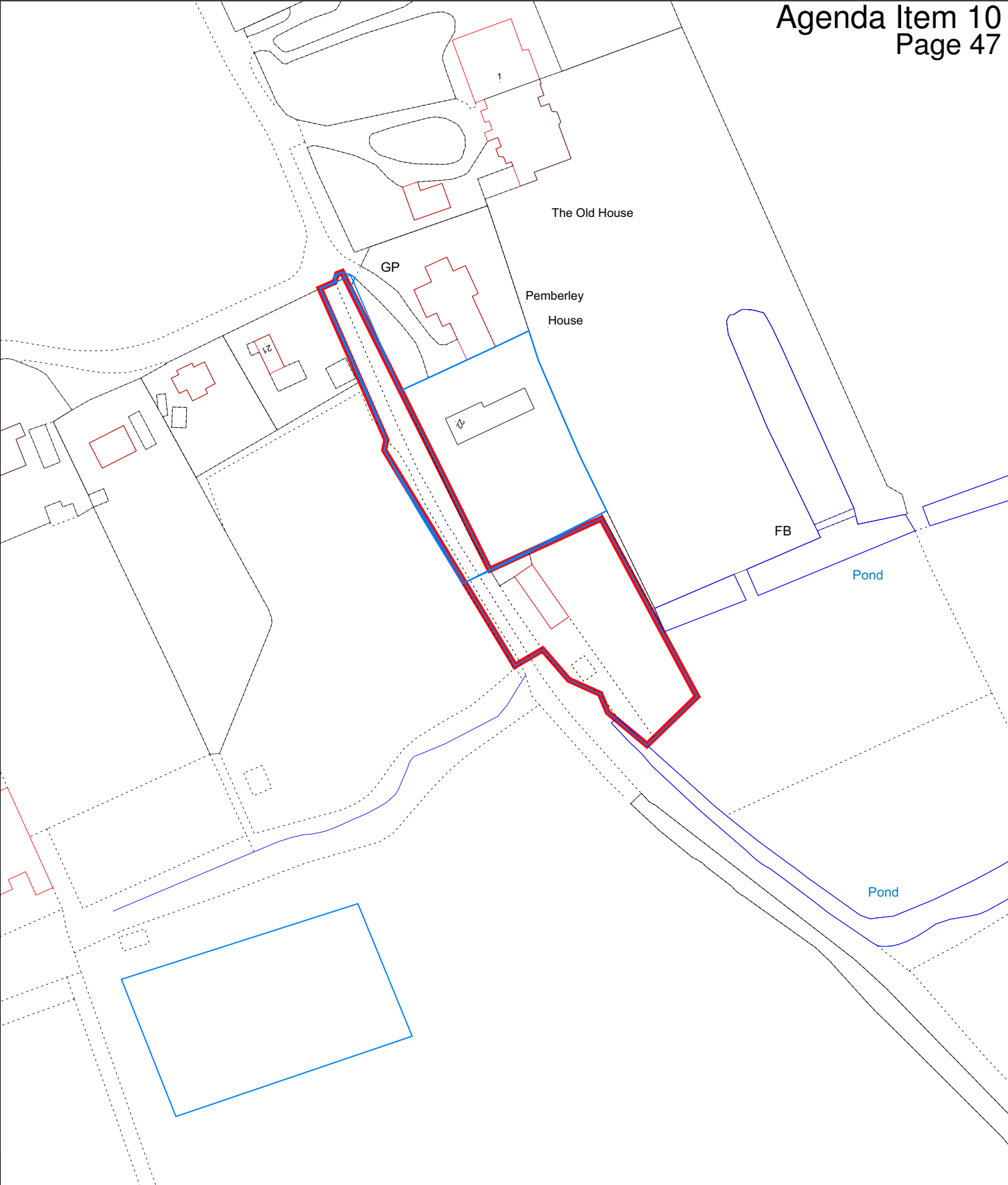
**RECOMMENDATION**

REFUSE Conservation Area Consent for the application set out above on the following reason(s):

- 1 The application site lies within the Henlow Conservation Area and by nature of the proposed partial demolition of the building would neither preserve or enhance the character and appearance of this part of the area; as such the proposal is contrary to PPG15 and Policies CS15 and DM13 of the Adopted Central Bedfordshire Core Strategy and Development Management Policies 2009.

**DECISION**

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Date: 11:March:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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<b>Item No. 10</b>
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<b>APPLICATION NUMBER</b>	<b>CB/10/00482/FULL</b>
<b>LOCATION</b>	<b>Land Adjacent Springwood House 22, Ickwell Green, Ickwell</b>
<b>PROPOSAL</b>	<b>Full: Demolition of existing outbuildings and the construction of a new 2 storey 4-bedroomed detached house and associated works.</b>
<b>PARISH</b>	<b>Northill</b>
<b>WARD</b>	<b>Northill and Blunham</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Maudlin &amp; Cllr Turner</b>
<b>CASE OFFICER</b>	<b>Kate Phillips</b>
<b>DATE REGISTERED</b>	<b>11 February 2010</b>
<b>EXPIRY DATE</b>	<b>08 April 2010</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs MaGuinness</b>
<b>AGENT</b>	<b>DLP Design Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Turner's request due to considerable local interest</b>
 <b>RECOMMENDED DECISION</b>	 <b>Full Application - Refused</b>

**Site Location:**

The application site is the land adjacent to Springwood House, 22 Ickwell Green in Ickwell. The site, which is within Ickwell Conservation Area, is toward the south end of the village, accessed from a bridleway which leads from the Green. The site is located partly within Ickwell's Settlement Envelope and partly outside.

The Design and Access Statement which accompanies the application notes that the site originally formed part of Springwood House's land and has been used as an area for stabling, a menage and grazing. The use of the site for stabling and equestrian activities is not currently authorised because the site no longer forms part of Springwood House's curtilage and the use is not ancillary to the dwelling.

The surrounding pattern of development is rural in character. To the north, past Springwood House, are other residential properties of varying styles and ages surrounding the village Green, which is a significant rural feature of the village. To the east of the site is an area of woodland within a neighbouring property's garden, and to the south-east, south and west of the site are open fields separated by hedgerows and wooden open-style fencing.

**The Application:**

This application seeks permission for the demolition of existing outbuildings and the construction of a new 2 storey 4-bedroomed detached house and associated works.

The dwelling would measure up to 13.5 metres wide and 11 metres deep and it would sit almost centrally within the rectangular plot allowing for a parking area to

the front (north) and a garden to the rear (south). It would measure approximately 8 metres tall.

## **RELEVANT POLICIES:**

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

- PPS 1 Delivering Sustainable Development (2005)
- PPS 3 Housing (2006)
- PPG 15 Planning and the Historic Environment (1994)

### **Regional Spatial Strategy**

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

### **Bedfordshire Structure Plan 2011**

Not applicable

### **Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document**

- Policy CS2 Developer contributions
- Policy CS14 High quality development in the natural and built environment
- Policy CS15 Heritage
- Policy DM3 High quality development – incl. extensions
- Policy DM4 Development within and beyond settlement envelopes
- Policy DM13 Heritage in development

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

Not applicable

### **Supplementary Planning Guidance**

- Central Bedfordshire Council's Technical Guidance – A Guide for development (2010)
- Central Bedfordshire Council's Technical Guidance - Design Supplement 1: New Residential Development (2010)
- Central Bedfordshire Council Planning Obligations Supplementary Planning Document (Reviewed November 2009).

### **Relevant Planning History**

None

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

- Northill PC No comments received
- Adjacent occupiers Two letters of objection has been received. The main points are summarised below:

- Contrary to Policies CS14, DM3, DM4 of the adopted Core Strategy and Development Management Policies DPD
- The development does not preserve or enhance the conservation area
- The stables and ménage do not benefit from planning permission
- Ickwell is characterized by road frontage with very little backland development
- The site currently contains a few low key timber structures, appropriate to their rural setting but a dwelling would extend the residential built up limits of the village, encroaching into the countryside.
- The development would not complement the surrounding pattern of development and there is no development on the other side of the plot. Therefore it is contrary to the definition of infill.
- The fact the site is within the Settlement Envelope should not automatically mean that planning permission should be granted for a dwelling
- The new dwelling would have an imposing and aggressive appearance, which is inappropriate to its rural setting
- The front windows would be only 15 metres away from the boundary of number 22 and would overlook their rear garden, reducing their level of privacy.
- The access is off a well-used bridleway and is therefore highly visible
- The bridleway is well used by walkers, horse-riders, dog-walkers and cyclists who would experience disruption as a result of the proposal
- The access is very poor quality and is not wide enough for vehicles to pass one another or horses and there is no possibility of providing a passing place, or upgrading the part of the access that is owned by the occupiers of number 22
- Previous owners started an equestrian business on site which led to heavy and unpopular use of the bridleway by vehicles attending to the horses. Do not want further disruption.

### **Consultations/Publicity responses**

Site notice posted  
CBC Highways

4.3.10

There are various issues with the application, as summarised below, but if the application is granted planning permission, conditions have been suggested.

- The gates restrict access for parking and turning or delivery/service/ambulance

- sized vehicles
- The bridleway is only 2.5 metres wide which is too narrow for a fire appliance to use
- The bridleway/access exceeds 80 metres and therefore a turning area is required for fire appliances
- The visibility at the site access is severely restricted which could be dangerous to traffic using the bridleway
- The bridleway is not wide enough for a two way flow of vehicle and pedestrian/cyclist, or vehicle and horse
- The bridleway exceeds refuse collector carry distance
- Cycle parking required
- Turning area required within the curtilage of the site for delivery/service/ambulance sized vehicle, separate to three parking spaces for dwelling
- The means of access is taken from a bridleway (a Rights of Way issue)

<p>CBC Rights of Way Officer British Horse Society Rambler's Association CBC Archaeology CBC Tree and Landscape Team CBC Conservation &amp; Design</p>	<p>No comments received No comments received No comments received No comments received No objection subject to conditions. The site is within Ickwell Conservation Area where all new development must preserve or enhance the character and appearance of the area. Due to the site's location at the edge of the Conservation Area/ settlement the development will have a particularly visual impact on the character and appearance of the area which is unacceptable.</p>
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### Determining Issues

The main considerations of the application are;

1. The principle of residential development;
2. The impact upon the visual amenities of Ickwell Conservation Area
3. The impact upon the amenities of adjoining, nearby and future occupiers
4. Access and parking
5. Any other relevant material considerations

### Considerations

#### 1. The Principle

The application site is located partly within the Settlement Envelope of Ickwell, although part of it (the proposed location of the rear garden for the new dwelling, approximately 224 square metres) lies outside the Settlement

Envelope.

Ickwell is classified as a 'Small Village' by Policy CS1 of the Council's Core Strategy and Development Management Policies Development Plan Document (CS&DMP DPD) and Policy DM4 notes that, 'Within Small Villages, development will be limited to infill residential development'.

Paragraph 11.1.7 of the CS&DMP DPD defines infill development as small-scale development utilising a vacant plot which should continue to complement the surrounding pattern of development.

In terms of the above definition, the proposal is not considered to constitute infill development because the proposed use of the plot would not continue to complement the surrounding pattern of development. This is because the plot's boundary is approximately 22 metres away from Springwood House and the new dwelling itself would be approximately 36 metres away. The plot is surrounded by the countryside on the other three sides (woodland to the east, open fields to the south and west), rather than other residential development. Therefore the development would effectively extend Ickwell's built up form into the countryside and the incongruous and inappropriate features of the development (the brick and glazed two storey dwelling, its domestic garden and the parking area) would detract considerably from the predominantly rural character and appearance of the immediate surroundings, especially because the site is visible from a distance outside the village and from the public bridleway which runs adjacent to the land.

The principle of development in this location is therefore considered to be contrary to Policies CS1 and DM4 of the CS&DMP DPD.

Policy DM4 also notes that, 'Beyond Settlement Envelopes, limited extensions to gardens will be permitted provided they do not harm the character of the area. They must be suitably landscaped or screened from the surrounding countryside and buildings may not be erected on the extended garden area'.

As outlined above, the overall proposal would be likely to harm the character and appearance of the area due to the intrusion of inappropriate features into the countryside and therefore the proposal to site the garden outside Ickwell's Settlement Envelope is also considered to be unacceptable.

Overall, given that the principle of development is unacceptable, the application should be refused on this basis.

## **2. Impact upon the visual amenities of Ickwell Conservation Area**

As noted in the accompanying Design and Access Statement, the site is not visible from Ickwell Green because of the distance involved and the fact that it effectively sits behind Springwood House. Nevertheless, as noted by the adjacent occupier, the access track which would lead to the new dwelling is a well-used bridleway and therefore users of this route would have clear views of the new dwelling and its parking/ turning area, through the new access that would be created in the currently unbroken hedgerow which lines the western edge to the plot, and above the site's future boundary treatment.

The Ickwell Conservation Area appraisal document (2005) makes specific

reference to Pemberley House and Springwood House and the track. It notes that Springwood House is at right angles to the track behind a brick wall which formed part of the boundary of The Old House (a grade II listed building with medieval origins). The appraisal document notes that along this track, which would be the access route to the proposed new dwelling, is a substantial hedge and beyond that, open paddock land. Given that the hedge and paddock land are both specifically referred to in the appraisal document it is strongly considered that they are worthy of future retention and protection due to their noted contribution to the conservation area's character and appearance. However, as noted, as part of the application, a new opening would be made in the hedgerow, and part of the paddocks would become a domestic garden.

Furthermore, the Ickwell Conservation Area appraisal document (2005) classifies the field just outside settlement envelope (the location of the proposed new dwelling's rear garden) as an Important Green Space, and the protection of locally important green spaces in Ickwell is encouraged, with a presumption against new development. It is therefore considered that any type of development at this particular location within Ickwell would contradict the guidance given in the Ickwell Conservation Area appraisal document. Because the development does not accord with the appraisal document's advice, it cannot be said that it would preserve Ickwell Conservation Area, rather it is considered that it would detract from it. The development is therefore considered to be contrary to both Policies CS15 and DM13 of the CS&DMP DPD and also PPG 15.

In terms of the design of the proposed dwelling, the Ickwell Conservation Area appraisal document notes that, in order to maintain the distinctive character of Ickwell, it will be necessary to ensure that new development positively contributes to the character and appearance of the conservation area in terms of siting, mass, scale, design and materials used.

The siting of the dwelling has already been established as unacceptable in principle.

With regards to mass and scale, the Ickwell Conservation Area appraisal document notes that one and a half storey with dormer windows is the most predominant built form in Ickwell, although it is recognized that the nearest dwellings, Springwood House and Pemberley House are both two storey dwellings. The proposed new dwelling would have a basement and outdoor, underground courtyard area to the front but from a distance it would also appear to be a normal two storey dwelling.

An adjacent occupier has noted that they believe the new dwelling would have an imposing and aggressive appearance, inappropriate to this rural setting, which is currently occupied by a few low key timber structures associated with equestrian activities. Conversely, the Design and Access Statement which accompanies the application argues that the dwelling's design accords with the Council's adopted technical guidance in so far as the mass of the building has been broken down into component parts, for example the gable end projections and the first floor balcony are subservient to the main dwelling, and through the use of 'shallow modelling', whereby different elements of the house project outwards from the main part of the dwelling to varying degrees. On balance, it is considered that the new dwelling would appear dominant within its immediate

setting and the fact that it would present a mostly blank façade towards the adjacent track/ bridleway is considered to be poor design.

The proposed materials specified in the application form are stated as being similar to Springwood House. If the application was otherwise considered to be acceptable, the exact materials to be used could be agreed prior to the commencement of development, through attaching a condition to any planning permission granted. However, as outlined above, the proposal is not considered to be acceptable due to the adverse impact upon Ickwell Conservation Area, and the application should be refused on this basis.

**3. Impact upon the amenities of adjoining, nearby and future occupiers**

The main property that would be affected is Springwood House, to the north. The occupiers of this dwelling have objected to the proposal on the grounds that the front windows of the house would be 15 metres away from the boundary with their rear garden, reducing the level of privacy that they currently enjoy. However, the Council's adopted technical guidance, 'Design Supplement 1: New Residential Development', notes that in conventional suburban environments there should be a distance of approximately 21 metres between the rear of one 2 storey property and the rear of another facing it. Given that this is not a conventional suburban environment and there is in fact a distance of 36 metres between Springwood House and the proposed new dwelling, it is not considered that either property would suffer from overlooking or loss of privacy as a result of the proposal. It is also not considered that the new dwelling would appear overbearing to the occupiers of Springwood House, or any other nearby properties because of the separation distance.

With regards to the occupiers of the proposed new dwelling, the technical guidance notes that rear gardens for family houses should be on average about 100 square metres, and therefore the south-facing garden, which measures over 300 square metres, is considered to be acceptable in terms of size and orientation. It is therefore considered that any future occupiers of the proposed new dwelling would experience an acceptable level of residential amenity.

Another aspect of the proposal to consider is the access route to the property and the impact upon nearby properties of extra vehicles using it, which was also highlighted by the objection letters. It is not considered that the frequency and volume of vehicle movement would be significant because the driveway would only serve one house. Nevertheless, the access track is of very poor quality and is not wide enough to accommodate two vehicles passing each other, or even a vehicle and a horse. Therefore there might be occasions when a car would have to wait with its engine running for short periods of time at the end of the access to allow other users of the route to pass. However, on balance, the impact of extra vehicle movement in the area as a result of one extra dwelling is considered to be acceptable.

Overall, the impact of the proposal upon the amenities of adjoining, nearby and future occupiers is considered to be acceptable.

**4. Access and parking**

As noted by the objection letter which has been received, the access to the site is very poor quality. The Highways team have also highlighted that it is not wide enough to allow two-way traffic, or a fire appliance to use it. The visibility at the

site access is also severely restricted which could be dangerous to traffic using the bridleway. Furthermore, the gates at the end of the track, if used, would restrict access for parking and turning or delivery/service/ambulance sized vehicles.

Because the bridleway/access exceeds 80 metres a turning area would be required for fire appliances. A turning area within the curtilage of the site for delivery/service/ambulance sized vehicle, should be provided, separate to the three parking spaces for the dwelling. The bridleway also exceeds refuse collector carry distance.

Despite the above concerns, the highways team have indicated that the problems can be overcome through the use of planning conditions and therefore in terms of access and highway safety the proposal is considered to be acceptable.

In terms of parking availability, three car-parking spaces for a 4 bedroom dwelling is also considered to be acceptable.

**5. Any other relevant material considerations**

Following the adoption on 20 February 2008 of the Planning Obligations Strategy Supplementary Planning Document, the Council requires a financial contribution for developments of one or more dwellings and therefore a unilateral agreement is required for this proposal prior to the granting of planning permission. This contribution would go towards local infrastructure such as educational facilities, sustainable transport, health facilities and recreational open space in the Ickwell area. A Unilateral Undertaking has not been submitted with the proposal and therefore the application should also be refused on this basis.

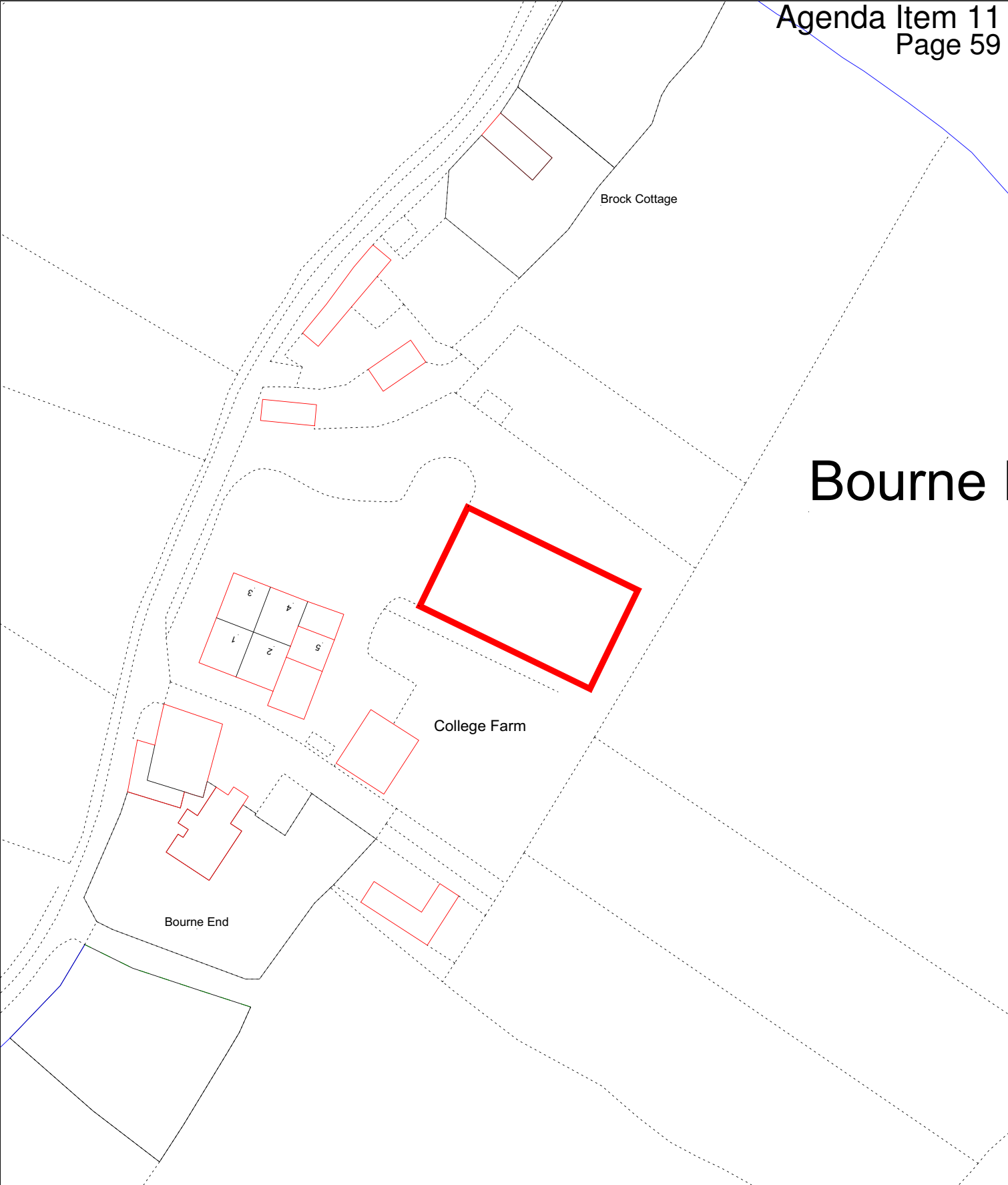
- 1 The proposed development, by nature of its siting and relationship with adjacent land, does not constitute infilling within the Settlement Envelope of Ickwell which has been classified as a Small Village; as such the proposal would extend the built form of the settlement into the countryside thereby harming its character. The proposal is therefore contrary to Policies DM3 and DM4 of the Central Bedfordshire Council Core Strategy and Development Management Policies Development Plan Document (2009).
- 2 The application site lies within Ickwell Conservation Area and the proposal, by reason of its size and siting towards the edge of the Conservation Area and the settlement would detract from the character and appearance of this part of the Conservation Area; as such the proposal is contrary to PPG15 and Policies CS15 and DM13 of the Central Bedfordshire Council Core Strategy and Development Management Policies Development Plan Document (2009).
- 3 A Unilateral Undertaking has not been submitted with the proposal, in order to make a financial contribution towards infrastructure in the local area; as such the proposal is contrary to Policy CS2 of the Central Bedfordshire Council Core Strategy and Development Management Policies Development Plan Document (2009) and the Central Bedfordshire Council Planning Obligations Supplementary Planning Document (Reviewed November 2009).



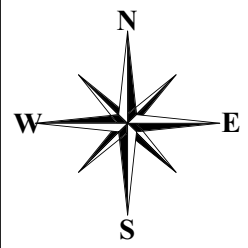
**DECISION**

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Bourne I



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Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 12:March:2010  
Map Sheet No

CASE NO.

Scale: 1:1250

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**Item No. 11**

<b>APPLICATION NUMBER</b>	CB/10/00356/VOC
<b>LOCATION</b>	Land And Buildings At College Farm, Bourne End, Cranfield
<b>PROPOSAL</b>	Removal of Condition 8: from Planning Permission CB/09/01017/Full dated 20/07/09 in respect of the use of part of building B as shown on drawing no. 1907/3 for storage and office purposes (B1 and B8 use) shall be for a limited period of two years commencing from the date of this decision notice at the end of which time the uses shall cease.
<b>PARISH</b>	Cranfield
<b>WARD</b>	Cranfield
<b>WARD COUNCILLORS</b>	Cllr A Bastable & Cllr K Matthews
<b>CASE OFFICER</b>	Sarah Fortune
<b>DATE REGISTERED</b>	02 February 2010
<b>EXPIRY DATE</b>	30 March 2010
<b>APPLICANT</b>	Mr C Green
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	Cllr Alan Bastable – Parish Council concerned about possible loss of jobs but would like to see a specific area designated for use
<b>RECOMMENDED DECISION</b>	Full Application - Refused

**Site Location:**

The site lies on the east side of the road in Bourne End Cranfield which supports a variety of old and new buildings. It lies in a rural location in a sporadic ribbon of development which lies outside of the built up area of Cranfield.

**The Application:**

This application is for the removal of condition 8 on 09/01017 - which restricted the applicant's office and storage use (in the rear corner of the building known as Building B - the Green Barn) - to a temporary period of two years.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

PPS7 Sustainable development in the countryside  
PPG4 Industrial and Commercial development.

**Regional Spatial Strategy**

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

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

**Bedfordshire Structure Plan 2011**

**Core Strategy and Development Management policy document dated November 2009.**

CS11, DM3 and DM12 Re use of rural buildings.  
DM3 Protection of amenity

**Planning History - relevant**

03/00558 Full: retention of existing and proposed alterations to units 1 - 5: B1 use of unit 1, B8 use of Unit 2 (personal to AIW Ltd) and alternative use of Unit 2 for B1 use and B1 use of units 3, 4 and 5.  
Granted: 3/11/2003 subject to conditions.

CB/09/01017/FULL Full: Retrospective change of use of Unit 1 from B1 to B8, Retrospective (renewal) of Unit 5 for B1 and B2 use, retrospective use of part of building B for B8 (storage) and B1 (office) use and retrospective erection of outbuilding for electrical meter.  
Granted: 20/07/2009

**Representations:  
(Parish & Neighbours)**

Parish Council No objections providing a condition can be applied to limit the operation to a specific square footage of the barn, and to the specific business operating there. If officers are minded to refuse the application this council requests that a site visit is carried out and that the application is brought to Committee.

Neighbours No observations received.

**Consultations/Publicity responses**

Ramblers No objections

Access Officer No comments regarding disabled access

Marston Vale Trust No comments.

Highways officer                      No objections

E.H/O.                                      No objections

## Determining Issues

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

1. Background and Policy
2. Other Considerations

## Considerations

### 1. Background and Policy

The site at College Farm comprises of a dwelling house as well as a range of other buildings - including a garage, residential annexe building to the rear of the house, a large older building to the front of the site which is made up of five industrial units and a new building to the rear of the site - which is the subject of this application and is being used by the applicants business for office and storage purposes.

Planning consent has been granted for the use of the five units to the front for industrial units under planning ref: 09/01017. (These units have been used for various industrial purposes for a number of years and the building in which they are located is considerably older than the building the subject of this planning application.) This latest permission was a 'renewal' of a previous planning permission ref: 03/00558 dated 3/11/2003 in respect of units 1 and 5 only. Unit 1 was for retrospective change of use from B1 to B8 and Unit 5 was for the retrospective renewal of B1 and B2 office and workshop. Various conditions were attached to the permission which restricted the hours of use, hours of deliveries, noise controls, restriction on outside storage etc .. as well as a condition - number 6 - which restricted the use of Units 1 and 5 to the present occupiers as it was felt that other tenants could create more problems than those existing in the units.

The above planning permission also included planning consent for the use of the building to the rear of the site - then known as Building B (the Green Barn) - to the use by the applicants own business - CN Packaging - which is in respect of B1 and B8 uses. Condition 8 on this permission states that:

*The use of part of Building B ..... shall be for a limited period of two years commencing from the date of this decision notice at the end of which time the uses shall cease.*

The reason for this condition was:

*'To enable the occupiers of this unit to find alternative accommodation for this business which is within a building built as a riding school.'*

The applicant is now requesting in this current application for Condition 8 attached to planning permission ref: 09/01017 to be removed. The part of the

building that this condition relates to is currently being used by the applicant's own business: on the ground floor as offices - 19m by 5m - and storage - 9m by 5m. There is 19m by 5m of offices on the first floor.

The applicant advises that Building B - known as the 'Green Barn' was originally granted planning permission to be used for the stabling and keeping of horses under planning consent ref: 84/450/B in 1986. The building was completed in January 2004 to be used for the above purposes in association with a riding school granted planning permission under 84/450/A.

Due to circumstances beyond the control of the applicant the building - Green Barn - and the riding school - were abandoned soon after completion in 2004 and the building became redundant. In January 2005 a family run internet business started operating under the name of CN Packaging in the rear corner of the building. The main area of the barn was retained for private and personal amenity use and this forms no part of this current application.

The applicant wishes to have the two year planning restriction on his business removed so that he can operate at the site on a permanent basis. He is of the view that the condition is very unreasonable and advises that his business use has less of an impact on the amenities of neighbours than any equestrian use. He states that the business is very low key and generates less traffic than the unrestricted use of the site as a riding school and the keeping of horses - which would operate on 7 days a week including evenings - whereas the business use is only operating Mondays to Fridays between 9am and 5pm. The horse use would create high volumes of HGV horse boxes as well as 4 by 4 vehicles with trailers.

He further advises that during the time that he has been at the site great care has been put into practice to keep the site on a low key footing to eliminate traffic concerns. All vehicular movement is monitored by a CCTV system. Also, the vehicles that collect for units 1 - 5 also often collect for Building B - and these vehicles are predominantly small postal vans.

The applicant further advises that he respects condition 6 - which restricts the uses of the rear corner of the building to only by CN Packaging - but he feels that condition 8 is unreasonable. This small family business employs 12 people from the surrounding villages and has generated local employment for the past five years. He exports to Europe and America - supporting the UK trade deficit and generating valuable support within the local economy. He is of the view that the time restriction condition - 8 - makes no provision for the security of the long term employment of the workers or the business that would otherwise be unaffordable to operate in a different location, forcing closure and unemployment.

Whilst planning officers fully appreciate the concerns and comments from the applicant the site lies in a rural location where there is a strong presumption against the granting of planning permission for new industrial and residential uses unless there are very exceptional circumstances. In this case, the building was built as a riding school for horse uses in the last few years - but has not been used for this purpose.

Whilst this council also supports the re-use of buildings for alternative uses - in



particular industrial ones - it is felt that in this case the building in question is not an old redundant rural barn but one which was built specifically for horse uses and could be used for such purposes in the future. The Local Planning Authority gave temporary consent on the basis that whilst they were of the view that these commercial uses were unacceptable and in conflict with planning policies they wanted to give the applicant the opportunity to find some alternative premises - and that is why a temporary permission for two years was given rather than a refusal.

Officers fully appreciate the comments raised by the applicant and his wish to keep his staff employed at the site. However, this condition was only attached for two years to enable the applicant to relocate an active business. For this authority now to take a different view on the matter there would have to have been a change in circumstances in respect of the site itself or a change in planning policies in relation to the use of new buildings for industrial purposes in the countryside.

However, there has not been a change either in circumstances relating to the site itself nor in respect of planning policies for barn conversions. The new Core Strategy and Development Management Policy document states in Policy DM12 that the council supports the diversification of redundant horticultural or farm buildings in settlements - or in the countryside - for employment purposes. Clearly the application building is not a redundant building falling in either of the above categories. It was intended for equestrian use but has never been used for this purpose. Such a scale of development in the open countryside is acceptable only for agricultural use or equestrian purposes and to condone its immediate use for commercial purposes would be in conflict with the general constraint on such development in this rural area.

It is therefore considered that the removal of condition 8 is not acceptable in that it would fail to meet planning policies in the Core Strategy and Development Management Policy document as well as Central Government Policy advice. The application should therefore be refused.

## **2. Other Considerations**

The highways officer has advised that she has no objections to the removal of this condition

There are no objections regarding the impact of the removal of this condition on the Public Footpaths in the vicinity.

With regard to the impact on the amenities of neighbours if this condition were to be removed there are no close by neighbours the nearest one being College Farm itself where the site owner /applicant lives and then there is Brock Cottage some distance away to the north of the site. It is not felt that the removal of this condition and the extra noise that will be experienced by neighbours will be significant enough as to withhold planning permission on these grounds. The office and storage activities in the barn are not noisy ones and the amount of traffic that is generated by this use is not sufficiently greater than the total traffic generated by the other industrial uses in the adjacent building to the front of the College farm site such that a refusal could be sustained.

**Reasons for refusal**

In view of the fact that there are still planning policy reasons as to why this condition should not be removed in that the council will only allow buildings to be converted in the countryside where they are redundant agricultural ones and not - as in this case a recently erected horse building - the application is recommended for refusal as being in conflict with planning policies in the Core Strategy and Development Management Policy Document and PPS7.

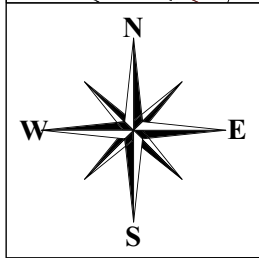
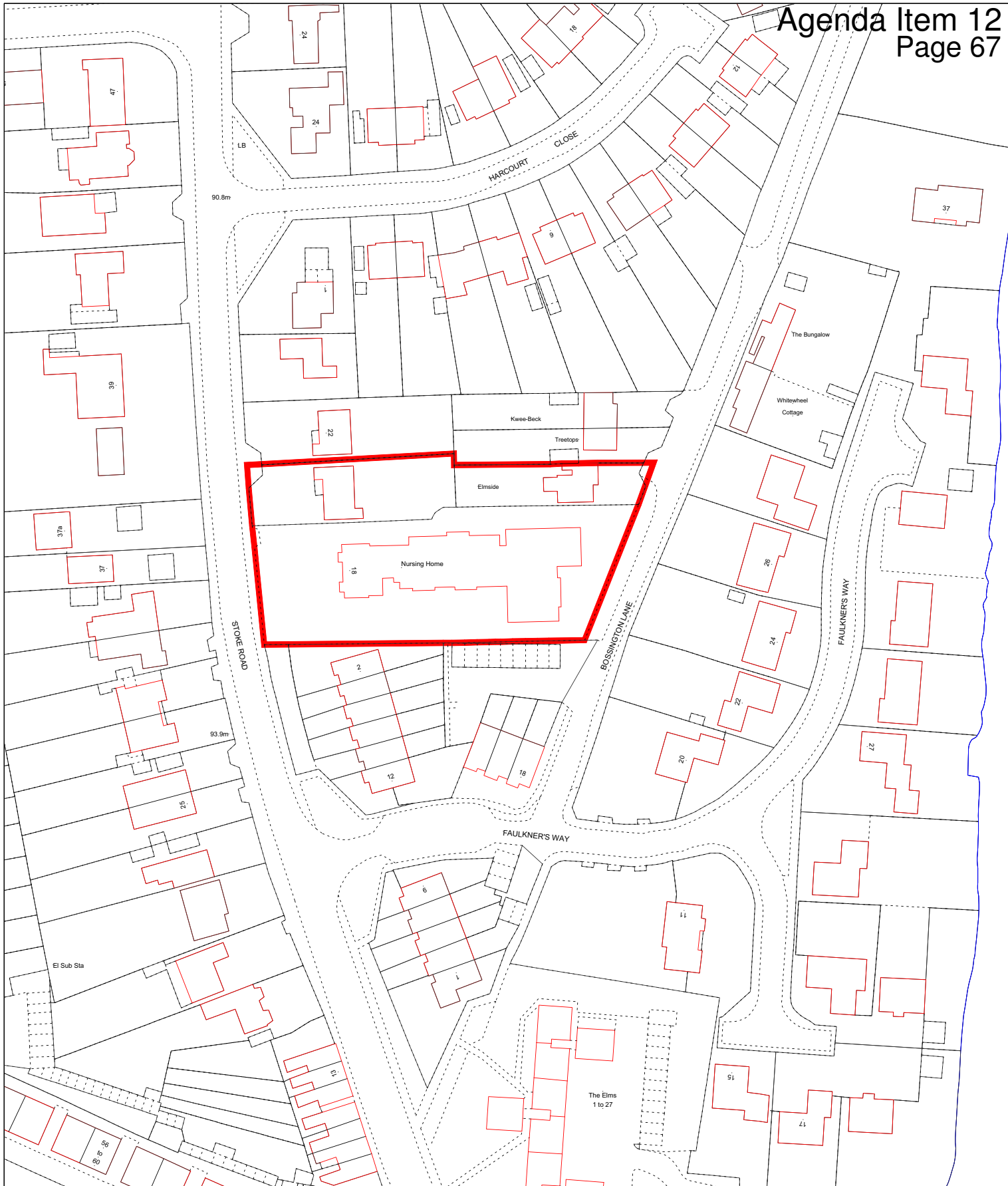
**Recommendation**

That Planning Permission be refused for the following reason.

- 1 The removal of condition 8 attached to Planning Permission ref; CB/09/01017/FULL dated 20/07/2009 would be in conflict with planning policies in the Core Strategy and Development Management Policy document dated November 2009 in that the building is not a redundant agricultural one but was erected for the purposes of keeping and stabling of horses and should be retained for this purpose.

**DECISION**

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Date: 11:March:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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**Item No.**

**SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/09/07065/FULL</b>
<b>LOCATION</b>	<b>Elm Lodge, 18 Stoke Road, 20 Stoke Road and Elmside, Bossington Lane, Linslade, Leighton Buzzard, LU7 2SW</b>
<b>PROPOSAL</b>	<b>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).</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Linslade Central</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Bowater, Johnstone, Sharer &amp; Spurr</b>
<b>CASE OFFICER</b>	<b>Mr A D Robertson</b>
<b>DATE REGISTERED</b>	<b>24 December 2009</b>
<b>EXPIRY DATE</b>	<b>18 February 2010</b>
<b>APPLICANT</b>	<b>Nanco Enterprises Ltd</b>
<b>AGENT</b>	<b>Burnel Design Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Councillor Bowater</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**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"><li>- unsuitable commercial development in a residential area;</li><li>- overdevelopment involving large overbearing extension out-of-keeping with the area;</li><li>- loss of two family homes;</li><li>- increased traffic;</li><li>- loss of outlook and light, overlooking and loss of privacy;</li><li>- noise, dust and nuisance due to demolition and construction works and construction traffic;</li><li>- noise nuisance due to increased activity and distressed residents;</li><li>- potential flood risk;</li><li>- suitability of Bossington Lane to take construction traffic;</li><li>- existing access onto Bossington Lane should be closed off;</li><li>- concern that screen planting may not be undertaken.</li></ul>
24 Faulkners Way	Previous objections have not been taken into account and could easily have been addressed with revision to plans. Should application be approved will be seeking a judicial review.

### **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	No objection subject to the imposition of conditions and informatives.
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 revised plans have been received which address certain of the objections raised. The revisions involve a reduction of the first floor accommodation in order to set the building further back from Bossington Lane at what, in the originally



submitted form of the application, was the closest point to that frontage of the site. The amendment involves a redesign of the roof which significantly reduces the bulk of the building when viewed from the Faulkners Way properties and, to a lesser extent, when seen from the adjoining property in Bossington Lane.

**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. As was mentioned above, revised plans have been received which involve a reduction in the amount of first floor accommodation at the rear of the building as a result of which the number of bedrooms is reduced by one with a consequent reduction in the number of first floor windows facing towards the Faulkners Way properties. This amendment assists in addressing the concerns raised by local residents.

**4. Highway safety and parking.**

The Highway Officer raises no objection to the proposal. 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 been amended on a number of occasions in an attempt to address the concerns of neighbours.

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

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

- 14 Any gates provided shall open away from the highway and be set back a distance of at least 5.0m from the nearside edge of the carriageway of the adjoining highway.

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

- 15 The maximum gradient of the vehicular access shall be 10% (1 in 10).

REASON: In the interests of the safety of persons using the access and users of the highway.

- 16 Before the development is commenced, details of a travel plan shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in full within six months of the first occupation or use of the development. The travel plan shall be monitored on

an annual basis and any necessary improvements or variations shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to reduce reliance on the private car.

- 17 This permission relates only to the details shown on Drawing Nos. 00709/13A, 00709/1C and 00709/2C received 24/12/09 and Drawing Nos. 00709/12C, 00709/3D, 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.

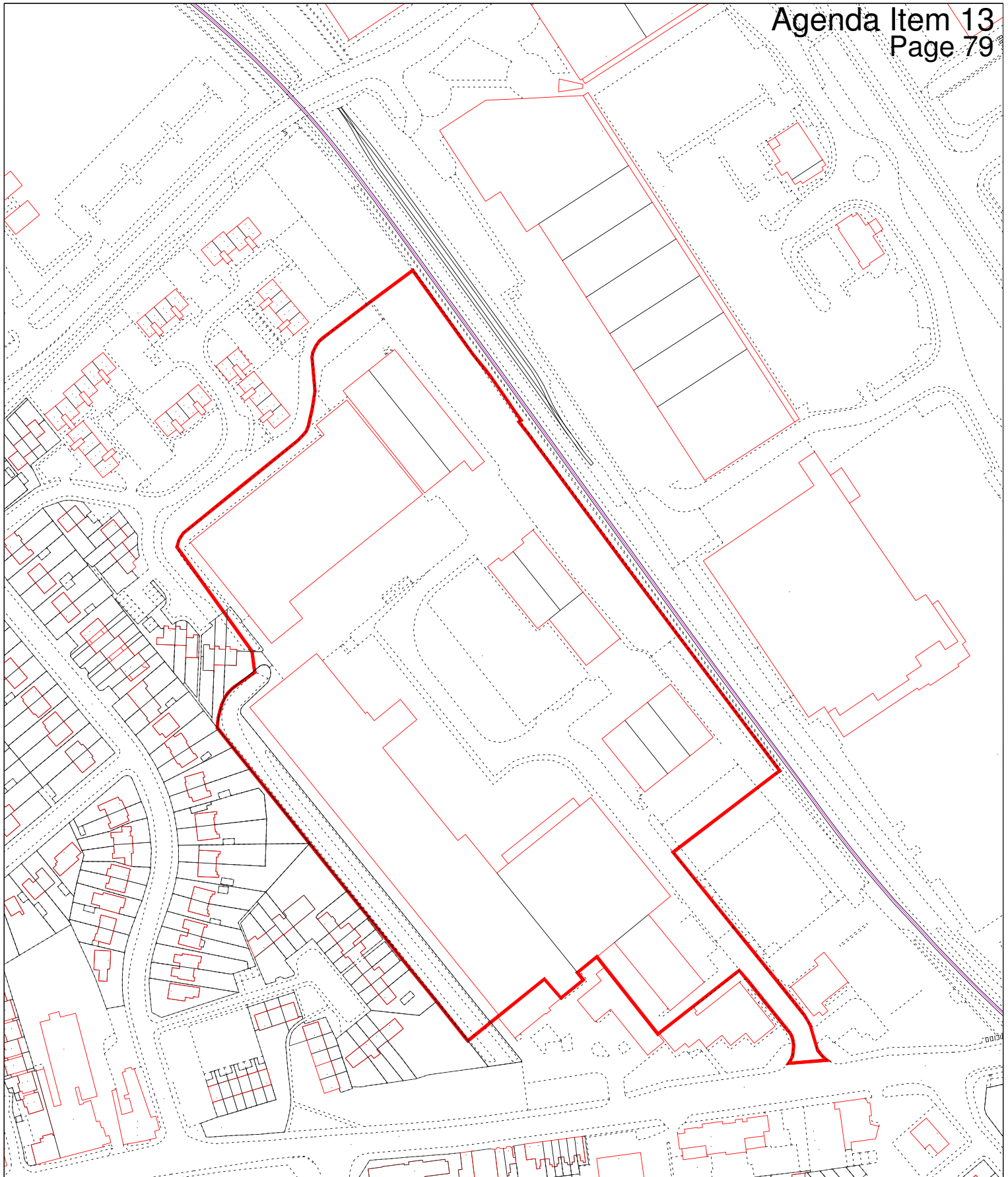
T10 - Parking in New Development.

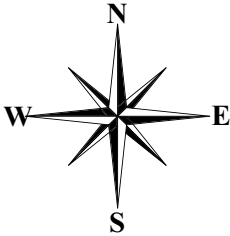
2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire 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.
6. No works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Customer Contact Centre, 6<sup>th</sup> Floor, Borough Hall, Bedford, MK42 9AP quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
7. 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.
8. The applicant is advised that the closure of existing accesses 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 Highways Help Desk, P.O.Box 1395, Bedford, MK42 5AN. 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 accesses.

**DECISION**

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	Date: 11:March:2010	
	Map Sheet No	
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**Item No.**

**SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/09/06759/REN</b>
<b>LOCATION</b>	<b>Dukeminster Estate, Church Street, Dunstable, LU5 4HU</b>
<b>PROPOSAL</b>	<b>Residential development for up to a maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to a maximum of 300sq metres of class A1 floorspace and up to a maximum of 520sq metres of class D1 floorspace.</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Downs</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Paul Freeman &amp; Tony Green</b>
<b>CASE OFFICER</b>	<b>Mr C Murdoch</b>
<b>DATE REGISTERED</b>	<b>23 November 2009</b>
<b>EXPIRY DATE</b>	<b>22 February 2010</b>
<b>APPLICANT</b>	<b>Lionsgate Properties</b>
<b>AGENT</b>	<b>Planning Works Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Objection from the Town Council</b>
<b>RECOMMENDED DECISION</b>	<b>Rep PP - New Time Limit - Granted</b>

**Site Location:**

The Dukeminster Estate, which has a total area of 6.823ha, is on the north side of Church Street some 580m east of the town centre crossroads. Fronting onto Church Street and excluded from the application site are four office blocks on two sites (either side of the estate access) that have a combined area of 1.43ha - from west to east, Venture House (3 storeys), Unit 4 (4 storeys), Unit 1 (6 storeys) and Unit 18 (5 storeys). The 5.393ha application site lies to the rear of the office blocks and comprises 16 production/warehouse units (some with ancillary yard areas) ranging from 441sqm to 5,690sqm and having a total floorspace of 22,176sqm. Typically, the buildings are of portal frame construction with brick elevations, some having been over-clad (following refurbishment), under pitched cement fibre sheet covered roofs. The eaves height of most units is 5.5m.

The site is bounded to the north-west by blocks of 3 storeys flats off The Mall, to the west by 2 storey terraced and semi-detached houses in The Mall, Kingsway and Bernard Close, to the south by the office blocks fronting Church Street and to the east and north east by the trackbed of the former Luton to Dunstable railway line, a County Wildlife Site and part of the proposed route of the Luton Dunstable Busway. The northern and western boundaries of the estate are defined by wooded embankments such that the existing industrial/warehouse units are at a higher level than residential properties in The Mall, Kingsway and Bernard Close. A small number of trees on the western embankment are protected by a TPO.

The south-western corner of the site is in close proximity to the eastern boundary of the Conservation Area. The Dukeminster Estate is designated as a Main Employment Area in the adopted South Bedfordshire Local Plan Review.

## **The Application:**

This is an application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation. The existing outline planning permission, reference SB/OUT/06/00884, was granted on appeal on 4th December 2007 following a public inquiry in August 2007.

The permitted scheme is for residential development for up to a maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to a maximum of 300sqm of Class A1 floorspace and up to a maximum of 520sqm of Class D1 floorspace. Access to and within the site for vehicles, cycles and pedestrians was determined at this outline stage, all other matters being reserved for later consideration. The illustrative masterplan indicates 10 individual blocks of one and two bedroomed flats arranged around the central open space. The buildings would vary in height - stepping up from 3 storeys in the north-western part of the site to 4 storeys and 5 storeys in the south eastern part adjacent the office blocks. Typical building heights would be as follows:

- 5 storey residential - 14.90m;
- 4 storey residential - 12.05m;
- 3 storey residential - 9.20m;
- Class A1/D1 plus 3 storey residential - 12.55m.

On the roof of each building there would be a 2m high zone for the lift overrun, roof access, water storage and television equipment.

The extant permission is subject to a Unilateral Undertaking and the applicants have submitted a fresh Undertaking with the current application. The applicants' covenants within the new Undertaking are identical to those within the previous Undertaking.

In addition, the applicants have submitted a parallel application - reference CB/09/06766/RM - that seeks approval of reserved matters in respect of the erection of 231 dwellings, 300sqm of Class A1 retail and 513sqm of Class D1 accommodation.

## **RELEVANT POLICIES:**

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

PPS1 - Delivering Sustainable Development.

PPS3 - Housing.

PPS4 - Planning for Sustainable Economic Growth.

PPS9 - Biodiversity and Geological Conservation.

PPS10 - Planning for Sustainable Waste Management.

PPG13 - Transport.

PPG15 - Planning and Historic Environment.

PPG16 - Archaeology and Planning.

PPG17 - Planning for Open Space, Sport and Recreation.

PPS23 - Planning and Pollution Control.

PPS24 - Planning and Noise.

PPS25 - Development and Flood Risk.

## **Regional Spatial Strategy**

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

SS1 - Achieving Sustainable Development.

SS2 - Overall Spatial Strategy.

SS3 - Key Centres for Development and Change: Luton/Dunstable/Houghton Regis & Leighton-Linslade.

SS5 - Priority Areas for Regeneration: Luton/Dunstable/Houghton Regis.

E1 - Job Growth.

E2 - Provision of Land for Employment.

H1 - Regional Housing Provision 2001 to 2021.

H2 - Affordable Housing.

T4 - Urban Transport.

T8 - Local Roads.

T9 - Walking, Cycling and other Non-Motorised Transport.

T13 - Public Transport Accessibility.

T14 - Parking.

ENV3 - Biodiversity and Earth Heritage.

ENV6 - Historic Environment.

ENV7 - Quality in Built Environment.

WAT4 - Flood Risk Management.

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

Strategic Policy 1: The Spatial Framework - Locations for Growth: Luton/Dunstable/Houghton Regis (with Leighton-Linslade).

Strategic Policy 3: Sustainable Communities.

Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

### **Bedfordshire Structure Plan 2011**

Policy 25 - Infrastructure.

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

BE8 - Design and environmental considerations.

T4 Public transport services along former Luton/Dunstable rail line.

T10 Controlling parking in new development.

H2 - Making provision for housing via "fall-in" sites.

H3 - Meeting local housing needs.

H4 - Providing affordable housing.

E1 - Providing for B1-B8 development within Main Employment Areas (Category 1).

R10 - Children's play area standard.

R11 - Provision of new urban open space in new residential developments.

## **Planning History**

SB/TP/74/0186	Permission for construction of estate road, rehabilitation of existing industrial units, erection of new warehouses and ancillary office accommodation.
SB/TP/85/0933	Permission for generator and fuel storage tank (Unit 5).
SB/TP/86/1384	Permission for vehicle loading dock to existing warehouse and ancillary works (Unit 2-3).
SB/TP/88/1247	Permission for enlargement of five windows in rear elevation of second floor offices (Unit 5).

SB/TP/90/0190	Permission for continuation of warehouse use (Unit 12).
SB/TP/93/0801	Permission for change of use from warehouse to light industrial (Unit 11b).
SB/TP/94/0598	Permission for change of use of vacant compound area to car park (land adjacent Units 12, 13 and 14).
SB/CPD/95/0003	Lawful Development Certificate issued for proposed use of premises for Class B2 general industrial use (Unit 17).
SB/TP/95/0050	Outline permission for office development with parking (land adjacent Unit 18 and rear of Units 12, 13 and 14).
SB/TP/95/0580	Permission for use of land for car parking purposes (land adjacent Unit 15 and rear of Unit 18).
SB/TP/00/1057	Outline application for new industrial units - withdrawn (land adjacent Units 11b, 12, 13, 14 and 15).
SB/TP/00/1105	Permission for fitting of cladding to front elevations (Units 7-10).
SB/TP/02/0230	Permission for additional entrance doors in front and windows in side elevations (Unit 2).
SB/TP/03/0083	Outline application for 4 units for Class B1, B2 and B8 purposes - disposed of (land adjacent Units 11b, 12, 14 and 15).
SB/TP/04/1218	Application for use of site for B1, B2 and B8 purposes and erection of 18.5m high water tower, storage shed. sprinkler tank
SB/OUT/06/0884	Refusal for residential development for up to maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to maximum of 300sqm of Class A1 floorspace and up to maximum of 520sqm of Class D1 floorspace. Subsequent appeal allowed.
CB/09/06766/RM	Application for erection of 231 dwellings, 300sqm of Class A1 retail and 513sqm of Class D1 accommodation (Reserved matters - outline permission SB/OUT/06/0884). To be determined.

**Representations:  
(Parish & Neighbours)**

Dunstable Town  
Council

**Objections:**

- Proposal would result in loss of one of last major employment sites in town. Town Council would welcome development of light industrial units on site which could be used for start-up businesses.
- With number of large residential developments in town and loss of such employment sites there will be few opportunities for employment, leading to Dunstable becoming dormitory town.

Neighbours

46 Dukes Court, The Mall

Only concern is that should access to The Mall reserved for emergency vehicles, cycles and pedestrians become access for all vehicles, residents of The Mall will have major traffic and parking problems.

42 Kingsway

Objections:

- 458 dwellings will add well over 600 cars to already congested local roads.
- Plans show exit road from new estate directly onto The Mall and Kingsway which could mean possibility of well over 200-400 extra vehicles in Kingsway alone.
- Vehicle movements within new estate and in Kingsway will increase noise and air pollution.
- Given elevated level of site in relation to Kingsway, 5 storey block of flats will appear as 7 storey building which would not be conducive to local skyline and would result in loss of privacy.
- Abundant blocks of flats built in town that are not only intrusive, but also many are empty, so no point in building 458 more. Town needs business, shops, vitality, not empty flats.
- Once building commences, all wildlife in existing tree belt at rear of Kingsway will disappear.

### Consultations/Publicity responses

Environmental Health Officer	No objection. Recommend conditions.
Tree and Landscape Officer	No objection. Trees protected by TPO would not be directly affected by proposal. Appeal Inspector concluded that there would be sufficient safeguards subject to imposition of suitable condition.
Environment Agency	No objection. Recommend conditions.
Highways Agency	No objection. Proposal will not adversely affect A5 at this location.
Planning Development Liaison Officer	Given size of development, financial contribution towards waste services will be required and this will need to be discussed and agreed with applicants. Recommend condition requiring site waste management plan to be submitted for approval prior to commencement of development.
Anglian Water	Foul sewerage system cannot accommodate flows from proposed development. Not aware when capacity will become available, but this is unlikely to be within standard timescales of planning permission. If development proceeds before further capacity is provided, it is possible that this will result in environmental and amenity problems downstream  Foul drainage from development will be treated at

Dunstable Sewage Treatment Works that at present has available capacity for these flows.

Archaeologist

No objection.

Site lies adjacent to Dunstable Roman Town, Augustinian Priory and Icknield Way prehistoric routeway. Whilst this is archaeologically sensitive area, previous land use, location and scale of proposal means that it is unlikely to have significant impact on important archaeological deposits.

Bedfordshire Police ALO

Concerned about perimeter footpath/cycletrack which would appear to create unnecessary connections and segregated routes, contrary to Bedfordshire Community Safety Supplementary Planning Guide.

Planning Obligations SPD advises that in order to meet demand for planned population growth for area, additional police facilities are considered essential in order to reduce crime and maintain community safety. Application does not include details of house types/number of bedrooms, but assuming generic average 2.4 person dwelling, this would generate financial contribution of £94,806.00 (458 x £207). Request that for all qualifying developments LPA include within S106 Agreement required financial contribution towards police's ongoing responsibility.

Highways Officer

Recommends that, should permission be granted, conditions imposed by appeal inspector on extant outline permission be re-imposed. No further comments.

## Determining Issues

The main considerations of the application are;

1. Loss of Main Employment Area
2. Impact on local character
3. Residential amenity
4. Highway safety
5. Foul water drainage
6. Unilateral Undertaking
7. Other issues

## Considerations

### 1. Loss of Main Employment Area

The application site is part of the Dukeminster Estate which is designated as a Main Employment Area in the South Bedfordshire Local Plan Review, adopted January 2004. Main Employment Areas are safeguarded by Policy E1 that states in the first paragraph:

*"Within Main Employment Areas, defined on the Proposals Map, planning*

*permission will not be granted for uses other than B1, B2 and B8 of the Use Classes Order 1987....."*

As stated above, this current application is an application for a new planning permission to replace an extant planning permission - reference SB/OUT/06/00884 - in order to extend the time limit for implementation. Following a public inquiry in August 2007, the existing outline permission for the residential-led mixed use redevelopment of the estate was granted on appeal in December 2007. It follows that the loss of the greater part of the Main Employment Area at the Dukeminster Estate has been established by the appeal decision.

The Luton and South Bedfordshire Employment Land Review (ELR) was published in January 2008 and forms part of the evidence base for Joint Luton and southern Bedfordshire Local Development Framework. The ELR acknowledges the appeal decision and in its 'traffic light' assessment of all the employment estates in the joint area, it identifies the Dukeminster Estate as a 'red' estate. 'Green' estates are to be retained in employment use, 'amber' estates are also to be retained in employment use, but require some form of intervention (for example, upgrading or redevelopment) and 'red' estates are considered suitable to be released from employment use. Furthermore, the existing permission for residential use is recognised in the inclusion of the application site as a future housing site in the joint area's Strategic Housing Land Availability Assessment.

## **2. Impact on local character**

The appeal inspector considered this issue and his report includes the following points.

- The local topography and mature boundary planting create a strong sense of visual containment and the site has no direct connection with neighbouring land uses or development. The impact of the site and its proposed buildings on the surrounding area would therefore be limited.
- Illustrative drawings confirm that the site could be developed at a density of 85 dwellings per hectare (dph) in a way that would reflect the height and scale of development in the locality.
- Having regard to the relationship between the site and existing residential development to the north and west, there is no reason why the site could not be developed at the density and to the intensity proposed in a way that would be compatible with its surroundings.
- In respect of the activity generated by the proposal, commercial traffic movements would be largely replaced by domestic traffic, the impact of which on local character would almost certainly be less than if the site were to continue to be used for commercial purposes.

Given the inspector's comments, it is considered that the new scheme would, in terms of land use and the density and intensity of the development proposed, be compatible with the character of this part of Dunstable.

## **3. Residential amenity**

The appeal inspector also considered this issue and confines his observations to the relationship between the proposed development and residential properties to the north and west. His report includes the following points.

- Illustrative drawings show how the site might be developed - residential blocks up to 5 storeys in the south-eastern part of the site and buildings not exceeding 3 storeys towards its north-western corner. Layout and scale are reserved matters and details of the site layout and the design and scale of individual buildings would be subject to the Council's approval, if outline permission was granted.
- Having taken into account differences in level between the site and land to the north and west, there is no reason why there should be a significant reduction in the level of privacy presently enjoyed by residents in The Mall or Kingsway. Moreover, given the density of development proposed, the new buildings would not appear overbearing when viewed from The Mall or from Kingsway.

In addition to the inspector's comments, it is necessary also to bear in mind the existing wooded embankments (defining the northern and western boundaries of the site) that would for a greater part of the year when the trees are in full leaf help to screen the proposed development and further reduce any potential loss of privacy and any potential overbearing appearance.

Given the above comments, it is considered that the new scheme is capable of preserving the amenity of the occupiers of existing dwellings adjacent the site.

#### **4. Highway safety**

Access to the site is the only matter to be determined at this outline stage, all other matters being reserved for later consideration. Church Street would continue to provide the sole means of access to the site, except for an emergency access at its northern end. At the time of the appeal in respect of the 2006 application, on the basis of a comparative assessment of traffic generation and turning movements, the County Council, as highway authority, confirmed that the development proposed would have no greater effect on the surrounding road network than the present use of the site. The withdrawal of earlier highways objections by the County Council and the Highways Agency was conditional upon the adoption of a residential travel plan and the creation of a pedestrian/cycle link between the northern part of the site and existing roads to the north. The Unilateral Undertaking submitted with the current application provides for a travel plan and for a contribution towards providing the pedestrian/cycleway.

The Highways Officer recommends that, should permission be granted, the conditions imposed by the appeal inspector on the extant outline permission be re-imposed.

#### **5. Foul water drainage**

In their consultation response, Anglian Water states that the local foul sewerage system would not be able to accommodate flows from the proposed development and that the company are not aware when capacity will become available, but this is unlikely to be within the standard timescales of a planning permission. The company states also that if development proceeds before further capacity is provided, the outcome could be environmental and amenity problems downstream.

The Environment Agency has been made aware of Anglian Water's comments



and recommends a condition requiring that no development shall be commenced until a scheme for the improvement and/or extension of the existing sewerage system has been approved and that no dwellings shall be occupied until the approved scheme has been completed.

## 6. **Unilateral Undertaking**

In August 2007 during the course of the public inquiry in respect of the appeal proposal, the applicants (then appellants) submitted a Unilateral Undertaking made pursuant to Section 106 of the Town and Country Planning Act 1990. As the extant permission is subject to a Unilateral Undertaking, a fresh Undertaking has been submitted with the current application. The applicants' planning obligations within this Undertaking are identical to those of the previous Undertaking, although they now refer to Central Bedfordshire Council. The obligations cover a number of matters that include:

- payment of contributions towards outdoor sports facilities and built sports facilities, to be calculated from a formula based on the number of dwellings within the reserved matters scheme;
- provision of affordable housing;
- payment of a contribution of £10,000 towards public art;
- the submission for approval of a residential travel plan and payment of a contribution of £20,000 towards a pedestrian/cycleway; and,
- payment of a contribution towards lower and middle school educational facilities, to be calculated from a formula based on the number of dwellings within the reserved matters scheme.

The affordable housing provision would be 30% of the total number of dwellings and of that proportion 65% would be social housing for rent and 35% would be shared ownership dwellings. The appeal inspector considered that the affordable housing element was a particular benefit of the proposed development and it is acknowledged that this element of the scheme would assist in redressing the shortfall of previous years. Accordingly, it is not proposed to amend the affordable housing obligation within the Unilateral Undertaking accompanying the current application.

## 7. **Other issues**

### Emergency access

Both objectors have expressed concern about the proposed vehicular link between the site and The Mall and its potential to be used as a secondary access between the new estate and the road network to the north and west. This link would be an emergency access and would incorporate a footpath/cycleway. One of the recommended conditions requires the submission for approval of a detailed plan and section of the emergency access (including information on the gradient), whilst another condition requires the submission for approval of details of a scheme incorporating a control mechanism to prevent its unauthorised use. Such conditions would ensure that the emergency access is not used by vehicles other than for emergency purposes.

### Police ALO's comments

Around the perimeter of the site would be a shared footpath/cycleway that would be connected to the principal access road by a number of links through the area occupied by the blocks of flats. This perimeter loop could function as a fitness

trail for the residents. In only two places would it be connected to public highways beyond the estate - in the north west as part of the emergency access and in the south west linking through to Church Street. There is a need to ensure that residents of the scheme can access local services by foot and these proposed linkages are considered to be acceptable.

The application was submitted before 5th January this year and is therefore not subject to the provisions of the Planning Obligations SPD.

#### Waste management

Again, no financial contribution towards waste services may be sought, as the proposals are not subject to the provisions of Planning Obligations SPD. A condition is recommended requiring the submission for approval of a detailed waste audit addressing issues in respect of waste generated by the construction phase and subsequent occupation phase of the new scheme.

#### **Reasons for Granting**

Whilst the use of the site for largely residential development would result in the loss of the site's potential for employment use, contrary to Local Plan Review Policy E1, it is considered that the underlying policy purposes are unlikely to be compromised and any development conflict would be outweighed by the benefits to be derived from the residential development proposed, especially in terms of affordable housing.

#### **Recommendation**

That Planning Permission be GRANTED subject to the following:

- 1 **Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out only as approved.**  
**REASON: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).**
- 2 Plans and particulars of the reserved matters referred to in Condition 1 above, relating to appearance, landscaping, layout and scale, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out only as approved.  
REASON: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).
- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years after the date of this permission.  
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.
- 4 The development hereby permitted shall begin either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

- 5 **Development shall not commence until a landscaping scheme to include any hard surfaces and earth mounding has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**  
**REASON: To ensure a satisfactory standard of landscaping. (Policy BE8, S.B.L.P.R.).**
- 6 All excavations and trenches required in connection with the construction of the outer footpath/cycleway route, sewers or any other services provided association with the development shall, where they pass under the canopy of any tree, be hand dug so as to minimise damage to its root system. A minimum of 10 days notice shall be given in writing to the Local Planning Authority of an intention to commence such excavations or trenching.  
**REASON: To safeguard existing trees. (Policy BE8, S.B.L.P.R.).**
- 7 **Development shall not commence until surface water drainage details, including highway drainage and incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage scheme shall be implemented in accordance with details set out in the Flood Risk Assessment dated June 2007 prepared by Enviros Consulting Limited.**  
**REASON: To ensure that any increased risk of surface water flooding is prevented and to improve water quality.**
- 8 **No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewerage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the scheme for improvement of the existing sewage system has been completed.**  
**REASON: To ensure that improvements to the sewerage system are carried out to prevent exacerbation of an existing problem with combined sewer overflows, to ensure that the additional discharge would not result in a contravention of the discharge consent and to ensure that the additional discharge would not result in a failure to meet a statutory or non-statutory water quality objective.**
- 9 **No development approved by this permission shall be commenced until (a) the application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority, and (b) detailed proposals consistent with current best practice for the removal, containment or otherwise rendering such**

contamination to have an acceptable risk to the aquatic environment or human health have been submitted to and approved in writing by the Local Planning Authority. Thereafter, works approved by the Local Planning Authority to address contamination on any part of the site that might be affected by the development shall be carried out prior to or during the course of the development.

**REASON:** To prevent pollution of the water environment and to ensure that any site contamination is dealt with safely in the interests of the health and safety of the public and users of the development.

**(Policy BE8, S.B.L.P.R.).**

10 Prior to the commencement of any phase of development approved by this planning permission, the developer shall submit to the Local Planning Authority, in both paper and electronic form where possible:

(a) A Phase 1 desk study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

(b) Where shown to be necessary by the Phase 1 desk study, a Phase 2 site investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

(c) Where shown to be necessary by the Phase 2 site investigation, a Phase 3 detailed scheme for the remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

(d) On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and sampling.

Any remediation scheme and any variations shall be agreed in writing by the Local Planning Authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and shall be adhered to.

**REASON:** To protect human health and the environment.

**(Policy BE8, S.B.L.P.R.).**

11 Fixed plant associated with the proposed development must be designed to a level which is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant are to apply at a position 1m from the closest affected window of the relevant noise sensitive property.

**REASON:** To prevent nuisance from noise and to safeguard the amenities of the area.

**(Policy BE8, S.B.L.P.R.).**

12 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all rooms, internal corridors and staircases as is necessary to achieve as a minimum standard an internal noise level for bedrooms of 30dB(A)eq, 8-hour (23.00 to 07.00) and for living

rooms of 35dB(A)eq, 16-hour (07.00 to 23.00).

REASON: To protect occupants from externally generated noise.  
(Policy BE8, S.B.L.P.R.).

- 13 **Development shall not commence until a detailed waste audit addressing issues in respect of waste generated by the construction phase and subsequent occupation phase of the development has been submitted to and approved in writing by the Local Planning Authority. The waste audit shall include details of:**
- 1. The anticipated nature and volumes of waste that the development will generate;**
  - 2. Measures to maximise the re-use on-site of waste arising from demolition, engineering and landscaping;**
  - 3. Steps to be taken to ensure effective segregation of wastes at source during demolition and subsequent construction of the development including, as appropriate, the provision of waste sorting storage and recovery and recycling facilities;**
  - 4. Any other steps to be taken to minimise the generation of waste throughout any required demolition and during construction of the development;**
  - 5. Provision within the proposed development to encourage occupiers to manage their waste effectively and sustainably. This may include provision for waste and recycling storage areas, road and development layouts which allow waste and recyclables to be collected effectively, and provision of community recycling facilities;**
  - 6. Provision for monitoring the implementation of steps 1 to 5 above; and,**
  - 7. A timetable for implementing steps 1 to 6.**

**REASON: To ensure that waste is managed sustainably during the lifetime of the development in accordance with the objectives of Policy WM6 of the East of England Plan and Policies W5 and W6 of the Bedfordshire and Luton Waste Local Plan 2005.**

- 14 Details of all visibility splays and sight lines at road junctions within the site shall be submitted to the Local Planning Authority and the development shall not take place other than in accordance with the details approved in writing by the Local Planning Authority. Thereafter, sight lines shall be maintained and vision splays be kept free of any obstruction to visibility.  
REASON: To provide adequate visibility at road junctions in the interests of road safety.
- 15 **Development shall not commence until detailed plans and sections of roads proposed within the site, including the emergency access and including information on gradients, have been submitted to and approved in writing by the Local Planning Authority and no building shall be first occupied until the roads providing access to it from the public highway have been constructed and completed in accordance with the details approved, apart from final surfacing.**  
**REASON: To ensure that the proposed roadworks are constructed to an adequate standard.**
- 16 **No dwelling forming part of a phase of the development hereby permitted shall be first occupied before footways have been**

constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The details shall include information on any repositioning of street furniture or statutory undertakers' equipment that may be required to avoid obstructing the footway.

**REASON: In the interests of road safety and pedestrian movement.**

- 17 Before the first occupation of any dwelling or any other accommodation forming part of the development hereby permitted, all on-site vehicular areas, including parking areas, shall be surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
REASON: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the buildings.

- 18 **Development shall not commence before wheel cleaning facilities have been installed at all site exits in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be retained during the construction period and removed only when road works necessary to provide access and egress for construction traffic have been completed, apart from final surfacing.**

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

- 19 Before the emergency access indicated on the approved Access and Circulation Plan (Drawing No. 567/060728/ASK/03A received 23/11/09) is brought into use, details of a scheme incorporating a control mechanism to prevent its unauthorised use shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information on any repositioning of street furniture or statutory undertakers' equipment that might be required to avoid obstructing the access.

REASON: To prevent unauthorised use of the emergency access.

- 20 **No development shall take place until an independently verified Code for Sustainable Homes report that achieves a Code Level 3 rating or above for each dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter, each dwelling shall be provided in accordance with the report before it is first occupied.**

**REASON: To ensure the efficient use of resources during construction and in use, to reduce the scheme's impact on the environment and to promote sustainable development.**

**(Policy BE8, S.B.L.P.R.).**

- 21 This permission relates only to the details shown on Drawing Nos. 567/03 (Site Location Plan) and 567/060728/ASK/03A (Access and Circulation Plan) received 23/11/09 or to any subsequent appropriately endorsed revised plan.  
REASON: To identify the approved plans and to avoid doubt.

### Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby

certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

### **Regional Spatial Strategy**

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

SS1 - Achieving Sustainable Development.

SS2 - Overall Spatial Strategy.

SS3 - Key Centres for Development and Change:

Luton/Dunstable/Houghton Regis & Leighton-Linslade.

SS5 - Priority Areas for Regeneration: Luton/Dunstable/Houghton Regis.

E1 - Job Growth.

E2 - Provision of Land for Employment.

H1 - Regional Housing Provision 2001 to 2021.

H2 - Affordable Housing.

T4 - Urban Transport.

T8 - Local Roads.

T9 - Walking, Cycling and other Non-Motorised Transport.

T13 - Public Transport Accessibility.

T14 - Parking.

ENV3 - Biodiversity and Earth Heritage.

ENV6 - Historic Environment.

ENV7 - Quality in Built Environment.

WAT4 - Flood Risk Management.

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

Strategic Policy 1: The Spatial Framework - Locations for Growth: Luton/Dunstable/Houghton Regis (with Leighton-Linslade).

Strategic Policy 3: Sustainable Communities.

Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

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

Policy 25 - Infrastructure.

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

BE8 - Design and environmental considerations.

T4 Public transport services along former Luton/Dunstable rail line.

T10 Controlling parking in new development.

H2 - Making provision for housing via "fall-in" sites.

H3 - Meeting local housing needs.

H4 - Providing affordable housing.

E1 - Providing for B1-B8 development within Main Employment Areas (Category 1).

R10 - Children's play area standard.

R11 - Provision of new urban open space in new residential developments.

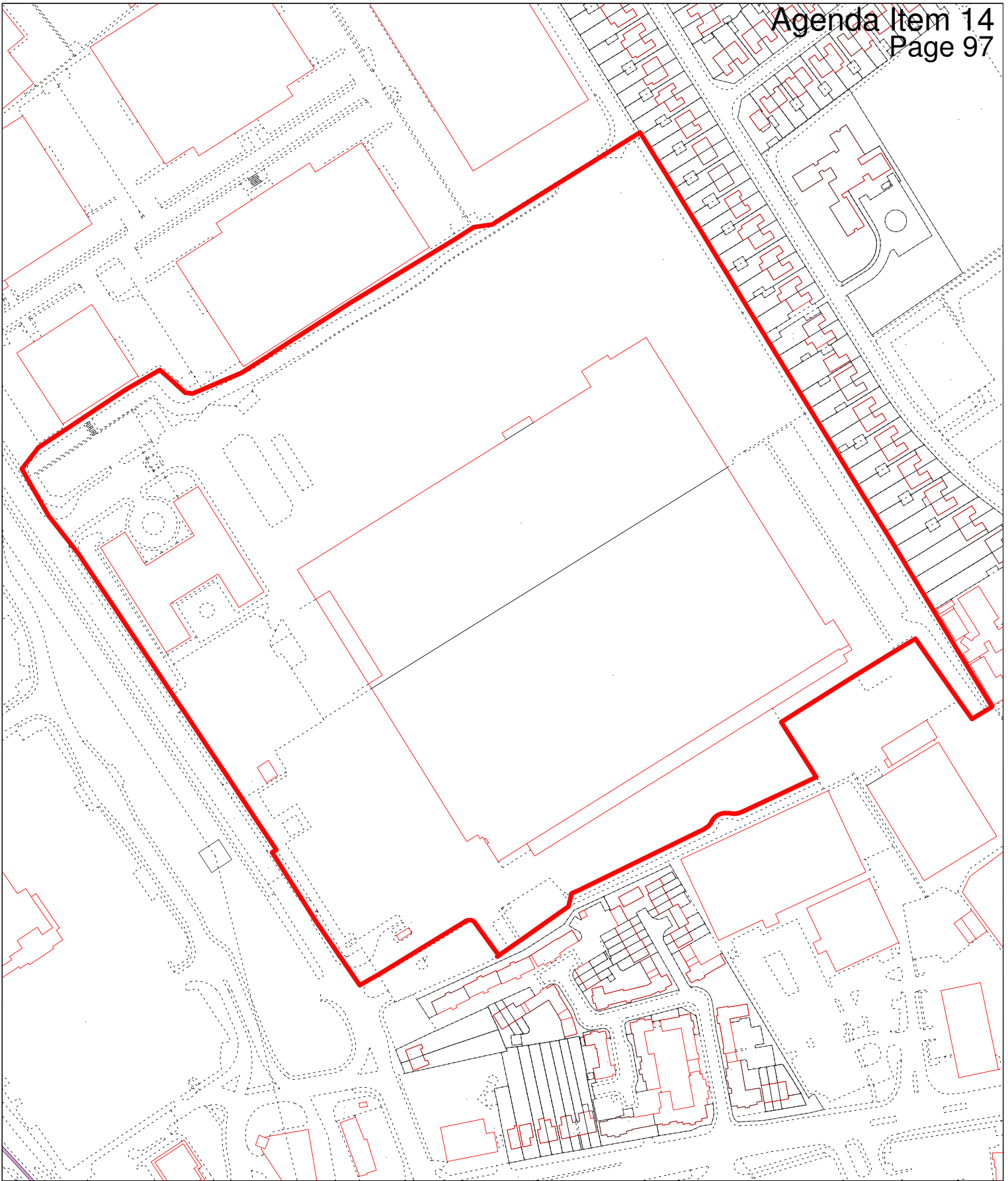
2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**DECISION**

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	Date: 11:March:2010	
	Map Sheet No	
Scale: 1:3000		

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**Item No. 15**

**SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/09/06437/OUT</b>
<b>LOCATION</b>	<b>Boscombe Place (former Renault site) Boscombe Road, Dunstable, LU5 4LX</b>
<b>PROPOSAL</b>	<b>Demolition of all existing buildings and erection of single 67,164 sqm Class B8 distribution warehouse including ancillary enclosed covered yard (adjacent Ridgeway Avenue site boundary), 3,132sqm three storey offices, 360sqm transport office and 32sqm gatehouse (total floor space 70,688sqm) and provision of 185 HGV parking spaces (including 76 loading bays) and 294 car parking spaces (revised application SB/OUT/09/00127).</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Icknield</b>
<b>WARD COUNCILLORS</b>	<b>Cllr John Kane &amp; Cllr David McVicar</b>
<b>CASE OFFICER</b>	<b>Mr C Murdoch</b>
<b>DATE REGISTERED</b>	<b>11 November 2009</b>
<b>EXPIRY DATE</b>	<b>10 February 2010</b>
<b>APPLICANT</b>	<b>Gazeley UK Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>This is a Major Development accompanied by an Environmental Impact Assessment</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Granted</b>

**Site Location:**

Located some 850m north east of the town centre crossroads, Boscombe Road serves a mixed commercial area comprising on its western side, Sainsbury's Supermarket, the White Lion Retail Park and the ProLogis Park warehouse units and on its eastern side, the application site, Chiltern Park Estate and Woodside Estate.

The site is at the southern end of the Boscombe Road commercial area near the junction with the A505 Luton Road. Since the 1950's it has been used by various companies for the manufacture of cars and lorries. The site has a width along the Boscombe Road frontage of 340m, a maximum depth of 382m and an area of 12.84ha. The principal building is a 46,926sqm Class B8 warehouse that is subdivided, each half having its own access/accesses from Boscombe Road and its own lorry yard and car parking areas. The northern half is vacant and was most recently occupied by Chep Limited who employed 191 full-time and 2 part-time staff. The southern half has been further subdivided. The greater part is vacant, but until October 2009 was occupied by Salvesen Logistics Limited who employed 160 full-time and 2 part-time staff. A smaller area at the rear is occupied by Sappi Nash who employ 16 full-time staff. In the north-western part of the site is a 5,449sqm two/three storey Class B1 office building that is largely vacant. The majority of this office accommodation was formerly occupied by Renault Trucks who employed 85 full-time and 2 part-time staff. The current sole occupants of the building are ICP Commercial Limited who employ 2 full-time and 3 part-time staff.

To the north, at an elevated level, are warehouse units in Chiltern Park Estate occupied by Mortimer Logistics and DHL and a vacant warehouse formerly occupied by Norbert Dentressangle/Thresher Group. To the east, at a lower level, are Nos. 23 to 83 Ridgeway Avenue and Sceptre School. Nos. 23 to 67 are single storey bungalows (some of which have rooms in the roof), whilst Nos. 69 to 83 are two storey houses. To the south, from west to east, is a small car park owned by Abbeygate Developments Limited, four storey blocks of flats and two storey houses at Bramley Court, a Homebase retail warehouse and the Renault Trucks Chiltern premises.

The northern boundary is defined by a grassed and treed embankment. The eastern boundary is defined by the rear garden fences of Ridgeway Avenue dwellings and Sceptre School. Immediately to the west of this fenceline is a maintenance strip that varies in depth between 5m at the rear of 83 Ridgeway Avenue in the north to 2.5m at the rear of Sceptre School in the south. Overgrown with scrub and trees of varying maturity, the maintenance strip is bounded on its western side by an acoustic fence that varies in height between 4m at its northern end and 3m at its southern end. For the most part, as far north as the rear of 69 Ridgeway Avenue, the acoustic fence is positioned on a retaining wall. Adjacent the acoustic fence in the southern half of the site, at the rear of Nos. 23 to 47 Ridgeway Avenue, is a 1.25m high bund with young shrubs and trees on the fence side of the bund. There is no bund or planting adjacent the acoustic fence in the northern half of the site, at the rear of Nos. 49 to 83 Ridgeway Avenue. From west to east, the southern boundary is defined by steel palisade fencing around the Abbeygate car park, by a landscape bund with an acoustic fence on top at the rear of Bramley Court, by a small embankment with more established planting at the rear of Homebase and by steel palisade fencing at the rear of Renault Trucks Chiltern.

The site is within an area designated as Main Employment Area in the adopted South Bedfordshire Local Plan Review.

### **The Application:**

It is proposed to remove all existing buildings, plant and structures and permission is sought to redevelop the site by the erection of a two-sided, ambient temperature, 24 hour distribution warehouse (Class B8) with a total of 70 dock levellers and 6 level access loading doors located on the western and eastern elevations. The application is in outline form with all matters except landscaping to be determined at this outline stage. The main warehouse building would be 273m wide by 246m deep and have a floor area of 67,164sqm (including the enclosed rear yard). It would have an internal clearance height of 12m, an eaves height of 14m and a roof comprising seven parallel shallow ridges (hipped at their northern and southern ends) with a maximum height of 14.6m. Projecting forward of the west (front) elevation of the warehouse, at its southern end, would be ancillary three storey offices with a plant deck above. The offices would be 76m wide by 14m deep and have a maximum height of 13.8m and a floor area of 3,132sqm. At the rear of the warehouse, the eastern yard would be fully enclosed by a canopy that would wrap around the rearmost bay of the warehouse. The canopy would have a maximum width of 296m, would project beyond the east elevation of the warehouse by 51m, would have an eaves height of 7m and a height of 8.2m to the apex of a shallow ridged roof. Transport offices with a combined floor area of 360sqm would be provided within single storey projections to the western and eastern elevations, serving the western and eastern yards respectively. Each transport office would

comprise logistics management accommodation plus welfare/rest areas for warehouse staff and drivers.

As mentioned above, there is no landscaped bund adjacent the acoustic fence at the rear of Nos. 49 to 83 and the new scheme would involve extending the existing bund and planting to the north.

There are five existing accesses into the site, two of which are available for HGVs. Under the new scheme, only two segregated accesses would be used. The northern access would be for HGVs, whilst the southern access would be for cars and light vehicles. HGV entry into and egress from the site would be controlled via a 32sqm gatehouse splitting the access. A one-way system would operate with HGVs approaching the enclosed eastern yard via the northern access road and returning to Boscombe Road via the southern and western access roads. With regard to parking, provision would be made for 185 HGV spaces (including 76 loading spaces) to be located at the front (west) and rear (east) of the new building and 287 car parking spaces (including 14 disabled spaces) laid out beside the southern boundary and in front of the ancillary offices.

The proposal is subject to an Environmental Impact Assessment and the application is accompanied by an Environmental Statement. The proposal is considered to be EIA development because of its scale and its likely impacts on neighbouring residents and on the wider area in terms of additional traffic, noise and disturbance and the likely impact of additional emissions on air quality.

## **RELEVANT POLICIES:**

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

- PPS1 - Delivering Sustainable Development.
- PPS4 - Planning for Sustainable Economic Growth.
- PPG8 - Telecommunications.
- PPS9 - Biodiversity and Geological Conservation.
- PPG13 - Transport.
- PPS23 - Planning and Pollution Control.
- PPS24 - Planning and Noise.
- PPS25 - Development and Flood Risk.

### **Regional Spatial Strategy**

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

- SS1 - Achieving Sustainable Development.
- SS2 - Overall Spatial Strategy.
- SS3 - Key Centres for Development and Change.
- SS5 - Priority Areas for Regeneration.
- E1 - Job Growth.
- E2 - Provision of Land for Employment.
- E3 - Strategic Employment Sites.
- T6 - Strategic and Regional Road Networks.
- T8 - Local Roads.
- T14 - Parking.
- ENV3 - Biodiversity and Earth Heritage.
- ENV7 - Quality in Built Environment.
- WAT4 - Flood Risk Management.

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

Strategic Policy 1: The Spatial Framework - Locations for Growth: Luton/Dunstable & Houghton Regis (with Leighton-Linslade).

Strategic Policy 3: Sustainable Communities.

Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

**South Bedfordshire Local Plan Review Policies**

BE8 - Design and environmental considerations.

T10 - Controlling parking in new developments.

E1 - Providing for B1-B8 development within Main Employment Areas (Category 1).

**Planning History**

SB/TP/74/0232	Permission for temporary store.
SB/TP/74/0493	Refusal for new roadway.
SB/TP/77/1100	Permission for canopy for storage of paint drums.
SB/TP/77/1108	Permission for building for oil drum and sawdust storage.
SB/TP/86/1127	Permission for portable office building.
SB/TP/89/0097	Permission for alterations to offices elevation and erection of dealership workshop building.
SB/TP/96/0726	Refusal for change of use of part of site (including 'A' Building) from general industrial (B2) to warehousing (B2), demolition of 'C' Building and construction of new access road and parking areas.
SB/TP/97/0066	Permission for change of use of part of site (including 'A' Building) from general industrial (B2) to warehousing (B8), demolition of 'C' Building and construction of new parking areas along eastern boundary.
SB/TP/97/0679	Permission for chain link boundary fence and alteration to Boscombe Road car park.
SB/TP/98/0078	Permission for paint store building.
SB/TP/98/0417	Permission for alterations to parking layout for cars and lorries.
SB/TP/00/0370	Application withdrawn for construction of new access and use of land and premises for Class B1(c), B2 and B8 purposes, new parking layout to independently serve existing offices and relocation of storage building.
SB/TP/00/0851	Permission for use of factory building for Class B8 (warehouse), B1(c) or B2 purposes, erection of replacement storage building, retention of access, provision of parking and erection of 4m high acoustic timber fence.
SB/TP/02/1107	Application withdrawn for temporary change of use from warehouse (B8) to retail warehouse (A1).
SB/TP/04/1509	Permission for remarking of existing car park, formation of new car park area, boundary treatment and installation of external lighting and associated works.
SB/OUT/05/0684	Application withdrawn for redevelopment of site for B* purposes (warehousing/distribution centre) including erection of two warehouse buildings and ancillary offices and including access, siting, associated parking and landscaping.
SB/09/00127/OUT	Application withdrawn for demolition of all existing buildings

and erection of single 68,663sqm Class B8 distribution warehouse with ancillary 16,005sqm enclosed canopy (adjacent Ridgeway Avenue site boundary), 3,132sqm three storey offices, 360sqm transport office and 32sqm gatehouse (total floorspace 88,192sqm) and provision of 185 HGV parking spaces (including 76 loading bays) and 294 car parking spaces.

**Representations:  
(Parish & Neighbours)**

Dunstable Town  
Council

No objections subject to planning enforcement on noise and operating restrictions being enforced.

Abbeygate  
Developments Limited

Objection.

Owns freehold of 0.4ha parcel of land zoned as employment land adjacent site's southern boundary with right of access over south west corner of site to/from Boscombe Road. Land was used most recently as temporary car park by Salvesen Logistics Limited and highways officers have indicated that access to land may only be taken via retained right of way. Former access to land (immediately south of right of way and used many years ago by former site owners, Rootes Group) is considered to be inadequate for employment or other commercial purposes, including car park. Notes proposal to stop up existing main access to southern part of site (to be replaced by planting) and does not accept termination of right of access.

In respect of Abbeygate access to Boscombe Road, whilst proposal appears to relocate existing access further north west, no provision is made for suitable access to Abbeygate site and no reference is made in Traffic Impact Assessment of need to retain proper commercial and private vehicle access to Abbeygate site.

In 2007 and subsequently, had several meetings with Council looking at proposed redevelopment of company's site and these identified opportunity for mixed B1, B2, B8, A1, A2, A3, A4, A5 and D1 development. Number of these uses may be accommodated off revised access to Boscombe Road, albeit not that identified on application drawings, but most of uses would require immediacy of highway access currently existing on site and for all forms of commercial traffic. Likely to submit outline application for redevelopment of Abbeygate site at earliest opportunity.

No objection in principle to form of development.

Ridgeway Avenue Nos.  
23, 31, 35, 37, 43, 45,  
51, 57, 67 and 75  
1 Hadrian School  
Houses

Objections.

- Although there has been some adjustment to original plans, giant warehouse of this nature means that proposal is still massive overdevelopment of site.
- Residents are disadvantaged by already having existing warehouse floor level more than 3m higher than back gardens.
- Enclosure of rear yard brings total building unacceptably close to boundary causing shadowing and loss of visual amenity.
- Existing landscape bund was to have been planted with shrubs that would be kept below height of acoustic fence. Trees that have been planted are densely populated tall spindly specimens trying to outgrow each other searching for some light.
- Existing trees only screen site during summer. During strong winds they pose danger of falling branches. Should be replaced by evergreen screening trees.
- Existing acoustic fence erected to stop noise is ineffective as voices can be heard from Gazeley side of fence.
- 185 lorries working 24/7 will make current situation much worse. Exhaust fumes, engine noise and vibration are all detrimental to residents' rights to reasonable air, light and living conditions.
- Introduction of HGVs on surface 3m above gardens running over stormwater pipework that is directly joined to pipes within residents' properties will transfer noise and vibration and cause damage to dwellings.
- As site is higher than dwellings, reduction in noise from HGV engines and reversing sirens and activities of forklift trucks will be impossible task, given close proximity of dwellings.
- Proposal will result in too much noise from extractor fans used to remove diesel exhaust fumes from site.
- Proposed warehouse loading bays should not be on residents' side of building and ban on HGV movements between 11.00pm and 7.00am together with Sunday and bank holiday restrictions must be maintained.
- Running HGVs close by will compromise education of Sceptre School pupils.
- Disused underground fuel tanks are too costly to remove because they are located below large stormwater pipe. They should only be removed by experts to prevent contamination and flooding. If tanks remain, under no circumstances should any HGV travel or park in this area.
- Large pipe serving town's storage/balancing tanks passes through Boscombe Place from west to east and continues beside No. 51 where large area within curtilage between site boundary and road cannot be



built over. Further three or four 0.8m diameter pipes have had to be added underneath dwellings to deal with stormwater from site.

- In June 2005, Hadrian School Houses, several properties in Goldstone Crescent and Hadrian Lower School suffered severe flooding when stormwater balancing tank in Ridgeway Avenue 'exploded'. In May 2007, there was 'near miss' and serious flooding was averted by prompt action of fire brigade who pumped water away before damage to properties occurred.
- Stormwater drains which run under Hadrian Lower School grounds take most of surface water from town. Any future development in this area will further reduce land's natural ability to drain. Proposal involves doubling of existing roof area and run-off will serve only to overload stormwater drainage system which cannot cope in extreme conditions causing even more homes to be flooded.
- Headteacher and governing body of Hadrian Lower School consider that existing storm drain system is not working as it should. It would be wholly inappropriate for proposal to go ahead without full investigation into working of system.
- Town is looking for reduction in HGVs to encourage shoppers into town centre and giant warehouse will not help situation.
- Town will not be able to cope with increased traffic. Planning applications are being submitted to Council to put extra loading bay doors on most of town's existing warehouses. Occupants then apply to increase their existing goods vehicle operators' licence.
- Existing warehouses standing empty should be put to use first. Gazeley should have purchased empty Ecomold site in Luton Road where site and residents' problems would be minimal.
- Use of steel cladding and proposed position of covered yard together with its alignment with rooftop aerials will cause problems for terrestrial radio and TV reception. Multi-path signal reflection distortion will cause 'ghosting' of analogue TV and make digital reception dependent on complicated and expensive aerials.

### **Consultations/Publicity responses**

Environmental Health  
Officer

Recommends conditions in respect of possible site contamination, specification for construction of canopy enclosing eastern yard, fixed operational plant noise limits, normal construction working hours and Construction Environmental Management Plan.

Anglian Water

Foul water flows from development can be accommodated within foul sewerage network system that at present has adequate capacity. Foul drainage will be

treated at Dunstable Sewage Treatment Works that at present has available capacity for these flows.

Surface water flows from development can be accommodated within public surface water network system which at present has sufficient capacity. AW will advise developer of most suitable point of connection and maximum rate of discharge that should be made. Attenuation may be required and this could affect site layout. Surface water run-off from parking areas for 25 vehicles or more must pass through petrol/oil bypass interceptor before discharging to public sewer. Refuelling areas must drain via oil/petrol/grit interceptor to foul sewer.

East of England  
Development Agency

Broadly supports proposal.

In Regional Economic Strategy (RES), Dunstable is identified as being within Milton Keynes South Midlands Engines of Growth where benefits of agglomeration can be maximised and geographical concentration of assets is available. Sub-region has undergone significant economic restructuring and is continuing to move into higher value industries. Area has been successful in attracting logistics inward investors, given proximity to key UK markets and location on strategic transport network.

EEDA supports redevelopment of site in order that it is retained and safeguarded in employment use. Although new scheme is consistent with Local Plan employment policy, Council needs to be satisfied that development accords with policies that relate to highways, urban design and residential amenity.

Proposal is broadly consistent with RES and particularly spatial economy goal that aims to ensure sufficient supply of high quality and sustainable business land and premises in region to support economic growth and regeneration. In providing business use development including new employment opportunities, proposal would provide accommodation and services needed to stimulate and act as catalyst for commercial activity in Dunstable and thus help with town's regeneration.

Economic Growth and  
Regeneration Officer

Support retention of this important site for employment purposes.

Ex-Renault Trucks site is largest brown-field site in Dunstable/Houghton Regis urban area. Existing buildings and structures on site are in excess of 50 years old and are not suitable for needs and requirements of today's businesses. Site is in need of complete

redevelopment.

At present, there are only 16 full-time and 3 part-time employees at Boscombe Place, although applicants advise that some 454 full-time and 9 part-time staff were employed on site when existing buildings were most recently occupied.

Applicants state also that using a ratio of 1 job per approximately 95sqm of B8 floorspace, proposal could potentially generate over 730 jobs in total. Only site of comparable size is part of former Bedford Trucks site in Dunstable, now known as ProLogis Park and occupied by Superdrug and Cinram. That site was redeveloped for 2 distribution warehouses with combined floorspace of 71,535sqm and creating some 800-900 jobs, majority of which have been taken by local people. Current proposal comprises 67,164sqm of distribution warehouse floorspace and could create similar number of jobs. Past involvement with initial recruitment process at Superdrug facility suggests that current skill levels of considerable proportion of local workforce would ideally match majority of employment opportunities that would be available at Boscombe Place.

Environment Agency

Proposed development will only be acceptable if recommended conditions are imposed on any planning permission.

Landscape Planner

Consider current proposed treatment of design of elevations will assist in visually breaking up building mass.

#### Blows Downs/AONB

Proposed design and finish to roof area will hopefully assist in mitigating development in views onto site from AONB. Blows Downs scarp provides important backdrop to site and surrounds. More extensive tree planting along Boscombe Road site frontage may assist in visually softening built elevation in terms of immediate views to site and longer views to Blows Downs.

#### Ridgeway Avenue dwellings and recreation ground

Visual mitigation of development in relation to these dwellings is reliant on planting, both existing and new. Consider there is opportunity to include additional tree planting to that shown along eastern site boundary which would also assist in mitigating views from recreation ground. Realise there is need to ensure balance between screening of development and allowing light through to dwellings, but suggest this could be achieved through choice of tree species and mix of medium and taller growth heights.

Natural England

Although site is within 800m of Blows Downs SSSI (part of Chilterns AONB), do not consider that proposal would have detrimental effect on special interest features of SSSI. No objection in respect of protected species.

Accept that impacts on AONB are only minor adverse and viewpoint included reinforces this point. Accept also that scheme cannot deliver multiple benefits such as open space provision. Note that substantive reason for rejecting use of green/brown roofs at Boscombe Place is cost and given there are no other imperative reasons for providing such features, not surprised over decision. Economics aside, generally green/brown roofs are considered to provide opportunities for enhancements to biodiversity, especially warehouse developments where, given building footprints involved, habitat enhancement is marginalised to peripheral landscaping. In respect of industrial area around AONB, although individual sites won't have great impacts on improving views from AONB, cumulative incorporation of such features could go some way towards achieving vision for conserving and enhancing AONB and its setting.

Tree and Landscape  
Officer

It would appear that whilst applicants' landscape consultants are trying to appease Ridgeway Avenue residents who are concerned about future nuisance that tree planting may cause, this may now be at expense of screening. Spacing of trees along Ridgeway Avenue along boundary at 20m, as originally proposed, would have been insufficient to soften new warehouse from all rear garden vantage points. Emphasis should be on planting closely spaced trees that could be thinned as mature trees approach canopy closure. No objection to wording of applicants' suggested condition in respect of landscaping and interval planting along the Ridgeway Avenue site boundary.

Bedfordshire Police  
Architectural Liaison  
Officer

No objection.

Sustainable Growth  
Officer

Recommend that ancillary offices be built to BREEAM 'Excellent' standard and warehouse built to BREEAM 'Very Good' standard, as would be achieved at Ecomold site on Luton Road.

Applicants' aspirations to use solar thermal, PV panels and ground source heat pumps should be more definite, particularly to make offices as close to zero carbon as possible. Sheer size of warehouse roof will provide enough space for solar thermal panels for all hot water needs and for PV panels to offset electrical demand for

lighting. Ground source heat pump coils could be laid beneath car park and yard areas to address building's heating demand.

Energy statement should be submitted to show development's potential heat and electricity demand and how renewable energy would help offset this. Simply bolting on renewable technologies is often not most appropriate way to reduce running costs and carbon emissions. Making building fabric as airtight as possible reduces energy need. It is important to look at how efficiently this energy is used and only then should energy be supplied from renewable sources. This would reduce amount of renewable energy technologies needed and would ultimately reduce building costs.

Highways Officer

No objection on ground of intensification of use provided modal share of sustainable means of transport can be increased. This will require implementation of submitted travel plan and contributions towards improved sustainable means of transport - footpath/cycleway along site frontage and its extension to connect with footpath/cycleway on town centre link road, 'toucan' crossing(s) on Boscombe Road, real-time information and upgrading of bus stops, upgrading of Luton Dunstable Busway halts and/or improvement of pedestrian link between Boscombe Road and halts.

Highways Agency

Recommend condition requiring submission for approval of framework travel plan to mitigate against additional traffic generation effecting M1 motorway and A5 trunk road.

## Determining Issues

The main considerations of the application are;

1. Job creation
2. Design, appearance and impact on visual amenity
3. Traffic generation and sustainable transport
4. Noise emissions
5. Air quality
6. Flood risk
7. Other issues

## Considerations

### 1. Job creation

The site is within an area designated as a Main Employment Area in the adopted South Bedfordshire Local Plan Review. Such areas represent the principal source of land to meet the needs of the local population for jobs and the requirements of industry and commerce. They comprise the sites and premises that the Council considers have the greatest value in these respects

and are subject to the provisions of Local Plan Review Policy E1 that states:

*Within Main Employment Areas, defined on the Proposals Map, planning permission will not be granted for uses other than B1, B2 or B8 of the Use Classes Order 1987.*

*Outside the Main Employment Areas new development within Use Classes B2-B8 will only be permitted where the proposal can be accommodated without unacceptable harm to the amenity of the surrounding area.*

The proposal involves the redevelopment of the site for Class B8 storage and distribution purposes and clearly accords with Policy E1.

The applicants advise that at the time the existing warehouse and office buildings were fully occupied 463 people were employed on site. Survey data demonstrates that employment densities in large warehousing units equate to an average density of 1 worker per 95sqm. Assuming a ratio of 1 job per 95sqm of B8 floorspace, the applicants argue that the new facility could potentially generate over 730 jobs in total, a net increase of 267 jobs. The only site of comparable size is part of the former Bedford Trucks site (now known as ProLogis Park) which was redeveloped for two distribution warehouses with a combined floorspace of 71,535sqm, creating some 800-900 jobs. The current proposal comprises 67,164sqm of distribution warehouse and, in the opinion of the Economic Growth and Regeneration Officer, could create a similar number of jobs.

With regard to the attractiveness of the site to potential occupiers, a letter to the applicants from property agents Knight Frank dated 8th March 2010 offers an up-to-date market assessment and is reproduced as an appendix. Knight Frank advises that the market in the South East is improving with severely constrained supply, there being no existing building over 32,500sqm (350,000sqft) available south of Corby at present. The size of the site and the potential availability of Assisted Area grant may be sufficient to attract a new occupier in the near future.

**2. Design, appearance and impact on visual amenity**

The existing warehouse has an eaves height of approximately 11m, a width of 200m and is positioned 55m from the rear boundaries of dwellings in Ridgeway Avenue.

In the previous withdrawn scheme (reference CB/09/00127/OUT), the main warehouse would have had an eaves height of 17m, a maximum height of 18m, a width of 267m and would have been 68m from the rear boundaries of Ridgeway Avenue dwellings. The canopy (the yard enclosure at the eastern end) would have had a maximum height of 9.3m, a width of 290m and would have been 17m from the rear boundaries Ridgeway Avenue dwellings. When taken together, the height and scale of this building and its impact on views from Ridgeway Avenue was a concern. The ground level of the Chiltern Park Estate to the north of the site is some 5m above that of Boscombe Place and at its eastern end the former Norbert Dentressangle/Thresher Group warehouse is 15m high. The cumulative impact of the combined scale and massing of the existing and previously proposed warehouses on the visual amenity of the Ridgeway Avenue street scene was of further concern.

In the current proposal, the main warehouse would have an eaves height of 14m, a maximum height of 14.6m, a width of 273m and would be 75m from the rear boundaries of Ridgeway Avenue dwellings. The proposed canopy would have an eaves height of 7m, a maximum height of 8.2m, a width of 296m and would be 24m from the rear boundaries of Ridgeway Avenue dwellings. In comparison with the withdrawn scheme, the eaves of the proposed main warehouse would be 3m lower, the eaves of the canopy would be 2.3m lower and the building would be 7m further away from the rear boundaries of Ridgeway Avenue dwellings.

Whilst these amendments may appear modest, they are significant in terms of the proposal's impact on views from Ridgeway Avenue and on the visual amenity of the Ridgeway Avenue street scene. As mentioned above, at the rear of Nos. 23 to 47 there is an existing landscaped bund, the trees and shrubs having been planted over 10 years ago. Together with mature trees growing in some of the rear gardens, this newer planting screens the existing warehouse building fairly effectively. It is proposed to extend the landscaped bund to the north to provide a planted screen in due course at the rear of Nos. 49 to 83. Predominantly native species would be chosen that are typical of the local area. Standard and feathered trees would be planted within a shrub mix to mitigate the visual impact of the new building from close by as well as filtering views of the proposal from distance. Following advice from the Tree and Landscape Officer, the emphasis would be on planting closely spaced trees that could be thinned as maturing trees approach canopy closure. As mentioned by the objectors, the existing yard in the northern part of the site is some 3m to 3.5m above the ground levels of Ridgeway Avenue dwellings. Where the acoustic fence is 4m high, the combined height of the retaining wall and the acoustic fence is 7m, when viewed from ground level. Here, following construction of the new development, little of the proposed canopy (eaves height 7m) would be visible from ground level. Again, although the proposed main warehouse would be 3m higher and 73m wider than the existing warehouse, at a distance of 75m it would be 20m further away from the rear boundaries of Ridgeway Avenue dwellings. The visual impact of the bulk of the warehouse would be mitigated over time as the new planting matures.

The proposed warehouse would be seen within the context of an existing industrial and commercial area bounded by residential properties to the east and in part to the south. The walls of the new building would be clad in black, white and various shades of grey panelling, in blocks and bands of colour. Similarly, the roof would be clad in two shades of grey panelling. The Council's Landscape Planner confirms that this approach would help to break up the mass of the building when viewed from neighbouring roads and from Blow's Downs to the south. In conclusion, in terms of its design, appearance and impact on visual amenity, the proposed development is considered to be acceptable.

### **3. Traffic generation and sustainable transport**

In the applicants' transport assessment a comparison of traffic generation from the existing and proposed uses of the site indicates that the new development would generate less total vehicles in the peak hours, although there would be a marginally higher number of goods vehicles than present. This reduction would be due to the removal of the existing stand-alone office block that, when fully occupied, generated high numbers of car movements at peak times. The net

development vehicle generation has then been assigned to the highway network to ascertain how vehicle flows would change at key junctions. This process indicates that there would be an overall reduction in traffic at all junctions considered, although there would be minor increases in vehicles on the M1 off-slip roads.

The Highways Officer has no objection in principle to the proposal. For a time there was an issue with regard to trip generation and the intensification of the potential trips within the PM peak. However, an update to the Trip Rate Information Computer System (TRICS) database has been issued that now demonstrates that the potential for intensification in relation to the existing use is not significant. The Highways Officer does not object to the proposal on the ground of intensification of use provided that the modal share of sustainable means of transport can be increased. This modal shift would require investment and the applicants would need to implement the travel plan submitted with the application and provide or make financial contributions towards improvements to sustainable means of transport in the vicinity of the site (walking, cycling, public transport, real-time bus information). The Highways Officer identifies the following improvements.

- A condition is recommended requiring the provision of a footpath/cycleway along the frontage of the site. There would also be a requirement to extend and connect this to existing footpath/cycleways, in particular to the town centre link road off Boscombe Road - £14,000 would be an appropriate financial contribution towards this scheme.
- The provision of pedestrian/cyclist crossing facilities on Boscombe Road. A 'toucan' crossing currently costs £48,000 and consideration of desire lines may generate a need for the provision of 2 'toucan' crossings.
- The introduction of real-time bus information. The installation of this facility into the new warehouse building would be included within the travel plan. The upgrading of a bus stop to provide a shelter incorporating real-time information and raised kerbs currently costs £16,000 per stop.
- If the proposal is completed before the A5-M1 link is opened, a financial contribution of £108,000 towards the Luton Dunstable Busway project, in particular the upgrading of the halts in the local area and/or the improvement of the footpath link between Boscombe Road and the halts. In addition, a small part of this sum could be allocated to the authority that would monitor the travel plan.

#### **4. Noise emissions**

In respect of noise emissions arising from the proposed operation of the site and their likely impact on neighbouring residents, it is necessary to ensure that the new working arrangements are acceptable. Permissions granted in April 1997 (reference SB/TP/97/0066), January 1999 (reference SB/TP/98/0417) and December 2000 (reference SB/TP/00/0851) established a night-time exclusion zone for HGVs some 100m deep from the site boundary with Ridgeway Avenue properties. Conditions state that no HGV movements or running of engines shall be carried out within the exclusion zone outside the hours of 0700 to 2300 on weekdays, 0700 to 1800 on Saturdays and 0900 to 1800 on Sundays and Public Holidays.

The Environmental Health Officer (EHO) notes that the new warehouse and the proposed service yard canopy at its eastern end would completely enclose the



night-time exclusion zone, thereby containing all operational activity. The entrance and exit of the service yard would be some 100m from the site boundary with Ridgeway Avenue properties. Accordingly, the position within the site where HGVs would enter and leave the enclosed area would be similar to the western boundary of the existing night-time exclusion zone. The EHO notes also that the proposed canopy would provide additional noise screening over areas of the site to the west of the canopy where HGVs are currently permitted to operate at night.

Bramley Court overlooks the southern part of the site, in particular a number of dock levellers and an area of where HGVs used to manoeuvre. This area is outside the night-time exclusion zone for that part of the site and until October 2009 night-time activities continued to take place. The proposal is for this area to form the exit route for HGVs leaving the enclosed service yard and this road would be the same distance from Bramley Court as the existing dock levellers. After exiting the enclosed area, HGVs would travel some 220m before making a right turn in front of the proposed warehouse. At a constant speed of 10mph (not an unreasonable speed restriction for the external area of a distribution depot) it would take approximately 45 seconds to travel along this road. Bramley Court residents would overlook vehicles moving at low speed along a short straight road, rather than being manoeuvred and loaded/unloaded, as was the case. Bramley Court has been designed with the existing distribution use in place and it is considered that the proposal is likely to have less impact on residents adjoining this part of the site than the former permitted activities.

The applicants have assessed changes in road traffic noise levels arising from the proposed development using survey data from measurement positions in Boscombe Road and Luton Road. The results indicate that the change in daytime noise levels would be negligible - an increase of 0.2 decibels for Boscombe Road and an increase of 0.1 decibels for Luton Road. With regard to night-time noise levels, the increases range from 0.5 to 2.0 decibels for Boscombe Road and 0.3 to 1.3 decibels for Luton Road. In the context of the site's urban location, its proximity to M1 Junction 11 and the use of a significant number of sites in the local area for 24-hour haulage operations, such relatively minor increases in road traffic noise levels are acceptable.

During consideration of the previous withdrawn application the EHO questioned the ability of the design specification for the walls and roof of the canopy enclosing the eastern yard to adequately reduce sound emissions from that part of the new building. He considers that a well designed and constructed canopy would be able to contain internally generated operational noise, but he was concerned that the specification stated might not have been sufficient.

The applicants advise that the calculations of noise breakout from the canopy (based on the measured frequency content of HGV diesel engines from recorded measurements) have taken into account the build up of reverberant sound within the enclosed space and the sound attenuating performance of the cladding. The canopy walls and roof panels would be formed of two leaves of metal with an insulated core. The cladding would prevent some sound energy from passing through to the external environment by reflecting sound back into the yard and by absorbing sound energy as it passes through the various elements of the panel. There would be no openings in the facade facing Ridgeway Avenue, vehicle entry and egress being gained through openings in

the elevation facing away from the dwellings. This means that any sound transmitted to the dwellings must pass through the insulated metal cladding. Daylight to the eastern yard would be provided by the incorporation of rooflights into the roof pitch facing away from Ridgeway Avenue, covering 7.5% of the canopy roof area.

To address the concerns previously raised by the EHO the applicants indicate that the construction of the walls would be required to achieve a sound reduction index of 32 decibels. The inner metal liner would be perforated to assist in controlling reverberant noise levels that would be generated within the eastern yard. The applicants argue that this would significantly reduce internal noise levels and have the effect of reducing noise levels at neighbouring properties to a degree equal to or greater than an unperforated wall achieving a sound reduction index of 38 decibels. The construction of the roof, again with a perforated inner metal liner, would be required to achieve a sound reduction index of 32 decibels. The EHO considers that the specification for the canopy construction is acceptable and that this specification be the subject of a condition. He recommends also that the applicants be required to demonstrate that the proposed sound reduction performance of the walls and roof of the canopy can be achieved prior to the commencement of the warehouse use.

With regard to fixed operational plant noise sources within the site, the EHO considers that these should be sufficiently attenuated or be capable of being attenuated so as not to cause a nuisance. The applicants have suggested wording for a condition that would require fixed operational plant to be designed to achieve a noise level that would be at least 5 decibels below the background noise level at any potential noise-sensitive residential property nearby. The EHO considers that this condition would be acceptable and would, in particular, control noise emissions from the proposed mechanical air handling plant associated with the enclosed eastern yard. Here, air inside the canopy would be extracted via internal louvres and ductwork, up through the main warehouse, and out via cowls on top of the warehouse roof. Any additional air handling plant needed in the future, for example where the health and safety assessor dictates increased air change requirements, would be fitted with the attenuation necessary to ensure that the fixed operational plant noise limits would be met. The applicants would be required to demonstrate that such noise limits would be met prior to the first use of any air handling plant.

In respect of the construction phase of the proposal, the applicants advise that before commencement of works on site the contractor would seek approval for the proposed methods of work and the steps to be taken to minimise noise and vibration. The example Code of Construction Practice set out in the Environmental Statement states that normal working hours within the site would be 0800 to 1800 on Mondays to Fridays and 0800 to 1300 on Saturdays with no working on Sundays, Bank or Public Holidays. Such normal working hours could be conditioned. A further condition could be imposed requiring the agreement and implementation of a Construction Environmental Management Plan covering noise, vibration and air quality management.

## **5. Air quality**

PPS23 'Planning and Pollution Control' states that air quality is particularly important when development is proposed inside or adjacent to an Air Quality Management Area (AQMA), as designated under Part IV of the Environment Act

1995. The proposal is adjacent to the town centre AQMA that includes Luton Road.

The applicants have assessed the impact that the proposal's operations would have on air quality in the vicinity of the site. Compared with current traffic flows, whilst there would be a rise in the number of heavy duty vehicles, there is predicted to be a decrease in the number of light duty vehicles. They conclude that the increase in heavy duty vehicles would have a negligible effect on local air quality, in particular nitrogen dioxide and particulate matter concentrations. The EHO is satisfied with the conclusions of the applicants' air quality assessment.

With regard to the mechanical ventilation and extract system proposed to be installed in association with the use of the enclosed eastern yard, the applicants argue that the spread of the 6 extract points across the rear of the new building above the main warehouse roof would dissipate extracted fume laden air to a point where detection at the site boundary with neighbouring properties would be negligible. In response, the EHO advises that Section 3 of the Health and Safety etc. Act 1974 states:

*"It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety"*

There is therefore a general duty imposed on employers to safeguard persons other than their employees. The EHO further advises that if extracted exhaust fumes are a risk to the health of nearby occupiers, the health and safety regulator (either the Council or the Health and Safety Executive) would have recourse to that section of the 1974 Act.

In respect of the construction phase of the new development, the applicants refer in the Environmental Statement to the Mayor of London's Best Practice Guidance *"The control of dust and emissions from construction and demolition"*. The EHO agrees that the use of this document is acceptable. The applicants conclude that the impacts on air quality are likely to be in the 'high risk' category and that mitigation measures would be applied. They have cited a number of mitigation measures from the Best Practice Guidance, though not all, which would be set out in the Code of Construction Practice. Such mitigation measures could also be incorporated into any agreed Construction Environmental Management Plan.

## **6. Flood risk**

The site is within Flood Zone 1, outside any known main river floodplain. The nearest watercourse is Lewsey Brook, some 1.5km to the north east of the site. There is therefore a very low risk of fluvial flooding – less than 0.1% in any given year. Groundwater levels are approximately 15m below ground level and the flood risk from this source is similarly low. The primary flood risk at Boscombe Place is considered to be from surface water runoff. At present, the site is 100% impermeable and is drained predominantly by strip drains which discharge unattenuated runoff into an Anglian Water surface water sewer that crosses the site under the existing warehouse building in a south west to north east direction. The applicants advise that there is no history of flooding within the site

from this sewer.

The particular catchment in which the site is located is highly urbanised and responds rapidly to rainfall. There are known problems with surface water flooding downstream, referred to by objectors, which the Environment Agency is seeking to reduce through redevelopment and limiting runoff, in accordance with PPS25. The Agency requires that the surface water drainage strategy for the new development must attenuate a 1 in 100 year storm event plus 20% for climate change. This would be achieved by a number of measures. There would be a reduction in the impermeable area of the site from 100% to 90%. By virtue of the freely draining nature of the soil, six soakaways would be constructed that would drain 55% of the area of the site. In addition, it is proposed to divert the public sewer from under the warehouse building to adjacent the southern site boundary. Such diversion would lower the risk of the sewer surcharging and therefore reduce the flood risk from this source.

Anglian Water confirms that surface water flows from the proposal could be accommodated within the public surface water drainage system that at present has sufficient capacity. It is unlikely that Boscombe Place is the sole source of surface water flooding downstream. The surface water sewer that passes through the site serves a wide catchment area to the west and the sustainable drainage measures proposed for the site would significantly reduce Boscombe Place's contribution to surface water flows downstream.

## **7. Other issues**

### Sustainable construction

With regard to the Sustainable Growth Officer's comments, the applicants indicate that they would be prepared to use solar thermal and PV panels, although the extent of coverage would need to be assessed and agreed. In addition, they would need to assess the viability of ground source heat pumps before any formal commitment is made. In respect of BREEAM standards, whilst they would commit to the BREEAM 'Very Good' standard for the warehouse, they would only commit to the BREEAM 'Excellent' standard for the ancillary offices if this can be achieved at reasonable commercial rates.

In response, the Sustainable Growth Officer confirms that in general terms the wording of the conditions suggested by the applicants is acceptable. He considers that the environmental performance of the new building should achieve at least the BREEAM 'Very Good' standard for the warehouse and the offices and that if the BREEAM 'Excellent' standard for the offices could not be achieved, clear justification shall be provide for not meeting this standard.

### Television reception

In January this year, the applicants commissioned a survey of existing television reception and an investigation of the potential effects of the proposal on such reception. The surveyors' report concludes that the new development is likely to cause localised interference to analogue terrestrial television reception. However, it is also likely that the majority of local residents already use digital receiving equipment in order to receive interference free transmissions. After 2011 there will only be digital terrestrial television services and no opportunity for the proposal to effect analogue television reception. The new development is not expected to have any effect on the reception of digital terrestrial television, although substandard antenna installations would increase the likelihood of

interference.

The applicants propose to monitor television reception throughout the construction phase of the development and a condition is recommended that would require them to identify any measures that would need to be undertaken to maintain at least the existing level and quality of television reception.

#### Abbeygate Development Limited's site access

The applicants advise that they have a legal obligation to provide and/or maintain an access to the adjoining Abbeygate landholding. This site is presently used as a car park, access to which is gained via the existing main access beside the application site's southern boundary that until October 2009 was principally used by former tenants, Salvesen Logistics Limited. The maintenance of Abbeygate's legal right of access is a private matter that can only be resolved by the adjoining landowners concerned. It is not a material planning consideration in the determination of the current application. Notwithstanding this, the applicants indicate that in order to satisfy their legal obligation they intend to provide an access spur to the Abbeygate site from the proposed car and light vehicle access to the site. This arrangement is acceptable to the Highways Officer. He states also that if the existing redundant access to the car park directly off Boscombe Road were to be re-opened, it should be moved to the most northerly end of the car park's frontage.

#### **Reasons for Granting**

The proposal accords with national guidance and strategic and local policy in respect of job creation and would restore to beneficial use a site that has been under-used for many years. Furthermore, in terms of its design, appearance and visual and environmental impacts, the new development is considered to be acceptable.

#### **Recommendation**

That Planning Permission be granted subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to ensure the provision of pedestrian/cyclist crossing facilities on Boscombe Road, the provision of footpath/cycleway links to existing footpath/cycleways, the introduction of real-time bus information, the enhancement of public transport facilities and the provision of public art on the site frontage and subject to the following:

- 1 **Details of landscaping (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out only as approved.**  
**REASON: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).**
- 2 Plans and particulars of the reserved matters, referred to in Condition 1 above relating to landscaping, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out only as approved.  
**REASON: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).**
- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years after the date of this

permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

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

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

- 5 **Development shall not commence until a landscaping scheme - to include any hard surfaces and earth mounding and details of the proposed interval planting of trees along the eastern site boundary (the boundary with Ridgeway Avenue properties) - has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**REASON: To ensure a satisfactory standard of landscaping. (Policy BE8, S.B.L.P.R).**

- 6 **Development shall not commence until a Tree Protection Plan (reference BS 5837: 2005 *Trees in Relation to Construction*) has been submitted to the Local Planning Authority for written approval, showing clearly the position, dimensions and build specification of protective barriers to be erected around the required Root Protection Area for all boundary trees to be retained and trees situated "off-site", in order to establish an effective Construction Exclusion Zone. The Construction Exclusion Zone shall also recognise the need to protect the existing canopy spread of trees from damage if this extends beyond the Root Protection Area. The Root Protection Area shall be calculated in accordance with Table 2 "Calculating the RPA" of BS 5837: 2005 as an area equivalent to a circle with a radius of 12 times the diameter for single stemmed trees, measured at 1.5m from ground level, and 10 times the basal diameter for trees with more than one stem arising below 1.5m above ground level.**

**REASON: To ensure a satisfactory protection of rooting medium needed to sustain the satisfactory health and stability of respective root systems and to exclude plant, machinery and storage materials from encroaching into the existing canopy spread of the trees. (Policy BE8, S.B.L.P.R).**

- 7 The existing trees and shrubs within the tree belt adjacent the eastern site boundary (the boundary with Ridgeway Avenue properties) shall be retained and protected in a manner to be approved in writing by the Local Planning Authority and shall not be destroyed, uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees or shrubs removed without such consent or dying or being severely

damaged or becoming seriously diseased shall be replaced by trees or shrub specimens of such size and species as may be agreed with the Local Planning Authority. Such trees or shrub 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).

- 8 Before the development is first occupied or brought into beneficial use, the parking spaces, servicing and unloading areas shown on the 'Proposed Site Layout Plan', Drawing No. 15398/A1/0100J received 11/11/09 (or on any subsequent appropriately endorsed revised plan), shall be completed and thereafter retained for this purpose. The HGV and car parking spaces hereby permitted shall be kept permanently available for the parking of the vehicles for which they are laid out.

REASON: To ensure provision for car parking and servicing clear of the highway and to ensure that off-street parking for HGVs and cars is retained in the interests of highway safety.

(Policy T10, S.B.L.P.R).

- 9 **Development shall not commence until samples of the external materials to be used for the walls and roofs of all new buildings has been 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 proposed building.**

**(Policy BE8, S.B.L.P.R).**

- 10 **Development shall not commence until details of the levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details. The eaves height of the main warehouse building shall not exceed 14m above existing ground levels and the eaves height of the canopy enclosing the eastern (rear) yard shall not exceed 7m above existing ground levels.**

**REASON: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.**

**(Policy BE8, S.B.L.P.R).**

- 11 **Development shall not begin until details of the junctions between the proposed access roads and the highway have been approved by the Local Planning Authority and no building shall be occupied until the junctions have been constructed in accordance with the approved details.**

**REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed access roads.**

- 12 No building shall be occupied or brought into beneficial use until a 3m wide footpath/cycleway has been constructed along the entire length of the Boscombe Road site frontage. Details of a scheme to construct the footpath/cycleway shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter, the footpath/cycleway shall be constructed in accordance with the approved details. Any statutory undertakers' equipment or street furniture shall be re-sited to provide an unobstructed footpath/cycleway.

REASON: In the interests of road safety and pedestrian/cyclist movement.

- 13 Any gates provided shall open away from the highway and be set back a distance of at least 8.0 metres from the nearside edge of the carriageway of the adjoining highway.

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

- 14 The maximum gradient of the vehicular accesses shall be 10% (1 in 10).

REASON: In the interests of the safety of persons using the accesses and users of the highway.

- 15 Before any 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.

- 16 Before the proposed buildings hereby permitted are first occupied or brought into beneficial 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.

- 17 **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 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.**

- 18 **Development shall not commence until a scheme for the parking of cycles on the site and the provision of changing facilities for staff and visitors has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development hereby permitted is first occupied or brought into use. Thereafter, the cycle parking and changing facilities shall be retained for these purposes.**

**REASON: To ensure the provision of adequate cycle parking to meet**



**the needs of occupiers of, and visitors to, the proposed development in the interests of encouraging the use of sustainable modes of transport.**

- 19 **Development shall not commence until details of a scheme for the provision of 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. Thereafter, the parking scheme shall be implemented in accordance with the approved details and the designated on-site parking spaces for construction workers shall be retained for this purpose for the duration of the construction period.**

**REASON: To ensure adequate off-street parking during the construction period in the interests of highway safety.**

- 20 Before the proposed development hereby permitted is first occupied or brought into beneficial use, details of a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the travel plan shall be implemented in full within 6 months of the development being first occupied or brought into beneficial use. Moreover, the travel plan shall be monitored and the results of this monitoring be reviewed on an annual basis. Further recommendations for improvements to the travel plan shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To reduce reliance on the private car by promoting public transport and sustainable modes of transport.

- 21 No goods, waste, materials or equipment shall be deposited or stored on the site in the open where it would obstruct use of the parking, servicing and unloading areas shown on the 'Proposed Site Layout Plan', Drawing No. 15398/A1/0100 received 11/11/09 (or on any subsequent appropriately endorsed revised plan).

REASON: To ensure that vehicle parking, servicing and unloading areas are available for those purposes at all times.

(Policy BE8, S.B.L.P.R).

- 22 There shall be no beneficial occupation of any part of the development hereby permitted until details of a scheme for all external lighting has been submitted to and approved in writing by the Local Planning Authority and until the scheme has been implemented in accordance with the approved details and is operational. There shall be no departure from or variation to the approved lighting scheme without the prior approval in writing of the Local Planning Authority.

REASON: To protect the amenity of the surrounding area and highway safety.

(Policy BE8, S.B.L.P.R).

- 23 **Development shall not commence until details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and including details of how the scheme shall be maintained, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage scheme shall be implemented in accordance with the approved details before the proposed development is completed.**

**REASON:** To ensure that any increased risk of surface water flooding is prevented, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.

24 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and,
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**REASON:** To protect the quality of controlled waters.

25 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**REASON:** To protect the quality of controlled waters.

26 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

**REASON:** To protect the quality of controlled waters.

27 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

REASON: To protect the quality of groundwater.

- 28 **Prior to the commencement of any phase of development approved by this planning permission, the developer shall submit to the Local Planning Authority, in both paper and electronic form where possible:**
- (a) A Phase 1 desk study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**
  - (b) Where shown to be necessary by the Phase 1 desk study, a Phase 2 site investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**
  - (c) Where shown to be necessary by the Phase 2 site investigation, a Phase 3 detailed scheme for the remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.**
  - (d) On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and sampling.**

**Any remediation scheme and any variations shall be agreed in writing by the Local Planning Authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during works.**

**The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and shall be adhered to.**

**REASON: To protect human health and the environment.  
(Policy BE8, S.B.L.P.R).**

- 29 To mitigate against the breakout of internally generated noise from the enclosed eastern (rear) yard, the walls shall comprise a 40mm (minimum) thick 'Kingspan' or similar composite wall panel together with 50mm acoustic insulation (33kg/m<sup>3</sup>) and a 0.7mm thick profile metal liner sheet internally (for example, 'Kingspan' 8W - KS1000 RW/40+I+L or equivalent) to provide a sound reduction index of 38dB<sub>Rw</sub> and the roof shall comprise a 80mm (minimum) thick "Kingspan" or similar composite roof panel together with 100mm acoustic insulation and a 0.7mm profile metal liner sheet internally (for example, 'Kingspan' 11R - KS1000RW80+I+PL or equivalent) to provide a sound reduction index of 32dB<sub>Rw</sub>.

The applicants/developers/occupants of the site shall clearly demonstrate that the above quoted sound reduction index for the walls and roof is achieved prior to the commencement of the beneficial use of the site.

With the exception of the rooflights to be incorporated into the roof structure of the enclosed eastern (rear) yard, indicated on Drawing No. 15398/A1/0100J received 11/11/09 (or any subsequent appropriately endorsed revised plan), there shall be no openings created in the eastern, northern or southern elevations or roof of the enclosed eastern yard without the express permission of the Local Planning Authority.

**REASON: To prevent nuisance from noise and to safeguard the amenities of the surrounding area.  
(Policy BE8, S.B.L.P.R).**

- 30 Fixed operational plant associated with the proposed development must be designed to a level which is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant are to apply at a position 1m from the closest affected window of the relevant noise sensitive property.  
The applicants/developers/occupants of the site shall clearly demonstrate that noise from the installed fixed operational plant achieves the required noise standard prior to the use of the plant.  
REASON: To prevent nuisance from noise and to safeguard the amenities of the area.  
(Policy BE8, S.B.L.P.R).
- 31 Normal working hours for demolition and construction works shall be 08:00 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays. There shall be no working on Sundays, Bank or Public Holidays.  
REASON: To minimise disturbance to the occupants of neighbouring properties during the demolition and construction phases of the development.  
(Policy BE8, S.B.L.P.R).
- 32 **No development shall take place until the Local Planning Authority has agreed in writing the content of a Construction Environmental Management Plan for the proposed development which shall cover noise, vibration and air quality management. Construction and installation of plant and machinery shall proceed strictly in accordance with the approved Plan.**  
**REASON: To minimise disturbance to the occupants of neighbouring properties during the construction phase of the development.**  
**(Policy BE8, S.B.L.P.R).**
- 33 There shall be no beneficial occupation of the development hereby permitted until an energy demand assessment has been submitted to and approved in writing by the Local Planning Authority. The energy demand assessment shall demonstrate the total energy demands of the site and the likely annual carbon emissions. Energy savings through energy efficient design and technology should be assessed and renewable energy technologies shall be incorporated into the design where feasible. The likely energy supply from renewable sources and where possible carbon savings shall be stated as a percentage of total energy usage (established from the energy demand assessment). If renewable options are rejected, justification shall be provided. The details as approved in the energy demand assessment, by virtue of this condition, shall thereafter be implemented and maintained.  
REASON: To ensure the efficient use of resources during construction and in use, to reduce the scheme's impact on the environment and to promote sustainable development.  
(Policy BE8, S.B.L.P.R).
- 34 There shall be no beneficial occupation of the development hereby permitted until details of an Environmental Sustainability Assessment have been submitted to and approved in writing by the Local Planning Authority in order to demonstrate how the development will adopt and incorporate sustainable construction standards and techniques and achieve not less than the

BREEAM standard of 'Very Good' for both the main warehouse building and the ancillary offices. Furthermore, the BREEAM standard of 'Excellent' for the ancillary offices shall be achieved unless reasonable justification is provided for not achieving this standard. The development shall be undertaken in accordance with these approved details.

REASON: To ensure the efficient use of resources during construction and in use, to reduce the scheme's impact on the environment and to promote sustainable development.

(Policy BE8, S.B.L.P.R).

35 **Before development commences and notwithstanding the information submitted with the application, the applicant shall, with regard to television signal reception in the area containing the application site, provide the Local Planning Authority with details of a study that:**

a) **Measures the existing television signal reception within the impact area and within an area of 500 metres radius surrounding the building. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries (CAI) or by a body approved by the Office of Communications (OFCOM), and shall include an assessment of the survey results obtained.**

b) **Assesses the impact of the development on television signal reception within the impact area identified in (a) above.**

**The study shall identify such measures necessary to maintain at least the pre-existing level and quality of television signal reception identified in the survey carried out in (a) above. The measures identified must be carried out before the proposed development is substantially completed.**

**REASON: To provide an indication of the area of television signal reception affected by the proposed development and provide a basis on which to assess the extent to which the proposed development affects television signal reception and to ensure that the development at least restores the original level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications.**

**(Policy BE8, S.B.L.P.R).**

36 There shall be no beneficial occupation of any part of the proposed development hereby permitted until the details of the Framework Travel Plan prepared by RPS Planning and Development dated March 2010, to support the application and to mitigate against the additional traffic generation onto the M1 motorway and A5 trunk road Dunstable, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency. Thereafter, the Travel Plan shall be implemented in accordance with the approved details.

REASON: To ensure that car travel generated by the proposed development is reduced in the interests of highway safety and to encourage the use of sustainable modes of transport.

37 Before the development hereby permitted is first occupied or brought into beneficial use and notwithstanding the details submitted with the application, further particulars of the design, siting, external appearance, internal structure/technical specification and means of operation of the mechanical air handling plant and equipment proposed in association with the use of enclosed eastern (rear) yard shall be submitted to and approved in writing by

the Local Planning Authority. Thereafter, the air handling plant and equipment shall be installed in accordance with the approved particulars.

There shall be no additional exhaust cowls installed on the building over and above the six exhaust cowls indicated on Drawing No. 15398/A1/0101E received 02/11/09 (or any subsequent appropriately endorsed revised plan) without the express permission of the Local Planning Authority.

REASON: To control the appearance of the proposed development and to safeguard the amenities of the surrounding area.

(Policy BE8, S.B.L.P.R).

- 38 This permission relates only to the details shown on RPS Drawing Nos. 15398/A1/0101E, 15398/A1/0105A, 15398/A0/0110B, 15398/A1/0111A, 15398/A1/0112, 15398/A2/0120A, 15398/A1/0125, 15398/A0/0210A, 15398/A0/0300B, 15398/A0/0301, 15398/A0/0605 and 15398/A0/0611 received 02/11/09, RPS Drawing No. 15398/A1/0100J received 11/11/09, RPS Drawing No. 15398/A1/0130B received 22/01/10, RGA Drawing No. BOS/2/C/1A, BOS/2/C/3, BOS/2/C/4, BOS/2/C/5 and BOS/2/C/6 received 02/11/09 or to any subsequent appropriately endorsed revised plan.  
REASON: To identify the approved plans and to avoid doubt.

## Notes to Applicant

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

### Regional Spatial Strategy

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

SS1 - Achieving Sustainable Development.

SS2 - Overall Spatial Strategy.

SS3 - Key Centres for Development and Change.

SS5 - Priority Areas for Regeneration.

E1 - Job Growth.

E2 - Provision of Land for Employment.

E3 - Strategic Employment Sites.

T6 - Strategic and Regional Road Networks.

T8 - Local Roads.

T14 - Parking.

ENV3 - Biodiversity and Earth Heritage.

ENV7 - Quality in Built Environment.

WAT4 - Flood Risk Management.

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

Strategic Policy 1: The Spatial Framework - Locations for Growth: Luton/Dunstable & Houghton Regis (with Leighton-Linslade).

Strategic Policy 3: Sustainable Communities.

Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

**South Bedfordshire Local Plan Review Policies**

BE8 - Design and environmental considerations.

T10 - Controlling parking in new developments.

E1 - Providing for B1-B8 development within Main Employment Areas (Category 1).

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
  
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**DECISION**

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**Knight Frank**



Mr G Stubbings  
Gazeley UK Ltd  
16 Palace Street  
Cardinal Place  
London  
SW1E 5JQ

8 March 2010

Dear Mr Stubbings

**Former Renault Trucks Site, Boscombe Road, Dunstable**

I have been watching with interest the passage of your planning application for 750,000 square feet on the former Renault Trucks site on Boscombe Road, Dunstable, which I understand is due before planning committee at the end on March.

As an industrial agency and development specialist I believe Gazeley has an exciting occupier opportunity in this site. As the market in the South East is improving with severely constrained supply, no existing building of over 350,000 sq ft is available south of Corby at present. In particular, I represent an occupier who has asked me to monitor the timing of this site's availability with a view to considering it as a serious relocation option for them in 2010.

Whilst I must respect my client's desire to remain confidential at this stage, I can say that they are a significant international business who is a major employer in Hertfordshire. Through a combination of potential grant assistance and the unique availability of this site, they look upon your Boscombe Road site as a highly attractive relocation option and, subject to the timeframe for delivery, will seek terms from Gazeley.

Please would you be kind enough to contact me following the outcome of the planning decision, so I may understand whether the site offers a serious viable option for my client's ongoing consideration.

With regards,

Yours sincerely

**Charles Binks**

Partner

charles.binks@knightfrank.com

D/L +44 (0) 207 861 1146

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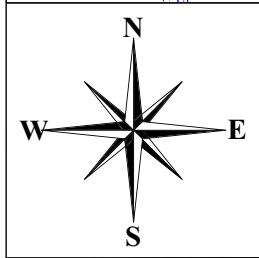
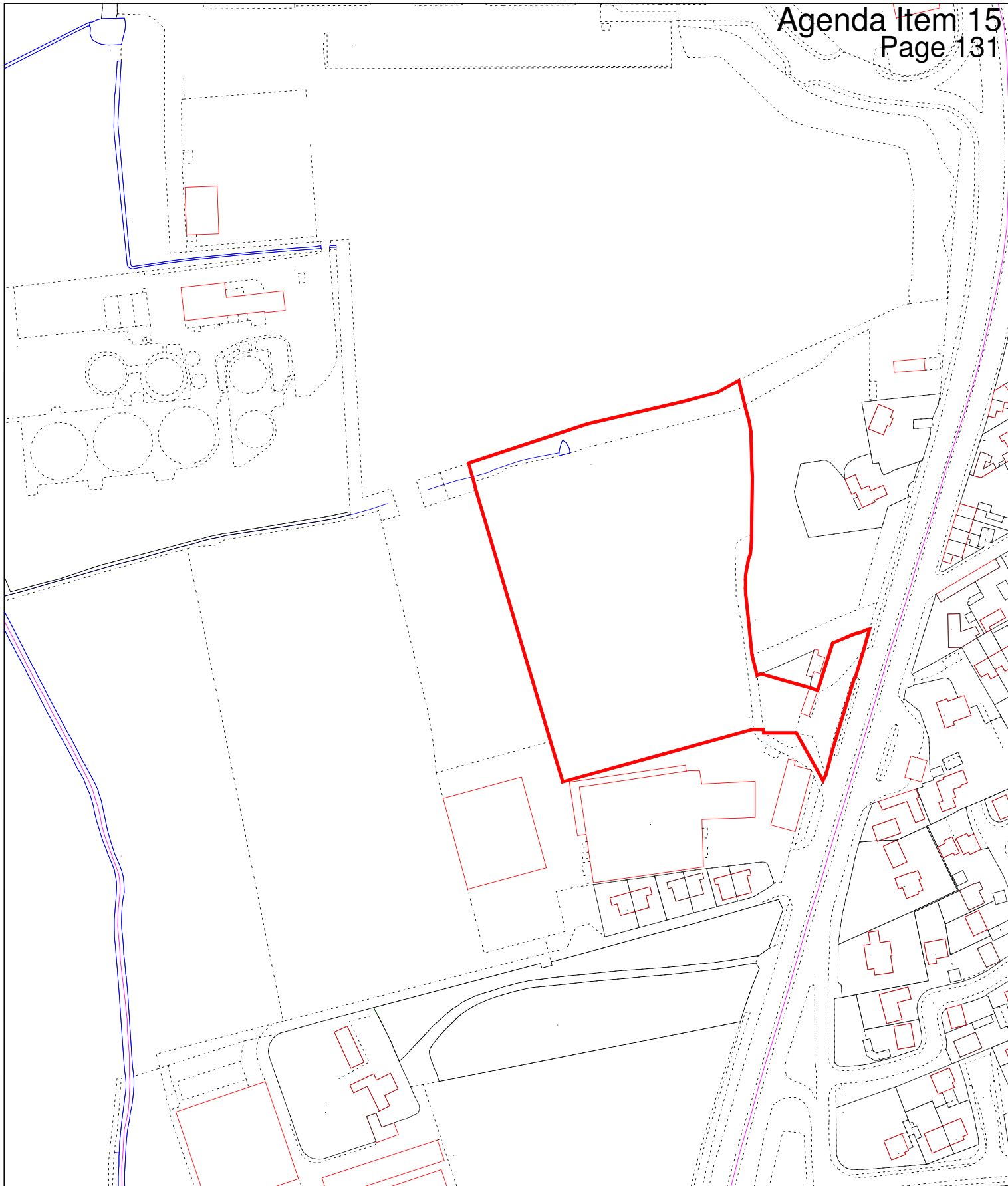
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Date: 11:March:2010

Map Sheet No

CASE NO.

Scale: 1:2500

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<b>Item No. 15</b>
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<b>APPLICATION NUMBER</b>	<b>CB/09/07055/OUT</b>
<b>LOCATION</b>	<b>Land Adjoining 67, London Road, Sandy, SG19 1DH</b>
<b>PROPOSAL</b>	<b>Outline: Development of site for employment uses within use class B1(c), B2 and B8 with ancillary office accommodation, up to 8,180 sqm and approx. 163 car parking spaces and associated access arrangements, demolition and land raising (All matters reserved except access)</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Aldis &amp; Cllr Blaine</b>
<b>CASE OFFICER</b>	<b>Dee Walker</b>
<b>DATE REGISTERED</b>	<b>06 January 2010</b>
<b>EXPIRY DATE</b>	<b>07 April 2010</b>
<b>APPLICANT</b>	<b>Kier Property</b>
<b>AGENT</b>	<b>Planning Potential</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Aldis called the application to Committee on grounds of major development, highways issues and impact on nearby neighbours</b>
 <b>RECOMMENDED DECISION</b>	 <b>Outline Application - Granted</b>

**Site Location:**

The site is located to the west side of the A1 at Sandy and is currently 1.7 hectares of un-used vacant land. There is currently a single storey detached building towards the front of the site that is used in conjunction with the sale of used vehicles. The surrounding area comprises of some residential dwellings fronting onto the A1 and along Nursery Drive, car salvage company to the north and west. To the south are two industrial units.

**The Application:**

The application seeks outline permission for the development of the site of up to 8,180 sqm of units for employment uses within use classes B1(c), B2 and B8 together with ancillary office accommodation and approx. 163 car parking spaces and associated access arrangements, demolition and land raising. All matters are reserved except for access.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

- PPS1    Delivering Sustainable Development (2005)
- PPS 4    Planning for Sustainable Economic Growth (2009)
- PPS9    Biodiversity and Geological Conservation (2005)

PPG13 Transport (2001)  
PPS23 Planning and Pollution Control (2004)

### **Regional Spatial Strategy**

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

### **Bedfordshire Structure Plan 2011**

Policy 28                      Safeguarding Employment Land

### **Central Bedfordshire Core Strategy and Development Management Policies 2009**

Policies CS1, CS9, Central Bedfordshire Adopted Core Strategy and Development CS10, CS17, DM2, Management Policies (2009)  
DM3 and DM4

### **Mid Bedfordshire Local Plan 2005**

Policy EMP 4(3)              Mid Bedfordshire Adopted Local Plan (2005)

### **Supplementary Planning Guidance**

None

### **Planning History**

MB/04/01509                  Full: Erection of 19 no. light industrial units (B1 use) –  
Withdrawn 15.08.2006  
MB/08/00179                  Outline: B1, B2 & B8 development with unit, service and car  
parking areas and new vehicular access/egress junction  
onto A1 (All matters reserved except layout, scale and  
access) – Withdrawn 07.03.2008

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

Sandy Town Council	No comments received to date
Adjacent Occupiers	One letter from two neighbours received objecting on grounds of: <ul style="list-style-type: none"><li>• Risk of flooding;</li><li>• Intensification of traffic along this busy stretch of the A1;</li><li>• Impact on existing right of way.</li></ul>

### **Consultations/Publicity responses**

Highways Agency	No objections subject to conditions being attached to any consent granted
Environment Agency	<u>Groundwater</u> - Initial objections withdrawn following additional study reports received. Conditions required to be attached to

any consent granted in order for the proposed development to be acceptable

Flood Risk - Acceptable subject to relevant condition being attached to any consent granted

Ecology - Comments received advising that the proposal is not in accordance with PPS9

Natural England	No comments received to date
Internal Drainage Board	Comments received regarding the ground water levels, flood risk and discharge rates. They have raised objections to the proposal with regards to it being within 7m of a Board's watercourse
Highways Team	No comments to make
Tree & Landscape Officer	No objections subject to relevant conditions being attached to any consent granted
Archaeological Officer	No objections
Biodiversity Officer	No comments received to date
Waste & Recycling Officer	No comments received to date
Public Protection Officer	No objections raised to the proposal subject to relevant condition attached regarding noise assessment
Site Notice Posted	15.01.2010
Newspaper Advert	15.01.2010

### Determining Issues

The main considerations of the application are;

1. Principle of Development
2. The effect on the character of the area
3. The impact that the proposal will have on the residential amenity of neighbouring properties
4. Highway Implications
5. Drainage Implications
6. Any other implications of the proposal

### Considerations

#### 1. Principle of Development

The site forms part of a larger allocation of land safeguarded for employment use by Policy EMP4(3) of the Mid Bedfordshire Adopted Local Plan. This policy was saved by the Secretary of State on 23 September 2008 and as it has not been superseded by policies in the Central Bedfordshire Core Strategy and Development Management Policies DPD, it remains to be part of the development plan until such a time the Council indicates that it is to be superseded.

Policy EMP4(3) supports B1, B2 or B8 use subject to the following criteria:

- The scale and height of built development would not appear unduly prominent and that there is satisfactory layout and building design;
- The retention of substantial mature landscaping and landscaping belts are secured and any additional landscaping proposals incorporated;
- There is no unacceptable impact upon nearby residents and properties;

- A safe, convenient and adequate standard of access including that for pedestrians and cyclists, and provides for appropriate cycle parking and reflects need to maximise use of public transport; and
- The development seeks to further the objectives of the Ivel and Ouse Countryside Project and realize the potential to complete the Blunham to Girtford Underpass link in the Bedford-Sandy cycle path.

The Council will particularly encourage provisions of units and workspace suitable for accommodation of small businesses.

Furthermore, the Core Strategy and Development Management Policies DPD states that *'Additional employment land will be provided, together with improvements to the towns existing employment areas such as Land West of the A1, Girtford Underpass to make them more attractive to a wider range and higher quality of jobs.'* (para. 3.15.6)

The proposal indicates that buildings may consist of 11 no. small units and 1 no. large unit. Although they are shown as relatively modest in terms of their height this element will be considered within the submission of a future Reserved Matters application.

This also relates to the layout of the site. The indicative site layout allows for the retention of the existing substantial, mature landscaping to the east to be retained and where possible introduces additional landscaping, which can be secured by an appropriate condition. The matter of landscaping will be considered within a future Reserved Matters application.

The access has been assessed thoroughly via the submission of a Travel Assessment and negotiations have been carried out between the Highways Agency, their consultants and those acting for the developers. The outcome of those negotiations is that the proposal is acceptable to the Highways Agency.

The Ivel and Ouse Project are now considered within the Planning Obligations Strategy contributions. This application would not be subject to any contributions and as such is not relevant within this determination.

## **2. Effect on the Character and Appearance of the Area**

As already commented above, the proposed buildings are not considered to be of an excessive scale. Although the building design does not form part of this application, it is stated in the Design and Access Statement that it is anticipated the buildings will be of a metal finish with low pitched roofs. As this is not considered out of character with this type of development, the likely design would be visually acceptable. However, these details will be subject to submission of samples for final approval. It is noted from the sectional plans that due to the location of the site to water courses, the land levels will require raising as part of flood mitigation. However, as a result they will remain relatively low and not unduly prominent. Combined with the extensive existing landscaping on site, it is not considered that the development a proposed will have any adverse impact upon the character of the area.

## **3. Impact of the Proposal on the Residential Amenity of Neighbouring Properties**

There are some residential properties within a relatively close proximity of the



site. The buildings located towards the eastern boundary have been set off a shared boundary so as to indicate that the existing mature landscaping is to remain and provision for further landscaping. The actual distance relationship between the buildings and the closest residential property is 5 metres to the boundary and 30 metres to the dwelling itself at no. 67 London Road.

Nos. 91 and 93 London Road are located to the east of the site and are set some 50 and 55 metres from the shared boundary. Given the physical distance of the dwellings and the indication that the existing mature trees are to remain, the proposal's impact upon these neighbouring properties will be fully addressed within the consideration of a future Reserved Matters application. However, in principle the development should not have an unacceptable impact on any nearby dwelling.

In terms of noise, the proposed buildings are to be for B1(c), B2 and B8 use. The issue of noise is also set within the context that noise residential properties are adjacent to the A1. Although no noise assessment has been submitted with the application the Public Protection Team have requested a condition be attached to any consent granted requiring the submission of such a report prior to commencement of development.

#### **4. Highway Implications**

The application has been accompanied by a Travel Assessment and negotiations have been carried out between the Highways Agency, their consultants and those acting for the developers. A Travel Plan and Stage 1 Safety Audit was submitted to the Highways Agency and they consider that the proposal is acceptable with regard to its impact upon the A1 and the highway network. However they request that conditions be attached to any consent granted securing the new access and implementation of the Travel Plan.

#### **5. Drainage Implications**

Concerns have been raised by both the Environment Agency and Internal Drainage Board with regards to flooding. A Flood Risk Assessment was submitted as part of the application.

The Environment Agency were consulted and made comments on a number of issues, these are set out as follows:

##### Groundwater

They initially objected to the proposed development as submitted due to insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. They highlighted three separate issues that needed to be addressed they were level of risk posed by the proposal is unacceptable; that the application failed to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided; and the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures; as in accordance with PPS23.

The applicant submitted a desk study report in order to address the above issues and the Environment Agency have subsequently withdrawn their

objections subject to relevant conditions being attached to any consent granted.

### Flood Risk

The EA advise that the proposed development will only be acceptable if the measures as detailed in the Flood Risk Assessment and Modelling Report submitted with the application are implemented and secured by way of a planning condition.

### Ecology

Comments have also been made with regards to the timing of vegetation clearance for breeding birds and planting of locally sourced native species.

The site consists of a derelict grass field, which has been un-managed for a number of years. The grazing seems to be coarse and unpalatable. It is therefore considered to have little or no ecological value.

The Internal Drainage Board raised objections to the proposal on grounds of the proposed development contravening the Board's Byelaw which restricts development within 7m of the top bank of any drain, ditch, watercourse etc. without the formal consent of the Board. Notwithstanding the above objection, they also raised comments with regards to the ground water levels and discharge rates. They suggest a condition for additional ground water run off details.

The requirement for the 'maintenance strip' of 7m is a Byelaw and as such it is not a reason for refusing planning permission. Therefore, an informative will be placed on any consent granted advising the applicant that further consent is required from the Internal Drainage Board.

Overall, it is considered that the proposal would not have an unacceptable risk to the environment.

## **6. Any Other Implications**

Comments have been received regarding the existing right of way running beside no. 67 London Road to a electricity sub-station. As this is not a planning issue but a civil matter it cannot be considered within this determination.

## **Reasons for Granting**

In conclusion, is in compliance with Policy EMP4(3) of the Mid Bedfordshire Adopted Local Plan 2005. The proposed uses of B1c, B2 and B8 are considered acceptable within the context of this policy and London Road as Employment Land. Furthermore, the scheme is in conformity with Policies CS1, CS9, CS10, CS17, DM2, DM3 and DM4 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Statement 4 (2009). It is therefore considered **acceptable** and that planning permission should be granted subject to conditions.

## **RECOMMENDATION**

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

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

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

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

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

- 3 Approval of the details of:-

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

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

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

- 4 **No development, pursuant to planning application number CB/09/07055/OUT shall commence unless and until the developer has submitted to and approved in writing by the Local Planning Authority design details relating to the required improvement to the A1. The scheme shall generally conform to the arrangements shown in outline on Mayer Brown drawings KVSANDY.1/SK25B. The scheme details shall include drawings and documents showing the following:**

1. **how the improvement interfaces with the existing highway alignment and carriageway markings including lane destinations;**
2. **full construction details relating to the highway improvement. This should include any modification to existing or proposed structures, with supporting analysis, full signing and lighting details where applicable;**
3. **confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards);**
4. **an independent Stage 2 Road Safety Audit (taking account of any**

Stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

**Reason: The Highways Agency must be satisfied with all the details of the proposed improvements to the A1 prior to the commencement of construction work.**

- 5 **Prior to the commencement of development hereby approved, a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded in writing by the Local Planning Authority;**
1. **A desk study identifying:**
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors;
    - potentially unacceptable risks arising from contamination at the site.
  2. **A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.**
  3. **The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.**
  4. **A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.**

**Any changes to these agreed elements require the consent of the Local Planning Authority.**

**Reason: To protect and prevent the pollution of controlled waters in accordance with Planning Policy Statement 23 (PPS23) and Environment Agency Groundwater Protection policies (GP3).**

- 6 **Details of surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority before any work on the site commences. The drainage works shall be constructed in accordance with the approved plans before any part of the development is brought into use.**

**Reason: To ensure that adequate surface water drainage is provided to prevent water pollution and flooding.**

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

in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.

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

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

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

- 9 **Prior to the commencement of development, a detailed scheme of noise attenuation measures for protecting neighbouring residential properties from noise from activities associated with the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before the premises are brought into use unless an alternative period for completion is agreed by the Local Planning Authority.**

**Reason: In order to prevent detriment to the amenity of and noise nuisance to the occupants of neighbouring residential properties.**

- 10 **On the occupation of any of the buildings hereby approved, the Travel Plan prepared by Mayer Brown dated November 2009 shall be implemented unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to ensure that car travel from the development is reduced in the interest of highway safety and to encourage the use of sustainable modes of transport.**

- 11 **If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**

**Reasons: To protect and prevent the pollution of controlled waters in accordance with PPS23 and Environment Agency GP3 policies.**

- 12 **No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.**

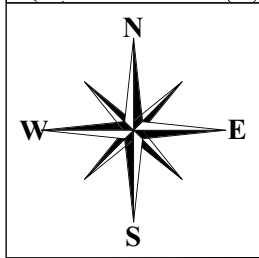
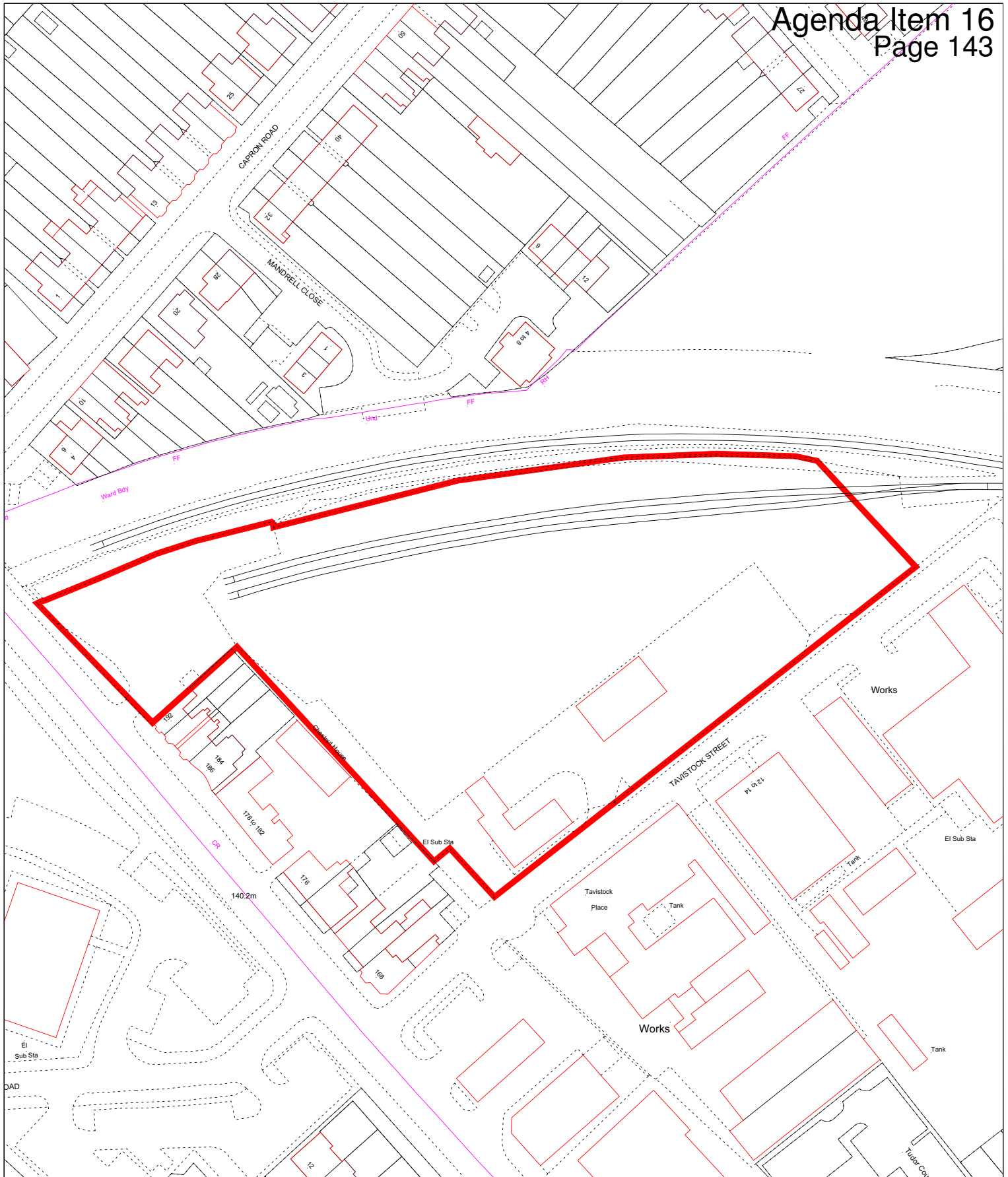
**Reasons: To prevent the pollution of controlled waters in accordance with PPS23 and our GP3 policies.**

**Notes to Applicant**

1. You are advised to note the comments of the Environment Agency as set out in the enclosed letter.
  
2. You are reminded that the consent of the Internal Drainage Board is also required for this development.

**DECISION**

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Date: 11:March:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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**Item No.**

**SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/09/06528/OUT</b>
<b>LOCATION</b>	<b>Land adjacent to 192 High Street North and north west of and adjoining Tavistock Street, Tavistock Street, Dunstable</b>
<b>PROPOSAL</b>	<b>Erection of 24 dwellings and up to 1700sqm of business and storage/distribution units (class B1 &amp; B8) (outline)</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Downs</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Paul Freeman &amp; Tony Green</b>
<b>CASE OFFICER</b>	<b>Gill Claxton</b>
<b>DATE REGISTERED</b>	<b>20 November 2009</b>
<b>EXPIRY DATE</b>	<b>19 February 2010</b>
<b>APPLICANT</b>	<b>Direct Pallets Limited</b>
<b>AGENT</b>	<b>Kirkby &amp; Diamond</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application represents a departure from the Development Plan</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Granted</b>

**Site Location:**

The irregular-shaped 0.98ha application site lies on the north eastern side of High Street North (A5). It has a frontage to High Street North of some 46 metres, then wraps around the rear of properties at No's 168 to 192 High Street North with a return frontage to Tavistock Street of approximately 174 metres. Tavistock Street along with Gilpin Street and Park Street, forms a one-way loop off the A5 serving both commercial and residential areas.

The site is generally flat and is currently in use for a number of commercial activities. Bee Hire (Van Hire) occupy land fronting High Street North. The hire vehicles are kept in an open yard with a number of portable buildings on the site. There is a direct vehicular access into this parcel of land from the A5. Direct Pallets, the applicant, occupy an area of land to the eastern half of the site. Their business comprises the storage, distribution and some light repair of pallets with buildings comprising wooden shelters and portakabins. Most of the Tavistock Street frontage is occupied by a concrete yard with flat roofed single storey commercial buildings (approximately 200m<sup>2</sup> in area) with lengths of palisade fencing delineating the highway frontage. This part of the site was formerly occupied by Sellwood plant hire but is now used for the sale and display of used cars with repairs and MOT facility for which planning permission was granted in September 2009 (CB/09/05172/FULL). Both parcels have their own access to Tavistock Street. A large portion of the interior of the site, 0.498 ha, is vacant and overgrown.

The former Dunstable to Luton railway was laid out along an embankment which forms the wooded northern boundary of the site. Sidings were laid out from points further east and these fanned out across the site to serve as a goods yard. Upon closure of the yard the site was divided for commercial reasons and parts used variously as oil depot, a base for van hire, storage of plant and storage of pallets. Recently British Railways Board Residuary (the company which holds redundant railway land) sold the site to the

applicant. Legal interest in the wooded northern embankment is in the process of being transferred from BRBR to Luton BC to be used in conjunction with the Guided Busway works (as a footway/cycleway link to the A5).

The western boundary abuts the rear of various commercial and residential properties facing High Street North, which are of varying ages and design and predominantly two storeys in height. There is also an electricity substation and compound on the Tavistock Street frontage to the rear of Nos 168 -170 High Street North. To the south, on the opposite side of Tavistock Street, lies an area of mixed industrial and employment development with a petrol filling station and Tesco Express store at the junction with High Street North. On the opposite side of the railway line is a predominantly residential area with a mix of flats and houses interspersed with commercial development and area of open space. The Council Offices are situated on the opposite side of High Street North.

### **The Application:**

The application seeks outline planning permission to develop the site for a mixed residential plus B1/B8 commercial scheme, with all matters being reserved for later approval. Up to 24 dwellings would be built together with up to 1700m<sup>2</sup> employment development.

The application is accompanied by the following documents:

- Design and Access Statement
- Employment Statement
- Protected species scoping and Phase One habitat survey
- Badger survey
- Tree survey
- Arboricultural implications statement and preliminary method statement
- Phase 1 desk study report (ground conditions)
- Acoustic assessment
- Sustainability appraisal
- Transport assessment.

The applicant has provided a block plan with combined parameters for both the residential and the commercial elements of the scheme to shape any future reserved matters submission along with an illustrative layout.

The parameter plan indicates that about 0.5ha of the site would be devoted to residential development, giving a density of 48 dwellings per hectare. The parameter plan shows residential buildings in the western portion of the site, abutting High Street North and to the rear and north east of Nos 168 to 192. The bulk of the residential development would be a mix of 2 and 2.5 storeys in height with a three-storey feature building at the north western corner of the site, abutting the railway embankment. It is proposed that the existing access onto High Street North would be closed. There would be a pedestrian/cycle access on this frontage. The main vehicle access to serve the residential development would be on Tavistock Street. The residential development would be arranged in blocks fronting the new access road, High Street North, the railway embankment with a small frontage to Tavistock Street. The access road from Tavistock Street would lead to a new area of public open space which would incorporate tree planting, street furniture, car and cycle parking with a potential pedestrian and cycle access to the planned footpath/cycle route along the embankment.

The remaining 0.48ha of the site would be used for commercial development. An element of B1 only development would be situated adjacent to the housing with a frontage to Tavistock Street, while the remaining B1/B8 development would be sited within the eastern part of the site. In order to ensure that there would not be the potential for noise issues to arise from the commercial element a solid build element would be erected through the centre of the site which could also screen the residential from the commercial. The parameter plan provides for a maximum range of heights for the commercial units culminating in a height of up to 7m for the solid element. Indicative vehicular access would be from Tavistock Street with two proposed and two potential access points, the precise position being determined during the detailed stage. The application does not envisage that there would be any inter connectivity between the proposed residential and employment areas.

An illustrative layout has been submitted which indicates the way in which the site could be developed. It shows a cul-de-sac of 18 houses and 6 flats with up to three service yards flanked by commercial units between 1500 and 1700 sq.m in floorspace with a number of frontage buildings to Tavistock Street. The Design and Access Statement states that there would be some flexibility in the parameter plan and this could include less commercial footprint if multiple storeys are used

It is proposed to incorporate a number of sustainability and energy efficiency measures in the design. A sustainable approach would be made to sourcing materials but recycling details would be drawn up at detailed stage.

In 2009 there were two separate applications for outline planning permission on discrete areas of the site which were withdrawn prior to determination. On the Bee Hire site a scheme for 8 dwellings was submitted (SB/OUT/09/00169) and on the remainder of the site for a mixed use development for up to 16 dwellings and up to 1500 sq.m of employment development (SB/OUT/09/00171). Following those withdrawals the applicant entered into discussions with officers about a comprehensive scheme for the two sites.

## **RELEVANT POLICIES:**

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

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPS4 - Planning for Sustainable Economic Growth
- PPS9 - Biodiversity and Geological Conservation
- PPS10 - Planning for Sustainable Waste Management
- PPG13 - Transport
- PPG16 - Archaeology and Planning
- PPG17 - Planning for Open Space, Sport & Recreation
- PPS22 - Renewable energy. Includes a companion guide
- PPS23 - Planning and Pollution Control
- PPG24 - Planning & Noise
- PPS25 - Development and Flood Risk

### **Regional Spatial Strategy**

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

- SS1 - Achieving Sustainable Development

SS5 - Priority Areas for Regeneration  
E1 - Job Growth  
H1 - Regional Housing Provision 2001 to 2021  
H2 - Affordable Housing  
T1 - Regional Transport Strategy Objectives and Outcomes  
T2 - Changing Travel Behaviour  
T4 - Urban Transport  
T5 - Inter Urban Public Transport  
ENV3 - Biodiversity and Earth Heritage  
ENV7 - Quality in the Built Environment  
WAT4 - Flood Risk Management  
WM6 - Waste Management in Development

### **Bedfordshire Structure Plan 2011**

Policy 25 - Infrastructure

### **South Bedfordshire Local Plan Review (2004) Policies**

SD1 - Sustainability Keynote Policy  
E1 - Main Employment Areas  
BE8 - Design Considerations  
T4 - Translink Project  
T10 Parking - New Development  
T11 - Contributions - Alt Parking  
H2 - Fall-In Sites  
H4 - Affordable Housing  
R10 - Play Area Standards  
R11 - New Urban Open Space

Dunstable to Luton disused railway County Wildlife Site adjacent to site.

### **Planning History**

#### **Direct Pallets site**

SB/TP/96/00391	Temporary permission for the continued use of the land as a pallet recycling centre.
SB/TP/96/00558	Refusal of planning permission for outline residential development. Subsequent appeal dismissed. Unacceptable loss of employment land, unsatisfactory living conditions for residents particularly from noise.
SB/TP/00/00233	Temporary permission for the continued use of the site for the storage of pallets and stationing of three portakabins.
SB/TP/01/00170	Temporary permission for retention of four security cameras and 4 pole-mounted floodlights.
SB/TP/04/00631	Permission for the continued use of the site for the storage of pallets and re-siting of portakabin.
SB/OUT/09/00171	Withdrawn application for outline permission for mixed use development of up to 16 dwellings, together with up to 1500sqm of employment development.

#### **Former Sellwood Plant Hire Yard**

SB/TP/02/00828	Permission for continued use for storage, maintenance and distribution of construction plant and machinery and workshop building.
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CB/09/05172/FULL Permission for change of use from storage and distribution to car sales, MOT, car wash and workshop.

**Bee Hire Yard**

SB/TP/90/00573 Permission for use of land for vehicle parking and hire business plus retention of portakabin.

SB/TP/99/00790 Permission for use of land for vehicle parking and hire business and retention of portakabin.

SB/TP/02/00784 Permission for erection of maintenance building.

SB/OUT/09/00169 Withdrawn application for outline permission for residential development of up to 8 units.

Pre-application discussions for proposed Heritage Railway Centre on this site and adjacent former railway land.

**Representations:  
(Parish & Neighbours)**

Dunstable Town  
Council

In principle, no objection to much of the scheme. However, objects to the aspect of the development that relates to the establishment of storage/distribution units due to the increase in heavy goods traffic that this will generate. This will bring extra pressures to the A5 and Tavistock Street. The council would be more inclined to support further small businesses or starter units. The Council also has concerns regarding the adequacy of the proposed parking for the residential and business units.

Palagan Ltd

Objection on the following grounds:

- The position of the residential access on Tavistock Street and the (separate) commercial access being opposite the main entrance into Palagan.
- Tavistock Street is narrow, one way with. It is the only access for Palagan production facility. Deliveries to Palagan are received on 45' trailers or tanker trucks which have difficulty accessing the site due to additional parking in Tavistock Street since the used car place opened.
- The scheme shows 24 parking spaces for 24 units. Residents and visitors may park on the street and deliveries would not reach Palagan. Ultimately this could put the company out of business.
- In excess of 30 people are employed by Palagan. While new housing is desirable this should not be at the expense of those employed nearby.
- If the building site access is pushed into Tavistock Street, this could also have implications for access to Palagan.
- Site may be contaminated due to past and present uses.

Occupier 33 Park Street Objection on the following grounds:

- Tavistock Street is one-way, although not all vehicle

users respect this. The one-way system takes vehicles down Park Street to High Street North.

- The scheme will increase the traffic in Park Street which already has a lot of passing vehicles. This will lead to increased potential for accidents and injuries or fatalities especially as cars take the corner too fast and lorries often have to mount the footpath when turning into Park Street.

**Consultations/Publicity responses:**

Environmental Health Officer	Requires conditions on contamination and requests informatives. For B8 units requests hours of operation limit condition to 0700 - 2300 Monday – Saturday, and no Sunday, Bank or Public Holiday working. Requests condition for internal noise standard for living and bedrooms in dwellings, which could include fixing certain windows closed.
Archaeologist	Requests condition requiring archaeological investigation.
Highways Agency	Requires conditions ensuring the closure of the access onto the A5, and travel plan.
Education officer	<p>Education contributions required of £140,141.76 toward nursery, lower, middle and upper school provision.</p> <p>Does not wish to agree a reduced contribution for education until such time as the Development Steering Group's work on the prioritisation of Section 106 Obligations between the Council's service areas is finished and agreement reached.</p>
Tree & Landscape Officer	<p>Concerned that a line of Field Maples on the A5 frontage would be removed. These trees are of a good shape and form and were planted as part of a planning condition when planning permission was granted for Bee Hire. They would soften any development and contribute to the greening of the street scene.</p> <p>Root Protection Zones identified on the Tree Protection Plan has not been adequately justified. The root spread of trees in the rear of properties fronting High Street North have been restricted by the close position of existing buildings and hardstanding and the area most conducive to root development is almost certainly within the application site. Therefore the position of protective fencing should extend further out into the application site.</p> <p>Shading constraint of some trees has not been fully assessed. This constraint should be measured and incorporated into the final design plan.</p>

Wildlife Trust	<p>The Dunstable to Luton Disused Railway County Wildlife Site (CWS) lies next to the site. It is an important habitat corridor which contains a mosaic of species rich calcareous grassland, neutral grassland and scrub habitats. Careful consideration should be given to the design of the site and a condition should be imposed which requires the submission and implementation of a scheme to protect the CWS particularly during construction.</p> <p>The proposal suggests creating a footpath along this corridor and the Phase 1 Habitat and Protected Species Scoping Survey states that the CWS has the potential to be affected by the development. The CWS north of the site is part of the biodiversity mitigation plans for the Busway. It is important the condition of the CWS does not deteriorate as a result of the development. To ensure that this does not occur careful consideration should be given to the design of the site, suitability of the footpath and a planning condition should be imposed to ensure that a plan is written and implemented to protect the CWS especially during the construction phase.</p>
Waste strategy, policy and performance	<p>Section 106 contributions are required toward household waste and recycling collection. Detailed application should show vehicle tracking using the Council's refuse vehicle specifications; access and storage for waste containers. A condition requiring the submission of a Waste Management Plan is recommended.</p> <p>Based on the viability argument put forward by the applicant, would be prepared to accept a reduced financial contribution figure based on the proportional distribution of the total sum available for financial contribution.</p>
Anglian Water	Recommend informatives.
Rights of Way	<p>No public rights of way likely to be affected by the development.</p> <p>Comments on who would be responsible for maintaining the pedestrian/cycle route.</p>
Environment Agency	Permission should only be granted if conditions requiring contamination investigation and remediation are imposed.
Luton BC (Asst Project Mgr - Busway)	The former railway land to the north forms part of the Busway project and is deemed as exchange land for public open space and would also be used to form a footway link to the A5. This land is still in the ownership of the British Railways Board Residuary but change of title and transfer to Luton Borough Council as part of the

Busway project is imminent. There would be no objection to the creation of a pedestrian/cycleway link from the application site to this land provided access by motorcycles is prohibited. Would seek financial contribution toward the Busway.

Beds Police  
Architectural Liaison  
Officer

Objects to the application:

- the layout shows high levels of permeability and the potential impact of this on crime and perceived disorder. The layout includes two pedestrian links in addition to the primary vehicular entrance/exit which offer negligible benefit to potential residents but increases the crime risk disproportionately.
- The disused railway would be problematic in relation to anti-social behaviour and any link between it and residents can reasonably be expected to adversely impact on residents.
- The Design and Access Statement quotes selectively from national Secure by Design Guidance.
- Application is poor from a community safety perspective and, if approved, would increase victimisation levels amongst prospective residents.
- There are no crime prevention measures in respect of the proposed business development.

Leisure Services,  
Recreation and Open  
Space

- The development should meet the Local Plan requirements in terms of the provision of adequate on-site Formal and Informal Open Space together with the provision of the appropriate number, size, age group and quality for Children's Play Areas. On-site provision of a play area is required for developments in excess of 10 dwellings.
- If the required level of Open Space and Play Space is not provided with the development, a contribution to the provision / improvement of open space and play facilities locally should be sought.
- A development of 24 dwellings should provide 1,490sqm of on-site Formal Open Space i.e. playing pitches at the LP standard of 2.57ha/1000 pop. (using an average occupancy of 2.4 occupants per dwelling, 58 occupants).
- As no on-site Formal Open Space is provided, an off-site contribution should be sought in lieu of on-site provision.
- A development of 24 dwellings should provide 539sqm of on-site Informal Open Space at the LP standard of 0.93ha/1000 pop. (using an average occupancy of 2.4 occupants per dwelling).
- This space should both a children's play area (see below) and useable and pleasant informal space to serve the residents.
- SBDC Local Plan Policy R10 requires the



provision of play areas on new residential developments at the following ratio: 20-49 Houses to provide 340sqm of play area space.

- The play area should be accommodated on-site, however, if at detail stage it cannot be provided on-site, an off-site contribution in lieu of on-site provision should be sought toward the creation of new, or the improvement of existing play space locally.
- Require contribution for off-site informal open space of £25, 711.
- Require contribution for off-site formal open space at £367.41 per person (based on 2.4 person per dwelling, 58 occupants) £21,309.78.
- Based on the viability argument put forward by the applicant would be prepared to accept a reduced figure, based upon the proportional distribution of the total sum available for financial contributions.

Housing Strategy Officer

- PPS3 has been established as sufficient to support Local Authorities seeking affordable housing on sites of 15 dwellings or more. In this case, a total policy provision would be 8 affordable dwellings, 6 for social rent and 2 for intermediate tenures.
- The applicant originally made no firm proposals in terms of affordable housing. Specifically, Page 5 of the 'Planning Application Supporting Statement' states:  
"Our clients have instructed us to indicate to you that they are prepared to consider requirements for a reasonable level of contributions, including affordable housing."
- We would expect these discussions to have happened, along with other services which seek planning contributions, before an application is submitted. It is difficult to comment without a clear proposal.
- This application does however seek to make a case regarding the site's economic viability, and that a full suite of contributions to all services, including affordable housing, would not be viable. This has been demonstrated now.
- Although 6 social rented houses were originally sought, would accept 4 in order to meet priority need having regard to the viability of the scheme.

Highway Engineer

Overall no objection to the application:

- To achieve the modal split envisaged in the Transport Assessment there will have to be more emphasis on public transport and for this there should be facilities for real-time information not only at the bus stops but within the residential and

commercial properties. This should be put into the section 106 agreement. The Section 106 agreement should include the following:-

Contributions of £1400 per dwelling and £1,000 per 100Sq.m of commercial development which would be put towards public transport infrastructure improvements and in particular the introduction of real time information at bus stops; a contribution to the Luton-Dunstable Busway plus cycling facilities.

- Separate contribution/provision should be secured for real-time bus information in the buildings.
- Raises concerns about the amount of parking provision. The Transport Assessment is not comprehensive about parking provision for the residential element. Further, with the information available, unable to determine if the appropriate parking provision could be achieved within the limits and at the density proposed. The applicant should also be made aware that there is a new Highway Development Design guide which will have to be complied with at the detailed stage and within this guide is a standard for car parking. The application does not show the level of parking for the commercial development and a level of parking should be sought in the region of 50 spaces. The residential situation could be dealt with by securing a residential parking scheme, if required, as part of the Section 106 Agreement.
- Suggests conditions for pedestrian and vehicular visibility splays for the Tavistock Street access(s)

Joint Technical Unit

Comments as follows:

- The housing element would not fully conform with Local Plan Policy E1 in that employment land would be taken. The benefits of the development must justify this loss.
- The 2008 Employment Land Study classified this site as 'green' whereby, having regard to occupancy level, sustainable location and especially redevelopment potential, it offered potential to meet employment needs of the area and should be safeguarded. The emerging Core Strategy supports this approach and, using a sequential basis, the first preference would be for complete 'B class' redevelopment.
- On the other hand, the site is small and offers only a limited contribution to employment opportunities and the proposal would improve the quality and appearance of the offer, even if at the cost of a housing element for viability. The proposal could be supported in policy terms but only if the employment part were developed. To this end a

condition should be attached which the employment part is developed in advance of, or alongside, the housing element. Full regard should also be had to the compatibility of the residential element with a full range of employment uses.

### **Determining issues:**

The main considerations in the determination of the application are:

1. Principle of development and impact on employment land availability
2. Form of development and visual impact on the character and appearance of the area and residential amenity
3. Highway access and sustainability of location
4. Impact from other local uses on residential element
5. Bio-diversity value of the site and impact on adjacent County Wildlife Site
6. Provision of Affordable Housing, provision of infrastructure contributions and viability
7. Other matters

### **Considerations**

#### **1. Principle of development and impact on employment land availability**

The majority of the site (excluding the van hire yard), together with the commercial area south of Tavistock Street, is designated in the South Bedfordshire Local Plan Review as a 'Main Employment Area' where Policy E1 states that permission will not be granted for uses other than B1, B2 or B8 uses. About half of the site is envisaged for employment uses and the applicant has made a case for the mixed residential/commercial development proposed. This is focused on the view that:

- The Halcrow review has concluded that the Joint Area will need to increase its employment land supply to meet Regional Spatial Strategy targets;
- Demand requirements are likely to be focussed toward B1 and B8 uses;
- The nature of demand among these uses would be likely to be dominated by the needs of small to medium sized businesses. There is also a strategic need to foster an entrepreneurial culture and start-up businesses in order to meet employment growth targets.
- Historically the quality of the employment offering in this location has been poor and the area has tended to attract occupiers trading in lower value products and services. Rental values have reflected this. The area is not attractive for speculative commercial development. The rental income from current occupiers is unreliable and does not provide a sound financial basis for further investment in improved facilities.
- Approximately 50% of the site has remained vacant in excess of 20 years.
- With rental values and yields at current levels, new employment development in the Tavistock Street area will remain unviable unless it is part funded by enabling development in the form of housing.
- The scheme would result in an improved employment offering, with higher quality development and increasing the current permanent built development from 194 sq.m by at least 1300 sq.m (675%).

- This scheme would deliver the type of employment development to which the Council aspires.
- The residential element would not prejudice delivery of employment and improvements to the quality of employment unit stock.
- The Joint Technical Unit has previously raised no objection to the principle of the development proposal subject to mechanisms being in place to ensure delivery of the employment element of the scheme.
- The applicant agrees that there shall be no occupancy of any of the dwellings until such time as not less than 50% of the employment development has been completed and is prepared to accept and condition/clause in a Section 106 Agreement in this regard with a phasing plan.

The Joint Technical Unit generally concurs with the applicant that this application offers a good possibility of delivery of quality employment space in this location, even if at the cost of part residential. The Unit do not object to the application provided the employment space is delivered no later than concurrently with the residential and that due regard is had to the practical relationship of the two elements. Therefore it is considered that the development is acceptable in principle.

Aside from the employment land designation issue, the site is reasonably described as previously developed land (although not strictly meeting the definition in PPS3) and using the Local Plan's Development Strategy sequential table it falls within the first category of development. It is, therefore, suitable for development and, being located in a mixed employment/residential area within good reach of sustainable transport choices, the proposed development would be acceptable subject to site-specific details. These will be considered below.

## **2. Form of development and visual impact on the character and appearance of the area and residential amenity**

The site presently makes no positive contribution to the character of the area and redevelopment would offer a good opportunity to make a significant difference. The means of vehicular access being to and from Tavistock Street should not reduce this potential, even if from several points, subject to detailing. The specified height parameters should also give sufficient flexibility having regard to the constraints of perimeter trees, the CWS on the railway embankment and surrounding development fronting High Street North.

The indicative layout does show frontage development to Tavistock Street and we consider that this should be carried forward into the detailed scheme. This would avoid a repeat of the present lengths of palisade fencing along this frontage which do not contribute positively to the streetscape.

The residential development in the indicative layout seeks to address the frontages to High Street North, the railway embankment and to a lesser extent Tavistock Street and creates an internal street scene with a focal point around the public space.

Although the Tree and Landscape Officer is concerned about the loss of Field Maple on the High Street North frontage, these trees were planted to offer screening of the vehicle hire business. In urban design terms it would be preferable to have this frontage enclosed by built development and both the

combined parameters plan and indicative layout show buildings here, including a feature building adjacent to the railway embankment land.

The railway embankment is also designated in the Local Plan as a part of the Luton Dunstable Busway with an access point to the A5. It is now proposed that this tract of the route become a landscaped cycle/footway, offering potential for links to the site but presenting no material constraint on development of the site.

There would be no on-site provision for informal or formal open space and a financial contribution toward off-site provision is recommended.

There is existing residential development along the High Street North frontage, particularly above ground floor level. This would be closest to the residential element of the proposals but there is sufficient space within the site to design a scheme that would ensure that there would be no adverse impact on residential amenity in terms of overbearing effect, overlooking, loss of sunlight or daylight.

### **3. Highways, access and sustainability of location**

This application proposes access from Tavistock Street with the closure of the existing Bee Hire access on the A5. The Highway Engineer is satisfied with the scheme in terms of traffic generation onto Tavistock Street, Gilpin Street and Park Street. It is recommended that financial contributions be paid toward sustainable means of transport and real time bus information.

The Highway Engineer raises some concerns about the level of car parking provision. However, the site is in a sustainable location with regard to proximity to bus services along High Street North and is close to the National Cycle Network. There is also a reasonable sub-network of cycle routes locally and a connection to the proposed path along the embankment would open up cycle and pedestrian links as well as making the Portland Ride Busway stop within a few hundred metres. Policy T10 of the South Bedfordshire Local Plan Review provides for a reduction in car parking standards in areas of high accessibility such as this to a rate no higher than 1 space per dwelling and visitor parking at 1 space per 6 dwellings.

However the Highway Engineer states that the new residential car parking research document recognises that certain types of dwelling generate a particular degree of parking demand. In urban areas this is 1.2 vehicles per dwelling. If car parking spaces are to be allocated this would translate to 2.3 spaces per dwelling. The layout submitted with the application is for illustrative purposes only. The final car parking arrangements will be dealt with at the detailed stage. If on-site provision does not meet the demand he advises that it has to be managed in another way. That would be through the use of residential parking schemes, which can be sought through the Section 106 Agreement. He recommends that provision is made in the Section 106 Agreement for this if it should be required.

### **4. Impact from other local uses on residential element**

A previous appeal in the mid-1990s was dismissed because the Inspector concluded that living conditions for occupiers of new properties would not be acceptable, especially at night, because of noise from local industrial premises. His analysis noted the hours which adjacent industrial premises operated, which included nights, and accepted the evidence of the Council at that time against

the claim that conditions could be imposed. The Noise Assessment accompanying this application identifies traffic on High Street North and existing industrial units as the main source of noise to the site (in the event of existing on-site uses ceasing). It concludes that the site falls within Class B which requires that noise be taken into account, and that industrial noise is not a significant factor. The Environmental Health Officer raises no objection to the scheme and advises that the acoustic performance of buildings, limitations on delivery times and external plant should be conditioned. On the basis of his advice we are satisfied that any issues relating to noise can be adequately covered by condition.

**5. Bio-diversity value of the site and impact on adjacent County Wildlife Site**

The railway embankment to the north of the site is also indicated in the Local Plan as a County Wildlife Site (CWS). Following a scoping and phase 1 survey it was recommended that badger and reptile surveys were carried out. These found no reason to constrain the proposed development, although habitat modification prior to development should discourage reptiles from occupying the site. It also considered there to be suitable bat foraging areas (but not roosting) on the site. No other protected species or species of biological importance have been recorded on the site and it is of limited ecological importance. The Phase 1 study considered that development would produce no impacts on the CWS. We agree with the Wildlife Trust that a condition should be imposed for a scheme to handle the relationship between the site and the CWS, particularly during construction.

The tree survey indicates that the trees worthy of retention are at the rear of the High Street North properties or on the embankment. However, a group of birch nearer the middle of the site has potential and their retention is stated to be desirable. Apart from the latter, the other good trees would mainly affect the edge of the site where there is flexibility over development edges. However, further refinement is needed in relation to the root-protection zones of some of the trees as identified by the Tree and Landscape Officer and this can be regulated by condition.

As a result of the consultation responses, it is considered that there are no significant biodiversity factors that prevent redevelopment of the site in the manner proposed and details could be produced which accommodate those interests.

**6. Provision of Affordable Housing, provision of infrastructure contributions and site viability**

The Housing Strategy Officer confirms that affordable housing would be required on this site in line with guidance in PPS3 which seeks provision on developments of 15 or more dwellings. This supersedes the retained South Bedfordshire Local Plan policy H4 which would have required affordable housing provision on sites of 25 dwellings or more. Where affordable housing is required the Housing Needs Strategy requires that 35% of the units are affordable. In this case that would equate to eight units: 6 family houses for social rent and two flats of intermediate tenure. The Housing Strategy Officer has confirmed that the priority need is the 6 social rented houses. He is prepared to forego the two flats in order to apply some flexibility and in recognition of the applicant's pre-application negotiations with planning officers which sought to combine the sites of the two previous outline applications (SB/OUT/09/00169 and

SB/OUT/09/00171) to secure a comprehensive development. Had the scheme remained as two proposals, the Bee Hire site would not have generated an affordable housing requirement.

When the current application was submitted the applicant used the Homes and Community Agency (HCA) Economic Appraisal Tool to assess the viability of the scheme. The likely contributions for things such as highways/sustainable transport, education and off-site open space were estimated based on those requested in the previously withdrawn outline applications. There was no stated provision for affordable housing although the applicant indicated a willingness to provide some, but not necessarily the full policy requirement, on site or pay a financial contribution toward off-site provision. The Housing Strategy Officer has confirmed that on-site provision is required and that the Council would not be seeking financial contributions toward off-site provision.

The application was registered before the Planning Obligation Supplementary Planning Document for Southern Bedfordshire became effective on 05 January 2010 and the SPD is not, therefore, applicable to this application. Requests for financial contributions from education, highways/sustainable transport, open space and refuse and recycling based on the pre-SPD situation have now been received. The applicant has run the HCA viability model again with the affordable housing requirement and the contribution figures: 6 affordable housing units for social rent and a total contributions sum of approximately £265,000. We are satisfied that the applicant has demonstrated that this scheme is not viable with the full affordable housing requirement and financial contributions regime, in the current economic climate.

The applicant has also run the HCA model a further time in order to demonstrate what level of affordable housing provision and financial contributions can be offered that would produce a viable scheme. The result of that exercise shows that four affordable housing units and a total contributions sum of £195,150 can be offered. The Housing Strategy Officer has indicated that he will accept four units for social rent rather than the six he was originally seeking.

In the current economic climate it is considered that the viability of the scheme is a material consideration in the determination of the planning application in order to ensure development is carried out in a timely fashion. The applicant's viability assessment and proposed affordable housing and financial contributions offer are considered acceptable, having regard to the particular circumstances of the case in relation to the enabling effect of the housing element to deliver the employment generating uses. In order to determine the way in which the financial contributions sum is distributed it is suggested that, as none of the relevant consultees have a specific need or project that should take priority, they each receive a percentage amount equal to that which their originally requested sum represented of the total requirement. The Open Space, Household Waste and Recycling and Highways Officers have confirmed that they would accept this reasoned approach and the reduced financial offer.

Under the subdivision mechanism suggested above, Education would still received the greater share of the reduced sum available. However, the Education Officer is not prepared to accept this argument and the reduced figure at the present time pending wider consideration by the Council of the prioritisation of Section 106 contributions between service areas in the current

economic climate. It is not considered that the determination of the application can be delayed for a number of reasons: it is important that development schemes are implemented in timely fashion in order to help stimulate the local economy and the residential element of the scheme would deliver housing, including affordable housing of priority need and would ensure that the commercial units are brought forward. The scheme is otherwise acceptable and it is not considered that it would be appropriate to recommend the refusal of planning permission on the grounds that the scheme is not delivering the full amount of financial contributions, having regard to relatively small number of dwelling units being proposed and the particular circumstances of the case.

## **7. Other matters**

The concerns of the Police Architectural Liaison Officer are noted. However, the application is in outline form with all matters reserved for future consideration. The submitted layout is illustrative only. However, it would not be possible to eliminate all permeability from the residential layout as it is important that the site provides access to the footpath/cycleway on the former railway embankment. The layout can be designed so that the dwellings provide frontage development and therefore surveillance to roads and footpaths. Secure by Design measures can be dealt with at the detailed stage.

Matters in respect of archaeology, potential site contamination and remediation, submission of a Site Waste Management Plan can be regulated by condition.

Measures to ensure that the development achieves an appropriate level of sustainability in terms of the built development would be addressed at the detailed stage.

## **Reasons for Granting**

The development is in accordance with regional and national guidance and would not prejudice the objectives of Policy E1 of the South Bedfordshire Local Plan Review in terms of the delivery of employment-generating development. The residential element would act as enabling development for the commercial aspects of the scheme. The application would secure visual improvements to the character and appearance of the locality, would have no adverse impact on residential amenity, highway safety or biodiversity interests. The amount of affordable housing and financial contributions is considered acceptable having regard to the viability considerations demonstrated by the applicant in this particular case.

## **RECOMMENDATION:**

That Planning Permission be granted subject to the completion of a legal agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to ensure provision of the affordable housing, delivery of not less than 50% of the commercial units before occupation of any of the dwellings; financial contributions to education, off-site open space, highways/sustainable transport measures including the Luton-Dunstable Busway and Real Time Bus Information; household waste and recycling collection and the payment to make Traffic Regulation Orders for a residential parking scheme, if required and the following:

- 1 Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**



- access
- appearance
- landscaping
- layout; and
- scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with Article 3(4).

**REASON: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).**

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.  
**REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 3 **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 buildings.**  
**(Policy BE8, S.B.L.P.R).**
- 4 **Before development begins, a scheme for screen fencing and/or screen walling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**  
**REASON: To safeguard the amenity of the area.**  
**(Policy BE8, S.B.L.P.R).**
- 5 Commercial vehicles, including fork-lift trucks, shall only be started up, manoeuvred, operated, loaded or unloaded between 07:00 hours and 23:00 hours Monday to Saturday and at no time on Sundays, Bank or Public Holidays without the prior agreement in writing of the Local Planning Authority.  
**REASON: To safeguard the amenities of the area.**  
**(Policy BE8, S.B.L.P.R).**
- 6 For the residential part of the development, to protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all rooms, internal corridors and staircases as is necessary to achieve as a minimum standard an internal noise level for bedrooms of 30dB(A)eq, 8hour (23:00-07:00) and for living rooms of 40dB(A)eq, 16hour (07:00-23:00).  
**REASON: To protect occupants from externally generated traffic noise.**  
**(Policy BE8, S.B.L.P.R).**
- 7 **Prior to the commencement of development for any phase approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the**

following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority for that phase:

1. A preliminary risk assessment which has identified:
  - all previous uses.
  - potential contaminants associated with those uses.
  - a conceptual model of the site indicating sources, pathways and receptors.
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**REASON:** To protect groundwater. The report submitted with the application entitled "Phase 1 Desk Study Report - Land at Tavistock Street, Dunstable, Bedfordshire (Ref: JER3933 vers. 0, December 2007) recommends a site investigation. There have been historic as well as recent contaminative uses and the Chalk aquifer is a sensitive receptor. The desktop study submitted does not fully cover the information requirements and any future submission should be updated and a more detailed conceptual model developed. The potential risks from the proposed development, for example: drainage, services or contaminative uses should be considered.

- 8 Prior to the use of any phase, a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

**REASON:** To protect groundwater. There have been historic as well as

recent contaminative uses and the Chalk aquifer is a sensitive receptor and the planning application indicates that this development may be carried out in a phased manner.

- 9 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.  
REASON: To protect groundwater. There have been historic as well as recent contaminative uses and the Chalk aquifer is a sensitive receptor.
- 10 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.  
REASON: To protect groundwater. There have been historic as well as recent contaminative uses and the Chalk aquifer is a sensitive receptor. Contamination found in the soils is likely to prohibit the use of drainage using infiltration to ground.
- 11 If, during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.  
REASON: The nature of soil and groundwater contaminating is such that even where comprehensive site investigation is undertaken on site, some unsuspected contamination may exist between sample locations. This condition allows a reactive mechanism for the control of the way in which such contamination is treated, should it be discovered.
- 12 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.  
REASON: To protect groundwater. There have been historic as well as recent contaminative uses on site and the Chalk aquifer is a sensitive receptor. At this stage the design of the foundations is not known and should contamination be found in the soils, this needs to be considered in the foundation proposals.
- 13 **Notwithstanding the information submitted with the application, before development commences a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The purpose of the protective fencing shall safeguard a sufficient area of rooting medium that will sustain the health of the trees known as the Root Protection Area. The fencing shall be erected before development**

commences and shall remain in place throughout the whole construction process. All operations potentially damaging to the trees shall be excluded from the area thus fenced (the Construction Exclusion Zone) including excavation, changes to levels, temporary access, vehicle parking, vehicle movement, fires and storage, disposal or mixing of materials and chemicals.

**REASON:** To protect important trees within and on the boundary of the site.

**(Policy BE8, S.B.L.P.R).**

- 14 Before development commences details of the footpath/cycleway link to the Dunstable-Luton Disused Railway County Wildlife Site 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 safeguard the amenity of the area.

- 15 Before development commences details shall be submitted to and approved in writing by the Local Planning Authority to safeguard the adjacent Dunstable-Luton Disused Railway County Wildlife Site during the construction of the development and thereafter. The development shall be carried out in accordance with the approved details.

**REASON:** To safeguard the amenity of the area.

- 16 Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

**REASON:** To ensure a satisfactory standard of landscaping.

**(Policy BE8, S.B.L.P.R).**

- 17 No development shall commence unless and until full design details relating to the permanent closure of the access onto the A5 have been submitted to and approved in writing by the Local Planning Authority.

**REASON:** To safeguard the safe operation of the A5 trunk road.

- 18 No part of the development shall be brought into use unless and until the highway access off the A5 has been permanently closed to the satisfaction of the Local Planning Authority, in accordance with the details to be agreed in connection with Condition 17 above.

**REASON:** To safeguard the safe operation of the A5 trunk road.

- 19 Before any part of the development is first brought into use Travel Plans for residential and commercial uses shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plans shall be implemented in full within 6 months of any of the buildings being occupied. Thereafter, the Travel Plans shall be monitored and reviewed annually, with a written report to be submitted to and agreed in writing by the Local Planning Authority which updates the plan and monitors the progress in

meeting the agreed targets for reducing car journeys

REASON: In the interests of highway safety, to reduce traffic impact on the A5 and the local highway network and to promote the use of sustainable modes of transport.

- 20 **Development shall not begin until details of the junction(s) between the proposed development and the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction(s) have been constructed in accordance with the approved details.**

**REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed junction(s).**

- 21 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a refuse vehicle turning area within the residential element of the development.

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

- 22 **Before development begins a scheme for the secure parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before any part the development is first occupied or brought into use and thereafter retained for this purpose, unless otherwise agreed in writing with the Local Planning Authority.**

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

- 23 **Before the development is first occupied or brought into use, details of the vehicle parking spaces, servicing, loading and unloading areas shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be completed prior to the occupation of the development and thereafter retained for these purposes.**

**REASON: To ensure provision for car parking and servicing clear of the highway.**

**(Policy T10, S.B.L.P.R).**

- 24 **Before development begins, details of the existing and proposed ground levels and finished floor levels of the building shall be submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.**

**REASON: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.**

**(Policy BE8, S.B.L.P.R).**

- 25 **Before development begins, a Waste Audit and Waste Management Plan which shows how opportunities for the reduction, recycling and re-use of waste during construction and occupation of the development will be taken account of shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out and completed in accordance with the approved details.**

**REASON: In the interests of sustainable waste management.**

(Policies W5 and W6 Bedfordshire & Luton Waste Local Plan).

- 26 **Before development commences details for the external lighting of the buildings and grounds shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out, completed and retained in accordance with the approved details before the occupation of the development.**  
**REASON: In the interests of amenity and highway safety.**  
**(Policy BE8, S.B.L.P.R).**
- 27 **No development shall take place within the site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.**  
**REASON: To ensure that remains of archaeological importance likely to be disturbed in the course of the development are adequately recorded.**
- 28 This permission relates only to the details shown on the Site Location Plan received 20/11/09 and Combined Parameters Plan (JMA3008) received 19/11/09 or to any subsequent appropriately endorsed revised plan.  
REASON: To identify the approved plans and to avoid doubt.

### **Notes to Applicant**

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

#### **Regional Spatial Strategy**

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

SS1 - Achieving Sustainable Development

SS5 - Priority Areas for Regeneration

E1 - Job Growth

H1 - Regional Housing Provision 2001 to 2021

H2 - Affordable Housing

T1 - Regional Transport Strategy Objectives and Outcomes

T2 - Changing Travel Behaviour

T4 - Urban Transport

T5 - Inter Urban Public Transport

ENV3 - Biodiversity and Earth Heritage

ENV7 - Quality in the Built Environment

WAT4 - Flood Risk Management

WM6 - Waste Management in Development

**Bedfordshire Structure Plan 2011**

Policy 25 - Infrastructure

**South Bedfordshire Local Plan Review (2004) Policies**

SD1 - Sustainability Keynote Policy

E1 - Main Employment Areas

BE8 - Design Considerations

T4 - Translink Project

T10 - Parking - New Development

T11- Contributions - Making Provision for Alternatives to Parking

H2 - Fall-In Sites

H4 - Affordable Housing

R10 - Play Area Standards

R11 - New Urban Open Space

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/developers attention is drawn to the attached letter from Anglian Water Services Ltd.
5. In connection with Condition 13 above, it is noted that the Tree Protection Plan submitted with the application indicates a position of protective fencing for Trees T21, T31, T37, T38 and T40 that is less than the radius of the given Root Protection Area (RPA) for each respective tree. Although it is accepted that BS5837 allows the change of shape of the RPA to be undertaken provided that the total RPA area remains unchanged, it is not clear in the reports on how this has been justified, especially in recognition that the root spread of trees in the rear of properties along High Street North have been restricted by the close position of existing buildings and hardstanding. In these cases. it is estimated that the area most conducive to root development is almost certainly within the application site, and therefore the position of the fence should probably extend further out rather than be reduced. For other cases, it should be demonstrated (graphically) that the integrity of the RPA for each tree has been provided, even though there may be no requirement for all-round fencing. In addition it appears that the shading constraint of Trees T21, T37 and T38 have not been fully assessed and that this above ground constraint should be measured (Ref. Section 5.3 of BS 5837 : 2005) and incorporated into the final design plan.

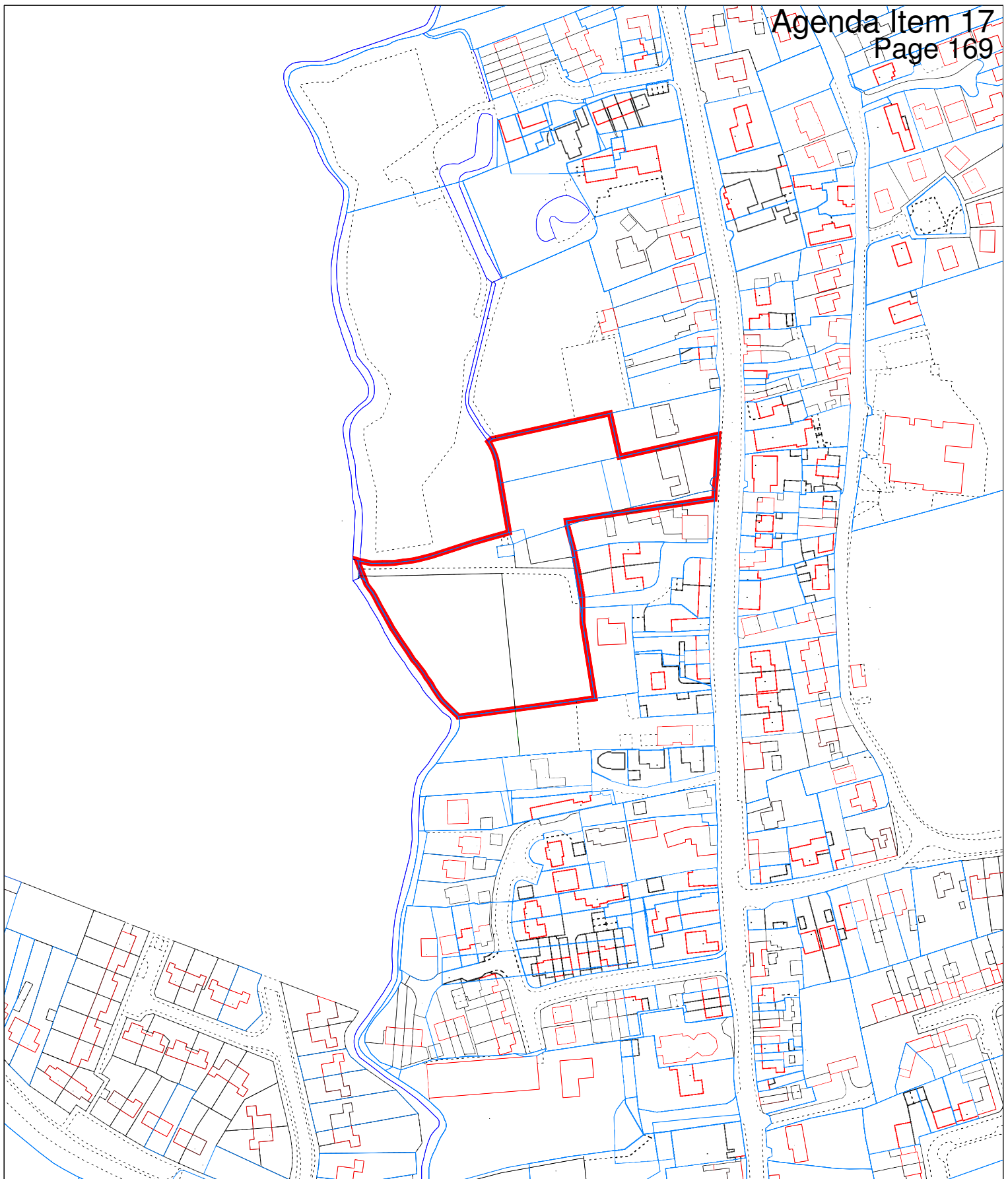
**DECISION**

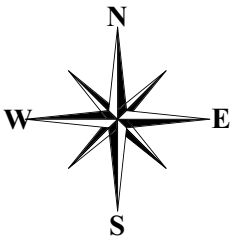
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	Date: 12:March:2010 Map Sheet No	
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<b>Item No. 17</b>
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<b>APPLICATION NUMBER</b>	<b>CB/09/06626/FULL</b>
<b>LOCATION</b>	<b>Land Rear Of Town Farm Court And 53, High Street, Henlow</b>
<b>PROPOSAL</b>	<b>Full: Residential development of 29 dwellings consisting of affordable rental: 3x 1 bed apartment, 1x 2 bed house, 2 x 3 bed houses. Affordable shared ownership: 2x 1 bed apartments, 1 x 2 bed house, 1x 3 bed house. Private Sale: 2x 2 bed houses, 4x 3 bed houses, 4x 4 bed houses, 9x 5 bed houses. (Revised description)</b>
<b>PARISH</b>	<b>Henlow</b>
<b>WARD</b>	<b>Langford and Henlow</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Clarke &amp; Cllr Rogers</b>
<b>CASE OFFICER</b>	<b>Godwin Eweka</b>
<b>DATE REGISTERED</b>	<b>16 December 2009</b>
<b>EXPIRY DATE</b>	<b>17 March 2010</b>
<b>APPLICANT</b>	<b>Town Farm Homes Ltd</b>
<b>AGENT</b>	<b>RMA Architects LLP</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Ward Councillor request – Cllr Rogers due to local concerns</b>
 <b>RECOMMENDED DECISION</b>	 <b>Full Application - Granted</b>

**Site Location:**

The site to which this development relates, measures 0.9983 hectares and lies to the west of Numbers 1-3 Town Farm Court and 51-55 High Street, Henlow and incorporates part of the rear gardens of Numbers 53 and 55 High Street. The eastern boundary backs onto five existing residential properties and their rear gardens and this boundary is defined by fencing and brick walls. The southern boundary is dominated by private rear gardens and some Silver-Birch trees. The application site is irregular in shape.

The proposed site is adjacent to a watercourse to the west. The part of the development site that lies to the west is an exclusion zone due to its proximity to Henlow Brook. Further to the west beyond the Brook, is an open pasture/arable land. The watercourse is part of the Bedfordshire and River Ivel Internal Drainage Board's jurisdiction, which is approximately 5 metres wide. The site mainly lies within Flood Zone 3 on the Environment Agency Indicative Flood Risk Map. The eastern part of the site towards the high Street, lies in Flood Zone 1.

The proposed development site has now been wholly incorporated within the Settlement Envelope. In particular, the part that included the rear gardens of Numbers 53 and 55 High Street, Henlow have now been incorporated fully within the Settlement Envelope, following the Planning Inspector's decision in September

2009.

To the north of Number 53 High Street, is the Village War Memorial and to the south, is number 51 Town Farmhouse, a Georgian period property, which lie behind a dwarf wall on the High Street frontage.

With the exception of Number 53 High Street, which lies within the Conservation Area, the remainder of the proposed development site adjoins the Conservation Area. However, Number 53 High Street, is due to be demolished to pave the way partly for the new vehicular access into the site from the High Street, together with some new residential dwellings, which would form part of the 29 dwellings proposed for the site.

### **The Application:**

Residential development of 29 dwellings consisting of affordable rental: 3 x 1 bed apartments, 1 x 2 bed house, 2 x 3 bed houses. Affordable shared ownership: 2x 1 bed apartments, 1 x 2 bed house, 1 x 3 bed house. Private Sale: 2 x 2 bed houses, 4x 3 bed houses, 4 x 4 bed houses, 9 x 5 bed houses. (Revised description).

**The above description is further simplified in their various categories of housing provision below:**

- **Affordable Rental:** 3 x 1- Bed Apartment; 1 x 2-bed house and 2 x 3-bed houses.
- **Affordable Shared Ownership:** 2 x 1-bed Apartment; 1 x 2-bed houses and 1 x 3-bed houses.
- **Private Sale:** 2 x 2-bed houses; 4 x 3-bed houses; 4 x 4-bed houses and 9 x 5-bed houses.

This proposal has been advertised in the local press.

### **RELEVANT POLICIES:**

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

PPS1 (Delivering Sustainable Development)  
PPS3 (Housing)  
PPS9 ( Biodiversity and Geological Conservation)  
PPG15( Planning and The Historic Environment)  
PPG16 ( Archaeology and Planning)  
PPS22 (Renewable Energy)  
PPG25 (Development and Flood Risk)

#### **Regional Spatial Strategy**

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

SS1; WM6; H2; ENV1; ENV3; WAT4

#### **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; DM4; DM10; DM15; DM16; CS1; CS2; CS5 and CS7.

**Supplementary Planning Guidance**

Design Guide for Central Bedfordshire-Design Supplement 1(January 2010).

Planning Obligations Strategy Supplementary Planning Document-SPD  
(November 2009).

**South Bedfordshire Local Plan Review Policies**

N/A

**Supplementary Planning Guidance**

N/A

**Planning History**

MB/08/02254/FULL Residential development consisting of affordable rental 1no. one-bedroom apartment, 1no. two-bedroom house and 2no. three-bedroom houses. Affordable shared ownership of 4no. one-bedroom apartment, private sale of 3no. two-bedroom houses, 5no. three-bedroom houses, 6no. four-bedroom houses and 7no. five-bedroom. Withdrawn 4/3/09.

MB/08/02255/CA Demolition of Dwelling. Withdrawn 21/01/2009.  
CB/09/06930/Full Change of use of Garden Land to Agricultural Land.  
Approved 12/02/2010.

**Representations:  
(Parish & Neighbours)**

Henlow Parish Council The Parish Council object on the following grounds:

- Henlow has seen an increase of over 25% in development since 1996 and is at capacity for its existing facilities.
- The Parish Council has provided an maintains extensive playground facilities at considerable expense and is unable to provide further facilities to cater for any increased demand.
- Schools: Capacity in the Henlow Schools is at saturation point. Raymond VC Lower School is full and are unable to take in anymore pupils. Henlow VC Middle School is full with older age groups oversubscribed and Derwent Lower School reception ages are also oversubscribed-they would all have

difficulty in accommodating any further increase in pupils.

- Foul Sewers: Drainage difficulties generally have been highlighted before, without any resolution forthcoming and the proposed development would only add to the existing problems. Sewage has in the past overflowed in areas of the High Street and the introduction of a pumping station serving 29 dwellings would result in constant discharge at times of pumping into an already overloaded system.
- Surface Water: We are concerned about the proposed box culverts shown under the carriageway and their capability and capacity to discharge surface water away from the residential area, part of which is shown within the floodplain. The current layout now shows the carriageway moved to be adjacent to the western boundary-within the floodplain. Surely it must be undesirable to have an increased impermeable area in this location?
- Traffic Problems: At present, especially during rush hours, the High Street endures an intolerable strain of traffic jams from the A507 north towards Langford, though the length of the High Street. This development would add in the region of 60 vehicles to the traffic flow which would severely add to the existing situation. The previous Parish Council requests for widening the High Street to the A507 and creating a filter lane have been completely ignored to date.
- Parking in the High Street is already a major problem and will be made worse by this development as it will increase the amount of parking required and decrease the amount of parking available.
- Access onto the High Street-the access to the development is on the narrowest part of the High Street and very close to the existing access to Town Farm Close (not shown on the plans). This is felt to be inappropriate and dangerous for the volume of traffic the development would bring.
- Doctors Surgeries are at a saturation point in Shefford, Stotfold and Langford. Any further development would only exasperate this current desperate situation.
- The Members feel that Henlow Parish Council have done more than their fair share in providing additional accommodation for Bedfordshire, including all the facilities required to sustain the residents and the proposed development would add an intolerable strain on the existing fibre of the community.
- There is a complete lack of amenity space or any focal point within the development-what looks like it may have initially been intended to be a 'green' has, in the revised proposal, now got three properties on it.
- A 'Noise Survey' has not been provided, even though

we understand that new developments in this area require one to be submitted. Nor have 'noise pollution' details been submitted with regard to the pumping stations.

- The 'spur road' is not necessary for turning as there is a circular route within the development. Its only purpose appears to be to service completely unacceptable future development in the countryside north of the proposed development.
- No details have been submitted for the demolition of the existing storage building that we understand is on the site within the Conservation Area.
- At the Development Strategy Task Force meeting held on 23rd October 2009 to discuss site allocations, Central Bedfordshire Council officer's stated that the application site was no longer one of the Council's preferred sites as it was felt essential to retain the 'green' area from Clifton to Henlow intact.
- No demand for new development: With the number of properties under construction and on the market at present and with building works having been stopped completely in Clifton, the Parish Council that there is a demand or need for further development in the area.

#### Neighbours

Eighteen letters of objection have been received and the grounds of objection have been summarised as follows:

- **Conservation Area and Design:** Whilst the greater part of the site does not impose directly on the Conservation Area, Number 53 High Street and the entrance route will be directly and clearly visible within the area, forming partly land within the Conservation Area. Henlow Conservation Area is in form, a linear reflection of the village street, unbroken for the main part by views out to the countryside beyond. The design of the estate is at variance with the Design and Access Statement as it does not have the feel of a village green and contains no landmark features to commend it, despite being in a conservation Area.
- **Overdevelopment:** Given the present core strategy for development of settlements outside the major and minor centres, the building of 31 units at Henlow is excessive in scale, particularly on a site which is inadequate in sustainable development terms. Henlow is not in fact suitable for housing developments. The number of houses to be built far exceeds the guidelines set by East of England, County and Mid Beds Reviews and Local Development Framework in relation to new homes within Bedfordshire villages.
- **Sustainable Development:** The inadequate transport links mean that the development will not comply with policies on sustainable development. The very

weakness of the site in this respect is confirmed by the proposal to create a Travel Plan Co-ordinator for the residents. The notion of a village scheme such as this, is untried and likely to be ill-supported and abandoned.

- **Loss of Light:** There would be loss of light to three reception rooms and two bedrooms on Plot 5J1, which is to be erected at 14.5 feet (4.49 metres) from our property.
- **Loss of Privacy:** There would be loss of privacy as Plot 5J1 is to be erected 14.5 feet (4.49 metres) from our property. 7 windows overlooking our reception rooms, bedrooms and garden.
- **Noise Nuisance:** There will be noise disturbing our property from traffic movements on the estate, two pumping stations and normal residential use.
- **Countryside Gap:** The development destroys the Important Countryside Gap and obscures the view of Henlow's prize within the Conservation Area, the converted 'Tythe Barn in Town Farm Court'.
- **Outside the Settlement:** A small part of the development on its north-western boundary list seems to have been used to build a pumping station and spur road and this land is not defined on the plans as being within the residential envelope.
- **Biodiversity Action Plan (BAP):** The development builds across the known habitats of BAP protected bird, water, insect and mammal species and destroys Traditional Orchard which exist on the site and are Habitats Action Plan (HAP's) listed. The building of a roadway on the banks destroys BAP habitats.
- **New Access Road:** A new access road to be built on the north of the site, is within 12 metres of Town Farm Court (omitted from the Developer's Plan). This road has existed for almost thirty years. It provides parking and access for 12 garages linked to 4 properties on the High Street and 3 on Town Farm Court. The safety of the road users of Town Farm Court is severely compromised by the building of the new road, such a short distance away.
- **Floodplain:** The development site is on Level 2 and 3 Floodplain and should not be used for building new homes when other more suitable sites within the village have been identified for residential building.

The building of a roadway on the banks of Henlow Brook on the most vulnerable part of the floodplain is within the 20 metre maintenance strip required by Ivel Drainage Board to mitigate against flood. When flooded, this road will prevent access to the development. There are no assurances given that adequate engineering, surge water storage or porosity will reduce the risk of flooding to homes in Town Farm



Court or downstream.

- **Lack of Safety & Security:** I am concerned that Town Farm Court will be used as a pedestrian shortcut to the estate. I can find no details in the plans about safety and security for the residents of the new estate or for Town Farm Court by Bedfordshire Police Community policing.
- **Overcrowding/Bicycle Storage:** The site has been reduced in size and the boundaries adjusted to prevent building over land which is not currently within Henlow's Residential Area. Despite being overcrowded already no reduction in the footprint of buildings has been made and overcrowding has been exacerbated. The addition of bicycle storage buildings and passing place to the ring road, add to porosity problems on the flood plain.
- **Movement of 1 of 2 Pumping Station:** No details were available to confirm the suitability of this new underground system to the site and its position on the Henlow Floodplain. Its movement further east brings the pumping station much closer to properties in Town Farm and no noise survey had been undertaken to quantify this legitimate reason to object. The additional risk of flooding, leakage of raw sewerage, suitability of the pumping mechanism for 29+ homes, FRA , noise survey reports, FRA approvals from the Env. Agency or IDB, Conservation Area Consents were not available, matters all of immediate concern to the residents of Town Farm Court
- **SHORTENING OF THE SPUR ROAD** – now prohibits turning on the estate and eliminates any possibility easy and clear access at all times to refuse vehicles, deliveries and most importantly EMERGENCY SERVICES. No Highways consultancy or Community Police consultancy documents were available to support this proposal which because of its impact constitutes a MAJOR CHANGE to the Application.
- **GATING ELECTRONICALLY THE END OF THE SPUR ROAD:** This was not noted in sufficient detail on the plans for consultation purposes although PO was able to point to where they would be. We refute entirely the Planning Officer's explanation that an unnamed local land owner / farmer currently accesses the site at this point and wishes to maintain vehicular access from his land after building The electronic gate's only purpose can be to establish a link to land.
- **REDRAWING BOUNDARIES:** A number of alterations to the boundaries were shown in poor or no detail The changes all threaten the ancient hedgerow running from EW and Biodiversity. The fruit barns are threatened but no Demolition Application for these

buildings filed. No conservation Area consents were available, all of the changes are within the conservation area. The recent change of use to Agricultural Land has not been noted.

Changes to the site's NW boundary increase overcrowding on the estate and the Developers have not reduced the number of houses to facilitate this loss of land.

Although some redrawing of boundaries was available for viewing at Priory House the SE boundary was unchanged. Building work and clearance started on this part of the development, without approval in June 2009. A high fence takes light from 3 Town Farm Court, and the high fence extends behind 1 and 2 Town Farm Court. An objection lodged earlier by us drew your department's attention to our loss of privacy and light by the position of 5.J1 less than 21ft window to window from our main reception room. It is worth re-stating at this point that our reception room's only window is a small westerly facing window and we would ask you to confirm by return that the unchanged position of this new build, its exact window to window distance from our own and its conformity or otherwise to Central Beds Planning Guidelines. Please ensure that this concern has already been noted by your office.

- **REPOSITIONING AND OR EXTENDING THE GARDEN BRICK WALL TO 51 HIGH ST:** This garden is within the conservation area of Henlow and should properly be dealt with by application by the owners to make changes to their property. The changes were not shown in any detail on the plans and consultants are prevented from comment by this omission.

We contend that the amendments published to the consultees on 1<sup>st</sup> March 2010

1. Makes MAJOR, not trivial changes
2. There has been a failure to publish to all statutory consultees
3. Poor communication and lack of document service by Central Bedfordshire
4. Absence of the necessary changed FRAs, approvals from IDB and Env Agency, conservation consents, HA approvals and noise surveys necessary to give full consideration to the amendments, Natural Eng. / Beds Wildlife approval for removal of hedgerow, Demolition applications

## Consultations/Publicity responses

Highways & Transport Division No objection, subject to conditions.

Public Protection, North No objection, subject to condition.

Archaeology No objection. Despite the fact that the archaeological evaluation did not cover the whole of the proposed development area, the Council is satisfied because the alluvial deposits were so extensive there are unlikely to be any significant archaeological remains within the unevaluated part of the site.

Anglian Water No objection, subject to suggested Informative Statements and Conditions Report. Anglian Water wishes it to be known that they are obliged under the Water Industry Act 1991 to provide water and waste water infrastructure for domestic purposes for new housing and employment developments within its area when requested to do so. To effect this, the applicant will have to make a request to us under the appropriate section of the Water Industry Act.

Bedfordshire and River Ivel (IDB) The Internal Drainage Board has advised that no objections in principle. However, they have advised as follows:

Our consultant has scrutinised the hydraulic modelling which informs the Flood Risk Assessment (853/07 FRA Rev B) and concluded that there are significant issues with the model, most notably, the high and low cords of the bridge at River Station 1.5. These have been altered for some reason and the geometry of the bridge is now believed to be incorrect. Also there are a number of other small problems which are likely to allow too much water through this bridge and incorrectly reduce levels upstream. It is not considered that the model provides an accurate representation of the situation within the watercourse.

Having discussed these issues with the applicant's consultant engineer it would appear that the Stockbridge Road bridge geometry was incorrectly input into the original model, such that on correction the modelling now shows that in some circumstances water will disperse overland out of left bank and onto Stockbridge Road. The consultant is confident that a 1 in 100 year storm event will not cause flooding on the site the subject of this planning application.

The results of the modelling have been discussed with the applicant's consultant with respect to the possibility that the modelled flood levels may be on the low side when compared with the flooding which took place in

January 2003. The consultant agrees that this could be the case and that it is not unreasonable to suggest that there is a risk that water levels could be higher than modelled, although it is unlikely that this would result in flooding of the site.

Finally, surface water discharge from the development is referred to in the FRA and shown on drawing 853/17 at a rate of 5 litres per second. It should be clarified that this is not the greenfield rate attributable to the proposed impermeable areas on the site but a practical rate of discharge for the proposed hydro brake.

The greenfield rate for Henlow Parish is 3 litres per second per hectare of developed land; hence a development charge of £3.40 per sqm of impermeable area discharging will be payable (extra over the greenfield equivalent rate and less any existing impermeable areas on the site) to the Board if a rate of 5 litres per second is the finally agreed discharge. The development charge is payable prior to issue of the Board's consent.

The Wildlife Trust

The Wildlife Trust believe that the field behind Town Farm Court (labelled as Area D in the Ecological Appraisal), was until recently, a Traditional Orchard. Traditional Orchards are a Biodiversity Action Plan habitat due to their national decline and the range of wildlife that they support. It is important that this is recognised when considering this application.

Although most of the fruit trees in Area D had been felled by the time the Ecological Appraisal was carried out by the applicant, the Arboriculture assessment and Tree Protection Method Statement records many well established fruit trees with abundant standing and falling dead wood. Dead wood is an important component of a traditional orchard.

As orchards are often hotspots for biodiversity, containing a wide range of wildlife, including rare and protected species, they have been designated as a habitat of principle importance and a Biodiversity Action Plan (BAP) habitat. Traditional Orchards have recently been listed by the Government as a habitat of principal importance for biodiversity under Section 41 of the Natural Environment and Rural Communities Act 2006). This Act is commonly known as "The Biodiversity Duty" and it is applicable to all public bodies.

Central Bedfordshire promotes its own policy under CS18 on the protection of Biodiversity Action Plan habitats. Therefore, from a biodiversity perspective, the creation of a new orchard to replace the long established one which was present on this site would be preferable to housing development, which gives no opportunity to continue the orchard. It is very unfortunate that the orchard was

destroyed before the ecological assessment was carried out and this planning case was considered. It is the Council's duty under the NERC Act (2006), to have regard to conserving biodiversity and it is important that the orchard, despite it being recently felled, is fully taken into account when considering the housing application.

The current application for housing on this site does not propose any mitigation plans for the loss of orchard habitat. In the event that the Council is minded to grant permission, we agree with the Natural England that *the western half of compartment D should be retained as an orchard planting site and that sufficient funding should be made available to manage it in the long-term.*

As this would be rather limited mitigation of the habitat loss, any permission should be accompanied by a requirement to establish a new orchard area in the environs of the village with appropriate long-term secure maintenance funding.

The biodiversity report submitted as part of the Change of Use application suggests that the site previously supported fruit trees and these would qualify as a Traditional Orchard, which is a Biodiversity Action Plan habitat. No details have been provided as to the qualifications of the ecologist who has made this assessment and while the historical account of the site provides useful context, much of the information presented is either anecdotal or generic.

With regards to compartment D (the area cleared), the housing application biodiversity survey only considers the site in its current condition.

The change of use application to agricultural use appears to be an attempt to instigate re-planting of the recently cleared habitat and Natural England is supportive of any proposals which contribute the aims of the Bedfordshire and Luton Biodiversity Action Plan. However, it is clear that the intention for the housing proposal is not compatible with the site. The housing development application does not appear to take account of the loss of orchard habitat previously present on the site and would therefore, be contrary to Central Bedfordshire planning policy on biodiversity.

If development is pursued at this site, we suggest that your authority explores the following possible compensation measures (or similar) to ensure compliance with the above policy and legislation:

- Amending the development masterplan to allow retention of the western half of compartment D as an orchard planting site, with resources secured to manage and maintain a planting scheme.
- Requiring the developer to commit to funding that is

Natural England

sufficient to secure a small alternative planting site within the village, perhaps under ownership of the Parish Council. For example, we note from the 1938 OS that the arable field adjacent & to the west of the site previously contained a small sliver of orchard. The eastern boundary of the field (the brook) is far from straight, and it might be possible to purchase a sliver for re-planting which squares off part of the arable field boundary

Environment Agency

With regards to protected species highlighted in the housing biodiversity survey report, the conclusions and recommendations appear sensible.

We commented on the Flood Risk Assessment (FRA) (ref: 853/07) for residential development at Town Farm Court in relation to the previous application in 2008. Therefore, we have no further comment to make on our previous response under references AC/2008/108000 and AC/2008/105815. These comments remain pertinent.

Henlow Village Design Association

The Village Design Association has reviewed the application and has major objections to the proposed development:

- Site: The above proposal with its spur road provision seems to be the first stage of a much larger development which is unacceptable for reasons to be described. Looking at an aerial view of the location, it is clear that provision is being made to link this application with this much larger development also in the floodplain. Since there have already been major developments in Henlow recently, like the Dairy Development and land East of the former Dairy, we feel that Henlow has had more than its quota of developments. The road system, services and parking provisions are all overloaded at present and building the proposed estate within the Conservation Area is totally unacceptable.
- The Design: The entrance to the proposed estate from the High Street is unattractive and congested. We object to the 'feature' window facing the High Street (item 1), the plaque (item 3) and the 'bricked recess' (item 8) on drawing 1029\_0225. They are unnecessary and artificial; we note the balloons identifying items 8 and 9 are empty, although the features are still there. Solar water heating panel item 25 is nowhere to be seen. The whole length of these affordable houses appears dark and monotonous and would benefit from a stepped roofline. We feel it violates our Guidelines 10, 11 and 13 *Design Cues, Detailing and New Buildings*.

Bedfordshire Police

Section 11 of the approved Mid Bedfordshire highlights the fact that in order to meet the demand for the planned

population growth for the area, additional police facilities are considered to be essential in order to reduce crime and maintain community safety.

In terms of the proposed residential development , which includes 29 no. residential units (including 5 no. one bed, 4 no. two bed, 7 no. three bed, 4 no. four bed, 9 no. five bed,), this would generate a financial contribution of £6,687.00

Therefore, in order to meet Bedfordshire Police Authority's statutory duty to secure the maintenance of an efficient and effective Police force, in accordance with the Planning Obligations SPD, we would request that for all qualifying developments, the LPA include within the Planning Obligation the necessary financial contribution (detailed above), towards the Police's ongoing responsibility.

## Determining Issues

The main considerations of the application are:

1. Principle of Development
2. Impact of Development on Character and Appearance of Conservation Area
3. Impact of Development on Neighbouring Properties
4. Impact of Development on Biodiversity Issues
5. Sustainability Issues
6. Highway Safety Implications
7. Planning Obligations Strategy
8. Other Issues

## Considerations

### 1. Principle of Development

The site to which this development relates, measures 0.9983 hectares and the proposed residential scheme, which is to be located to the rear of the High Street and Town Farm Court, aims to provide a mix and various residential categories (i.e affordable rental, affordable shared ownership and private sale). This development therefore, now lies wholly within the *Settlement Envelope* of Henlow, following the decision of the Planning Inspector's decision in September 2009.

In view of the above, the development would be assessed against the relevant planning policies, namely Policies DM2; DM3; DM4; DM10; DM15; DM16; CS1; CS2; CS5 and CS7 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and they state as follows:

*Policy DM2 states that all proposals for new development should contribute towards sustainable building principles. This policy requires future new housing development to comply with mandatory standards in relation to Code for Sustainable Homes; major developments and developments which will have*

high water consumption, should be incorporate measures to minimise their of 'white' water and the provision of Sustainable Urban Drainage Systems for the disposal of surface water.

*Policy DM3 states that all proposals for new development should be appropriate in scale and design to their setting; contribute positively to creating a sense of place and to respect local distinctiveness through design and use of materials; efficient utilisation of land; energy efficiency; respecting the amenity of surrounding properties; incorporation of appropriate access and linkages for pedestrian, cyclists and public transport as well as making provision for adequate parking areas and servicing.*

*Policy DM4 supports the approval of a housing development within settlement envelopes of a large village such as Henlow. Such development is expected to make the best use of available land and to lead to more sustainable communities.*

*Policy DM10 states that all new housing developments will provide a mix of housing types, tenures and sizes in order to meet the needs of all sections of the local community, promoting sustainable communities and social cohesion. This includes the provision of 'lifetime' homes.*

*Policy DM13 states that inappropriate development in Conservation Areas will be refused.*

*Policy DM15 states that the Council will ensure among other criteria where any development is permitted within, adjacent to or in close proximity to designated sites or known locations of identified species, the developer will be expected to take steps to secure the protection of such animals and plants. In cases where new development is unavoidable and may harm wildlife interests, mitigation is required.*

*Policy DM16 states the Council will require the promotion and protection of green infrastructure by ensuring that proposed residential development will contribute to the provision and maintenance of green infrastructure in accordance with the requirements in the Planning Obligations Strategy.*

*Policy CS7 states that new housing development for 4 or more dwellings should provide an element of affordable housing of 35% of the provision. This should include a mix of tenures in accordance with figures set out in a Supplementary Planning Document.*

*Policy CS14 requires development to be of the highest quality by respecting local context, the varied character and the local distinctiveness of Central Bedfordshire's places, spaces and buildings; focusing on the quality of buildings individually and collectively to create an attractive, accessible and mixed use public realm.*

*Policy CS15 highlights that the Council will protect , conserve and enhance the district's heritage which includes Conservation Areas.*

*Policy CS18 support the designation, management and protection of biodiversity and geology and local priority habitats and species identified in the*



*The Natural Environment and Rural Communities Act 2006 places a duty on Public bodies to have regard to the conservation of biodiversity and in accordance with Planning Policy Statement-PPS9.*

The proposed development has a density of 29 dwellings to the hectare, which is consistent with the rural context and it is not considered the development would lead to overdevelopment of the site. The proposed development has had regard to the relevant planning policies highlighted above and as such, the Council will be assessing the development against these policies. The principle of a residential development to provide 29 affordable rental, affordable shared ownership and private sale dwellings in this village is acceptable by virtue of its location within the settlement envelope.

## **2. Impact of Development on Character and Appearance of the Adjoining Conservation Area**

This proposal, which has satisfied the Council's Conservation and Design Team, has two dimensions to it and these are the creation of a new vehicular access between Numbers 51 and 53 High Street and the development of the residential dwellings in that part of the site that incorporates Number 53 and part of the former rear gardens of Numbers 53 and 55 High Street, which have now been fully incorporated within the settlement envelope.

It is considered the demolition of the existing dwelling at Number 53 High Street, a late 1960's/early 1970's residential Chalet-Style bungalow, would facilitate the re-development of that site for residential dwellings. The redevelopment includes a detached two-storey dwelling, which fronts the High Street and a terrace of affordable housing which lines the proposed access road, with terminating views towards the western part of the site from the High Street. These buildings demonstrate brick detailing and timber cladding, which embodies the terrace, with the roofline stepping down on a gradual slope to emphasise the buildings in line with the land gradient and contours.

The parking layout to the terrace properties are situated to the rear and would be screened and secured by electronic gates. The rooflights in the apartments provide not only a design feature but also surveillance within the grounds. The new vehicular access from the High Street onto the site is screened on its southern boundary by a solid brick wall as well as to the rear of the Town Farmhouse at Number 51 High Street.

The impact of the timber cladding on the terrace is also boosted visually, with the rebuilding of the barn, immediately to the rear of Number 51 High Street and the building in the centre of the site, which represents a 'focal point' in the development. This building is complemented by oriel/large bay window and complementary timber boarding to reflect the local rural context. The various house types in this development also display their unique features that provides a visual interest. The complementary front dormer, front canopies and sash windows to properties 4G3; 16D1; 17D1; 18C1; 19C1 and 20C1 provide an enhancement to the site.

The approach onto the site, sees a three-storey building which stands at the

corner, near the turning head of the vehicular access to the western part, providing a focal feature to the rest of the site in the south. This part of the site comprise a two and half to three-storey dwellings with large chimneys to enhance the roofline, with adequate off-street parking and cycle storage areas. The access provides a circulation around a central focal point featuring some buildings, which define the site and helps to facilitate the visual interest of the site. The access road which navigates around these buildings on the island, provides permeability and helps to define the space around the buildings in this part of the site.

It is considered the proposed built form would not detract from the character and appearance of the adjoining conservation area nor the village as a whole. Due to the physical constraints of the site, such as the land gradient and contours, the layout of the site tended to define the height and size of the dwellings as this would emphasise the visual aspect of the development. It is also considered that the local context is very much in evidence in terms of the proposed materials to be used for the development. The proposed development would have a blend of local sourced materials to provide a scheme, which would enhance the appearance of the adjoining conservation area and the local context. It is considered that the subtle designs and openings and elevations, appear to depict a traditional form of development, which does not detract from the local context.

Overall, it is not considered this development would detract from the local context or its rural setting and character. Although the proposed development could be viewed from the western side and particularly from the Clifton Road side, it is not considered such distant views would result in any adverse impact on the character and appearance of the area, particularly as it would be seen against the backdrop of existing development. Therefore, the development would preserve the character and appearance of the adjoining conservation area and the local area in general.

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

The proposed development is being sited in a predominantly cleared land, following the felling of the orchard a year or so ago. Any potential impact of this development is partly assessed against Number 55 High Street, which abuts the site to the east, with a 15 metre separation to the proposed garage serving plots (16D1; 17D1; 18C1; 19C1; 20C1; 21 E2 and 22K1). The side elevation of Number 55 is also 5.5 metres from the car parking area serving the proposed terrace properties. Number 55 High Street is well set back from the High Street frontage with a 12 metre distance from the proposed two-storey detached property at (25A1). It is not considered therefore, that there would be any material overlooking, loss of light or overbearing issues. Some first floor rear windows in adjacent units will be obscurely glazed to prevent any unreasonable loss of privacy.

Whilst 51 High Street also adjoins the site, the development should not have an unacceptable impact on this dwelling having regard to its siting and the layout of the proposal.

Any potential adverse impact is further explored from the boundary, which runs from the proposed terrace on the approach along the rear of Town Farm Court properties to the eastern and southern boundaries up to the detached residential

property known as 'The Keeping'.

The distances from the side/rear elevations of the new properties at plots 1E1 and 3F1 to the rear of 1 & 2 Town Farm Court on the eastern boundary, are between 17 metres and 30 metres. The garage for these new properties would be around 23 metres from the rear of 1 & 2 Town Farm Court. Properties 4G3 and 3F1 have a distance of between 16 metres and 15 metres to the eastern boundary with aspect towards the access from Town Farm Court that terminates at 'The Keeping'. Given the siting of the development, it is not considered it would have an overbearing impact, or give rise to a loss of light/privacy to these adjoining dwellings.

The garage building at 5J1 on the eastern/southern boundary is between 5 metres and 6.6 metres to the side elevation of The Keeping. There are two rear roof windows on this garage, and in order to prevent an adverse impact on the privacy at the Keeping, these windows and the one in the side elevation of plot 5J1 serving a bathroom will be conditioned to be obscurely glazed. The main rear aspect from 5J1, would be towards the tree lined southern boundary and to the north onto the small courtyard of hard standing that serves the attached garage and parking areas. The main dwelling at 5J1 will be 7 metres from the single storey rear projection at the Keeping.

There are three first floor windows and a door and three ground floor windows on the side elevation of the Keeping facing the application site. The garage for plot 5J1 will be partly sited alongside the side elevation of the property. However, given its scale and siting, it is not considered that it would have an overbearing impact, or give rise to a material loss of light to the Keeping or its side windows. Most of the side elevation of the Keeping would overlook the garden for plot 4G3 with the new property being sited more than 21 metres away which is adequate to ensure there would be no unreasonable loss of privacy to this existing neighbour.

Plots 4G3 and 5J1 in particular will be clearly visible from the Keeping and its garden, and the impact of the development on this neighbour has been given very careful consideration. However, given the size, siting and design of the development, it is not considered that any impact on the property in terms of being overbearing, giving rise to a loss of privacy/light, would be to such a degree so as to warrant the refusal of the application.

Whilst other existing properties in the area will be able to view the new development, they are adequately removed from the site so as to ensure that their amenities would not be affected to any material degree. Given its location and the number of dwellings it will serve, the new access into the site is also considered to be acceptable in terms of the impact on existing dwellings.

The properties sited to the western boundary of the site, notably, 8G1; 9F1; 10F1 and 11G4, are between 8.5 metres and 10 metres to the existing hedgerow to the west of the site. There is no adverse impact envisaged to the north-west and north of the boundary line, which would be defined by a timber post and rail fence.

All the comments received from the occupiers of nearby dwellings have been assessed in detail. However, for the above reasons the impact of the

development on nearby dwellings is considered to be acceptable.

#### 4. **Impact of Development on Biodiversity Issues**

Section 40 of The Natural Environment and Rural Communities Act 2006 places a duty on public bodies, such as Local Planning Authorities to have regard to the conservation of biodiversity when exercising their functions. Government Planning Statement on Biodiversity and Geological Conservation (PPS9), provides the guidelines for protection of these important assets and require policies to be prepared for their protection and enhancement. Policies CS18 and DM15 of the Central Bedfordshire Core Strategy and Development Management Policies (2009), for example, are designed for such protection and enhancement.

The Ecological Appraisal submitted by the applicant to the Council and which the Council's Ecology Section has considered carefully, concluded that

*"Although, there is more open land to the south-west, its history as intensively managed garden, orchard and species-poor grassland, has restricted the wildlife which could use this land. However, gardens can support a variety of more common species such as some birds and mammals such as hedgehogs. The open western boundary which has a brook adjacent, could potentially encourage a different group of wildlife.*

*There is some potential for protected species to be present, although species with the greatest protection (e.g. Water Voles and possibly bats) are most likely to be associated with boundary features.*

*Despite this low potential for protected species, it is believed that on current evidence, development would not be a significant on wildlife. Loss of gardens and orchard will remove some feeding opportunities for birds as they pass through in the Spring and Autumn and some nest sites. However, creation of new gardens will to some extent, compensate for that."*

In view of the above legislation and the conclusions made following the ecological appraisal, the Council has therefore, considered all the biodiversity issues and is satisfied with the recommendations made. These are as follows:

**Bats :** A further survey to ensure bats are not roosting in trees should be undertaken before mature trees are felled. This should be undertaken by a suitably qualified person .

To help mitigate for tree loss in the area, bat boxes should be erected , primarily on properties nearest the brook corridor. 10 boxes erected on different elevations would be acceptable.

**Water Voles :** The Brook corridor is the most important feature of the site. A condition requiring the production of a Landscape Plan should be submitted to condition, which would enhance the biodiversity of this potential conservation area. The plan should include remedial works to the trees and hedge adjacent to the brook and the creation of a flower rich grassland strip adjacent to the brook , ideally significantly wider than the detail shown.

**Reptiles :** Although use of the site for species other than grass snakes is unlikely , it would be a general habitat enhancement to create some habitat piles of

stone and logs to enhance conditions for wildlife generally and this could occur in the grassland strip.

**Nesting Birds:** In order to accord with the Wildlife and Countryside Act 1981, all trees and bushes need to be removed outside the breeding season. However, if the potential for nesting is low, it is permissible to remove bushes following a hand search to ensure no nesting is taking place.

The landscape plan should also be based on native trees and shrubs to enhance the wildlife habitat and be sympathetic to landscape character.

The Council has had regard to the comments from Natural England and The Wildlife Trust. It is advised, no objection would be raised to the development on wildlife grounds but fully support the request to establish a new orchard to develop as a community facility within Henlow, but not a requirement for this to be on site, but should be established where it would be of a greater social benefit, preferably within the school grounds as a feature within a recreational area or on accessible farmland. However, given that the fruit trees on the site were removed prior to the submission of the application, this request is not considered to be reasonable in planning terms, and the other measures outlined above would provide adequate mitigation in terms of the impact of the development on biodiversity, given that the biodiversity value of the site is now considered to be low.

The site is well screened and no objection is raised in terms of visibility and intrusion. Initially there was a concern about the visual impact on the adjacent countryside. However, the existing tree screen provides maturity and the layout with its staggered edge is recessive in style. A landscape scheme prepared as a condition of approval would be required. This would need to address the poor state of some of the hedgerow. Partial clearance and replanting with locally occurring species would aid screening and accord with landscape character. Species such as alder, which can be coppiced to enable drainage works to be completed by the Bedfordshire and River Ivel Internal Drainage Board (IDB), would be ideal.

**Drainage:** The high water table has been noted. This scheme should have a sustainable drainage scheme. Usually schemes combine permeable drainage with soft features such as swale and ponds. An earlier drawing in the Design and Access Statement shows a green area with a pond. If the grassland beside the brook was widened there may be scope to integrate SUDS drainage features.

It is advised that there are no sustainable grounds to refuse this development on either landscape or wildlife grounds. If the Orchard had still been standing, the Council may have sought the protection of the Orchard environment, as a Biodiversity Action Plan (BAP), priority habitat. Improvements to the design especially, in securing a wider buffer to the brook would be desirable in terms of habitat development and rural character.

It is also advised that mitigation to benefit biodiversity should be conditioned, as recommended by the submitted Ecological Appraisal.

In accordance with Policies DM15 and CS18 of the Core Strategy and Development Management Policies (2009), the Council's Ecology Section has advised that the ecological value of this site is low in terms of biodiversity. It is considered the development may have some adverse impact on the site, but overall given the comments received and the low value of the site, any impact

identified is not so great so as to warrant refusal. Improvements to the design, especially in securing a wider buffer to the Brook, would be desirable in terms of habitat development and rural character.

Natural England has recommended that if the development is pursued, they suggest that the Council explores the following compensation measures (or similar) to ensure compliance with the above Council's Policy and Legislation:

- *Amending the development masterplan to allow retention of the western half of compartment D as an orchard planting site, with resources secured to manage and maintain a planting scheme.*
- *Requiring the developer to commit to funding that is sufficient to secure a small alternative planting site within the village, perhaps under ownership of the Parish Council. For example, we note from the 1938 OS that the arable field adjacent and to the west of the site previously contained a small sliver of orchard. The eastern boundary of the field (The Brook) is far from straight and it might be possible to purchase a sliver for re-planting which squares off part of the arable field boundary.*

*With regards to protected species highlighted in the housing biodiversity survey report, the conclusions and recommendations appear sensible."*

The Wildlife Trust has also advised along similar lines as Natural England, with a recommendation that:

*"the creation of a new orchard to replace the long established one which was present on this site, would be preferable to housing development which gives no opportunity to continue the orchard. It is unfortunate that the orchard was destroyed before the ecological assessment was carried out and this planning case was considered. It is the Council's duty under the NERC Act (2006), to have regard to conserving biodiversity and it is important that the orchard, despite it being recently felled, is fully taken into account when considering the housing application.*

*The current application for housing on this site does not propose any mitigation plans for the loss of orchard habitat. In the event that the Council is minded to grant this application, we agree with Natural England that the western half of compartment D should be retained as an orchard planting site and that sufficient funding should be made available to manage it in the long-term. As this would be rather limited mitigation of the habitat loss, any permission should be accompanied by a requirement to establish a new orchard area in the environs of the village with appropriate long-term secure maintenance funding."*

Having regard to the information received with the application, the comments from the Wildlife Trust, Natural England and the Council's Ecological advisor, it is considered that there are no material planning grounds to refuse the application in terms of its impact on biodiversity. As an undeveloped piece of land it will have some value to wildlife, flora and fauna. However, it appears unlikely that the development would have a material impact on any protected species and that overall the value of the site in biodiversity terms is low. This assessment is made in the knowledge that the site formally contained a traditional orchard which would have been a Biodiversity Action Plan priority habitat. In its current state, and with the mitigation measures relating to the need

for a bat survey, the protection of nesting birds, and the provision of bat boxes, it is considered that the development is acceptable in relation to its impact on biodiversity.

In considering the impact of the development on biodiversity in some detail, the Council can demonstrate that it has had regard to the conservation of biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006. Moreover, with the mitigation measures proposed, the proposal would meet the broad aim of PPS9 to have minimal impact on biodiversity.

## 5. Sustainability Issues

In accordance with Policy DM2 above, the Council expects new development such as this to contribute towards sustainable building principles. In doing so, the applicant has submitted a report to this effect for sustainable homes assessment in line with government assessment and requirements within Building Regulations Part L1A to cover the following key areas, energy and carbon dioxide(CO<sub>2</sub>); water, materials, surface water run-off; waste; pollution; health and well-being; management and ecology. It is expected a Level 3 assessment is akin to this type of development.

The proposed development aims to incorporate these features and key requirements in the construction. Some properties located to the west and southern boundaries of the site, will benefit from the installation of solar panels in the generation of solar power to these homes.

## 6. Highway Safety Implications

It is advised that all the outstanding issues have been resolved to satisfaction. However it is not very clear if the car parking for plot 15 that will include the cycle parking is a car port or a garage and therefore a condition needs to be included to ensure that it is a car port and that it will not be converted into a garage as there is insufficient area in front of it to allow a car to stand free of the highway. Since these comments were made, the applicant has confirmed that this area in question is in fact, a car port and this can be subject to suitable condition.

As previously advised and based on pro-rata calculations, a financial contribution for Safe Routes to School is required. In addition, and in relation to safe routes to school, the Council expects contributions towards the installation of a puffing crossing on the High Street in the vicinity of Church Road the cost of which has been estimated accordingly.

A new 5.5 metre access will be provided from the High Street into the development. The Council's Highway team have raised no objections to the proposal, and it is not considered that it would have an adverse impact on highway safety.

## 7. Planning Obligations Strategy

In accordance with Policy CS2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009), the Council's Planning Obligations Strategy Supplementary Planning Document-SPD (November 2009), require developer contributions towards local infrastructure. The level of such

contribution(s) and the mechanism for securing such financial sums is fully set out in the supplementary planning document as indicated. The Developer is yet to submit an approved legal agreement in the form of a Unilateral Undertaking or legal agreement to this effect. As such, the recommendation is to approve the application subject to the satisfactory completion of the agreement which will secure the appropriate contributions required to local infrastructure.

## 8. Other Issues

As a matter of clarification, it is advised that the proposed pump station has been relocated from its previous position, which appeared to lie outside the settlement boundary. This pump station would be located underground and it is not considered there would be any visual impact. However, in terms of any potential noise nuisance, this would be subject to a condition.

Following the archaeological excavation undertaken, it is considered the survey has not uncovered any archaeological issue(s) on the site.

In terms of flooding and drainage, the Bedfordshire and River Ivel are satisfied with the information and details submitted in the Flood Risk Assessment (FRA), by not raising any objection to the proposed development, subject to conditions.

In response to the alleged comments made by the owner-occupier(s) of 'The Keeping' regarding the gating electronically, of the Spur Road, the plan clearly shows that there is no electronic gate proposed to this part. The hammer head/turning area is bounded by a post and rail fence. The only electronic gate proposed, would be in a gap under and between the proposed terrace properties on the approach to the site from the High Street.

The previous application which was withdrawn, proposed to have an access via a gate to that part of the site to the northwest, as previously advised by the applicant and this is no longer the case.

Finally, under reference CB/09/06930 the Council granted planning approval for the change of use of this site to agriculture. The proposal was submitted by an objector to this current application, although Section 55 of the 1990 Planning Acts states that permission is not required for such a use. The existence of planning approval CB/09/06930 has no relevance to the acceptability of this current application for housing on the land.

## Reasons for Granting

This site lies within the '*Settlement Envelope*' of Henlow. Therefore, the development of 29 dwellings, incorporating affordable rental, affordable shared ownership and private sale in the development within a density consistent with this rural setting, is considered acceptable on the impact on character of the area, neighbours, highway safety and biodiversity. Furthermore, the proposed development is in compliance of Policies DM2; DM3; DM4; DM10; DM15; DM16; CS1; CS2; CS5 and CS7 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

## Recommendation

That Planning Permission be granted subject to the following:



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

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

- 2 The permission shall extend only to the application as amended by plans 1029\_0010B; 1029\_0100 J; 1029\_0110N; 1029\_0111H; 1029\_0112H; 1029\_0015A; 1029\_0220F; 1029\_0221G; 1029\_0223C; BGC1/51 to 53 High Street/AIA Rev A and Design and Access Statement Rev B.

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.

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

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

- 4 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.

- 5 A sample panel of (bricks/stonework/tiling etc) shall be constructed for the consideration and written approval of the Local Planning Authority. The development shall be carried out in accordance with the written approval.

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

- 6 The first floor bathroom windows in the rear elevation of the development hereby permitted for properties 23K1; 24B1, and first floor landing window for units 29A3 and 28A3 shall be of fixed type and fitted with obscured glass of a type to substantially restrict vision through it at all times, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. No further windows or other openings shall be formed in the elevation.

Reason: To safeguard the amenities of occupiers of adjoining properties

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

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

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

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

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

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

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

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

- 10 **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.**

- 11 **A landscape management scheme, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development or the implementation of the use. The landscape management scheme shall be carried out as approved.**

**Reason: To ensure an appropriate standard of visual amenity in the local area.**

- 12 **Details of finished ground floor levels of the residential development shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. This shall be a minimum of 37.83m AOD on the south side of the site reducing to 37.70m AOD on the north side of the site. This is 100mm higher than the levels recommended in the FRA. Such details shall be implemented in accordance with the approved scheme.**

**Reason: To ensure that the development meets the current standards for flood mitigation.**

- 13 The proposed ground level raising along the boundaries of the site shall not exceed those on adjacent properties.

Reason: To ensure that the development meets the current standards for flood mitigation.

- 14 Land drainage shall be installed where necessary to ensure continuity of existing land drainage.

Reason: To ensure that the development meets the current standards for flood mitigation.

- 15 Surface water discharge from the development shall be attenuated to the greenfield rate prior to discharge into the watercourse on the western boundary of the site. Overland flow routing through the site for storms exceeding the 1 in 100 year event.

Reason: To ensure that the development meets the current standards for flood mitigation.

- 16 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 17 **Development shall not begin until details of the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.**

- 18 No dwelling shall be occupied until visibility splays have been provided at the junction of the estate road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 43.0m measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

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

- 19 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the car port accommodation on plot 15 shall not be converted into a garage, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To ensure that overhanging of the public footway does not occur in the interest of highway users.

- 20 If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.

Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.

- 21 **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.**

- 22 Before any of the units is occupied the parking of cycles on a particular unit shall be implemented as shown on drawing No 1029\_0110 Rev N and thereafter retained for this purpose.

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

- 23 **Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

**Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.**

- 24 **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**

- 25 **Before development commences details of the marketing literature and comprehensive residents travel information shall be submitted to and approved by the local planning authority. The welcome pack to include:**

- **Details of local shops, services, entertainments and community facilities in the area including schools, with a map showing distances and safe pedestrian and cycle routes,**
- **Information about bus, coach, train, taxi and community transport services**
- **Local employers operating travel plans**
- **Local schools operating travel plans.**

**The approved welcome pack to be provided to prospective purchasers.**

**Reason: To ensure the provision of adequate information that will meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.**

26 On occupation of the development, the developer shall provide residents a more detailed package explaining the Travel Plan's objectives and including specific information about the alternative methods of transport available. This will include:

- Details of car share databases
- Details of the web site
- Bus, coach and train timetables
- Further information about schools , local shops and supermarkets including details of those offering Internet/telephone ordering(including introductory discounts where possible)
- Details of commercial discounts from rail/bus operators, taxi providers and cycle/motorcycle shops. residents

Reason: To ensure the provision of adequate information that will meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport

27 **A bat survey of the larger broad-leaved trees at the site shall be submitted to and approved by the Local Planning Authority prior to commencement of development. In the event that evidence is found that bats are using the trees for habitat at the site, mitigation measures shall be submitted to the local planning authority for its approval. Any such mitigation measures shall be implemented as approved.**

**Reason: To safeguard any protected habitat and in accordance with the Wildlife and Countryside Act 1981.**

28 No tree, shrub or pruning shall be removed from the site during the nesting season from February to September, unless works to make the habitats unsuitable are first undertaken, or detailed examination before clearance, declares the area free from nesting birds.

Reason: In order to safeguard the protected species and in accordance with the Wildlife and Countryside Act 1981.

29 **Details of the provision of bird and bat boxes which shall be incorporated into the development in either the properties or communal buildings/structures such as garage blocks, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The development shall be implemented in accordance with the approved scheme.**

**Reason: To safeguard any protected species and in accordance with the Wildlife and Countryside Act 1981.**

30 Noise resulting from the use of the plant, machinery or equipment associated with the Pumping Station shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality or distinguishable features) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: To safeguard the interests and amenity of nearby properties.

- 31 The first floor window in the side elevation (east) of plot (5J1) and the rooflights on the rear elevation of the ancillary garage of the development hereby permitted, shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. No further windows or other openings shall be formed in the elevation.

Reason: To safeguard the amenities of occupiers of adjoining properties

### Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's, Highways Help Desk P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
2. The applicant is advised that no highway surface water drainage system designed as part of the new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated .Any improvements must be approved by the Highways Development Control group, Development Management Division, Central Bedfordshire Council. Further details can be obtained from the Traffic Management group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395 Bedford, MK42 5AN.
3. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management group Highways and Transportation Division, Central Bedfordshire Council, P.O. Box 1395 Bedford, MK42 5AN
4. 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

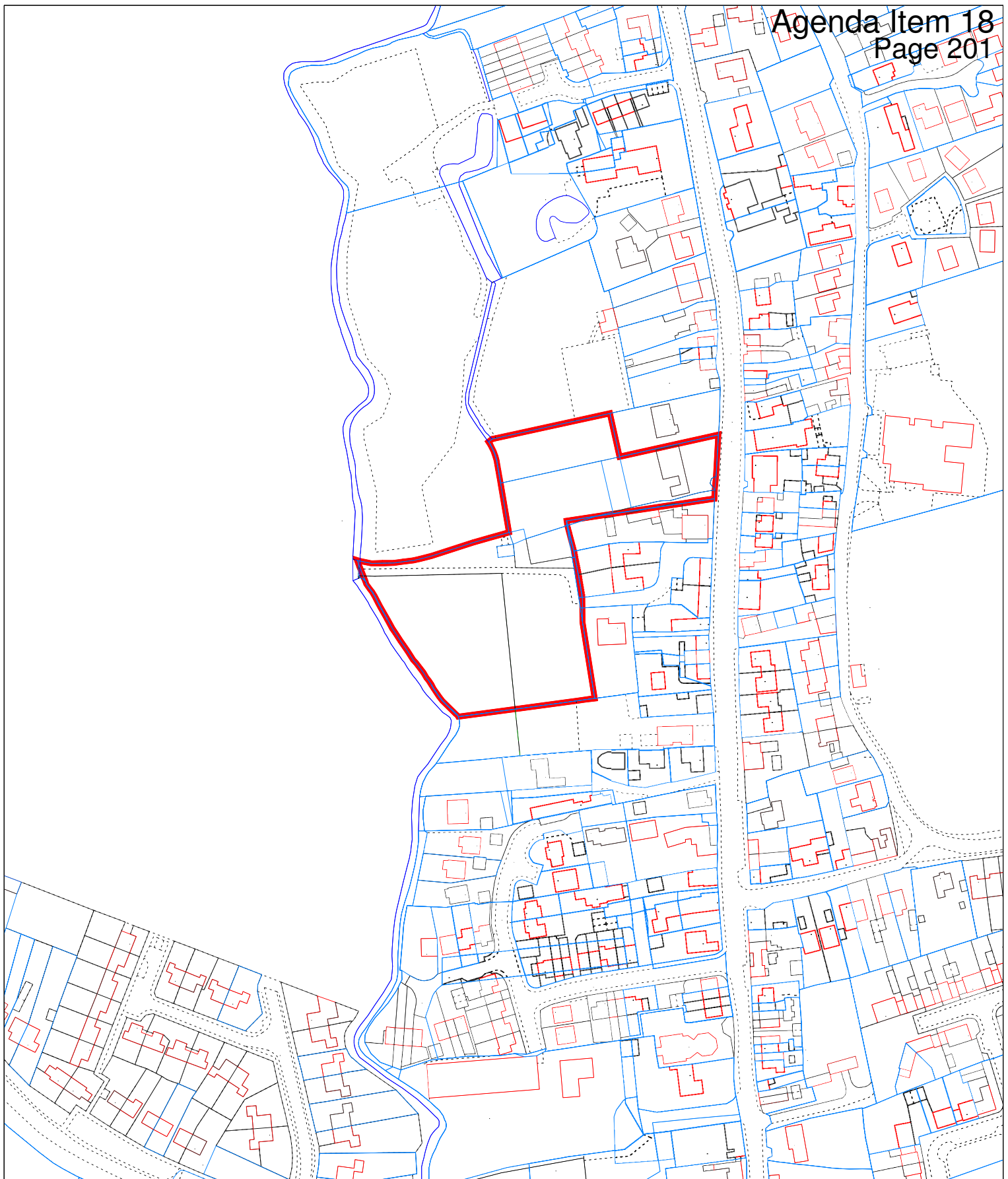
drawn to Section 59 of the Highways Act 1980 in this respect.

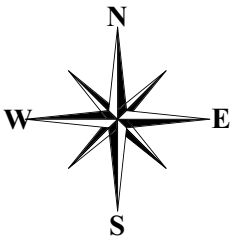
5. The applicant is advised that if it is the intention to request the Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together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

**DECISION**

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	Date: 12:March:2010 Map Sheet No	
Scale: 1:2500		

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**Item No. 18**

<b>APPLICATION NUMBER</b>	<b>CB/09/06630/CA</b>
<b>LOCATION</b>	<b>Land Rear Of Town Farm Court And 53, High Street, Henlow</b>
<b>PROPOSAL</b>	<b>Conservation Area Consent: Demolition of Bungalow at 53 High Street</b>
<b>PARISH</b>	<b>Henlow</b>
<b>WARD</b>	<b>Langford and Henlow</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Clarke &amp; Cllr Rogers</b>
<b>CASE OFFICER</b>	<b>Godwin Eweka</b>
<b>DATE REGISTERED</b>	<b>16 December 2009</b>
<b>EXPIRY DATE</b>	<b>10 February 2010</b>
<b>APPLICANT</b>	<b>Town Farm Homes Ltd</b>
<b>AGENT</b>	<b>RMA Architects LLP</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Ward Councillor request – Due to local concerns</b>
<b>RECOMMENDED DECISION</b>	<b>Conservation Area - Granted</b>

**Site Location:**

The site to which this proposal relates, is the land between Numbers 51 and 53 High Street, Henlow and which also includes part of the area of land currently occupied by the Chalet-style bungalow at Number 53, which is scheduled for demolition to pave the way for a new residential development, together with a vehicular access to the rear of 51 High Street for a linked residential development for 29 dwellings.

This site lies within the Conservation Area of Henlow.

**The Application:**

Demolition of Bungalow.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

PPS1 (Delivering Sustainable Development)  
PPG 15(Planning and The Historic Environment)

**Regional Spatial Strategy**

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

**Bedfordshire Structure Plan 2011**

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

CS1; CS15 and DM15

**Supplementary Planning Guidance**

Henlow Conservation Area Appraisal (2009)

**South Bedfordshire Local Plan Review Policies**

N/A

**Supplementary Planning Guidance**

N/A

**Planning History**

81/00128/FA  
08/02255/CAC

Agricultural Store. Approved 21/04/1981  
Demolition of dwelling. Withdrawn 23/01/2009

**Representations:  
(Parish & Neighbours)**

Henlow /Town Council

no objection for demolition, but only if it is replaced by a property that will enhance the Conservation Area, is in character with existing properties in the centre of Henlow and is constructed within the curtilage of the existing residential use.

Neighbours

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

- **Existing Bungalow:** This is a large late 1960's/early 1970's bungalow. It provides a mix of architectural mix and a variation in the roofline, which is commented upon in the Henlow Conservation Review. The bungalow is in scale with the large houses to each side and opposite and its low front wall affords good visibility to traffic passing through Henlow and on-street parking for two cars. It is an asset to the Conservation Area and should not be demolished.
- **Conservation and Design:** Whilst the greater part of the site does not impose directly on the conservation Area, Number 53 High Street and the entrance route

will be directly and clearly visible within the area, forming partly land within the Conservation Area.

- **Rear Garden of No. 53:** The garden of 53 contains an old orchard which could be as old as 75 years and would be listed as a place of biodiversity interest.
- **New Service Roadway:** The new narrow service roadway to be built on the site of the bungalow has a bell junction that presents a hazard to pedestrians, push and wheelchair users using this busy pavement in the centre of the village.
- **Demolition of Bungalow:** The bungalow is in a conservation area and has stood very happily for many years. The house is currently rented out and to demolish and make homeless a family is wrong. There is nothing wrong with the structure and should be left standing. The demolition of the bungalow is purely to gain access to build 29 out of character houses that are not need. It is wrong to destroy a perfectly good family home for personal gain.
- **Affordable Housing:** The demolition is required to build social affordable housing far in excess of that recommended as appropriate for a large Bedfordshire village by East of England, County and Mid Beds Reviews and LDF. The demolition is unnecessary and does not comply with current development and strategic plans.

### Consultations/Publicity responses

Archaeology	Whilst no objection to the demolition of the bungalow at 53 High Street Henlow on archaeological grounds, there are concerns regarding the archaeological potential of the application area. Detailed comments have been made on the full application (ref:CB/09/06626/FULL).
Highways & Transport Division	No comments received.
Henlow Village Design Association	The Village Design Association has reviewed this application in order to provide access to the large proposed development (ref: CB/09/06626/FULL). In relation to the demolition application, there is no planning design issues as our main concerns are the proposal post demolition.
Environment Agency	No comments received.
Internal Drainage Board	Whilst the Board raise no objection to the demolition of the bungalow, this does not imply that the Board do not object to the redevelopment of the red line site which is mainly in Flood Zone 3 and bounded by Category 1 watercourse.

## Determining Issues

The main considerations of the application are:

1. **Impact of Development on Character and Appearance of Adjoining Conservation Area**
2. **Other Issues**

## Considerations

### 1. **Impact of development on Character and Appearance of Conservation Area**

The proposed demolition of the Chalet-style bungalow is situated at number 53 High Street Henlow, is being undertaken to facilitate a new vehicular access from the High Street to service a new residential development on the land to the rear of 51 High Street, Henlow. It is not considered the proposed demolition would have any adverse impact on the character and appearance of the Conservation Area. The existing Chalet-style bungalow is of late 1960's/early 1970's construction and this property does not have any architectural significance. Therefore, the proposed demolition would preserve the character of the Conservation Area.

### 2. **Other Issues**

The proposed application is being submitted in conjunction with another proposal for the erection of 29 dwellings to the rear of 51 High Street, Henlow (ref:09/06626/FULL). It is considered the proposed demolition cannot be decided independently from the main residential development as the outcome of the Council's decision on that application, would decide as to whether the loss of the dwelling and the subsequent creation of a gap in the frontage is acceptable. As the application for dwellings on the land is recommended for approval, this application is also considered to be acceptable.

## Conclusion

In conclusion, it is recommended that a Conservation Area consent should be granted.

## Reasons for Granting

The proposal is in conformity with Policies CS15 and DM13 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and Planning Policy Guidance (Planning and The Historic Environment-PPG15), in terms of the redevelopment of the site in creating a more harmonious frontage. It is considered therefore, that this proposal would preserve the Character and appearance of the Conservation Area.

## Recommendation

That Conservation Area consent 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 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 The demolition works hereby approved shall be completed within **2 months** of their commencement 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.

- 3 The building shall only be demolished in conjunction with the development of the land to the west of the site as one continuous building operation unless otherwise agreed in writing with the Local Planning Authority.

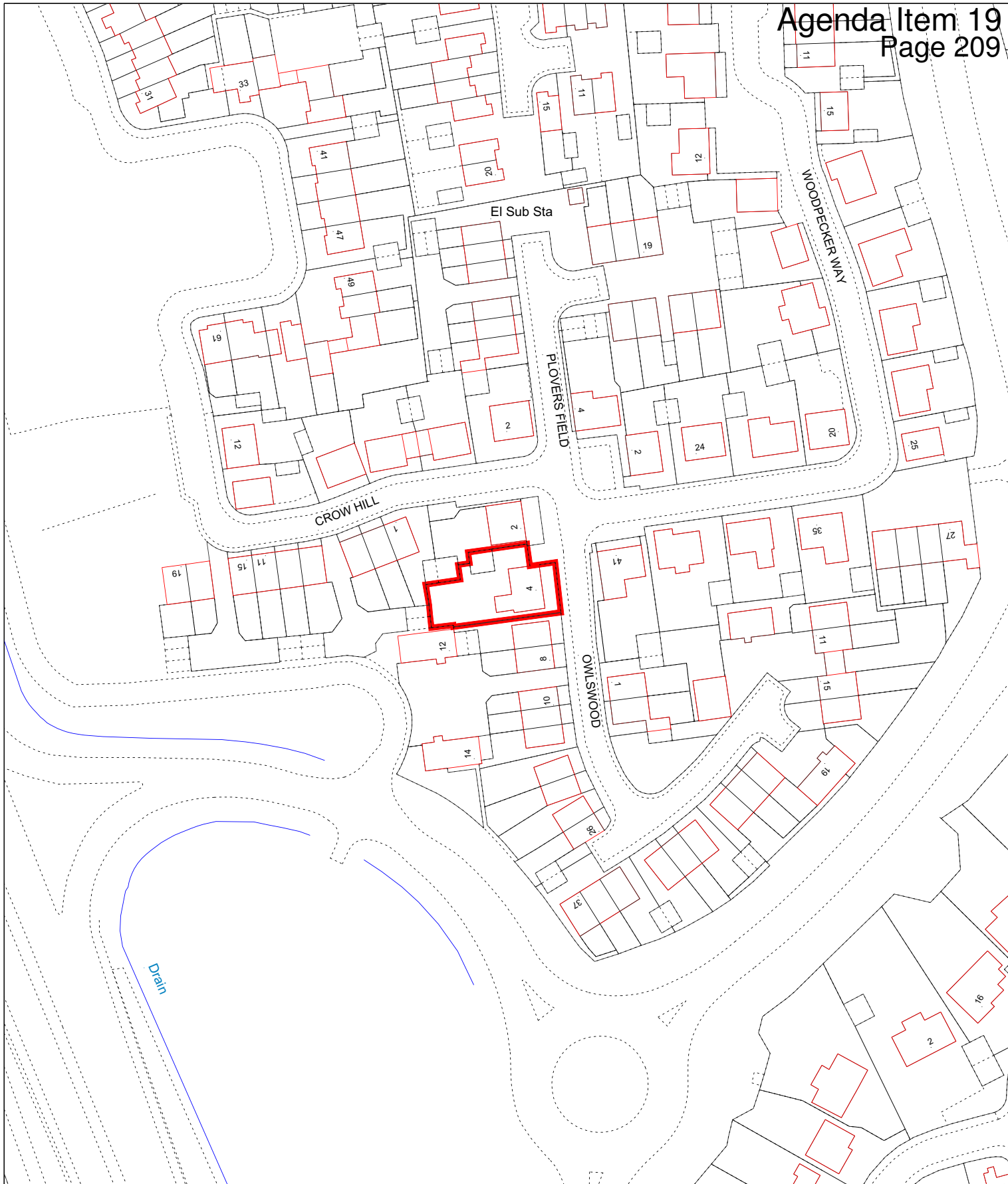
Reason: In order to protect the character of the Conservation Area.

**DECISION**

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	Date: 11:March:2010
	Map Sheet No

CASE NO.

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**Item No. 19**

<b>APPLICATION NUMBER</b>	<b>CB/10/00330/FULL</b>
<b>LOCATION</b>	<b>4 Owlswood, Sandy, SG19 2SL</b>
<b>PROPOSAL</b>	<b>Full: Two storey side extension</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Northhill and Blunham</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Caroline Maudlin &amp; Tricia Turner</b>
<b>CASE OFFICER</b>	<b>Annabel Gammell</b>
<b>DATE REGISTERED</b>	<b>02 February 2010</b>
<b>EXPIRY DATE</b>	<b>30 March 2010</b>
<b>APPLICANT</b>	<b>Mr Patterson</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Aldis called the application into Committee for the following reasons: Local concerns and impact on the street scene, over development and loss of amenity to neighbours</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The application site is 4 Owlswood in Sandy which is a large three storey modern residential dwelling. The house is constructed from pale buff bricks with orange brick detail and a grey tile gable roof. The dwelling has a double garage set back from the road up a side driveway, which has spaces for approximately 2 cars to park, giving a total off road parking allocation of 4 spaces. Owlswood is part of a large new residential development called Fallowfield to the north of Sandy town centre, the area is predominately residential and as the dwellings were constructed at the same time, they are built in complimenting styles. Number 4 Owlswood is adjacent to the cross roads of Owlswood, Crow Hill, Plovers Field and Woodpecker Way, due to the size and location of the dwelling it is prominent within the street scene.

**The Application:**

This application seeks permission for a two storey side extension. The extension would form an unobstructed ground floor car port with an additional bedroom over.

The extension would adjoin the northern elevation of the dwelling. The extension would be 4 metres in width, 6.5 metres in depth and have a maximum height of 9 metres in height.

**RELEVANT POLICIES:**

**National Policies (PPG + PPS)**

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

## Regional Spatial Strategy

East of England Plan (May 2008)

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

## Bedfordshire Structure Plan 2011

Not applicable

## Core Strategy and Development Management Policies, November 2009

Policy DM3 - High Quality Development

## South Bedfordshire Local Plan Review Policies

Not applicable

## Supplementary Planning Guidance

Design in Central Bedfordshire, A Guide for Development

## Planning History

- CB/09/06564/FULL Two storey side extension (including ground floor garage, first floor bedroom) - Refused:
- Highway grounds, development would have only one off road car parking space retained, which would have been within the proposed garage.

## Representations: (Parish & Neighbours)

Sandy Town Council:

Objects:

- Adverse impact upon the streetscene
- Loss of amenity for near neighbours
- Loss of parking
- Overdevelopment of the site

Neighbours:

Two letters of objections received:

41 Woodpecker Way & 2 Owlswood:

- Development less than a metre from side boundary with 2 Owlswood.
- Loss of light to ground floor WC of 2 Owlswood.
- Loss of privacy in rear garden of 2 Owlswood.
- Loss of parking
- Design is contrary to original planning
- Loss of decorative gate would be detrimental to the streetscene
- Frontage would be in excess of the 45 degree sight line.
- Possible loss of day light and sun light to

## Consultations/Publicity responses

Site Notice Posted on 12.02.10: No comments received  
Highways Department: No objection as access is not from the public highway.

## Determining Issues

The main considerations of the application are;

1. The effect on the character and appearance of the surrounding area
2. The impact on the residential amenity of neighbouring properties
3. Any other implications of the proposal

## Considerations

### 1. Effect on the character and appearance of the area

The two-storey side extension would be visible within the streetscene of Owlswood, Woodpecker Way and Plovers Field.

In design terms it is considered that the extension would be in accordance with the technical guidance *Design in Central Bedfordshire, a Guide for Development* as it states that it is essential to set back a side extension on a detached house and that the ridge of the roof of the extension must be lower than the existing building. The proposed side extension would be approximately 0.6 metres back from the front elevation of the dwelling. When viewed from the front of the dwelling the maximum height of the extension would measure some 9 metres in height, which is 3 metres lower than the ridge height of the dwelling. The two storey extension would have a gable ended roof which would match the existing gable. The extension would be a minimum of 0.8 metres from the side boundary of the site, the large proportion would be 1 metre from the boundary, this is considered to be sufficient to ensure it would not form a cramped development.

Policy DM3: High Quality Development of the Core Strategy and Development Management Policies, 2009 states that to be found acceptable the design of the development needs to be "appropriate in scale and design to their setting". It is considered that this development complies with this, the extension would be subservient by one storey, and recessed from the front elevation by what is considered a significant amount. It is appropriate for it to be constructed in matching materials.

Although the extension would be visible from the street scene, it is only 4 metres in width, it is judged that this is in keeping with the scale of the original dwelling. All the materials would match the existing, and as the dwelling is relatively new it is considered that new materials would not detrimentally impact upon the visual appearance of the property. A car port would be visually interesting within the streetscene, it would allow access to the back of the property, which is considered appropriate as there is the structure of a double garage and parking is towards the rear of the site.

As the materials would match that of the existing house and the extension would

be subservient the proposal is not considered to detrimentally affect character and appearance of the surrounding area and they are therefore acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies, November 2009.

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

It is considered that the proposed extension would not cause a detrimental impact on any adjoining neighbours. The house is adjacent to numbers 2 and 6 Owlswood. The extension would be adjoining the northern elevation, which would be on space currently used for parking between the dwelling and number 2 Owlswood. It is judged that as the extension would be on the opposite side of the dwelling to number 6 Owlswood and as the extension would not project either side of this elevation that the development would not impact upon this residential dwelling. It would move the footprint of the dwelling towards number 2 Owlswood, but it is considered that it would not significantly effect the residential amenity of this dwelling. No other dwellings would be significantly effected by this development given its scale and location.

Loss of light:

The extension would be attached to the side of the dwelling it is considered that as the extension is subservient to the main dwelling, and 0.8 metres from the shared boundary that it would not cause an impact on the light into this dwelling. There is one small ground floor WC window in the side elevation of number 2 Owlswood, but it is judged that there would still be sufficient light into this window, due to the slight staggered building line, moreover this is not a habitable room. The two buildings would be approximately 1.85 metres apart, which is judged to be sufficient to ensure adequate separation of the properties. The extension would not impact the light into any other neighbouring property.

Overbearing impact:

It is judged that the development would not contribute to the overdevelopment of the site or have an overbearing impact on the neighbouring properties or streetscene. This is due to the size and position of the side extension, there are buildings in the same development which are of a similar scale and appearance as the proposed dwelling would be after the extension was built. The plot on which the dwelling sits is of sufficient size to ensure that this extension would not contribute to the overdevelopment of the site.

Loss of privacy:

The design of the extension would ensure that there would not be any significant loss of privacy, there are no side facing windows proposed. Due to the staggered building line the rear elevation of number 2 Owlswood is behind the rear elevation of number 4 Owlswood, this would further reduce the chance of any overlooking or loss of privacy.

Outlook:

The extension would not detrimentally affect neighbouring properties in terms of outlook, the extension would be visible, but it has been designed to be subservient to the original dwelling and the matching materials would harmonise

the development. It is considered that the design is in accordance with the Central Bedfordshire technical design guidance. A high quality car port would be attractive visually and help maintain parking of vehicles off the road, as currently there is a set of double gates, which are parked in front of, the car port would encourage drivers to travel through and park off the street.

Two letters of objection were received, from number 2 Owlswood and number 41 Woodpecker Way:

– **Development less than a metre from side boundary with 2 Owlswood.**

It is considered that as no side facing windows are proposed, and there are no 1st floor windows in the southern elevation of number 2 Owlswood, it is judged that a distance between 0.8 metres and 1 metre from the boundary is an acceptable distance for an extension of this size, to ensure residential amenity is maintained.

– **Loss of light to ground floor WC of 2 Owlswood.**

Due to the position of number 2 Owlswood, it is considered that there would still be sufficient light into the downstairs WC. The window is located at ground floor level, there is currently a wall between these properties, it is considered that the extension would not significantly change the light into this window. A WC is not a habitable room and therefore a slight loss in light is not considered to be detrimental to the amenity of this room.

– **Loss of privacy in rear garden of 2 Owlswood.**

No side facing windows are proposed, the first floor rear window would not have a significantly different aspect to that of the existing rear windows. It is judged that the privacy of the rear garden of number 2 Owlswood would be safeguarded.

– **Loss of parking.**

See "any other implications" section.

– **Design is contrary to original planning.**

The scale of the building would be similar to some buildings that exist near the dwelling. It is considered that it would change the proportions of the house but it would be in accordance with the *Central Bedfordshire a Guide for Development*.

– **Loss of decorative gates would reduce the aesthetic appearance of the street scene.**

The gates which form part of the original dwelling would be lost, these gates are not considered to be of high enough design standard to warrant retaining them, the applicant could remove these gates to open up the parking area to the side and rear of their property without requiring planning consent. A brick car port would provide access to the rear which is judged to be of high importance, as the materials would match that of the original building it is considered that this would provide design of a high enough standard to be found acceptable.

– **Frontage would be in excess of the 45 degree sight line.**

The extension would be in accordance with the 45 degree principle, which is that an extension should not encroach upon the light that enters neighbouring windows, this is measured as a 45 degree angle from the corner of the proposed

extension to ensure that this light line does not cross the front windows of adjacent property. This test has been applied to this application and it accords with the guidance found within the Central Bedfordshire design guide. The light into the front windows of number 2 Owlswood would not be significantly affected by the extension. It is not considered that the side window should be subject to this test as the dwelling currently shades this non habitable ground floor WC window.

– **Possible loss of day light and sun light to number 41 Woodpecker Way.**  
Due to the distance from the development it is considered that number 41 Woodpecker Way would be unaffected by the development. Currently there is a gap between numbers 4 and 2 Owlswood, which is the proposed location for the extension. It is considered that the loss of the gap between these houses would not significantly change the amount of light to this dwelling. The side of number 41 Woodpecker Way would be approximately 14 metres away from the extension, which is the same distance as the existing 3 storey dwelling, this extension would not significantly change the light into this property.

### 3. Any other implications

Highway implications:

Originally on the site there was parking for 4 cars, two within the double garage towards the rear of the site and two to the side of the dwelling. This application would increase the number of bedrooms at the property by 1, but it would maintain the off road parking provision, there would still be access to the rear garage, which could be potentially used for parking, and two cars could park along the side of the house, in front of the garage and under the car port.

Currently cars park in front of the gates to the side of the property, with the removal of the gates it would make parking off road easier, as cars would be able to pull directly onto the site.

Owlswood is currently not adopted highway, the comments from the Highway Department state no objection as the access is not from the highway and therefore the development would not impact upon the highway. The Highway Department did comment that should Owlswood have been public highway then they would object to it, this is based on a previous application where it stated that the double garage is used as a gym, therefore two of the parking spaces are removed, leaving only two off road spaces, insufficient for a dwelling of this size. Though the garage might be used as a gym, this does not affect the application, as access to the garage is maintained through the car port, the use could be reinstated to store cars under permitted development, therefore these spaces could be used by the residents of the dwelling if desired. It is judged that there still would be potential provision for at least four off road car parking spaces, which is considered acceptable.

There are no further implication regarding this application.

### Reasons for Granting

The proposed two storey side extension on this residential dwelling would not detrimentally impact upon the character or appearance of the surrounding area and there would be no significant impact upon any neighbouring properties or upon



highway safety. Therefore the scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2006), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policy DM3 of the Core Strategy and Development Management Policies, November 2009. It is further in conformity with the Central Bedfordshire Supplementary Technical Guidance "Design in Central Bedfordshire, A Guide for Development."

**Recommendation**

That Planning Permission be granted for the following reason:

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

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

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

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

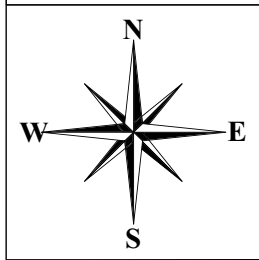
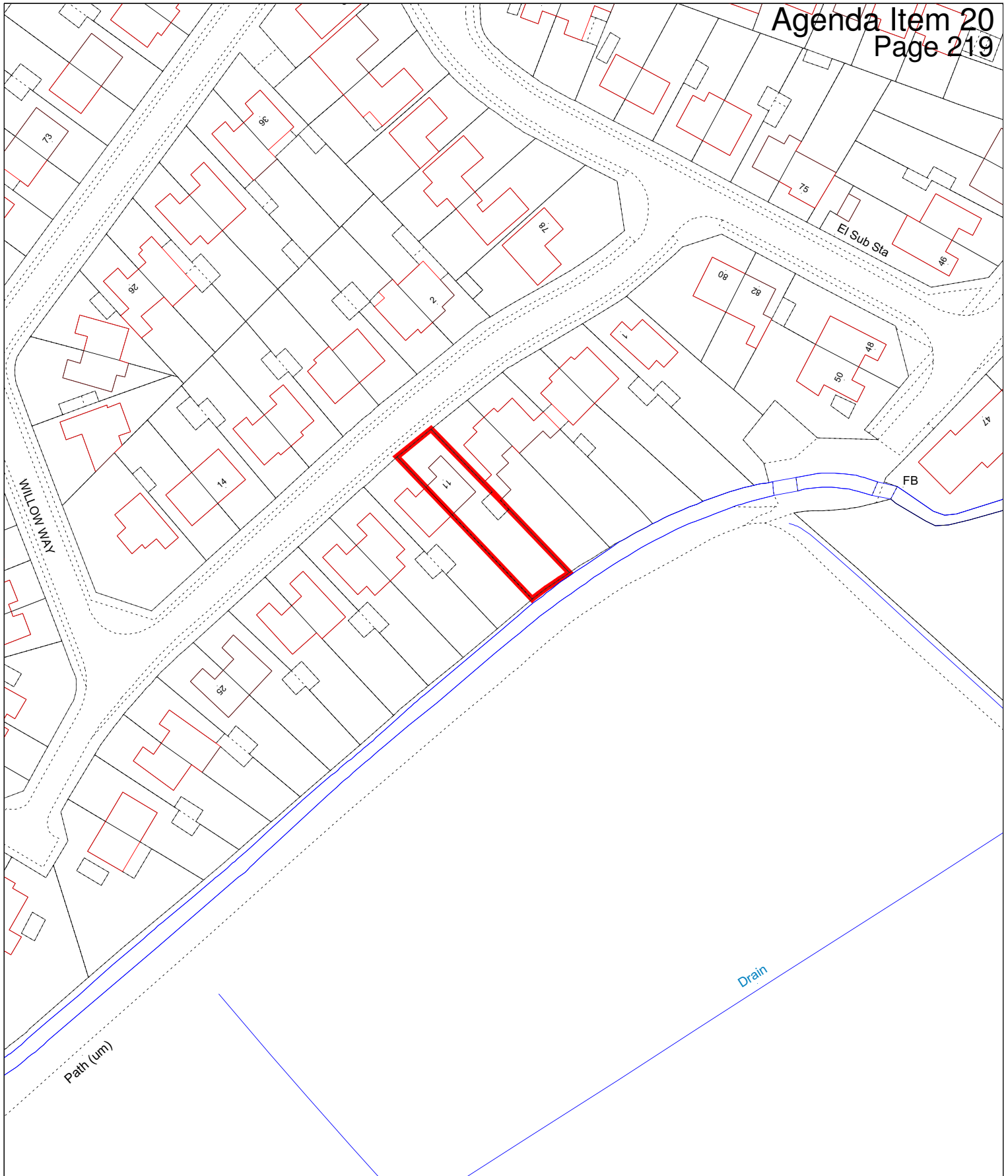
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no door shall be inserted in the ground floor side extension without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents, and ensure adequate off street parking.

**DECISION**

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Date: 11:March:2010

Map Sheet No

CASE NO.

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**Item No. 20**

<b>APPLICATION NUMBER</b>	<b>CB/10/00337/FULL</b>
<b>LOCATION</b>	<b>11 Willow Way, Flitwick, Bedford, MK45 1LL</b>
<b>PROPOSAL</b>	<b>Full: Single storey rear extension, Dormers to front and rear, erection of front porch.</b>
<b>PARISH</b>	<b>Flitwick</b>
<b>WARD</b>	<b>Flitwick East</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Jamieson &amp; Cllr Turner</b>
<b>CASE OFFICER</b>	<b>Mary Collins</b>
<b>DATE REGISTERED</b>	<b>01 February 2010</b>
<b>EXPIRY DATE</b>	<b>29 March 2010</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs S Dix</b>
<b>AGENT</b>	<b>FOD Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Applicant an employee of Central Bedfordshire</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

11 Willow Way is a semi-detached bungalow constructed in a buff brick with a pitched roof of interlocking concrete tiles. To the front the property has a gable projection. To the side/rear it has a detached single garage. The property lies on the southern edge of the town with open fields and the River Flit to the rear.

Willow Way is characterised by pairs of bungalows of a similar style and age, some of which have been extended at roof level to create dormer windows.

**The Application:**

Planning permission is sought for the erection of a two storey rear extension, a single storey side extension and a porch to the front elevation.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

- PPS 1 Delivering Sustainable Development
- PPS 3 Housing

**Regional Spatial Strategy**

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

**Bedfordshire Structure Plan 2011**

None

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

DM3 - Criteria for extensions

**Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development, Adopted January 2010

**Planning History**

None

**Representations:  
(Parish & Neighbours)**

Flitwick TC Adjacent Occupiers	Support The Occupier of No. 13 Willow Way raises concern over the distance between the proposed rear extension and their existing extension
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**Consultations/Publicity responses**

Highways	The proposal is increasing the number of bedrooms in the dwelling from two to three for which a minimum of two parking spaces would be required. These can be accommodated on site. Therefore no objection to the proposal as submitted.
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IDB	There is no indication with this application of the means of disposal of surface water. If this is to be to soakaways then these should be designed and constructed to BRE Digest 365. Please inform the applicant that the Board will not consent to surface water from the proposals being discharged to the watercourse to the southeast of the property, unless it can be shown that surface water already discharges to this watercourse and the increase will be attenuated to the existing rate.
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Site Notice posted 10/02/10	No response received
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**Determining Issues**

The main considerations of the application are;

1. Visual impact upon the character and appearance of the area
2. Impact upon neighbouring residential amenity
3. Other concerns

## Considerations

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

A single storey extension is proposed to extend across the full width of the rear elevation. One section of the extension which seeks to enlarge the sitting room projects by 5 metres and is approximately 3.7 metres wide, whilst the existing kitchen will be extended by 1.6 metres to form an enlarged kitchen area. The extension will have a shallow monopitch lean to roof with eaves and guttering, parallel with the ridge of the main roof.

The extension is relatively deep however given the attached property has been previously extended to this depth, the projection of the extension is considered acceptable.

Dormer windows are proposed to the front and rear elevations. To the front elevation a flat roofed dormer window is proposed. The dormer extends over more than half the roofslope and is set in marginally from the sides of the roof by approximately 0.60 metres. The dormer is set back behind the existing gable to the property and this means that the dormer is restricted to the top half of the existing roof plane. The dormer has also been set down marginally from the ridge of the existing dwelling.

It may be argued that the dormer extending across more than half the width of the dwelling would be out of keeping with the dwelling. However, in this instance as the dormer is of the same dimensions as the front dormer to the attached dwelling at 13 Willow Way and there are also a number of other dormer windows to the front of dwellings in this stretch of Willow Way including the adjacent property at 9 Willow Way, it would be unreasonable to refuse this proposal on design and visual grounds. In this instance, it is considered that the proposal would reinstate the symmetry of this pair of dwellings.

The dormer to the rear also has a flat roof. It has also been inset from the edge of the roof by 0.60 metres but projects further than the dormer to the rear and extends by 3 metres being set back by approximately 0.50 metres from the eaves of the roof. The property backs onto open countryside with the River Flit beyond. There are views of the rear of the property across these fields and from the Public Bridleway that runs parallel to the rear gardens of these properties on the other side of a brook. The dormer extension dominates the rear roofslope however as 13 Willow Way has been previously extended in this way and there are a number of other rear dormers, the proposal is considered to be acceptable in principle.

The rear dormer will be visible from the street, however due to its set back from the front of the dwelling, the dormer is not considered to be detrimental to the appearance of the street scene.

The porch occupies the corner between the front gable to the property and the main front elevation of the dwelling and will have a gable roof. The porch is in keeping with the property and is acceptable

## 2. Impact upon neighbouring residential amenity

The attached neighbour at 13 Willow Way already has a single storey rear extension that projects as far as the proposed rear extension. It also has dormers. As such this property is not considered to be detrimentally affected by the proposal.

The adjacent neighbour at 9 Willow Way is separated from the proposed extensions by its garage. This garage obscures the view of the ground floor rear extensions and this property is separated sufficiently not to be detrimentally affected by the proposed dormers. As such it is not considered to be detrimentally affected by the proposal.

## 3. Other concerns

Concern has been raised that the gap between the proposed rear extension and the existing extension to the rear of 13 Willow Way is likely to cause a damp problem. This is not a planning matter.

## Conclusion

In light of the above considerations it is recommended that planning permission is Granted.

## Reasons for Granting

The proposal is in conformity with Policy DM3 of the Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009 as the proposal is appropriate in scale and design to its setting and respects the amenity of surrounding properties. It is also in accordance with Planning Policy Guidance: PPS1: Delivering Sustainable Development and PPS3: Housing.

## Recommendation

That Planning Permission be Granted subject to the following:

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

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

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

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



**Notes to Applicant**

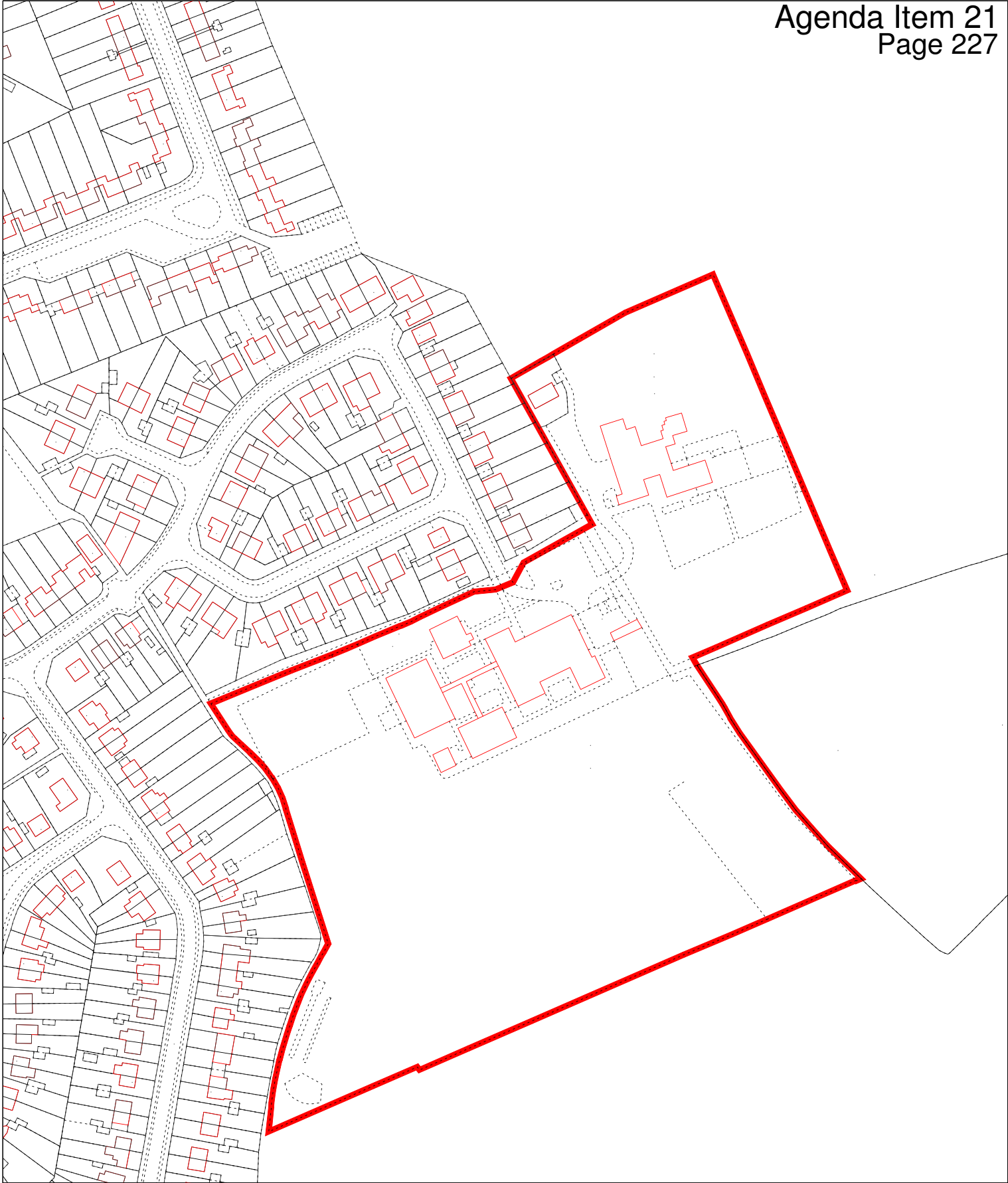
1. If means of disposal of surface water is to be to soakaways then these should be designed and constructed to BRE Digest 365.

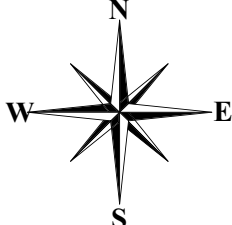
The applicant is advised the Internal Drainage Board will not consent to surface water from the proposals being discharged to the watercourse to the southeast of the property, unless it can be shown that surface water already discharges to this watercourse and the increase will be attenuated to the existing rate.

**DECISION**

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	Date: 12:March:2010	
	Map Sheet No	

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<b>Item No.</b>
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**SCHEDULE C**

<b>APPLICATION NUMBER</b>	<b>CB/10/00196/FULL</b>
<b>LOCATION</b>	<b>Caddington Village School, Five Oaks, Caddington</b>
<b>PROPOSAL</b>	<b>Single storey extension to school building.</b>
<b>PARISH</b>	<b>Caddington</b>
<b>WARD</b>	<b>South East Bedfordshire</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Ruth Gammons &amp; Cllr Richard Stay</b>
<b>CASE OFFICER</b>	<b>Gill Claxton</b>
<b>DATE REGISTERED</b>	<b>26 January 2010</b>
<b>EXPIRY DATE</b>	<b>23 March 2010</b>
<b>APPLICANT</b>	<b>Caddington Village School</b>
<b>AGENT</b>	<b>C G Bone Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The land is owned by Central Bedfordshire Council and there is an unresolved objection from a third party.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The application site lies on the eastern edge of the village. The main entrance to the school is from Five Oaks, a residential street forming part of the nearby housing estate.

Within the site, the children of Pre-School and Lower School ages (3 – 9) are educated in the buildings on the eastern half of the site while those of Middle School ages (9 – 13) in the buildings on the western half. The school buildings comprise a mixture of mainly single storey buildings linked by covered walkways with open play areas in between. There is one two storey block and both halves of the school have 1½ storey structures accommodating halls and gymnasiums.

The western and part of the northern boundaries of the school site adjoin residential development in Five Oaks, while the remainder abut open countryside.

Caddington Village School is Bedfordshire's first school to educate children from 3 to 13 years of age. The school was formed as a result of merging three existing schools: Heathfield and Willowfield Lower Schools and Five Oaks Middle School. It occupies the site of the former Willowfield Lower and Five Oaks Middle Schools.

Although the village of Caddington is one of the settlements excluded from the Green Belt, the school site lies within the Green Belt.

**The Application:**

Planning permission is sought for a single storey front extension to enlarge the dining area and catering facilities.

The flat roofed extension would measure 15.8m wide by 7.3m deep to a height of 3.3m. It would be sited on the front (north) elevation of the building.

The extension would be designed to reflect the façade and style of the existing buildings. The brickwork would match the existing. Although the new extension would be flat roofed, pyramid roof lights would be introduced which would allow additional natural light into the dining area.

The small planted area of shrubs and trees to the front of the existing dining room would be removed. It is proposed that a smaller shrub planting area would be created between the extension and the entrance footpath. Two replacement trees would be planted on the opposite side of the footpath.

In support of the application, the applicant states:

- When the previous Lower and Middle schools were on the site each school had its own catering facility and dining area. Since the creation of Caddington Village School, all students are now catered for from the facility that served Five Oaks Middle School. The dining room can only accommodate 72 people at a sitting which is insufficient for the numbers of pupils (480) and staff who need to be catered for at lunch time.
- The restricted space available for dining means that the layout is fairly inflexible and tables are laid out in long rows.
- Due to the limited space some children and staff dine in the other part of the school. This involves cooked food being wheeled on trolleys across the school grounds. This is not an ideal situation.
- It is considered that refurbishing the catering and dining facilities would enable the school to manage the lunchtime period more efficiently. Currently there are three sittings each lasting about 50 minutes. The enlarged dining room would enable 151 people to eat at each sittings and reduce the time to 40 minutes. Three sittings would cater for 453 students. The reduction in time could allow the school to have a fourth sitting if required.
- The new system would also allow children bringing a packed lunch the opportunity to sit with their friends who take school meals.
- The layout of the dining area could also be improved to make it more flexible. This would also make it more attractive to pupils. Smaller groups of between 4 – 6 could be accommodated as well as larger groups. A raised area would be created near the windows for those pupils who do not want to eat in a large group.

#### **RELEVANT POLICIES:**

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

PPS1 - Delivering Sustainable Development

PPG2 - Green Belts

PPS7 - Sustainable Development In Rural Areas

##### **Regional Spatial Strategy**

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

SS1 – Achieving Sustainable Development

SS7 – Green Belt

ENV7 – Quality in the Built Environment

**South Bedfordshire Local Plan Review**  
BE8 - Design Considerations

**Planning History**

SB/TP/78/00202	Temporary permission for double temporary classroom unit.
BC/CC/2002/27	Temporary permission for double temporary classroom unit.
SB/TP/03/00354	Permission for 0.3m microwave antenna on first floor building wall.
BC/CC/08/24	Temporary permission for double temporary classroom unit.
BC/CC/08/25	Temporary permission for double temporary classroom unit.

**Representations:  
(Parish & Neighbours)**

Caddington Parish Council	No objection.
Occupier 95 Five Oaks	Objection <ul style="list-style-type: none"><li>• Extensions have been previously approved. Query as to why this work was not done at the time.</li><li>• Extension will result in more children, more cars and increased traffic in the area.</li><li>• Impact on residents of Five Oaks not looked at properly in terms of privacy, traffic.</li><li>• If this is allowed, will there be more adjustments in the future, especially if Bushwood is allowed?</li><li>• Noise issues, especially for people who work nights.</li><li>• Requests that the school is visited during morning drop-off and afternoon collection.</li></ul>

**Consultations/Publicity responses**

Environmental Health Officer	No objection.
Tree & Landscape Officer	<ul style="list-style-type: none"><li>• The scheme would involve the loss of 2 Scots Pine trees. These have outgrown the site and were planted too close to the existing building. The branches are already resting on the roof of the building. These would need to be removed regardless of the application, in order to prevent direct damage being caused to the fabric of the existing building.</li><li>• The new extension would involve the removal of three mature shrub beds. This planting would need to be replaced and there is ample space for this.</li><li>• No objection to the application subject to a condition requiring the replacement planting.</li></ul>

## Determining Issues

The main considerations in the determination of the application are:

1. Principle of development and Green Belt considerations
2. Design & External Appearance Considerations
3. Impact on residential amenity
4. Impact on traffic generation and highway safety
5. Other matters

## Considerations

### 1. Principle of development and Green Belt considerations

The erection of the proposed extension would by definition, be inappropriate development in the Green Belt and 'very special circumstances' must be demonstrated to justify the grant of planning permission.

- In this case it is considered that very special circumstances exist. The existing catering and dining room accommodation is not adequate to meet the needs of the school. Expanding the existing facility in its current location is the most efficient way of improving the facilities. The siting of the extension on the front elevation of the building would ensure that it is seen against the backdrop of the existing school buildings.
- The proposal does not conflict with the purposes of including land in the Green Belt as the development would take place on an existing school site; the modest size and design of the extension would minimise the impact on the surrounding area leaving a large proportion of the site remaining open and undeveloped, thereby preserving the openness of the Green Belt.

It is considered that a case for very special circumstances has been made and that the scheme should not fail on Green Belt grounds.

There is no requirement to refer the proposal to the Government Office for the East of England under the Town and Country Planning (Consultation) (Direction) 2009 (Circular 02/2009) as the floor space proposed is significantly below the 1,000 sq.m threshold and the development by reason of its scale, nature and location would not have a significant impact on the openness of the Green Belt.

### 2. Design & External Appearance Considerations

The size, scale, materials and overall appearance of the development would complement and harmonise with the section of the building where it would be sited and that of the surrounding school site.

As the extension would be located at the front of the building it would be visible from Five Oaks. However, due to its external appearance, scale and siting there would be no adverse impact on visual amenity.

### 3. Impact on residential amenity

The school site is bounded by residential development on the western and part of the northern site boundaries. There would be no adverse effect upon residential amenity in terms of loss of sunlight/daylight, privacy or overbearing effect due to the distances involved.



The comments of the neighbouring occupier in terms of the potential for noise disturbance are noted. However, the proposals represent an improvement to the existing facilities at the school rather than an expansion, so there would be no adverse impact in terms of noise.

**4. Impact on traffic generation and highway safety**

Notwithstanding the comments of the neighbouring occupier in terms of traffic generation and highway safety, as stated previously the extension is to improve the existing catering and dining facilities at the school. There would be no implications for additional traffic generation or highway safety.

**5. Other matters**

The proposed development would have no adverse impact upon the amount of available playing field space at the lower school as it would be located within an area of incidental open space and landscaping.

The two Scot's Pine trees that would be lost in order to accommodate the extension should be removed in any event in order to prevent direct damage being caused to the fabric of the existing building. Replacement planting elsewhere on the site can be secured by condition. Similarly replacement shrub beds to be can also be secured by condition.

**Reasons for Granting**

Very special circumstances have been demonstrated to justify an exception being made to the normal presumption against inappropriate development in the Green Belt. The proposed development complies with national guidance and Policy BE8 of the South Bedfordshire Local Plan Review in respect of the visual impact of the siting, design and external appearance of the development on the character and appearance of the locality generally and the openness of the Green Belt and the amenity of neighbouring occupiers.

**Recommendation**

That Planning Permission be **GRANTED** subject to the following conditions:

- 1 The development shall begin not later than three years from the date of this permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The external finish of the walls and roofing materials to be used for the extension shall match that of the existing building as closely as possible.  
REASON: To ensure that the development is in keeping with the existing building.  
(Policy BE8 S.B.L.P.R).
- 3 Before development begins, a planting scheme shall be submitted to and approved in writing by the Local Planning Authority to provide new landscaping details and planting specification, which will indicate the size, position and species of new trees and shrubs. The scheme shall be implemented during the first planting season (October to March) following the completion of the extension. The scheme shall provide for the

satisfactory pre-planting and post-planting operations and aftercare. Any plants that fail to establish within a five year period following commencement of landscape operations will be replaced in the planting season immediately following the loss of the respective plants.

REASON: To aesthetically integrate the development into its surroundings, to soften the artificial lines of the built environment, and to mitigate against the loss of a large area of high quality landscaping removed to accommodate the new extension.

- 4 This permission relates only to the details shown on Drawing No's 936-11; 936-12; 936-13; 936-14 and 936-15 received 26/01/10 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)**

SS1 - Achieving Sustainable Development

SS7 - Green Belt

ENV7 - Quality in the Built Environment

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

BE8 - Design Considerations

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

### DECISION

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**Meeting:** Development Management Committee  
**Date:** 24 March 2010  
**Subject:** Flexible Approach to the Implementation of the Council's adopted Planning Obligation Strategy  
**Report of:** Director of Sustainable Communities  
**Summary:** The report seeks the support of the Development Management Committee for the introduction of a more flexible approach to the implementation of the Council's adopted Planning Obligation Strategy.

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**Contact Officer:** Andrew Davie,  
**Public/Exempt:** Public  
**Wards Affected:** All Wards  
**Function of:** Council

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

##### **Financial:**

Current delegated authority identified in paragraph 2.2 allows for officers to negotiate and agree contributions under Section 106. In the current economic climate this needs to be seen more flexibly which is the purpose of this report. This will result in a reduction in Section 106 contributions both capital and revenue which will impact upon the ability of the Council to create sustainable communities. However each case will be considered on a risk basis to the authority to minimise the risk to both development and financial loss to the council as much as possible.

##### **Legal:**

None

##### **Risk Management:**

None

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

None

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

None

##### **Community Safety:**

None

**Sustainability:**

None

**RECOMMENDATION(S):**

**that until the adoption of a formal policy setting out the approach to be taken to the implementation of the Planning Obligation Strategy and the negotiation of Section 106 Agreements the Development Management Committee endorses the following:**

- (a) Where a credible viability case has been put forward for market development, contributions to be off set on a pro rata basis or principal contributions identified and secured through the agreements / unilaterals.**
- (b) In cases where all contributions are proposed to be waived these cases are only pursued after consultation with the Portfolio Holder for Sustainable Development.**

**1.1 Introduction**

- 1.1 This report seeks the support of the Development Management Committee for the introduction of a more flexible approach to the implementation of the Council's adopted Planning Obligation Strategy and the negotiation of Section 106 Agreements in this period of economic slow down.
- 1.2 Planning Obligations are a recognised delivery mechanism for matters that are necessary to make a development both sustainable and acceptable in planning terms. They are legally binding and can be delivered through either a unilateral undertaking made by the applicant or an agreement made jointly between the local authority and a developer.
- 1.3 The Planning Obligations Strategy is a Supplementary Planning Document (SPD) and recognises that in certain circumstances, viability can be an issue. Therefore, where a developer considers that the requirements of the Council would significantly harm the viability of the proposal, the onus will be on the applicant to demonstrate this. This as we recognise is an issue that has come to the fore given the current economic slowdown.

## **2. Background**

- 2.1 The Central Bedfordshire Constitution at 4.3.95 delegates to Officers the ability to determine planning applications subject to a list of stated criteria. At 4.3.95.2.3 this ability is withdrawn where the application or matter is contrary to other approved Council Planning policies or Supplementary Planning Guidance and is recommended for approval.
- 2.2 Paragraph 4.3.128 enables Officers to negotiate and enter into agreements or obligations under Section 106 of the Town and County Planning Act 1990 and to implement the provisions of such agreements, including the disposal and management of land and monies. This is to be undertaken in consultation with the Assistant Director Legal and Democratic Services and except as may be otherwise indicated by the Development Management Committee.
- 2.3 The adopted Planning Obligation Strategy (SPD) states at paragraph 9.2 that the Council has not adopted a 'blanket approach' to the application of planning obligations. All obligations will be assessed on a site by site basis.
- 2.4 The combination of the relevant clauses in the Constitution and the paragraphs with the SPD provide Officers with a degree of flexibility in terms of the implementation and negotiation of Agreements and Obligations under Section 106.
- 2.5 The Planning Service is currently working on a formal policy to respond to the economic downturn and the obligations but in the interim there are a number of applications within the system that need to be considered and where an agreed approach to the viability cases that have been put forward by applicants must be established.

## **3. Considerations**

- 3.1 In the absence of a formal policy that sets out the approach the Council will take to off setting Section 106, where a justified viability case has been put forward by an applicant an interim position needs to be established. In cases the Authority has sought to discount all the required contributions on a pro rata basis. Another approach that has been adopted is to waive certain contributions so that others are paid in full. These two approaches have resulted in an overall reduction in contributions being extracted from new development but still secures a proportion of the applicable contributions.

3.2

However there are currently within the system some more extreme cases, particularly relating to schemes involving Registered Social Landlords (who provide affordable housing) where the viability test indicates that all contributions should be waived to allow the delivery of the affordable housing. Officers within Housing Services have recommended that these contributions should be waived to ensure that the grant money available to deliver this affordable housing does not fall away if the grant of planning permission is delayed or refused. This has led to a situation where case officers are being asked to waive substantial contributions that would normally be sought as part of these developments. However, these contributions need to be balanced against the ability of development to proceed on the ground.

**Appendices:**

None

**Background Papers:** (open to public inspection)

None

**Location of papers:** Priory House, Chicksands