

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



please ask for Martha Clampitt
direct line 0300 300 4032
date 16 February 2011

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 2 March 2011 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 A Shadbolt (Chairman), P F Vickers (Vice-Chairman), P N Aldis, A R Bastable, R D Berry, D Bowater, A D Brown, D J Gale, Mrs R B Gammons, K Janes, D Jones, H J Lockey, K C Matthews, Ms C Maudlin, T Nicols, A Northwood, Mrs C Turner and J N Young

[Named Substitutes:

R A Baker, Mrs C F Chapman MBE, 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 2 February 2011.
(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.

REPORT

Item	Subject	Page Nos.
6	Planning Enforcement Cases Where Formal Action Has Been Taken	7 - 14

To consider the report of the Director of Sustainable Communities providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.

Planning and Related Applications

To consider the planning applications contained in the following schedules:

Schedule A - Applications recommended for Refusal
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Item	Subject	Page Nos.
7	Planning Application No. CB/10/04207/FULL Address: Land adjacent Arlesey Railway Station, Old Oak Close, Arlesey Full: Provision of a new surface car park for 75 no. cars and 6 No. motorcycles. Provision of a new footway and parking on-street prevention measures. Provision of street lighting and cctv for off-street parking areas only. Applicant: Network Rail	15 - 24
8	Planning Application No. CB/10/04522/FULL Address : No. 1 and The Chestnuts Friars Walk, Dunstable LU6 3JA Extensions and alterations to No.1, demolition of Chestnuts and redevelopment of the site to provide 3 detached dwellings, 7 apartments, amenity, associated parking, communal amenity space and landscaping. Applicant : Visao Ltd	25 - 42
9	Planning Application No. CB/10/04579/FULL Address : Oak Tree Farm, Potton Road, Biggleswade SG18 0EP Change of use of first floor from games room to separate residential unit and laundry on ground floor. Applicant : Mr Sturman	43 - 54

Schedule B - Applications recommended for Approval

Item	Subject	Page Nos.
10	<p>Planning Application No. CB/10/03200/FULL</p> <p>Address : Trinity Hall Farm, Watling Street, Hockliffe, Leighton Buzzard, LU7 9PY</p> <p>Construction of Biogas Plant including digester tank, storage tank, flare stack, technical building and silage compound. Development proposes a farm based anaerobic digester with a capacity of 1,063Kw using maize feedstock grown locally together with widening of the farm access where it joins the A5 Trunk Road.</p> <p>Applicant : Hallwick Ltd</p>	55 - 74
11	<p>Planning Application No. CB/10/04390/FULL</p> <p>Address : Land at Sandy Railway Station, Station Road, Sandy</p> <p>Full: Provision of a surface level car park comprising 228 spaces.</p> <p>Applicant : Network Rail</p>	75 - 84
12	<p>Planning Application No. CB/10/04536/FULL</p> <p>Address : 39 Kings Road, Flitwick, Bedford MK45 1EJ</p> <p>Full: Extension and alteration to existing bungalow and new detached three bedroom dwelling.</p> <p>Applicant : Mrs J Sherman</p>	85 - 100

Schedule C - Any Other Applications
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Item	Subject	Page Nos.
13	Planning Application No. MB/08/02060/FULL	101 - 114

Address : Land Adjacent to 33, Marshalls Avenue,
Shillington

Full: The erection of 2 no. 2 bed houses, 5 no. 3
bed houses and 1 no. 4 bed house for sustainable
housing.

Applicant : Aragon Housing Association

14	Planning Application No. CB/10/04516/FULL	115 - 120
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Address : 19 Ashwell Street, Leighton Buzzard, LU7 1BG

Demolition of existing single-storey outbuildings
and erection of two-storey rear extension.

Applicant : Mr C Reading

15	Site Inspection Appointment(s)	
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In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 27 April 2011 having regard to the guidelines contained in the Code of Conduct for Planning Procedures.

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

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Meeting: Development Management Committee
Date: 2 March 2011
Subject: Planning Enforcement cases where formal action has been taken
Report of: Director of Sustainable Communities
Summary: The report provides a monthly update of planning enforcement cases where formal action has been taken

Contact Officer: Sue Cawthra (Tel: 0300 300 4369)
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 when a new case is opened and when a breach of planning control is confirmed. For further details of particular cases please contact Sue Cawthra on 0300 300 4369.

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)

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

Planning Enforcement formal action (DM Committee 2nd March 2011)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	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 dismissed	27-Feb-11	Appeal dismissed, Enforcement Notice upheld, compliance date extended	Notice is being complied with, check full compliance after 27/2/11
2	CB/ENC/09/1179	Northfield Farm, Great Lane, Clophill, Bedford, MK45 4DD	Enforcement Notice - change of use to siting mobile home for residential purposes	15-Apr-10	13-May-10	13-Nov-10			Part complied , mobile home vacated but still on site 4/2/11	Check mobile home removed.
3	CB/ENC/09/1304	Land To The Rear Of 153, Biggleswade Road, Upper Caldecote	Unauthorised buildings and structures on agricultural land.	13-Apr-10	11-May-10	varied			Part complied , Buildings removed	Planning application for paddock use & stables granted CB/10/03390/full. Being assessed for further action on kennels.
4	CB/ENC/09/1355	2 Blackbird Street, Potton	Enforcement Notice, extension & alteration to roof & wall	13-Sep-10	11-Oct-10	12-Dec-10			Not complied	To Legal 1/2/11 to assess for prosecution for non compliance
5	CB/ENC/09/1378	Long Yard, Dunstable Road, Studham	Enforcement Notice - Residential use of barn	4-Jan-10	1-Feb-10	2-May-10				Planning application received, CB/10/00783. Await decision. No decision yet.
6	CB/ENC/10/0068	Land at The Haven, Castle Hill Road, Totternhoe, Dunstable	Enforcement Notice, use of land for the stationing of container and the storage of building materials	22-Jun-10	20-Jul-10	17-Aug-10	Appeal received			Await outcome of appeal. Appeal site visit 15/2/11
7	CB/ENC/10/0099 Case closed	Toad Hall, 23A Mill Lane, Stotfold, Hitchin	2 Enforcement Notices. Change of use of stable building to ancillary residential use and change of use of agricultural land to residential garden. Alterations and extension of stable building	2-Aug-10	6-Sep-10	6-Nov-10 and 6-Jan-11			Complied 3/2/11	
8	CB/ENC/10/0189	Land at Paradise Farm, The Causeway, Clophill	2 Enforcement Notices, change of use of land to the stationing of caravans, trailer etc for residential purposes, & construction of hardstanding.	10-Sep-10	6-Oct-10	Various 04/01/2011 & 06/04/2011	Appeal - 3 day Inquiry April 2011			Enforcement Notices withdrawn 27/1/11 as not notified in Flood Risk Zone 3. Appeal against refusal of planning permission proceeding. Revised planning application received, CB/11/00202/full.

Planning Enforcement formal action (DM Committee 2nd March 2011)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
9	CB/ENC/10/0193 Case closed	Conn Farm, Cranfield Road, Cranfield	Enforcement Notice. Erection of a building	21-Jul-10	18-Aug-10	Varied	received 13-Aug-10		Lawful Development Certificate granted 2/2/11. Enforcement Notice withdrawn, appeal inquiry cancelled	
10	CB/ENC/10/0236	Land and buildings at 27 Maulden Road, Flitwick MK45 5BL	Enforcement Notice - change of use of the land from residential to mixed use for residential and business purposes	04-Feb-11	04-Mar-11	01-Apr-11			Check compliance after 1/4/11	
11	CB/ENC/10/0382	Land at St Marys House, Everton Road Sandy, SG192YQ	Enforcement Notice, change of use to mixed use for residential and business use for swimming lessons to persons not resident on the land.	13-Dec-10	10-Jan-11	14-Feb-11			Check compliance after 14/2/11. Informed that use will cease after 30/7/11	
12	CB/ENC/10/0570 Case closed	Applewood, 93-94 Church End Road, Haynes	Enforcement Notice. Change of use from 2 dwellings to residential unit for addiction clinic	2-Nov-10	2-Dec-10	31-Jan-11 and 2-Mar-11	Appeal received 2/12/10		Complied 4/2/11	
13	CB/ENC/10/0582	A5 roundabout, Woburn Road, Heath and Reach	Unauthorised advertisement						Information sent to Legal 11/1/11 for prosecution	
14	CB/ENC/10/0620	Rear of Masters House, 13 High Street, Clophill, MK45 4AB	Enforcement Notice, change of use to gym and beauty salon	12-Jan-11	9-Feb-11	9-Mar-11			Check compliance after 9/3/11	
15	CB/ENC/10/0657	Land at 24 London Road, Sandy, SG19 1EX	Enforcement Notice - the erection of a timber climbing frame with raised platform	21-Jan-11	18-Feb-11	18-Mar-11			Check compliance after 18/3/11	
16	CB/ENC/11/0001	Asda store, Church Street, Biggleswade	Breach of Condition Notice - delivery hours, condition 8 to planning permission MB/98/01344/out	15-Feb-11	15-Feb-11	17-Mar-11			Monitor compliance	
17	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		Some details approved, further details received.	Appeal decision received. Enforcement Notice varied & part upheld. Planning permission granted (part) with conditions. Conditions being monitored

Planning Enforcement formal action (DM Committee 2nd March 2011)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
18	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, compliance period extended		Part complied	1 cabin removed, 2nd cabin moved but remains on site. Assess for further action
19	MB/ENC/06/0244 Case closed	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 & Complied Feb 2011	Appeal dismissed & uphold enforcement notice.
20	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-May-10	Appeal dismissed. Enforcement Notice not complied with	Court Hearing March 2011
21	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			Not complied	Court Hearing adjourned
22	MB/ENC/08/0257 Case closed	Land at Crossingland Farm, Salford Road, Aspley Guise, Milton Keynes	2 Enforcement Notices - Construction of single storey building and 2 storey building without planning permission.	9-Jun-10	7-Jul-10	7-Jan-11	Appeal received 07/07/2010		Appeal allowed, Enforcement Notice quashed, planning permission granted for 2 buildings. Monitor use.	
23	MB/ENC/08/0372	Dingley Dell, Toddington Road, Westoning, Bedford	Enforcement Notice. Unauthorised restaurant building and farm shop building	16-Jul-10	13-Aug-10	8-Oct-10				planning application CB/10/02946 to retain 2 buildings. Await decision
24	MB/ENC/09/0034	Land at Whitsundales Farm	2 Enforcement Notices - Change of use to storage, erection of hardstanding + Access	17-Dec-09	17-Jan-10	various up to 17-Apr-10	Appeal received 12/01/2010	To be agreed	Hearing held jointly with planning appeals 10th to 11th August 2010	Appeal decision 27/8/10. Appeals dismissed, Enforcement Notices upheld, compliance periods to be monitored up to Oct 2011
25	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.	No further action at present
26	SB/ENF/04/0002 SB/ENF/04/0003 SB/ENF/04/0004 SB/ENF/04/0005	Land at Stanbridge Road, Billington, Leighton Buzzard	Change of Use of land for stationing of caravans and mobile homes, & hardcore & fencing.	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. Legal for further action

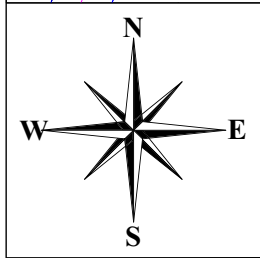
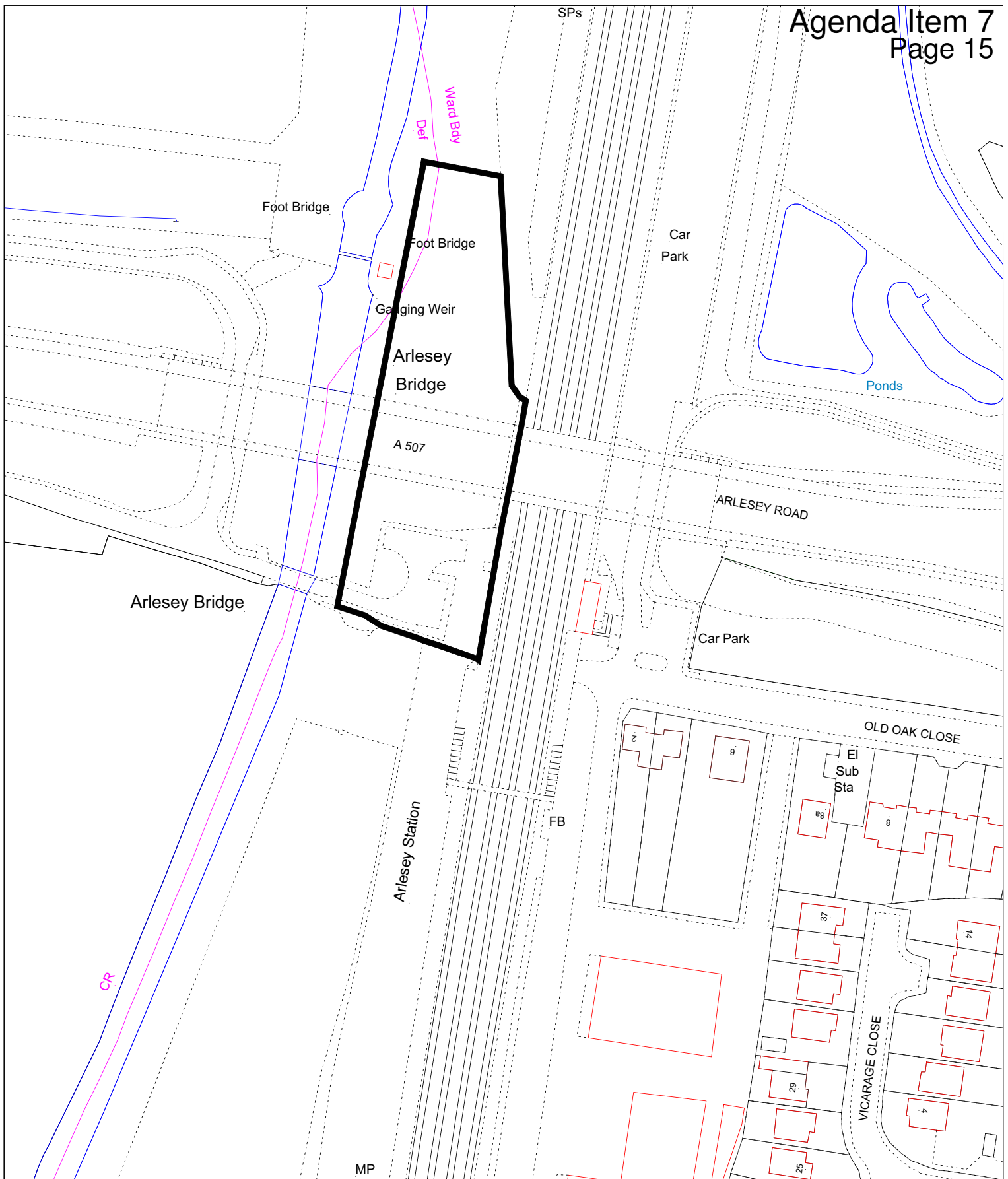
Planning Enforcement formal action (DM Committee 2nd March 2011)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
27	SB/ENF/04/0007 SB/ENF/04/0008	Land rear of Fancott Cottages, Luton Road, Toddington	Erection of building for residential purposes, laying of hardcore, mobile home & storage of materials	8-Sep-04	08-Oct-04	08-Jan-05	Appeal received 01 Nov 2004	No Change	Appeal withdrawn. SB/TP/05/1217 & S106 Agreement approved, 2 years for compliance.	New planning applications withdrawn. Discuss with Legal re S106 agreement.
28	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. Not complied	Legal request further evidence to commence prosecution.
29	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	Planning application submitted for residential use of barn, CB/10/00783. No decision yet
30	SB/ENF/07/0006 SB/ENF/07/0007 SB/ENF/07/0008	Dunedin, Harlington Road, Toddington	Change of use to bedsit accommodation, erection of building & extensions, non compliance with Condition 2 of SB/TP/98/0838	10-Aug-07	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed, compliance extended to 9/1/09. Not complied	Legal request further evidence to commence prosecution.
31	CB/ENC/10/0449	Land at Dunedin, Harlington Road, Toddington	Enforcement Notice, change of use of land to the stationing of mobile homes, touring caravans and trailer tent	7-Sep-10	5-Oct-10	2-Nov-10			Not complied	Legal request further evidence to commence prosecution.
32	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	Prepare evidence for Legal for prosecution.
33	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.	Legal request further evidence to commence prosecution.
34	SB/PCN/08/0011	Land at Woodside Eggs and Animal Farm, Woodside Road/Mancroft Road, Slip End, Luton	2 Enforcement Notices - construction of hardstanding & change of use to airport parking & business use.	30-Nov-09	11-Jan-10	Varied	Appeal dismissed	31-Dec-10	Appeal dismissed, Enforcement Notice upheld. Part complied	Full compliance to be checked April 2011 with compliance with Notice on adjoining land
35	CB/ENC/10/0644	Land adjoining Woodside Farm and Wild Fowl Park, Mancroft Road, Aley Green, Luton. LU1 4DG	Enforcement Notice - change of use of land from residential garden to use as a car park for non-residential purposes.	18-Jan-11	15-Feb-11	22/02/11 and 22/03/11				

Planning Enforcement formal action (DM Committee 2nd March 2011)

Minerals & waste	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	06/67	Former Fullers Earth Quarry, Clophill	Enforcement Notice - Failure to provide various parts of the approved restoration scheme (itemised a) - l)) (including unimpeded use of part of land as public amenity by the public) and complete within the prescribed timeframe	2-Feb-11	17-Mar-11	Depends on requirement of each item Varies 3 - 8 months				The new Enforcement Notice is supported by detailed plan of lake as built and comprehensive Annex setting out the nature and scale of the required works.
2	07/40	Former BR Goods Yard, Chiltern Green Road, East Hyde	Enforcement Notice - 3m high timber boundary fence at waste transfer station premises.	18-Mar-09	24-Apr-09	24-Jun-09	YES Written Repts Procedure	23-Nov-09	Appeal dismissed Sept 2009 and enforcement notice upheld. Compliance period 2 months	Alternative approved open mesh type fence erected down the majority of the boundary. An application to retain 70m of the timber fence adjacent to the proposed woodland area is being considered.
3	09/0034	Whitsundoles Farm Broughton Road, Salford	Enforcement Notice - Change of use of agricultural land to a mixed use for the storage of commercial vehicles, the processing and storage of inert waste and aggregates and as a recycling facility	17-Dec-09			YES Hearing Procedure	27-Aug-10	Enforcement Notice Appeals on ground (g) compliance periods upheld. Temporary Planning permission (5yrs) granted for the storage of aggregate and recycling facility and aftercare of land	The erection of fencing between the two uses, to comply with condition no.2 of the appeal decision letter is the only outstanding matter that requires to be checked on site.

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Date: 15:February:2011

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 7

APPLICATION NUMBER	CB/10/04207/FULL
LOCATION	Land adjacent Arlesey Railway Station, Old Oak Close, Arlesey
PROPOSAL	Full: Provision of a new surface car park for 75 No. cars and 6 No. motorcycles. Provision of a new footway and parking on-street prevention measures. Provision of street lighting and cctv for off-street parking areas only.
PARISH	Arlesey
WARD	Stotfold & Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Saunders, Street, Turner
CASE OFFICER	Godwin Eweka
DATE REGISTERED	22 November 2010
EXPIRY DATE	17 January 2011
APPLICANT	Network Rail
AGENT	Frankham Consultancy Group
REASON FOR COMMITTEE TO DETERMINE	The Head of Development Management considers it appropriated for Committee to determine the application given the recent approval of a 390 space car park on an adjacent site
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The proposed development site lies west of Arlesey Railway Station platform and is currently vacant. To the east of the application site, there is an existing Network Rail car park across the Railway platform and residential properties in Old Oak Close, whilst to the west, a new car park is proposed. The application site lies partly within the County Wildlife Site (CWS) and partly in the floodplain and outside the Settlement Envelope.

The Application:

Provision of a surface car park for 75 no. cars and 6no. motorcycles. Provision of a new footway and parking on-street prevention measures. Provision of street lighting and CCTV for off-street areas only.

RELEVANT POLICIES:

National Policies (PPG & PPS)

- PPS1 (Delivering Sustainable Development)
- PPS9 (Biodiversity and Geological Conservation)
- PPG13 (Transport)

Regional Spatial Strategy

East of England (May 2008)

Policy SS1(Achieving Sustainable Development)
Policy T14 (Parking)
Policy ENV3 (Biodiversity and Earth Heritage)

Central Bedfordshire Core Strategy and Development Management Policies (2009)

DM3 (High Quality Development)
DM4 (Development Within and Beyond Settlement Envelopes)
DM14 (Landscape and Woodland)

Supplementary Planning Guidance

Design Guide
N/A

Planning History

10/00908/FULL New surface car park for 75 cars, 6no. motorcycles and 3no. disabled bays. Provision of new footway and parking on-street prevention measures. Provision of street lighting for off-street car park areas and provision of CCTV. withdrawn 8th July 2010.

Representations: (Parish & Neighbours)

ArleseyTown Council	Objects to this proposal on the grounds of overdevelopment in terms of car parking provision.
Henlow Parish Council	No objection in principle to the creation of a car park. However, we wish for the following comments to be taken into consideration before the application is determined: a) Very unsure if the old medieval bridge is adequate for the additional traffic that would result by the formation of the new car park. b) The removal of the unofficial parking in the access road is welcomed, but the actual numbers at present parking on both sides of the access is far greater than the 'designated' 70 spaces shown on 'existing parking layout' plans and greater than the 75 spaces proposed. c) Very concerned about egress onto the A507 and suggest that the entrance/exit is improved. d) Request that parking for bicycles is provided close to the station within these proposals.

Neighbours

One letter of objection has been received from a partner representative in the Glebe Meadows. The grounds of objection are that, there are no indications how traffic will be managed across the medieval bridge and to bring to your attention the need for unrestricted access for agricultural vehicles to the meadows alongside the station and the River Hiz.

Consultations/Publicity responses

Highways and Transport
Division
Public Protection North

No objection in principle, subject to conditions.

No objection in principle, subject to conditions.

The past and current use of the adjacent land as a Railway may have resulted in land contamination. It is noted that there is a landscaped area on the eastern boundary of the proposed development immediately adjacent to the railway and other smaller areas. Notwithstanding the Phase One Environmental Review submitted with this application the attached conditions should apply.

Ecology

No objection raised, but further comments have been addressed under biodiversity section in this report.

The Wildlife Trust

Our comments are in relation to Henlow Park Woods County Wildlife Site, which covers part of the application area and River Ivel and Hiz County Wildlife, which is adjacent to it.

In addition to being an important habitat in its own right, the river provides an essential corridor for species to move along, connecting wildlife rich areas along its length. It is part of the Green Infrastructure Network identified in the Mid Bedfordshire Green Infrastructure Plan. Both PPS9 and the Central Bedfordshire: North Area Core strategy Policy DM15 " states the importance of CWS and seek to protect them.

It is concerning that the Ecological report still did not include in its desk based report information from Bedfordshire and Luton Biodiversity Recording and Monitoring Centre (BRMC), despite our earlier comments (dated 20/4/10).

The current parking situation in Arleseey is not ideal. It does cause The Wildlife Trust problems when trying to get vehicles into Glebe Meadows Nature Reserve for management purposes and therefore, we welcome the intention to improve it. The Nature Reserve is accessed from the field gate off the south western edge of the

existing disabled car park.

We encourage people to visit our reserves and those coming by car to Glebe Meadows currently park on the roadside adjacent to the reserve. We are concerned that a long stay parking regime in the proposed car park, which could be expensive and new parking restrictions on the road, will seriously deter visitors to the nature reserve and its surroundings. We would ask that a shorter stay option in the car park or a few short stay spaces on the road are created to allow people to use the car park to visit Glebe Meadows and other riverside walks.

Walking, Cycling
Programme Manager

& This application should be conditional on the provision of a cycle shelter with the capacity to accommodate 20 cycles. The preferred location is shown on the attached plan, which was discussed earlier this year with First Capital Connect. Network Rail should have had sight of this plan.

Environment Agency

We consider that planning permission should only be granted to the proposed development as submitted, subject to conditions. Without the stipulated conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Landscape Officer

Details are required regarding planting scheme proposed.

Far north east corner of the car park has sufficient space to include one good specimen tree. Trees typical of the area include Alder, either *alnus incana* or the slightly more exotic and slower growing *alnus incana Aurea*, which has excellent colour at all times of year.

There appears to be approx 0.5 metre between the fence and the parking area on the west boundary. If the fencing is proposed to be chain link or palisade (no detail(s) of this is shown on the plan). It would be feasible to plant a single row of native hedge planting within this strip which would benefit screening from the adjoining land to the west which includes fishing lakes and areas which at present have leisure access. It would also help to provide the "wildlife corridor" which is identified in the Ecology Report. This hedge could run from the north side of the bridge to the far northern corner and could be trimmed back as it matures on the car park side but would naturally grow through the palisade/wire fencing on the other side.

The south west corner has a 3 metre strip for planting. Again this is an area that could be utilised for tree planting as well as shrub under storey. It may be that the

CCTV will need moving 3 metres to the east to ensure tree planting does not interfere with camera view. What height are the cameras to be set at?

The two areas on the east edge identified for planting are under the parapet of the bridge and as such, are unlikely to receive much in the way of rainwater and have lower light conditions. If planting is carried out here, then careful plant selection will be needed for success.

Planting triangle on the east side. Again check height of CCTV to ensure that planting will not interfere with camera view.

We require details of all sizes, species, densities of plants and preparation of planting areas. After care and replacement of planting failures.

Archaeology

The proposed development site lies adjacent to Henlow Landscape Park (HER 6993). Whilst the park itself is archaeologically sensitive and represents a locally identified heritage asset, there is at present nothing recorded in the Historic Environment Record for the application area. As the proposed development is unlikely to have an impact on archaeological remains or on the significance of a heritage asset, no objection to this application on archaeological grounds.

Determining Issues

The main considerations of the application are:

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

Considerations

1. Principle of Development

The proposed development is assessed against Policies DM3; DM4 and CS1 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

Policy CS1 of the Central Bedfordshire and Core Strategy and Development Management Policies (2009), states that Arlesey is categorised as a '*Minor Service Centre*'. As such, it is expected that the town will grow to bring forward large-scale new mixed-use development, including significant improvements in levels of service and local traffic conditions, together with substantial areas of new publicly accessible green infrastructure.

This site lies outside the Settlement Envelope, therefore Policy DM4 is relevant. In outside settlements, where the countryside needs to be protected from inappropriate development, only particular types of new development will be permitted in accordance with national planning guidance, such as (PPS7-Sustainable Development in Rural Areas). It is considered the proposed land use is not settlement related for example, community facilities or related to agriculture or considered to be part of the countryside.

Although the application site area extends onto a designated Wildlife Site, such as the Henlow Lakes, it is not considered the proposal would have any significant bearing on the application site, in terms of adverse impact on biodiversity issues and the Council's Ecologist has therefore, not raised any objection(s) in this regard.

In the Council's Development Management Committee (DMC) meeting of 21st July 2010, the Committee resolved to approve another application submitted for 390 car parking spaces (ref: CB/10/00938/FULL), following the officer recommendation to refuse the application. Although the application site also lies outside the *Settlement Envelope*, the Committee considered the development as having a justifying 'need' for such provision near the station south of the railway platform, due to the existing and prevailing car parking problems associated with unauthorised parking, which is causing undue danger to other road users and nearby residents. It is considered therefore, that additional car parking provision for 75 spaces is not required as the applicant (Network Rail), currently operates a similar provision to the east of the railway platform. As such, no identified 'need' has been made to the Council, even though, a need for additional car parking at Arlesey Station as identified in the '*Infrastructure Audit and Core Strategy*' is a material consideration, but this application has not demonstrated or considered such an additional requirement for more parking, taking account the proposal for 390 spaces already approved.

Based on the current situation and insufficient details submitted to support this application, together with a lack of justifiable need and credible mitigating measures on this site, it is considered this development cannot be supported therefore, the principle of development is unacceptable for reasons given above.

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

The proposed development, by virtue of its position within the floodplain, is considered unacceptable as it is likely to result in adverse impact on the character and appearance of the area, as the area needs to be protected from inappropriate development.

As the proposed site lies outside the settlement envelope of both Arlesey and Henlow, the proposed car park which would be sited along the corridor of the River Hiz, together with proposed flood lighting, may have visual adverse impact.

3. Impact of Development on Neighbouring Properties

The proposed development does not adjoin any residential properties. The nearest residential properties are situated in Old Oak Close, which is at a considerable distance away across the railway foot bridge to the east of the Station. As such, there would be no adverse impact on any residential property.

4. Biodiversity Issues

It is advised that the Council has, within its *duty to conserve biodiversity*, that it has exercised its functions under 'Section 40 of the Natural Environment and Rural Communities Act 2006', to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

It is advised that the updated phase 1 habitat survey submitted, is considered satisfactory as the proposed development will not have a detrimental impact on the nature conservation value of the site. The report identifies a number of enhancement opportunities and makes recommendations in section 4, these should be followed in particular the need for a 5m buffer zone and SUDs system to protect the riparian corridor. The development of a construction environmental management plan(CEMP), is proposed which would guide working practices on the site. Lighting should be directed away from the river corridor and lights buffered to ensure minimal light spillage.

5. Highway Safety Implications

It is advised the proposal is for the construction of a new car park to provide 75 spaces and 6 motorcycle spaces to be accessed through the existing access arrangements serving the car park for mobility impaired users. A provision of a footway along the south access road is also proposed.

The Council has in the recent past erected timber posts to prevent parking on the grass areas adjacent to the access road however, where no restrictions exist, parking takes place.

A parking assessment was carried out, the results of which are contained in the Traffic Impact Assessment. However, the total amount of existing spaces as shown on drawing No 223386/T/100, are inaccurate as the bays are too small to allow for a car to park and leave room to manoeuvre. In addition, no assessment was made of the existing car park to determine whether or not it is used to its full capacity. However, following a site visit on the 26th of April 2010 at 11:00 and parking on the access road was to the existing full capacity of 81 spaces. 43 free spaces were surveyed in the existing car park. The reason for this may be price and for eastbound traffic convenience as well. Accordingly and if the free spaces in the existing car park are ignored, the demand for additional parking at the west of the railway will be equal to the existing capacity on the access road which is 81 spaces.

In terms of traffic generation, none additional will be generated as the proposal will replace the existing on-street parking that will be restricted with the introduction of a footway along the length of the south side access road and parking restrictions as proposed and shown on drawing No 223386/C/100 Rev 01. Accordingly, the proposal on highway grounds, is satisfactory.

However, it needs to be borne in mind that there is another proposal for car parking for the station that proposes 390 spaces. If both proposals are to be approved, then the effect of the additional U turning movements at the A507/A6001 junction will add to those existing and therefore, each one of the proposal should include a full assessment of the exit junction onto the A507 and of the U turning movements that both proposals will generate.

It is important to note that the Highway Authority is currently working on a scheme to formalise the access road as a one way system to widen the pinch point on the southern slip road to accommodate caravans and commercial vehicles, to close the left out facility at the northern access, and with the exception of the bays on the north length of the access road to introduce parking restrictions along its length. No modifications to the southern access are included in the scheme. It is expected that the scheme is implemented in the current financial year.

Access to the new car park as stated before is through the access serving the car park for mobility impaired users which goes over the River Hiz on a bridge that is only wide to accommodate one way traffic movements and which may not be suitable to withstand heavy construction traffic. It is therefore, required to introduce priority signage and ways to give access to the heavy construction traffic.

Recommendation

That Planning Permission be refused.

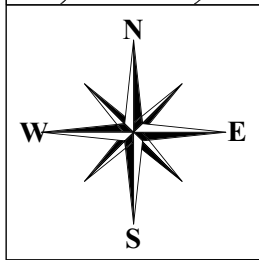
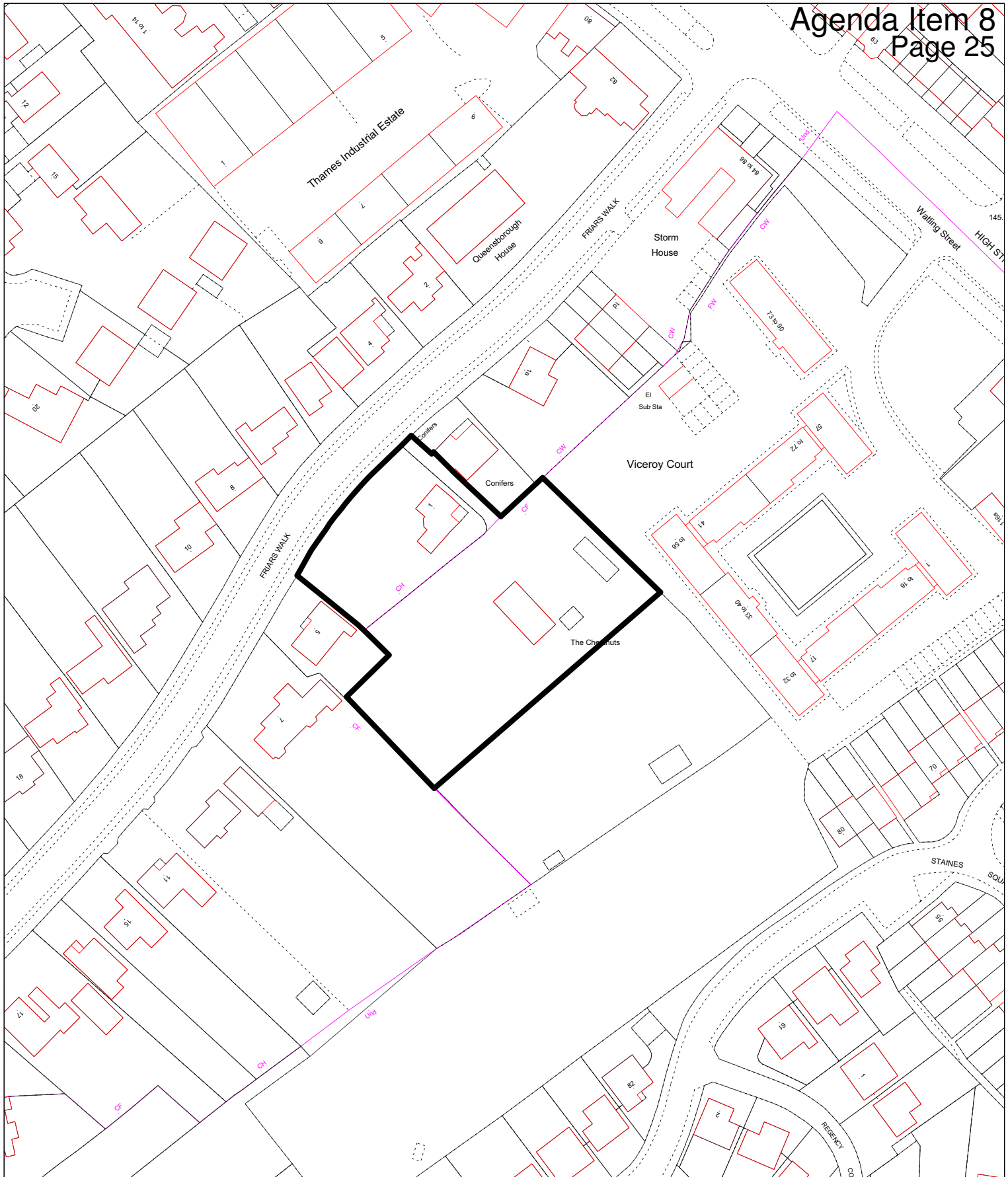
Reasons for Refusal

The proposed development is considered unacceptable by virtue of its location outside the 'Settlement Envelope' and the adverse impact it would have on the character and appearance of the area and local landscape, due to visual intrusion, its scale and a lack of adequate justification for additional car parking, given the approval of a 390 space car park nearby. As such, the proposal would be contrary to Policies DM3 and DM4 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

Notes to Applicant

DECISION

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Date: 14:February:2011

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 8

SCHEDULE A

APPLICATION NUMBER	CB/10/04522/FULL
LOCATION	No.1 and The Chestnuts Friars Walk, Dunstable, LU6 3JA
PROPOSAL	Extensions and alterations to No.1, demolition of Chestnuts and redevelopment of the site to provide 3 detached dwellings, 7 apartments, amenity, associated parking, communal amenity space and landscaping.
PARISH	Dunstable
WARD	Dunstable Downs and Watling
WARD COUNCILLORS	Cllr Paul Freeman, Cllr Tony Green, Cllr Carole Hegley, Cllr Nigel Young, Cllr Peter Hollick & Cllr Ann Sparrow
CASE OFFICER	Gill Claxton
DATE REGISTERED	23 December 2010
EXPIRY DATE	24 March 2011
APPLICANT	Visao Ltd
AGENT	Consensus Planning
REASON FOR COMMITTEE TO DETERMINE	At the request of the Assistant Director Planning
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The 0.56ha irregular-shaped application site lies on the south western side of Friars Walk, some 100m south west of the junction with High Street South (A5).

The site comprises the dwellings and grounds of existing residential properties at No. 1 (Priory Lodge) and The Chestnuts, Friars Walk. No. 1 has a frontage to Friars Walk of approximately 38m and a maximum depth of 27m. It comprises a 4-bedroom detached dwelling of red brick below a tiled roof. There is a 1.8m high brick wall along the road frontage with tree and shrub planting behind and off road parking in the north eastern corner of the site. As the depth of this plot is relatively shallow, with the dwelling set back some 12m from the highway frontage, there is a small rear garden so the main private garden lies to the side of the dwelling adjacent to No. 5. The Chestnuts is a detached 3-bedroom bungalow plus garden situated to the rear of No. 1. The bungalow lies broadly within the centre of the plot surrounded by a large garden with many mature trees around the boundaries. The single width driveway runs along the north eastern boundary of No. 1, with the access onto the highway being adjacent to that serving No.1. The site is enclosed by hedges, walls and fencing of a variety of heights and styles.

The surroundings are primarily residential in character, except for the dental practice at No. 1A Friars Walk. To the west of the site are residential properties at No's 5 and 7 Friars Walk; while to the east lies a further dwelling at Conifers and the four storey

flats at Viceroy Court, fronting High Street South. To the south east is an area of orchard within a larger area of land in the ownership of No. 9 Friars Walk beyond the rear garden of the property.

The site lies within the Bull Pond Lane/Friars Walk Area of Special Character. The South Bedfordshire District Council (land off Staines Square and The Chestnuts, Friars Walk, Dunstable) Tree Preservation Order No. 13/85 protects, among other things a group of three Horse Chestnuts within the garden of The Chestnuts and a further group of two Sycamore and three Lime trees beyond the rear garden boundary of that property, within land in the ownership of No. 9 Friars Walk. There is a further Tree Preservation Order protecting trees outside but adjacent to the boundary of the site within the grounds of Viceroy Court: Dunstable Borough Council Tree Preservation Order No. 1, 1958.

The Application:

Members may recall that a resolution to grant planning permission for extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (The Chestnuts) and redevelopment of the site to provide four detached dwellings, subject to the completion of a Unilateral Undertaking was made at the meeting of 13 October 2010 (Ref: CB/10/02629/FULL).

With this application, planning permission is sought for the demolition of The Chestnuts and the erection of three new detached dwellings and a block of seven apartments plus extensions and alteration to No. 1 Friars Walk (Priory House) on the combined sites of the two existing properties. This would represent a net addition of nine dwellings.

All of the dwellings, including the retained property at No. 1, would be accessed via a new driveway with turning head, involving the creation of a new access on to Friars Walk, breaking through the existing front boundary wall at No. 1 and opening up views into the interior of the site. There would be one new dwelling, to the south west of the new access, located parallel with No. 5 with the further nine units situated within the rear portion of the site grouped around the turning head. The access road would be a private drive with a carriageway of 4.1m in width with a 0.5m footway on either side.

The existing access points for No.1 and The Chestnuts would be closed with the pavement and grass verge to be reinstated and the boundary frontage treatment to comprise a 1.8m high wall with landscaping behind to match the existing.

The dwellings and garages would be of a traditional appearance and design with facing bricks below clay tiled roofs. There would be feature brickwork to add visual interest.

Plot 1

Plot 1 would comprise the retained four-bedroom dwelling at No.1. This property would be remodelled with the integral garage becoming additional living space with utility room behind plus alterations to the front elevation with the insertion of a bay window. There would be a small conservatory-style rear extension to create an enlarged dining room plus other reorganisations to the internal layout with additional windows on the flank and rear elevations. The private garden would be re-orientated

and a new rear garden created. The existing 1.8m brick wall would be retained along the road frontage with the planting supplemented.

Two parking spaces would be located to the front of the property with a new timber pergola to be sited within the front garden to the north-west of the dwelling.

Plot 2

A new three-bedroom, L-shaped dwelling would be created on Plot 2 on the Friars Walk frontage adjacent to No. 5, with a detached single garage to the rear and parking for two vehicles. Along the road frontage the existing brick wall would be reduced to 0.75m in height with new brick-on-edge coping and the planting trimmed back to 0.9m high. The side and rear garden boundaries would be enclosed by new 1.8m high close boarded fencing and hedge.

Plot 3

Plot 3 would comprise a four bedroom dwelling with rear conservatory. It would have an integral garage and parking for two vehicles to the front. It would be situated to the rear of Plot 1 with the rear and side garden boundaries enclosed by 1.8m high close boarded fencing.

Plot 4

Plot 4 would comprise a five-bedroom double-fronted dwelling with integral garage. It would be sited to the rear of Plot 2, at right angles to this plot and No. 5 Friars Walk. There is existing hedging at a height of between 2.5m and 3.5m around the western and south western boundaries of this plot which would be retained with the south eastern boundary being enclosed by the existing 1.2m high fence with new 0.6m trellis on top.

Plot 5

The remainder of the site would contain the L-shaped block of seven apartments which would comprise 1 x 1 bedroom units and 6 x 2 bedroom units. One flat would be housed within the roof void with dormer windows. To the rear of the building would be site an enclosed bin and cycle store and parking spaces for eight cars. The cycle/bin store and five spaces would be adjacent to four trees: two Sycamores and a Beech tree outside the application site and a small-leaved Lime within the application site. There would be a further car parking space parallel to the side garden boundary of the dwelling on Plot 3. The car parking ratio would provide one allocated car parking space per unit plus two visitor spaces. To the front of the building, alongside the garden to Plot 4 would be the amenity area of the occupiers of the flats accessed from a pathway leading from the building, circulating around the southern end of the turning head.

The building would be designed so that it would have no higher ridge height than that proposed for Plot 5 in the previous application, CB/10/02629/FULL although the footprint and overall size would be greater. It would have a central front door facing into the site and the applicant suggests that it would still have the appearance of a single dwelling unit.

It is suggested in the supporting documents that these would be suitable for the older age segment of the housing market where potential occupiers would be looking to downsize their living accommodation and would have lower levels of car ownership.

The application was accompanied by a Design and Access Statement and Arboricultural Survey.

In addition, the application was accompanied by supporting letters from the applicant's agent and Alexander & Co, Estate Agents, Surveyors and Valuers. Both letters state that following the resolution to grant planning permission subject to the completion of a Unilateral Undertaking in relation to the previous scheme for extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (Chestnuts) and redevelopment of the site to provide four detached dwellings for (CB/10/02629/FULL) the applicant has been reviewing the development. In particular, it is suggested that the previously proposed detached dwelling on Plot 5 would suffer as a result of its close proximity to the adjacent flats at Viceroy Court in terms of outlook and privacy. Specifically, Alexander and Co state:

“As discussed ... the majority of the proposed detached houses appear ideal for what is one of the most desirable parts of the Dunstable market, namely Friars Walk, and will prove very popular with purchasers. The variety of sizes caters for the main demand in this location.

However, I am most concerned as to the viability and demand for Plot 5 and strongly recommend you should not build in its current form for the following reasons:

- Unattractive aspect over a less than desirable four storey block of flats to the rear (Viceroy Court)
- Significant overlooking from Viceroy Court with numerous large windows looking directly into what would be the rear garden and rear windows of the dwelling.

We are of the view that the above factors will seriously affect its value and saleability and recommend that you should review this plot with a view to creating a building specifically designed to avoid being overlooked with their main aspect and windows not to the rear elevation. We suggest that this could be achieved by constructing a small cluster of larger apartments or mews style houses suited for those wishing to trade down from a much larger house who may have lived in Dunstable for many years. There is a distinct shortage of large luxury apartments located within a well designed block within Dunstable especially within walking distance of the High Street...”

RELEVANT POLICIES:

National Policies (PPG & PPS)

- PPS1 - Delivering Sustainable Development;
- PPS3 - Housing;
- PPS5 – Planning for the Historic Environment
- PPS9 - Biodiversity and Geological Conservation
- PPG13 - Transport

East of England Plan (May 2008)

- SS1 - Achieving Sustainable Development

ENV3 - Biodiversity and Earth Heritage
ENV7 - Quality in the Built Environment
T14 - Parking

Bedfordshire Structure Plan 2011

None relevant

South Bedfordshire Local Plan Review (2004) Policies

SD1 - Sustainability Keynote Policy
H2 - Fall-In Sites
BE6 – Control of Development in Areas of Special Character
BE8 - Design Considerations
T10 - Parking - New Development

Supplementary Planning Guidance

Planning Obligations Strategy for Southern Bedfordshire – adopted by the Luton & South Bedfordshire Joint Committee on 23/10/09, effective from 05/01/10.

Design in Central Bedfordshire - A Guide for Development - adopted by the Luton & South Bedfordshire Joint Committee on 23/07/10

Planning History

CB/10/02629/FULL Resolution to grant permission subject to the completion of a Unilateral Undertaking for extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (Chestnuts) and redevelopment of the site to provide four detached dwellings.

Representations: (Parish & Neighbours)

Dunstable Town Council Object as it is considered overdevelopment of the site. The total number of properties should be reduced to 4 no. Highway Engineer needs to be satisfied that the location of the vehicular access onto Friars Walk is safe and that sight lines are not obscured.

Occupier of 103 Union Street (Owner of The Chestnuts) Supports the application:

- The apartments would be aimed at the elderly/retirement sector who already live in Dunstable who will give up larger houses on the outskirts of town and possibly cars to move into an apartment within 2 minutes walk of the town centre;
- January/February edition of 'News Central' states that the Council are seeking to finalise a number of plans for the town's future including provision for older people and this scheme would support that;
- Have been approached by some widows who would like to move into an apartment in the grounds that they have known and visited over the years when my parents had this land;

- There are many groups and activities used in the main by the over 55s who meet in the vicinity of the site either at the Methodist Church or the Salvation Army in Bullpond Lane – The Gardening Club, The History Society, The National Trust and the Bowls Club for example;
- All of the proposed dwellings have more generous frontages than many of the dwellings in Friars Walk. All have good-sized gardens. No trees with Preservation Orders on them would be adversely affected. The scheme would not represent the overdevelopment of the site;
- It is unlikely that someone would purchase a 5-bedroom house with Viceroy Court looking down into their garden;
- There could be more cars with a large house than with smaller apartments occupied by elderly folk.

Consultation/Publicity responses

Public Protection South Has no reason to believe that this site is contaminated. Recommends an informative advising the developer to be aware of his responsibility to ensure that final ground conditions are fit for the end use of the site.

Tree and Landscape Officer Objects to the application on the grounds that the it will have an adverse impact on trees protected by a Tree Preservation Order and their contribution to a designated "Area of Special Character" typified by mature wooded gardens.

- The proposed refuse, recycling and cycle storage area is being positioned on ground previously conducive to good root growth, i.e. open ground not covered by any impervious surface. Even with special foundations, the coverage of the ground with such a relatively large building footprint will hinder water and gaseous exchange to the roots of the adjacent trees T7 to T10 (Sycamore and Beech trees in the grounds of Viceroy Court, Small-leaved Lime and Norway Maple within the application site. This is likely to exceed the 20% maximum allowance for the covering of an RPA (Root Protection Area) with an impervious surface, as stipulated in BS 5837:2005 "Trees in Relation to Construction".
- It is noted that the additional parking spaces being proposed to serve the new flats will encroach into the RPA of trees T6 to T9 (Two Sycamores, Beech in Viceroy Court and small-leaved Lime). Whilst it was recognised that the previous encroachment into the RPA by the garage of Plot 5 (which ran along the footprint of an earlier garage

construction) was acceptable in the earlier application, CB/10/02629/FULL, the proposed line of parking areas now presents additional problems. This is because a no-dig form of construction would be subject to the differences in level incurred by vehicles accessing onto the raised no-dig parking areas. This will be an incompatible arrangement unless the whole vehicle area was constructed in a no-dig form, which is impracticable.

- There is also evidence that the impact on trees within this revised scheme has not been seriously considered as a constraint, and this is apparent where a new pathway is being proposed within the RPA of Tree T11 (Horse Chestnut). No mitigation has been proposed in view of this, and although it may be considered by the developer that this could easily be overcome by a condition requiring a no-dig form of construction, it should be recognised that the surrounding paths would be of differing levels.

Archaeologist

Objects to the proposal as the application does not provide adequate information on the impact of the proposed development on the historic environment.

- The proposed development lies within an area of high archaeological potential. It is within the bounds of the Roman and Medieval towns (HER 135, HER 11284 and HER 16986), close to a late Roman cemetery (HER 11284) and the site of the Dominican Friary (HER 141). Under the terms of PPS5: *Planning for the Historic Environment* these archaeological monuments are all recognised as locally and regionally important heritage assets.
- Under the terms of PPS5: *Planning for the Historic Environment* the submission of a description of the significance of the heritage assets affected by the development and an assessment of the impact of the development on that significance should form part of the planning application.
- Without the inclusion of a heritage asset statement of significance and an impact assessment this application does not conform to Policies HE6.1 and HE6.2 of PPS5: *Planning for the Historic Environment* and therefore it does not provide adequate information on the impact of the proposed development on the historic environment.
- In order to allow the applicant time to obtain the required information on the heritage assets it is recommended that the application is withdrawn. If the information required is not forthcoming, the

application should be refused on the grounds that it is contrary to Policies HE6.1 and HE6.2 of PPS5.

Highway Engineer

Objects to the application as it contains insufficient information to show that proposed parking levels can be accommodated in a manner that would not cause increased danger and inconvenience to users of the highway.

- The applicant has stated in the application form that there will be a total of 21 parking spaces proposed and yet I can only count a total of 20.
- The current parking standards in Design Supplement 7 state that a one bedroom property requires one parking space, 2 bedrooms require 2 spaces, 3 bedrooms require 2 spaces and 4 bedrooms require 3 spaces. All the proposed houses comply with this standard however, the 7 flats would require a total of 13 spaces for residents and 2 spaces for visitors giving a total of 15 spaces; this represents an under provision of 6 spaces. It is important that the appropriate amount of parking is provided in this particular location as any indiscriminate parking occurring within the turning area will prevent large vehicles from leaving the site in forward gear, thus reversing out on to Friars Walk, which is unacceptable.
- I note that the applicant states that the apartments have been designed with the older segment of the market in mind. However, it does not necessarily follow that car ownership would reduce because of this.
- Design Supplement 7 does recognise that a lower parking standard may be acceptable in some situations; however it would have to be supported by evidence of car ownership statistics based on local census data and in accordance with the Communities and Local Government Residential Car Parking Research document (published May 2007). Unfortunately this information has not been included in the submission and therefore I cannot advise that this reduction in parking numbers is acceptable.
- If the applicant were to provide additional information to demonstrate that a reduction in the parking provision to this level is appropriate, then I would not wish to raise any highway objection to the application, subject to conditions. If this information is not forthcoming then I would suggest the application be refused due to insufficient information.
- The vehicular access to this development is similar to that of the previous scheme and is acceptable.

- The main turning area within the site has been altered, however, it is of sufficient size to accommodate a refuse size vehicle.

Waste & Recycling
Officer

Response awaited.

Determining Issues

The main considerations in the determination of the application are:

1. Principle of residential development
2. Impact upon the character and appearance of Area of Special Character and the locality generally in terms of density, layout, design and external appearance
3. Archaeology
4. Access, highway & parking considerations
5. Tree considerations
6. Impact on the amenity of neighbouring residential occupiers
7. Other matters

Considerations

1. Principle of residential development

The policy most relevant to the determination of whether the development is acceptable in principle is Policy SD1 of the South Bedfordshire Local Plan Review. Other material considerations include PPS1: Delivering Sustainable Development and PPS3: Housing.

Policy SD1 states that preference will be given to proposals on sites within the first four categories of the development strategy. The first category refers to previously developed sites and vacant land within urban areas. The supporting text to the policy makes reference to making the maximum use of land within urban areas.

A revised PPS3 - Housing was issued in June 2010 which amended the definition of previously developed land to specifically exclude private residential gardens, as in this case. Therefore, there is no longer a presumption in favour of development on sites such as this. However, this does not mean that there is a presumption against the development of sites which comprise private gardens and the changes in PPS3 do not necessarily mean that the proposal would be unacceptable in principle. The PPS still makes reference to making an effective and efficient use of land in urban areas, ensuring a site is suitable for housing, including its environmental sustainability and achieving high quality housing.

The site of the proposed development lies within the built up area of Dunstable adjacent to existing residential development; close to the town centre and a public transport route. The site lies within a sustainable location.

Therefore, it is considered that the residential redevelopment of the site would be acceptable in principle. However, further consideration of the specific details of the scheme in relation to Policies H2, BE6, BE8 and T10 along with national

guidance in PPS5, PPS9 and PPG13 will determine whether this proposal is acceptable.

This has previously been accepted with the current resolution to grant planning permission for the extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (The Chestnuts) and redevelopment of the site to provide four detached dwellings (Ref: CB/10/02629/FULL) and accordingly, this is an important material consideration regarding the principle of development.

2. Impact upon the character and appearance of Area of Special Character and the locality generally in terms of density, layout, design and external appearance

Policy H2 states that within the built up areas excluded from the Green Belt provision of new housing by development of infill sites, redevelopment, conversion and re-use of buildings and subdivision of large properties would be approved provided, among other things:

- The development would make an efficient use of the site or building in terms of density and layout;
- Not result in loss of open space of recreational or amenity value or potential
- Respect and enhance the character of the surrounding area;
- Provide good quality living conditions for residents; be readily accessible to public transport and local services;
- Be acceptable in terms of highway safety and traffic flow.

Within the Areas of Special Character Policy BE6 states that planning permission will not be granted, for redevelopment to higher densities, subdivision of large plots, infilling or backland development which would result in, among other things, the loss of gardens or give rise to an over-intensive level of development, in a way which would unacceptably harm the special character of the area.

Policy BE8 aims to ensure that new development has regard to natural features, the opportunities to enhance or reinforce local distinctiveness, complement the character and appearance of the surroundings, have an acceptable impact on public views into the site, among other things.

In this case, it is considered that the proposed development would result in the overdevelopment of the site, having regard to it's location in a designated Area of Special Character. While there is some variety in the width and depth of the plots, the Bull Pond Lane/Friars Walk Area of Special Character is defined by established, mostly detached dwellings situated on generous plots.

The density of the proposed development is low at 19.5 dwellings per hectare. But density itself is not the only factor to be taken into account in deciding whether a scheme is acceptable. The density should be considered in the context of the surroundings and the juxtaposition of the dwellings within the area of the site available for development. The requirement for the access road with turning area in order to satisfy highway considerations reduces the net developable area. This means that taken together with driveways, internal pathways and boundary fences, much of the site is given over to hard surfaces and hard landscaping eroding the existing extensive area of green space.

With the development as proposed, there is the introduction of flats which are not typical of the Area of Special Character. The new building on Plot 5 would have a large footprint, overall size, scale, bulk and massing considerably larger than that found elsewhere within Friars Walk in general and in relation to the other dwellings proposed on this site specifically. In addition, it would require a greater number of car parking spaces than the previously approved detached dwelling and a dedicated bin and cycle store. Taken cumulatively this would result in a general lack of space about the buildings and a general erosion of green garden spaces when compared to the existing situation both at The Chestnuts and No.1 and in the wider surroundings. Therefore, the overall impression is one of insufficient space about the buildings. This indicates that too many units have been proposed for the site.

Moreover there are a significant number of windows in the flank wall of the flats looking toward the orchard land to the south. While the previous dwelling on Plot 5 had some bay windows it would not be appropriate to have the building sited so close to this boundary (within 3.5 to 5m) with this much fenestration.

It is considered that the proposals fail to comply with Policies BE6, H2 and BE8 of the South Bedfordshire Local Plan Review.

3. Archaeology

The Archaeologist advises that the proposed development lies within an area of high archaeological potential. It is within the bounds of the Roman and Medieval towns, close to a late Roman cemetery and the site of the Dominican Friary. These archaeological monuments are all recognised as locally and regionally important heritage assets.

In March 2010 Planning Policy Guidance (PPG) Note 16: *Archaeology and Planning* was replaced by Planning Policy Statement (PPS) 5: *Planning for the Historic Environment*. Under the terms of PPS5 all archaeological sites and monuments, historic buildings and landscapes identified as having significance meriting consideration in planning decisions are defined as "Heritage Assets". Heritage assets include nationally designated monuments, landscapes and buildings and locally identified assets; such as those recorded on Historic Environment Records (HERs) or local lists.

Where a development will affect a heritage asset or assets Local Planning Authorities should require applicants to provide a description of the significance of the heritage assets and an assessment of the impact of the development on that significance (PPS5, Policy HE6). This information should be submitted with the planning application; be proportionate to the importance of the heritage asset(s) and have been compiled using appropriate sources and expertise.

The proposed development lies within an extremely archaeologically sensitive area that has the potential to contain remains relating to the Roman and medieval towns, a Roman cemetery and the Dominican Friary of St Mary. These archaeological monuments are all recognised as locally identified heritage assets. The impact of the proposed development on any surviving archaeological deposits and the significance of the heritage assets will be negative and irreversible.

Within the present application there is no mention of the locally identified

heritage assets, nor is there any reference to PPS5. Both the heritage assets and PPS5 were highlighted in the archaeology comments on the previous application for this site (CB/10/02629/FULL) and therefore the absence of this key information within the present application is not acceptable.

As it is nearly a year since PPS5 super ceded PPG16 it is now reasonable to expect that all applications directly affecting locally identified or nationally designated heritage assets be accompanied by the information required in PPS5 Policy HE6.1 and HE6.2, even if this approach were not taken with a previous application submitted since PPS5 became effective. Without the inclusion of a heritage asset statement of significance and an impact assessment this application does not conform to Policies HE6.1 and HE6.2 of PPS5: *Planning for the Historic Environment* and therefore it does not provide adequate information on the impact of the proposed development on the historic environment.

4. Access, highways & parking considerations

The Highway Engineer is satisfied with the scheme in terms of the position of the new access point and the provision of a turning facility.

However, there is insufficient parking proposed for the seven flats. The current parking standards in Design Supplement 7 of the adopted 'Design in Central Bedfordshire - A Guide for Development' state that a one bedroom property requires one parking space, 2 and 3 bedrooms require 2 spaces and 4 bedrooms require 3 spaces. All the proposed houses comply with this standard. However, the seven flats would require a total of 13 spaces for residents and 2 spaces for visitors giving a total of 15 spaces. Nine spaces are shown on the submitted plans and this represents an under provision of 6 spaces. It is important that the appropriate amount of parking is provided in this particular location as any indiscriminate parking occurring within the turning area will prevent large vehicles from leaving the site in forward gear, thus reversing out on to Friars Walk, which would be unacceptable in highway safety terms.

The Design Guide acknowledges that in certain circumstances a reduction in the car parking standard may be acceptable. The applicant state that the flats will be aimed at older people whose levels of car ownership will be reduced. However, no evidence has been submitted to corroborate this assertion. In order for the Highway Engineer to be persuaded to accept a reduced standard evidence would need to be provided of car ownership statistics based on local census data and in accordance with the Communities and Local Government Residential Car Parking Research document (published May 2007). In the absence of such information it is not possible to conclude that the reduced car parking provision would not give rise to vehicles parking indiscriminately in the site and in the turning area in particular which would result in the potential for larger vehicles seeking to reverse out onto Friars Walk. This would in turn create conditions of danger and inconvenience to users of the highway.

The proposal does not accord with Policy T10, national guidance in PPS3 and the Council's Design Guide.

5. Tree Considerations

The Tree and Landscape Officer has significant concerns in respect of the adverse impact on existing trees caused by this scheme and queries whether they have been adequately considered by the applicant.

The proposed refuse, recycling and cycle storage area for the flats would be positioned on ground previously conducive to good root growth: that is open ground not covered by any impervious surface. Even with special foundations, the coverage of the ground with such a relatively large building footprint will hinder water and gaseous exchange to the roots of the adjacent trees on the boundary of the site with Viceroy Court. This is likely to exceed the 20% maximum allowance for the covering of an RPA (Root Protection Area) with an impervious surface, as stipulated in BS 5837:2005 "Trees in Relation to Construction".

Furthermore, it is noted that the additional parking spaces being proposed to serve the new flats will encroach into the RPA of two Sycamore trees, a Beech and a Lime tree on this boundary. Whilst it was recognised that there would be encroachment into the RPA by the garage of Plot 5 (which ran along the footprint of an earlier garage construction) in scheme CB/10/02629/FULL, the proposed line of parking areas would present additional problems. This is because a no-dig form of construction would be subject to the differences in level incurred by vehicles accessing onto the raised no-dig parking areas. This will be an incompatible arrangement unless the whole vehicle area was constructed in a no-dig form, which is impracticable.

There is also evidence that the impact on trees with this revised scheme has not been seriously considered as a constraint, and this is apparent where a new pathway is being proposed within the RPA of a Horse Chestnut tree. No mitigation has been proposed in view of this, and although it may be considered by the developer that this could easily be overcome by a condition requiring a no-dig form of construction, it should be recognised that the surrounding paths would be of differing levels.

Accordingly the likely adverse effect on trees further reinforces that the scheme represents the over development of the site. The scheme would thereby have an adverse impact upon trees protected by The South Bedfordshire District Council (land off Staines Square and The Chestnuts, Friars Walk, Dunstable) Tree Preservation Order No. 13/85 and the Dunstable Borough Council Tree Preservation Order No. 1, 1958.

The scheme would be contrary to national guidance in PPS9 and Policies BE6 and BE8 of the South Bedfordshire Local Plan.

In order to seek to overcome the concerns of the Tree and Landscape Officer, an Arboricultural Implications Assessment and Method Statement has been submitted. This is being considered by the Tree and Landscape Officer and an update will be given at the meeting.

6. Impact on the amenity of neighbouring residential occupiers

While it would be possible to see the new dwellings from the existing dwellings it is considered that the distances involved would not give rise to an unacceptable degree of overlooking, loss of sunlight/daylight or overbearing effect. There may be a degree of mutual overlooking of the rear gardens of existing properties from first floor rear elevation windows but this would not be to an unacceptable degree.

7. Other matters

In accordance with the requirements of the Planning Obligations Supplementary Planning Document the scheme requires the submission of a Unilateral Undertaking for the provision of financial contributions toward education and social infrastructure. This scheme would generate a requirement for financial contributions of £69,700.

The Unilateral Undertaking was not submitted with the application.

Recommendation

That Planning Permission be refused for the following reasons:

- 1 The proposed development would, by reason of the siting, design and scale of the dwellings, fail to reflect the existing pattern of development in this part of the Bull Pond Lane/Friars Walk Area of Special Character. The proposed development would appear overdeveloped with a likely adverse effect upon existing trees protected by Tree Preservation Orders and insufficient green space about the dwellings in relation to the character and appearance of other properties in the locality. The proposal would thereby be detrimental to the character and appearance of the Area of Special Character and the locality generally, contrary to national guidance in PPS3: Housing and Policies BE6, BE8, and H2 of the South Bedfordshire Local Plan Review.
- 2 The proposed development lies within an area of high archaeological potential. It is within the bounds of the Roman and Medieval towns close to a late Roman cemetery and the site of the Dominican Friary. Under the terms of PPS5: *Planning for the Historic Environment* the submission of a description of the significance of the heritage assets affected by the development and an assessment of the impact of the development on that significance should form part of the planning application. A heritage asset statement of significance and an impact assessment was not submitted with this application. Accordingly, it does not conform to Policies HE6.1 and HE6.2 of PPS5: *Planning for the Historic Environment* and therefore it does not provide adequate information on the impact of the proposed development on the historic environment.
- 3 The proposed development would, by reason of the location of the refuse, recycling and cycle store, car parking spaces and new footpath serving the proposed seven flats have an adverse impact upon existing trees protected by Tree Preservation Orders to the detriment of the long term survival of the trees. The proposal would thereby have an adverse visual impact upon the character, appearance and setting of the Area of Special Character and locality generally. The proposal is thereby contrary to national advice in PPS9: Biodiversity and Geological Conservation and Policies BE6 and BE8 of the South Bedfordshire Local Plan Review.
- 4 The proposed development does not provide sufficient car parking to meet the Council's standards. There has been no evidence submitted with the application to show that proposed parking levels can be accommodated in a manner that would not cause increased danger and inconvenience to users

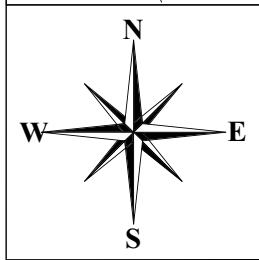
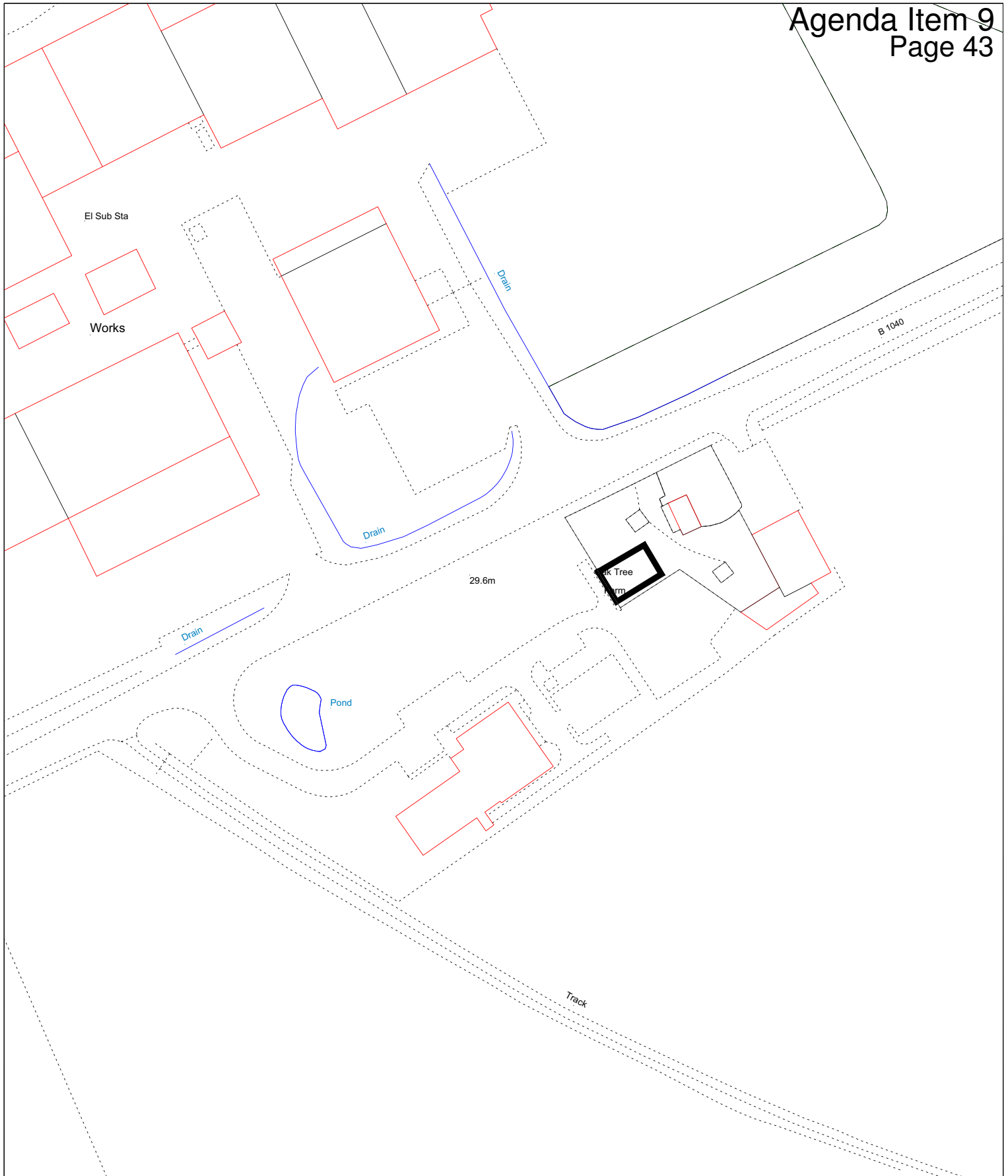
of the highway. The proposal is thereby contrary to national guidance in PPS3: Housing, Policy T10 of the South Bedfordshire Local Plan Review and supplementary planning guidance: Design in Central Bedfordshire - A Guide for Development .

DECISION

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Date: 15:February:2011

Map Sheet No

CASE NO.

Scale: 1:1740

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Item No. 9

APPLICATION NUMBER	CB/10/04579/FULL
LOCATION	Oak Tree Farm, Potton Road, Biggleswade, SG18 0EP
PROPOSAL	Change of use of first floor from games room to seperate residential unit and laundry on ground floor
PARISH	Sutton
WARD	Potton
WARD COUNCILLORS	Cllr Doreen Gurney & Cllr Anita Lewis
CASE OFFICER	Kate Phillips
DATE REGISTERED	31 December 2010
EXPIRY DATE	25 February 2011
APPLICANT	Mr Sturman
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Councillor Vickers requested that the application be determined by Development Management Committee to allow full consideration of the business implications of the proposal
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The application site is Oak Tree Farm on Potton Road on the northern outskirts of Biggleswade, outside of the Settlement Envelope. The site, which is on the southern side of Potton Road, comprises of a large, detached residential dwelling and walled garden, a detached, two-storey garage/workshop (the subject of this application) and also a large commercial workshop building. This is related to the adjacent site, Simply Oak, a large furniture warehouse and showroom with restaurant facilities and a car-park.

The surrounding area is characterised by a few other commercial buildings, a few dwellings, further up the road, and open countryside.

Planning permission for the detached garage building was granted in 2008. In 2010 a non-material amendment application was granted to make some external changes to the building (insert extra door and window in northern elevation, 1 garage door in east elevation instead of 2, move position of double doors to mower store, single door on southern elevation). Later in 2010 an application was submitted to change the use of the first floor of the garage/workshop from recreational to residential use. The application was refused for the following 2 reasons:

- 1. The proposal to change the use of the first floor of the garage/workshop from ancillary recreational use to residential use is tantamount to the creation of a new dwelling in the countryside. The proposed dwelling would be located outside any defined Settlement Envelope and no overriding justification has been made for it; as such the proposal is contrary to Policies DM4 and CS11 of the Council's Core Strategy and Development Management Policies DPD and also Planning Policy*

Statement 7 (2004).

2. 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).

The Application:

This application is a resubmission of the earlier application for a change of use of the first floor of the garage/workshop from a games room to a separate residential unit and a laundry on the ground floor.

RELEVANT POLICIES:

National Policies (PPG + PPS)

- PPS 1 Delivering Sustainable Development (2005)
- PPS 3 Housing (2010)
- PPS 7 Sustainable Development in Rural Areas (2004)

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 DM3 High quality development – incl. extensions
- Policy DM4 Development within and beyond settlement envelopes

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)

Relevant Planning History

CB/10/02051/FULL Full: Change of use of first floor of garage/workshop from recreational to residential use – **REFUSED**

Reasons for refusal:

1. The proposal to change the use of the first floor of the garage/workshop from ancillary recreational use to residential use is tantamount to the creation of a new dwelling in the countryside. The proposed dwelling would be located outside any defined Settlement Envelope and no overriding justification has been made for it; as such the proposal is contrary to Policies DM4 and CS11 of the Council's Core Strategy and Development Management Policies DPD and also Planning Policy Statement 7 (2004).

2. 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).

CB/10/01752/NMA Non Material Amendment: Erection of two storey Garage/Workshop as approved on planning application MB/08/00431/Full dated 16th May 2008. Alterations to include insertion of additional door and window in north elevation, 1 garage door in east elevation instead of 2 and change of position of double doors to mower store and single door on south elevation. – Granted

MB/08/01951/FULL Full: Change of use of commercial building into 2 no. residential dwellings following alterations to the existing building. - Refused

MB/08/00431/FULL Full: Erection of two storey Garage/Workshop - Full Conditional Approval

MB/07/00617/FULL Full: First floor balcony to south east elevation - Full Conditional Approval

MB/05/00606/FULL Full: Erection of new showroom, restaurant, workshop, boundary wall and formation of new access and car park

MB/04/01448/FULL Full: Erection of showroom, restaurant, workshop, triple garage with games room over, clock tower and associated facilities. - Refused

**Representations:
(Parish & Neighbours)**

Sutton PC

Object

The Parish Council has continuing concerns over the many changes that there have been to this development since planning permission was initially granted.

Consultations/Publicity responses

Site notice posted 13.1.11
CBC Highways No objection.

Determining Issues

The main considerations of the application are;

1. The principle of residential development;
2. The impact upon the visual amenities of the 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

As noted at the time of the previous application, the application site is located outside Biggleswade's Settlement Envelope and the land is therefore classified as open countryside for the purposes of determining planning applications.

There is some support within the Council's Core Strategy and Development Management Policies DPD for the re-use of redundant properties in the countryside, however the presumption is in favour of commercial, industrial, tourism and recreational uses in the first instance, as opposed to residential use (Policy CS11). Given that the building was only granted permission in 2008 it is not considered that it could be classed as redundant, particularly because this application would retain part of the ground floor garage (thereby presumably proving that the building is utilised, rather than redundant). The application therefore fails the criteria laid out in Policy CS11 on 2 counts: the fact that a residential use has been proposed as opposed to a commercial, industrial, tourism or recreational use, and also the fact that the building could not be said to be redundant.

If an application for a new dwelling on the application site was received by the Council there would be no policy support for new residential development in the countryside. The original application was for the erection of a garage/workshop building for ancillary use to the main dwelling, but it would appear that the building has not yet been used for this purpose because the building work has still not been completed. Therefore, changing the use of the relatively new building, which is not redundant (or indeed hasn't been used for its original purpose at all), to residential use is considered to be tantamount to the creation or erection of a new dwelling. As noted, there is no policy support for residential development in the countryside, either at local level in the Council's Core Strategy and Development Management Policies DPD, or at national level. PPS7 is clear in stating that new house building in the countryside should be "strictly controlled". It goes on to note that isolated new houses in the countryside will require special justification for planning permission to be granted (para 10). For example, it should relate to the essential need for a worker to live permanently at or near their place of work in the countryside.

At the time of the previous application the applicant provided a covering letter to the application noting that he runs a restaurant in the adjacent Simply Oak building and they have been trying unsuccessfully for the last 18 months to employ a restaurant manager. He stated that most potential employees require on-site or nearby accommodation and this is the reason they wish to change the use of the first floor of the garage/workshop to residential accommodation. With this application he has provided a letter from Biggleswade Job Centre which notes that the position of a Restaurant Manager for Simply Oak has been difficult to fill. The letter specifically notes the following: "*There have been a variety of reasons for this situation including the company location, a lack of transport links, unsociable hours and a shortage of relevant experience. I understand you are now considering offering live in accommodation which may address some of the above difficulties you are facing with your recruitments.*"

The applicant has also submitted a supporting statement with the application in which he makes the following (summarised) points:

- PPS7 allows new isolated residential development to enable full-time workers to live on site.
- He is not asking permission to develop a new house, just to convert part of an existing building, with no external alterations.
- The Simply Oak restaurant serves the community and there is a need to house a full time employee in order to continue this contribution to the local community.
- Any potential restaurant managers require live-in accommodation to be offered with the job. This is due to the isolated location of Simply Oak, lack of public transport facilities and unsociable working hours.
- The applicant would be happy to accept a planning condition limiting the use of the accommodation to employees of Simply Oak.
- A manager living in Biggleswade would be less sustainable than one living on site as they would have to travel back and forth on a regular basis.
- Walking or cycling to work would not be an option due to the distance, the lack of footpaths and the late working hours.

In response to these points, the following comments are made.

Annex A to PPS7 states the following. "*One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.*"

In line with this guidance the proposed creation of a new dwelling is not considered to be justified. It is not considered that the nature and demands of

the work of a restaurant manager make it *essential* for them to live nearby in a 2 bedroom dwelling; instead it would be their personal preference, which PPS7 makes it clear is not a valid justification. Furthermore, although the applicant states otherwise, the application site's short distance from Biggleswade (approximately 1.5 kilometres) means that it would be convenient for a potential restaurant manager to live in Biggleswade (classed as a Major Service Centre in the Core Strategy and Development Management Policies DPD) and walk, cycle or drive to the site in a short amount of time.

With regards to the argument that having an on-site manager would be more sustainable than having one that lives nearby, this is not considered to be the case. Anyone living at the isolated site would most likely travel away from the site to places such as Biggleswade and further a field when not at work, for various reasons such as shopping and visiting friends. This would have a similar effect to someone needing to drive to work, and in any case the sustainability argument does not override the aims laid out clearly in PPS7.

Overall, despite the fact the applicant claims that he is unable to recruit a restaurant manager because he cannot provide on site accommodation the need for accommodation that he describes is not the same type of need referred to in PPS7. For this reason the application is considered to be contrary to policy and it should be refused for this reason.

Another justification for an isolated new dwelling in the countryside given in PPS7 is if the dwelling would be of exceptional quality and an innovative design. At the time of the original application for the building it was acknowledged that it would be of no architectural merit. Therefore, given that the design of the garage is not of exceptional quality or innovative design, the new dwelling would not meet the other relevant criteria in PPS7 to make it acceptable.

For the reasons outlined above, the proposal is considered to be contrary to policy and the application should therefore be refused on that basis.

2. Impact upon the visual amenities of the area

The proposal would not involve any external alterations to the garage/workshop building which is set well back from the nearby road. The proposal is therefore considered to be acceptable in this respect.

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

The only neighbouring property is the main dwelling, which is in the same ownership as the garage/workshop building. Given that there would be no external alterations made to the building it is not considered that the main dwelling would be affected in terms of loss of light/ outlook or overbearing impact.

With regards to overlooking, the two dormer windows on the northern side of the building would directly overlook the private garden area for the main house. Given that the two buildings are in the same ownership this is considered to be acceptable, even though this would not normally be the case.

Overall, the proposal is considered to be acceptable in this respect.

4. Access and parking

Once again a Council Highways Officer has noted that the proposal to create an additional residential unit would generate approximately 7-8 additional trips per day, although if the person was employed at Simply Oak this figure might be lessened it is thought.

Either way, it is still considered that this can safely be accommodated at the site and that there would be sufficient parking availability. The proposal is therefore considered to be acceptable in this respect.

5. Any other relevant material considerations

Following the adoption in 2008 of the Planning Obligations Strategy Supplementary Planning Document, the Council requires a financial contribution for developments of one or more dwellings and therefore, if the application was otherwise judged to be acceptable (see above), a unilateral agreement would be required prior to the granting of planning permission. This contribution would go towards local infrastructure such as sustainable transport, health facilities and leisure and recreational open space in the surrounding area.

The applicant has chosen not to submit a unilateral undertaking and makes reference to his reasons for not doing so in the accompanying statement to the application. The applicant wishes to know precisely what the contributions would go towards in the local area and believes he has the right to decide whether to offer such a contribution, to negotiate upon any parts of the contribution he feels are unreasonable or even to offer no contributions on the basis that he feels his development is acceptable in planning terms.

The information which the applicant wishes to see is all available in the Council's Planning Obligations SPD and the Background Papers. The overall aims of the Planning Obligations SPD are to deliver the development of sustainable communities; to ensure that the additional impacts of development are adequately mitigated or compensated for; and to provide a transparent, streamlined, practical, consistent and accountable approach to the negotiation of planning obligations.

The SPD notes that any new house building in the district will place increasing pressure on the existing infrastructure, services, facilities, environment, biodiversity and green infrastructure of the area and its communities. Planning obligations are primarily intended to make acceptable those developments that would otherwise be unacceptable in planning terms. PPS1 requires local authorities to ensure that new development is planned to be sustainable. Growth is considered to be sustainable if the necessary additional infrastructure is provided and therefore the SPD notes that it is important that new development makes commensurate contributions towards new and improved local infrastructure where the development would add to infrastructure needs and requirements locally. Although the applicant states that his development is "acceptable in planning terms" he is referring to planning policy (for which it has been established it is not acceptable) and the creation of a new dwelling would undoubtedly add to infrastructure needs and requirements locally, if only to a small degree, which is what makes it "unacceptable" in the terms laid out in the SPD.

The SPD highlights that even smaller developments create additional demands for new infrastructure, services and facilities within an area. Planning obligations provide a means to enable the proposed development to proceed taking account of and/or compensating for its impacts. In line with this guidance, it is apparent that creating a new residential unit is considered to cause an impact, and it is for this reason that a financial contribution would be required.

As noted above, the applicant does not feel that a financial contribution would be justified in his case and he makes reference to the Government's Circular regarding planning obligations, claiming that the Council has failed the tests. The SPD refers to case law (*Tesco Stores Ltd v. Secretary of State for the Environment -1995*) which has clarified that failure to comply with the advice in the Circular would not invalidate a planning application as a matter of law and that local planning authorities are not legally bound to apply the Secretary of State's policy and would not be acting unlawfully if they failed to apply the above tests. Only a connection between an obligation and development judged to be 'greater than de minimis' is required in practice rather than meeting the necessity test in full.

The Council has not adopted a blanket approach to the application of planning obligations; obligations are assessed on a site-by-site basis. The background paper to the Planning Obligations SPD gives further information on how the figures have been reached for different types of dwellings in different settlements and how this has resulted in a cost per dwelling figure.

As noted, no unilateral undertaking was submitted as part of the original application and therefore, because no contribution would be made towards sustainable transport, health facilities, leisure, recreational open space and green infrastructure, community facilities and services, community cohesion, waste management and emergency services needs in the local area, the proposal is contrary to Policy CS2 of the Council's Core Strategy and Development Management Policies DPD and Planning Obligations Supplementary Planning Document.

Reasons For Refusal

- 1 The proposal to change the use of the first floor of the garage/workshop from ancillary recreational use to residential use is tantamount to the creation of a new dwelling in the countryside. The proposed dwelling would be located outside any defined Settlement Envelope and no overriding justification has been made for it; as such the proposal is contrary to Policies DM4 and CS11 of the Council's Core Strategy and Development Management Policies DPD and also Planning Policy Statement 7 (2004).

- 2 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).

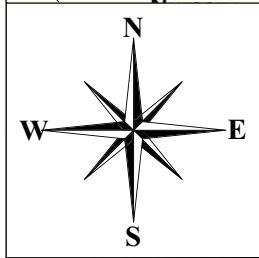
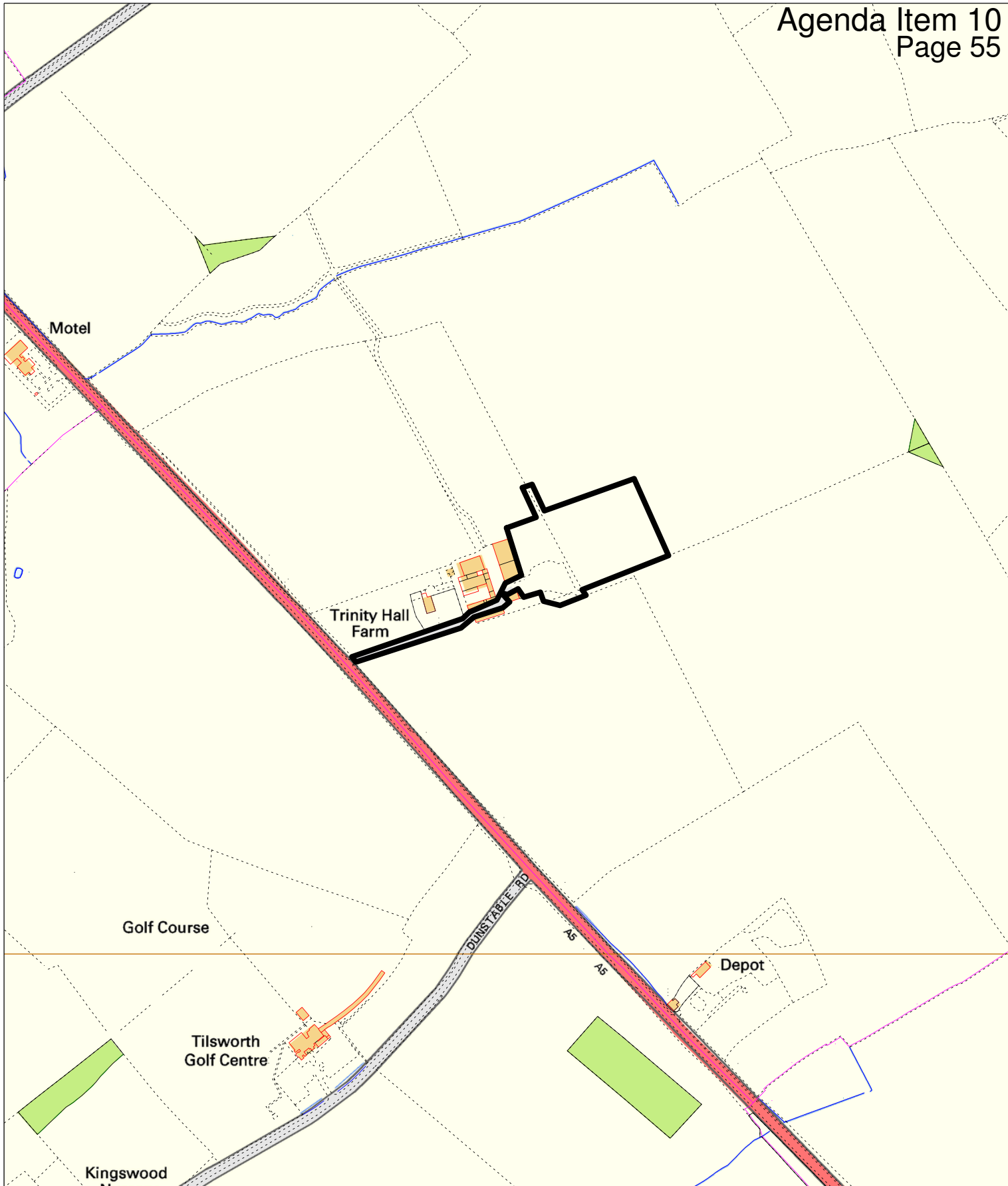
Notes to Applicant

1. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

DECISION

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Date: 23:November:2010

Map Sheet No

CASE NO.

Scale: 1:7000

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Item No. 10

SCHEDULE B

APPLICATION NUMBER	CB/10/03200/FULL
LOCATION	Trinity Hall Farm, Watling Street, Hockliffe, Leighton Buzzard, LU7 9PY
PROPOSAL	Construction of Biogas Plant including digester tank, storage tank, flare stack, technical building and silage compound . Development proposes a farm based anaerobic digester with a capacity of 1,063Kw using maize feedstock grown locally together with widening of the farm access where it joins the A5 Trunk Road
PARISH	Chalgrave
WARD	Toddington
WARD COUNCILLORS	Cllr Norman Costin & Cllr Tom Nicols
CASE OFFICER	James Clements
DATE REGISTERED	15 September 2010
EXPIRY DATE	15 December 2010
APPLICANT	Hallwick Ltd
AGENT	Jane R Orsborn Associates
REASON FOR COMMITTEE TO DETERMINE	Departure from the Development Plan
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is at Trinity Hall Farm, Hockliffe which is a 400ha (1000 acre) arable holding located three miles to the north of Dunstable, one mile to the south of Hockliffe and 1km to the east of Tilsworth. The main farmstead is on the eastern side of the A5 but the land holding extends both east and west of the A5. The land ownership is not continuous and is somewhat fragmented, covering Chalgrave, Hockliffe and Tilsworth Parish boundaries.

The farmstead comprises a range of modern agricultural buildings, Victorian brick ranges and two dwellings. The farmstead is accessed from the A5 by a track approximately 40m in length. The Victorian farmhouse is set back approximately 30m from the A5 and separated by hedges and a paddock. The access track passes to the south of the farmhouse and leads to the gated farmyard. A farm track accessing the holding runs northwards from the farm yard. The second residential property associated with the farm is located to the north east of the main dwelling and has views over the farmyard and a small private side garden. It is occupied by an employee of The Estate.

The Victorian, brick barns have an extant planning permission for offices. More modern utilitarian grain stores lie to the east about 12m away from the brick barns. These comprise a pair of connected barns with a ridge height of 7.8 and 8.6m. To the north east corner of the farm yard is a 12.5m high grain drier. The steel barns

and grain drier are clearly visible from the adjacent A5 when travelling north from Dunstable. To the south of the farm yard are two smaller steel framed buildings.

The site is enclosed on the east, south and west by a hedgeline which is somewhat patchy in places, a mature treeline and an evergreen treeline between the farmhouse and agricultural buildings.

To the east of the farm yard the land falls away approximately 1.5m into a hollow and then rises to the northeast. There is a hedgeline to the south which partly screens the site.

Two footpaths (FP45 & FP16) are to the south of the site at a distance of approximately 205m and 340m respectively.

The Application:

Permission is sought for the Construction of a bio-digester (biogas) plant, also referred to as an Anaerobic Digester (AD) Plant, for the processing of maize grown on the farmholding to produce renewable energy. AD refers to the process where organic material is biologically treated in the absence of oxygen using naturally occurring micro-organisms to produce biogas, which can be used to generate a renewable green energy, fed into the National Grid, and a nutrient rich bio-fertiliser that can be used as both a fertiliser and a soil improver. Heat is also produced as a by-product, which could also be utilised. The Biogas Plant would require 1 full time worker.

The Biogas plant would be located on and adjacent to the eastern side of the existing farmyard, and would include the following:

- Technical building - housing Combined Heat and Power Unit (CHP) - measuring 22.2m long x 17.2m wide x 4m high to eaves and 6.4m to ridge together with a separate transformer building 2.3m wide x 2.3m high x 6.0m long and exhaust gas flare stack with a height of 10m (only used in emergencies);
- Silage clamp (to the east of the farmyard) measuring 90.8m long and 68m wide formed from 4m high concrete grain walling on three sides with some cut and fill (north, east and south), divided internally into three bays; and a gas flare 5.5m high sitting on a shallow concrete plinth.
- A digester tank measuring 11.09m to the top of the membrane with a diameter of 30.4m and a liquid residue storage tank measuring 10.06m to the apex of the roof and with a diameter of 33.4m. The tanks are connected by means of an access gantry. The digester tank would be kept at a constant temperature of 38°C and is insulated to ensure that no heat escapes. The residue storage tank is not insulated but does not become hot.
- Widened access - following advice from the Highway Agency the existing access on to the A5 would be widened to bring it up to standard. This would mean that the first 17m would be widened to 7.1m to allow two tractors to pass each other. This would require the removal of a hedge which would be replaced on adjacent land to the south.

The proposed farm based AD plant would use maize as the feed stock which would be grown as a spring break crop on the 400 hectares of land at Trinity Hall Farm. The use of maize as a spring break crop, replacing the commonly used rape seed, would mean that normal food production from cereal crops would not be affected. Although rape seed is often used in food production it is also used for many industrial applications.

The type of maize to be grown would be a variety of energy crop fodder maize which has been shown to be one of the most efficient way of producing methane from crops. The maize would be harvested in mid to late September and would be brought back to the farmstead in the same way as other crops i.e. by tractor and other farm vehicles. The maize would then be stored, wrapped in plastic and stored in the silage clamp. It is estimated that the proposed plant would use around 19,000 tonnes of maize pa. to produce a planned output of 1,063 kW.

The maize would be taken from the silage clamp on a daily basis by telescopic loader and fed into the solids feeder from where it enters the operations (technical) building via an auger. Here it is pre-mixed in a sealed mixing vessel with water combined with a nutrient rich natural additive that feeds the micro-organisms within the sealed fermentation process. When the materials are thoroughly blended they are transferred to the digester tank at regular intervals. In this large digester tank the materials are broken down by the micro-organisms leading to the release of biogas. This is retained within a gas tight membrane at the top of the tank. The biogas is then compressed and fed to a combined heat and power unit (CHP) designed specifically to run on biogas. This in turn drives an electricity generator. Heat is also collected through the engine cooling system.

The renewable electricity generated would be supplied to the National Grid. The applicant envisages that the Biogas Plant would connect to the national grid approximately 1km to the south of plant next to the A5/A505 roundabout, via underground cables.

The heat output from the CHP unit could be used for farm processes, the nearby consented offices and farmhouse or fed into a local district heating scheme. In this case, there is the possibility of feeding it into proposed housing development on the northern edge of Houghton Regis/Dunstable or on the eastern edge of Leighton Buzzard.

This application was initially on the agenda for the 8th December 2010 Planning Committee. However, following discussion with the applicant it became apparent that two-thirds of the maize would need to be grown on land other than that owned by Trinity Hall Farm. This has implications for traffic movements and an amended Transport Assessment was requested. This was submitted by the applicant in January and interested parties were reconsulted.

RELEVANT POLICIES:

National Policies (PPG & PPS)

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Supplement to Planning Policy Statement 1: Planning and Climate Change (2007)

Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)

Planning Policy Statement 7: Sustainable Development and Rural Areas (2004)

Planning Policy Statement 22: Renewable Energy (2004)
Planning Policy Guidance 13: Transport (2001)
Planning Policy Statement: Consultation – Consultation on a Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate (2010)
The UK Low Carbon Transition Plan (2009)
The UK Renewable Energy Strategy (2009)
Draft Overarching National Policy Statement for Energy (EN-1) (2009)
Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (2009)
Planning Policy Statement 5: Planning for the Historic Environment (2010)
Planning Policy Statement 7: Sustainable Development in Rural Areas (2004)
Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)
Planning Policy Guidance 24: Noise (1994)

Regional Spatial Strategy

East of England Plan (May 2008)

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

Bedfordshire Structure Plan 2011

None

South Bedfordshire Local Plan Review Policies

BE8 - Design and Environmental consideration
NE10 - Rural Diversification

Supplementary Planning Guidance

SPD Design in Central Bedfordshire - A Guide for Development

Planning History

SB/88/01371 Permission - Two storey extension to dwelling.

SB/08/00486 Permission - Change of use, alteration, extension and repositioning of farm buildings to provide (B1 (a)) offices, and construction of new access road.

Representations:

(Parish & Neighbours)

Parish Councils

Chalgrave

Chalgrave Parish Council wishes to make the following comments about this application:

1. The PC is concerned about the possibility of smell associated with the plant. The prevailing wind would blow across the plant and straight across the villages of Wingfield and Tebworth.
2. The PC is concerned about any toxic fumes which may be released from the plant, again because of the prevailing wind. The PC would seek assurances that there is no toxic release.

3. The PC is concerned about the visual impact of the flare which may be visible from Tebworth and Wingfield.
4. The PC is concerned about trucks and tractors turning into and out of the plant from the A5 particularly at harvest time. An extension to the 40mph speed limit southwards to beyond the turn into Trinity Farm is requested by the PC.
5. Should permission be granted for the plant the PC would object to construction traffic travelling en route through Tebworth and Wingfield and would expect all future vehicles associated with the plant to use the A5. Tebworth in particular already has severe problems associated with large goods vehicles negotiating their way through the narrow 'S' bend in its centre.
6. Concern was expressed about the possibility of noise from engines and generators etc from the plant. Again any noise would carry from the plant up to Tebworth and Wingfield because of the prevailing wind.
7. As the gas produced is highly flammable the PC would want assurance that all possible measures are taken to avoid possible explosions and leakage.
8. Finally the PC deemed the plant as inappropriate development on Green Belt land but conceded that land would be kept agricultural.

Reconsulted 25/01/2011 - No further comments received.

Hockliffe

Hockliffe Parish Council reviewed the application and resolved to support the application subject to the application having the additional condition applied:

That there will be no substantial increase in traffic movements to and from the site.

Reconsulted 25/01/2011 - No further comments received.

Tilsworth

None received.

Reconsulted 25/01/2011 - No comments received.

Neighbours
North Star Cottage,
Hockliffe

Objection - Air pollution, increased traffic, congestion.

Reconsulted 25/01/2011 - No comments received.

Consultations/Publicity responses

Sustainability Officer No objection.

Environmental Health
Officer No objection.

Landscape Officer	No objection.
Tree & Landscape Officer	No objection subject to 3 conditions
Natural England	<p>Natural England considers that the proposals are unlikely to have a significant impact on any wildlife site designations. The Landscape and Visual Appraisal submitted as part of the application identifies that the proposals are within 5km of the Chilterns AONB, but that at this distance, views from the AONB will not be significantly affected by the development. Natural England is satisfied with this conclusion.</p> <p>Finally, Natural England has produced Standing Advice on protected species, which should be taken into account when determining the application.</p>
Highways Agency	<p>01/10/2010 - No objection subject to 1 condition for access improvements.</p> <p>Reconsultation response 01/02/2010 - original comments stand - No objection subject to 1 condition for access improvements.</p>
Highway Officer	<p>17/10/2010 - No objection subject to 2 conditions.</p> <p>07/02/2011 Reconsultation response (verbal) - no objection subject to 3 conditions.</p>
Environment Agency	No objections.

Determining Issues

The main considerations of the application are;

1. Principle Of Development
2. Visual impact
3. Environmental considerations (noise, smell)
4. Traffic issues
5. Conclusion

Considerations

1. Policy Background

Sustainability and climate change and the need to increase renewable energy generation and reduce carbon emissions are key components of current planning policy, which must carry considerable weight in determining this application.

The development would contribute towards the renewable energy and carbon reduction targets for the East of England and Central Bedfordshire and should be encouraged in accordance with the national, regional and local policies specified. Tackling climate change is a key Government priority. Accordingly, the

planning policy context, at all levels, is supportive of renewable energy schemes.

PPS7 Sustainable Development in Rural Areas

PPS7 encourages farmers to diversify into new agricultural opportunities such as renewable energy crops. Paragraph 31 states that LPAs should give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The guidance further states that “Where farm diversification proposals in the Green Belt would result in inappropriate development in terms of PPG2, any wider benefits of the diversification may contribute to the “very special circumstances” required by PPG2 for a development to be granted planning permission”.

PPS 22: Renewable Energy

PPS 22 specifically deals with renewable energy. It promotes and encourages the development of renewable energy resources and it notes that small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small.

Under the heading of Key Principles PPS 22 states, “The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission” and that “Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures”.

“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development which may impact on the openness of the Green Belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.

With particular reference to anaerobic digesters the Companion Guide to PPS22 - Energy from Waste (Biological Processes) states that:

“Energy from AD is effectively carbon neutral in that the carbon it releases is approximately equal to the carbon absorbed from the atmosphere by the plants which constitute the origin of the organic waste. It can therefore reduce overall quantities of carbon dioxide released in the atmosphere when it is used to replace energy from fossil fuels..... The by-products of AD may be put to beneficial uses and reduce the need for chemical fertilisers and other soil conditioners that may be manufactured using less sustainable methods.... small

digesters on farms can sometimes be accommodated quite satisfactorily within the existing complex of farm buildings....Transport movements at on-farm digesters are not likely to add significantly to the impact of normal farm activities”

The companion guide goes on to state that the anaerobic digestion of organic material may be odorous and that the consideration of odour control systems are therefore essential . The guidance notes, however, that emissions are generally minor and, "unlikely to present any significant environmental problem provided the equipment meets relevant design specifications and is properly serviced”.

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

Following the judgement in the case brought by Cala Homes in the High Court, the Regional Strategies have been re-established as part of the Development Plan. Although a proposed clause of the Localism Bill will still intend to abolish the Regional Strategies, and will start its passage through Parliament before Christmas, it will take some considerable time before the abolition of the Regional Spatial Strategy.

Policy ENG2: Renewable Energy Targets states:

'The development of new facilities for renewable power generation should be supported with the aim that by 2010 10% of the region's energy and by 2020 17% of the regions's energy should come from renewable sources. These targets exclude energy from offshore wind'.

The East of England region failed to reach the 2010 figure and is a considerable way from achieving the 17% by 2020. In view of this the policy should be given considerable weight.

Green Belt

Trinity Hall Farm is within the South Bedfordshire Green Belt. PPG 2: Green Belts states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The most important attribute of the Green Belts is their openness. Five purposes are listed for including land within a Green Belt. The most relevant to this application site is the safeguarding of the countryside from encroachment.

The silage clamp, and to some extent the digestate and residue tank, are typical modern agricultural structures and would be regarded as appropriate development if the proposal were purely for agricultural purposes. However, in accordance with advice in PPS22 advice the proposal constitutes inappropriate development because the structures would have a non-agricultural end purpose.

Inappropriate development is, by definition, harmful to the Green Belt. It is therefore necessary to demonstrate why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Very Special Considerations (VSCs) in the Green Belt

The VSCs provided by the applicant are as follows:

1. Sustainability credentials and the strong legislative support for renewable energy

The generation of energy from the AD plant, powered by maize grown locally which is a renewable source, would save 8,504 tonnes of carbon dioxide pa compared with an equivalent energy generation from fossil fuels;

2. Reduction in the use of artificial fertilisers

The substitution of artificial fertilisers for residue from the AD process would save an additional 1,806 tonnes of carbon dioxide pa in the manufacturing process plus further carbon dioxide emissions otherwise arising from the transportation of artificial fertilizer to the farm;

3. Generation of heat from the CHP unit

The excess heat could be utilised, probably off site, in local development projects;

4. Introduction of a viable break crop

When grown as part of a crop rotation, maize has the advantage of naturally reducing weeds thereby reducing the use of artificial herbicides; and

5. Farm diversification

The production of a renewable energy crop is actively encouraged by advice in PPS7 as a form of farm diversification. Maize is particularly suitable because it is three times more effective than other forms of energy crops in the production of biogas by using it as a break crop it provides a financial return which other break crops rarely produce. Paragraph 31 of PPS7 which states that LPAs should give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, is relevant in the determination of this application. The wider benefits of this diversification may contribute to the "very special circumstances" required by PPG2 for a development to be granted planning permission, especially given that the diversification will not result in excessive expansion and encroachment of building development into the countryside.

It is acknowledged that due to the timing of the development, the national economic situation and the prematurity of the Core Strategy that the applicant, although willing, is not able to enter into a Section 106 Legal Agreement to link the scheme to the urban extensions or nearby consented office development. The applicant envisages that the Biogas Plant would be able to provide heat for future urban extensions either at Houghton Regis / Dunstable or East of Leighton Buzzard. Following advice from PPS22 this should be regarded as a

material consideration and should be given weight in determining this application.

It is considered that the VSCs forwarded by the applicant provide material considerations which taken together are sufficient to provide Very Special Circumstances for by definition 'inappropriate development' in the Green Belt.

2. Impact of development on Landscape Character, Openness and Visual Amenities of the Green Belt

The proposed Biogas Plant would include a technical building, transformer building, flare stack, digester tank, residue tank and silage clamp. They would be closely associated with the existing agricultural buildings located on the eastern side of the existing farmyard, which includes a grain drier measuring 12.5m in height and two large agricultural buildings measuring 7.8 & 8.6m in height. The two main elements of the proposal would be a digester and residue tank, which would be slightly higher than the main existing barns but below the height of the grain store drier tower. The silage clamp would be in a field to the east of the farm yard.

A Landscape and Visual Appraisal was submitted with the application which evaluates the proposal in relation to National Character Areas and the South Bedfordshire District Landscape Character Assessment (2009). The appraisal also assesses the scheme in relation to its impact on the Green Belt. Both PPG2 and PPS22 require that the visual impact of development, including those for renewable energy, be carefully considered so they do not adversely affect the openness and visual amenity of the locality.

The South Bedfordshire Landscape Character Assessment indicates that the Site is located on the cusp of the Clay Hills and Clay Vale landscape types. To the north of the site are the Toddington - Hockliffe Clay Hills and to the south Eaton Bray Clay Vale framed by the strong chalk escarpment at Sewell leading eastwards to Dunstable Downs and Totternhoe.

The key characteristics of the area around Trinity Hall Farm include:

- Individual farmsteads and associated agricultural buildings scattered throughout the landscape (frequently bordered by solid coniferous hedges);
- Historic features include medieval ridge and furrow pasture and two medieval moated sites;
- Some areas of marginal, unmanaged, farmland occur adjacent to the main transport routes and there are occasional blocks of secondary woodland, together with blocks of ancient semi-natural woodland;
- The majority of fields have native hedge boundaries but are patchy or overgrown in places;
- A pylon line cuts across part of the vale and are prominent vertical structures against the simple, flat landform.

Due to the underlying pattern of geology the most open views of the Site and proposal would be across the adjacent Clay Vales and the Chalk Escarpment to the south. The visual impact assessment has identified that distant views from the chalk escarpment would be barely perceptible (including those from the Chilterns AONB) with those views within 500--750m being the most prominent.

The most prominent view is restricted to a few public footpath locations immediately to the south of the site.

The layout of the proposed Biogas Plant has, however, been carefully arranged to minimise the visual impact of the structures by grouping them closely to the existing buildings, at a similar height. The largest structures would be the two tanks, at a maximum of 11m above finished level, but these would still be within 2m of the ridge line of the existing easterly barn and below the grain store drying tower.

The proposal would make efficient use of the space closely associating the digestion tank, residue storage tank and technical building with the existing farm buildings and barns to reduce impact on the wider landscape. The proposed materials and selection of colours would appear agricultural with a mixture of green and grey cladding. While the silage clamp would have to be constructed in a field to the east, it would be situated on the relatively lower lying ground that also partially forms a hollow and is more hidden from north and east. The clamp would also be constructed with areas of cut and fill to reduce the impact on the landscape.

In terms of landscaping, the proposal would retain existing tree groups and hedges which would provide immediate and ongoing screening. Mitigation planting would reduce the impact from the more significantly affected locations with new native planting helping to create a tree belt to screen and mitigate the development from the more open southern and eastern aspects. There would also be a new native hedgerow on the alignment of a former historic hedge west of the silage clamps.

While there would be a small impact on the openness of the Green Belt the proposal would appear agricultural in its appearance, matching the modern farmyard and its buildings. In addition, there would be mitigation in the form of new planting. It is therefore considered that there would be no detrimental impact on the openness or visual amenities of the Green Belt.

3. Environmental Considerations - noise, pollution

A number of issues have been raised regarding potential environmental impacts of the proposal.

Odour

An odour statement has been submitted with the application which states that there will be very little odour emitted from the plant. Of the few potential odour issues, none are perceptible more than a few metres from the source. The process, due to it being anaerobic, is fully sealed and therefore minimal odour is released. A small amount of odour can be released during the pre-mixing phase but this happens within the cellar of the technical building and is therefore contained within it. The silage clamp is covered in plastic sheeting to stop degradation of the maize and loss of energy and therefore any smell is again contained. As this is an energy crop plant and not a waste plant, there are no issues relating to waste transport and processing.

Toxic Fumes

There would be no toxic fumes released from the plant. PPS22 states that with regard to Bio-digester plants that, 'emissions are generally minor and are unlikely to present any significant environmental problem, provided the equipment meets relevant design specifications and is properly serviced.' Hallwick Ltd (agent) have stated that they will have a comprehensive maintenance and service regime for all elements of the plant.

Flare stack

The flare stack is 5.5m tall and therefore lower than the tanks and surrounding buildings and will therefore not be visible. Although concern has been raised regarding the use of the flare this should happen very infrequently, if ever. The flare is a safety measure which is only used if the CHP is not operable for a length of time. The gas storage in the tank roof has sufficient capacity for all standard maintenance downtime issues. If the flare is ever used, it will not be visible due to its location in the plant design and the local lay of the land.

Noise

The CHP would be the primary noise source and would be kept within a sound proofed cabin within the technical building. The noise statement states that the nearest noise receptor would be 145m away from the technical building and would experience noise levels of approx 35dB. British Standard 4142 states '*rating levels below 35dB are very low.*'

Safety

The Biogas Plant has a number of safety measures that would minimise and eliminate any potential issues. Safety measures include automatic engine cut off, automatic plant shut down systems, gas detection systems and the gas flare.

The amount of gas stored at any one time is actually very low. Because the CHP engine runs 24/7, the methane is processed very quickly. Should any issues arise, the system shuts off the feed to the plant, thereby reducing the methane production. Should the engine fail for a prolonged period of time, the system automatically directs the gas to the flare. As well as the on site operator, the plant will also be remotely monitored, through the online computer system, by Hallwick and Envitec Biogas (the technology provider). If any issues arise, the computer sends text messages to six pre determined people informing them of the issue. Envitec Biogas then personally call these people to ensure the issue is being resolved.

Hallwick Ltd have stated that they will follow all of the industry regulations for the operation of the plant.

It should be noted that the Environmental Health Officer has no objections to the proposal subject to a noise condition.

4. Highway Issues

Concern has been raised relating to the potential of the Biogas Plant to increase

traffic movements in the area, particularly through the villages of Tebworth and Wingfield.

The application as originally submitted stated that all the required maize would be grown on Trinity Hall Farm therefore the proposal would not materially increase the movement of vehicles or affect local villages. The Highway Agency and the Council's Highway Officer made comments on the basis of these statements and raised no objections subject to conditions.

Following discussions with the applicant it became apparent that due to the maize being a spring break crop, with a three year rotation of the land, that two-thirds of the maize would have to be grown on land not owned or controlled by Trinity Hall Farm. As a consequence the application which was expected to be heard at the Development Management Committee Meeting in December was deferred until further information was submitted clarifying the traffic movements. Subsequently the applicant's Highway Engineer submitted an addendum to the Transport Assessment to take the different traffic movements into account. A reconsultation process has taken place.

The amended Transport Assessment states that the worse case scenario is that maize would be harvested from farm land up to 8 miles from Trinity Hall Farm with 60-90 new traffic movements per day for between 15 and 20 days a year.

The Highways Agency have been reconsulted and have confirmed that their original comments remain. The Highways Agency has no objection to the proposal subject to a condition to implement improvements to the access on to the A5, which would allow 2 tractor trailers to turn into and out of the entrance at the same time, thereby ensuring tractors are not waiting on the A5 to turn in.

The Council's Highway Officer has stated verbally that he has no objection to the proposed traffic movements subject to a condition for a code of conduct and route management scheme for vehicles transporting maize to the Biogas Plant. The route management scheme would identify areas of the road network which are unsuitable for large vehicle movements, re-routing them on to appropriate roads. We will report further at Committee any additional, formal, comments.

5. Conclusion

The proposed Biogas Plant has provided Very Special Circumstances for inappropriate development in the Green Belt, which would preserve the openness of the Green Belt, would contribute towards the renewable energy and carbon reduction targets for the East of England and Central Bedfordshire and is acceptable in all other ways.

Recommendation:

That Planning Permission be Approved 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 any part of the development is brought into occupation or beneficial use the access to Trinity Hall Farm is to be brought up to current standards applying at the time of implementation based on the enclosed drawing prepared by "David Tucker Associates", number 12145-01 dated August 2010. The approved scheme is to be supported with a Road Safety Audit.

Reason: To ensure that the A5 trunk road will continue to fulfil its purpose as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, and for the safety of traffic on the road.

- 3 **Prior to development commencing, a Tree Protection Plan shall be submitted for approval to the Local Planning Authority, which clearly shows the position and build specification of tree protection, with the purpose of enclosing an area around the designated Root Protection Area (RPA) of all category A, B and C trees as indicated on the Tree Constraints Plan prepared by Arbtech Consulting Limited as per their Drawing No. TCP-01 (Project No. 90945) and dated 26th August 2010. The fencing shall form a "Construction Exclusion Zone" (as specified in Section 9 of BS 5837 : 2005), which shall be demarcated by Protective Barriers (as specified by Figure 2 of the BS 5837: 2005). These measures will be for the purpose of avoiding localised compaction of the rooting medium and preventing damage to the natural canopy spread by avoiding branch encroachment by plant and machinery.**

Reason: To safeguard the rooting medium, natural canopy spread and health of trees marked for retention on the site layout plan and which are considered to be strategically important for screening in the wider landscape.

- 4 Consent is being granted in recognition that no underground services are scheduled to be routed through designated Root Protection Areas (RPA's) of all category A, B and C trees, as indicated on the Tree Constraints Plan prepared by Arbtech Consulting Limited, as per their Drawing No. TCP-01 (Project No. 90945) and dated 26th August 2010. If any services are subsequently required to be routed through Root Protection Areas then this work shall be carried out in full accordance with the National Joint Utilities Group (NJUG) Volume 4 "Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees".

Reason: To safeguard the integrity of the rooting medium within the Root Protection Area of retained trees.

- 5 **Prior to development, a landscape scheme shall be submitted for approval to the Local Planning Authority to indicate the size, position/density and species of trees and shrubs to be planted in the areas indicated for proposed tree planting on the Site Layout Plan prepared by Arm Buildings Ltd., as per their Drawing No. P10-THFB-**

003 (Rev C). All landscape planting shall be maintained for a period of 5 years thereafter, replacing any specimens lost during the first planting season following failure.

Reason: To ensure satisfactory landscape establishment that will reinforce existing planting and help soften the new structures from views from within the wider landscape, in the interests of visual amenity.

- 6 Prior to the development being brought into use an external lighting scheme, including hours of use, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall only be implemented in accordance with the scheme thereby approved.**

**Reason: To protect the amenity of neighbouring properties and/or highway safety.
(Policy BE8, S.B.L.P.R).**

- 7 Before development begins, a scheme for the parking of vehicles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the standards of the Local Planning Authority and shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

Reason: To ensure provision for car parking clear of the public highway.

- 8 The development shall not be brought into use until a turning space for vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.**

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

- 9 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.
(Policy BE8, S.B.L.P.R).**

- 10 Two months before the first maize to be used at the Biogas Plant hereby granted approval is harvested, a code of conduct and route management scheme for vehicles transporting maize to the Biogas Plant shall be submitted for approval and agreed in writing with the Local Planning Authority. Every year thereafter, should any different land be used to grow the maize crop, details of a route management scheme for vehicles transporting the maize from that land to the Biogas Plant shall be submitted for approval and agreed in writing with the Local Planning Authority.**

Reason: To assist in the safe operation of the surrounding road network and to minimise disturbance to residential properties.

- 11 All fixed plant, machinery and equipment installed or operated in connection with this permission, shall be so enclosed, operated and or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997. Noise limits for new plant are to apply at a position 1 metre from the closest affected window of the relevant noise sensitive property. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.

Reason: In the interests of residential amenity.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P10-THFB-001, P10-THFB-002, P10-THFB-003, P10-THFB-004, P10-THFB-005, P10-THFB-006, P10-THFB-007, P10-THFB-008 and TCP-01.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed Biogas Plant has provided Very Special Circumstances for inappropriate development in the Green Belt, which would preserve the openness of the Green Belt, would contribute towards the renewable energy and carbon reduction targets for the East of England and Central Bedfordshire, and is acceptable in all other ways. Accordingly the proposed development is in accordance with Local Plan Policies BE8 and NE10, East of England Plan Policies SS1, ENV2, ENV3, ENV7, ENG1 and ENG2 and Planning Policy Statements 1, 4, 5, 7, 9, 22 and Planning Policy Guidance 13.

The proposal does not need to be referred to the Government Office for the East of England under the Town and Country Planning (Green Belt) Direction 2005 (Circular 11/2005) as the floorspace 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.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the East of England Plan May 2008 and Milton Keynes & South Midlands Sub-Regional Strategy March 2005, Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development

ENV2 - Landscape Conservation

ENV3 - Biodiversity and Earth Heritage

ENV7 - Quality in the Built Environment

ENG1 - Carbon Dioxide and Energy Performance

ENG2 - Renewable Energy Targets

Bedfordshire Structure Plan 2011

None

South Bedfordshire Local Plan Review Policies

BE8 - Design and Environmental Consideration

NE10 - Rural Diversification

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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 Environment Agency requests that the applicant follow the EA surface water management information, which can be found at:
<http://www.environment-agency.gov.uk/research/planning/82584.aspx>

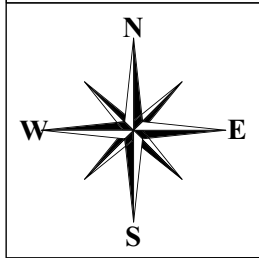
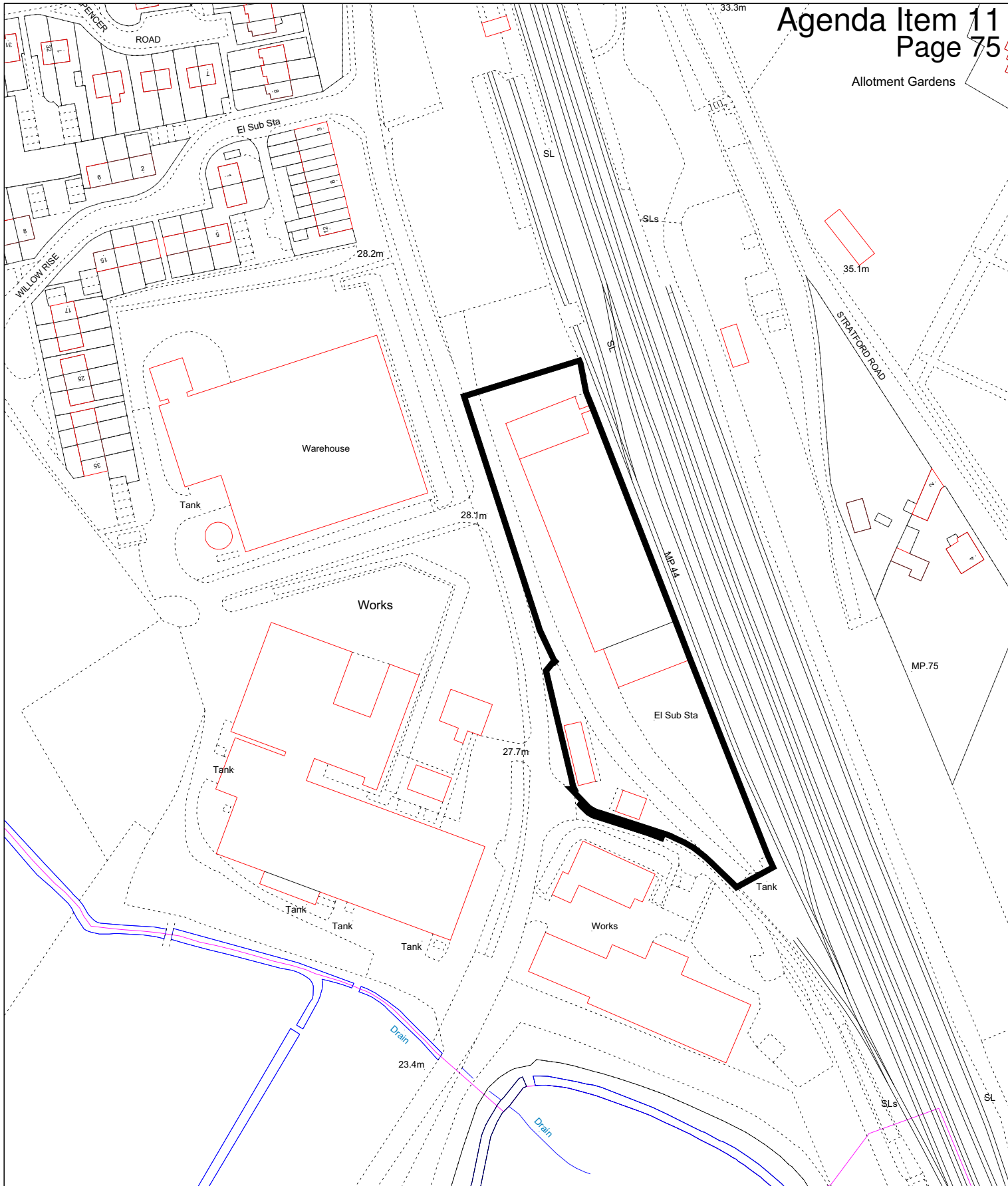
DECISION

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Allotment Gardens



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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 15:February:2011
Map Sheet No

CASE NO.

Scale: 1:1740

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Item No. 11

APPLICATION NUMBER	CB/10/04390/FULL
LOCATION	Land at Sandy Railway Station, Station Road, Sandy
PROPOSAL	Full: Provision of a surface level car park comprising 228 spaces.
PARISH	Sandy
WARD	Sandy
WARD COUNCILLORS	Cllr Nigel Aldis & Cllr Peter Blaine
CASE OFFICER	Dee Walker
DATE REGISTERED	17 January 2011
EXPIRY DATE	14 March 2011
APPLICANT	Network Rail
AGENT	WYG Planning & Design
REASON FOR COMMITTEE TO DETERMINE	Cllr Aldis requested on grounds increased traffic generation onto a busy road, provision of a temporary toilet on a permanent site and parking concerns
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site lies between New Road to the west and the mainline railway to the east. The site lies within the settlement envelope and is currently occupied by a large warehouse and hardstanding. Access to the site currently is via the existing railway station car park at the northern boundary. The existing car park has 142 car parking spaces that are situated north of the application site.

The Application:

The application seeks permission for the provision of a surface level car park comprising of 228 spaces following the demolition of the existing warehouse. The proposal would comprise of the following facilities:

- Pay and display system;
- Parking attendants cabin;
- Portaloo;
- Paladin fencing;
- CCTV;
- Light sensitive lighting;
- New access from new Road; and
- Landscaping.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 Delivering Sustainable Development (2005)
PPG13 Transport (2001)

Regional Spatial Strategy

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

Bedfordshire Structure Plan 2011

N/A

Central Bedfordshire Core Strategy and Development Management Policies 2009

Policies CS4 and Central Bedfordshire Adopted Core Strategy and Development DM3 Management Policies (2009)

Supplementary Planning Guidance

N/A

Planning History

None

**Representations:
(Parish & Neighbours)**

Sandy Town Council	No objection in principal, although the portaloos need to be in keeping with the attendants cabin (painted the same colour)
Adjacent Occupiers	One letter received with comments on the naming of a nearby road and concerns over traffic generation together with the proposed redevelopment of the Rega site on the opposite side of the road.

Consultations/Publicity responses

Highways Team	Comments received regarding the closure of access, visibility provision and traffic impact generation
Ecology	No objection subject to relevant conditions being attached to any consent granted
Public Protection Team	No objection subject to lighting and contamination conditions being attached to any consent granted
Disability Discrimination Officer	No objection
I.D.B	No comments received
Environment Agency	No objection subject to conditions being attached to any

	consent granted
Minerals & Waste Team	No comments received
Network Rail	No comments received
Rail Property Ltd	No comments received
Site Notice Posted	19.01.2011

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. Any other implications of the proposal

Considerations

1. Principle of Development

The application site is wholly within the Sandy settlement envelope and as such the proposed development is considered acceptable in principle. The Infrastructure Audit sets out in paragraph 3.1.21 that better access and interchange arrangements at all stations, including parking management that is more sensitive to the local context will be welcome.

2. Effect on the Character and Appearance of the Area

The site currently has a large warehouse structure on it and the rest of the land is mainly hardstanding. The proposal is to demolish the warehouse and construct a parking area to extend the existing facilities. The site is bound to the east by the mainline railway line and there are commercial buildings to the south. To the west is an un-used site, which is currently being considered for redevelopment to part residential and part commercial.

Given the appearance of the surrounding area, the proposal is not considered to have an adverse effect on the character and appearance of the area.

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

The nearest residential property is located to the north west, which overlooks the existing car park. The Public Protection Team was consulted on the proposal and raised no objection subject to a condition being attached to any consent granted to ensure the lighting is set satisfactory. Given the nature of the overall proposal, there would not be any further impact to residential amenity by means of loss of light or privacy and overbearing impact.

4. Highway Implications

The Highways Team were consulted on the proposal and raised the following comments:

Principle of Extension

The Transport Assessment (TA) has made reference that the existing car park

does not have the required capacity to meet the needs of its users but justification has been given. Given that the site is wholly within the settlement envelope this justification is not required to be considered within the application.

Accesses and Footway

The proposal includes the provision for a new access and the closure of an existing access along New Road. Whilst the access and footway as proposed to the south is satisfactory in visibility and footway provision, the submitted drawings do not show the area for the visibility and footway provision towards the northern direction and it's not within the application site. The agent confirmed that the land to the north is within the applicants control and therefore a condition can be attached to any consent granted to ensure this work is completed as part of the scheme.

Similarly, the closure of the existing access is welcomed but is outside the application site but is within the control on the applicant. The supporting documentation within the application clearly states that this access will be closed and therefore a condition can be attached to any consent granted.

Traffic Impact

The TA makes reference to previous studies at rural railway stations with a commuter link to London. However, these studies were not included within the initial submission but have been requested in order for the Highways Team to assess whether or not the calculations for trip generation are acceptable.

Overall, it is considered that the proposal would not have a significant adverse impact on highway safety.

5. Any Other Implications

The Public Protection Team has requested a condition be attached to any consent granted to ensure any contaminated land is dealt with satisfactory.

The Ecology Officer has raised no objections subject to a relevant clearance and demolition notes to applicant are attached to any consent granted to deal with any reptiles and bats on site.

RECOMMENDATION

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

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

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

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SK 015 P1, SK 016 P1, A0555402-P-001 A, A0555402-P-02 A, COTH055402-E-001 0, COTH055402-P-003 A, FPL/AMEY 001 REV01, FPL/AMEY 002 REV02, Planning Statement, Design & Access Statement, Electrical Proposals, Geo-environmental Desk Study, Transport Assessment, Extended Phase One Habitat Survey & Bat Assessment.

Reason: For the avoidance of doubt.

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

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

- 4 **Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority for written agreement:**

a) A Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate sampling, as shown to be necessary by the WYG Phase 1 Desk Study of February 2010 which identified Low to Moderate risks to site workers, end users and groundwater.

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

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 validation 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 should be adhered to.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency at Brampton should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health and the environment

- 5 If, during development, contamination not previously identified is found to be present at the site, then no further development 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 pollution of controlled waters in accordance with Planning Policy Statement 23 (PPS23) and the Environment Agency's Groundwater Protection (GP3) documentation.

- 6 If within a period of 12 months following the first use of the lighting columns the Local Planning Authority requires the alignment of the lights to be adjusted and/or hoods or shields to be fitted, this shall be carried out in accordance with an agreed scheme within 28 days of official notification. The means of illumination shall thereafter be implemented only in accordance with the agreed scheme.

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

- 7 Prior to the first use of the site, the existing southern car park access along New Road shall be closed as set out within the supporting documentation of the application.

Reason: In the interest of road safety and traffic movement.

- 8 Prior to the first use of the site, the visibility and footway provision in both the northern and southern direction shall be implemented as set out in the supporting documentation in the application.

Reason: In the interest of road safety and traffic movement.

Reasons for Granting

In conclusion, the scheme by reason of its site, design and location would not harm the character and appearance of the area, have an adverse impact on the residential amenity of neighbouring properties or have an adverse impact on highway safety. As such the proposal is in conformity with Policies CS4 and DM3 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Guidance 13 (2001). It is therefore considered **acceptable** and that planning permission should be granted subject to conditions.

Notes to Applicant

1. The applicant is advised that any rough grassland and scrub areas should not be driven over nor have materials stored there, over and above what is already present and clearance of these areas should not take place between October and March so as to prevent the disturbance of hibernating reptiles.

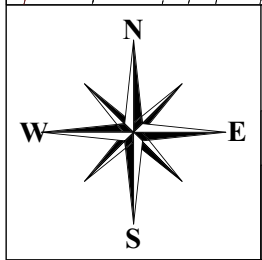
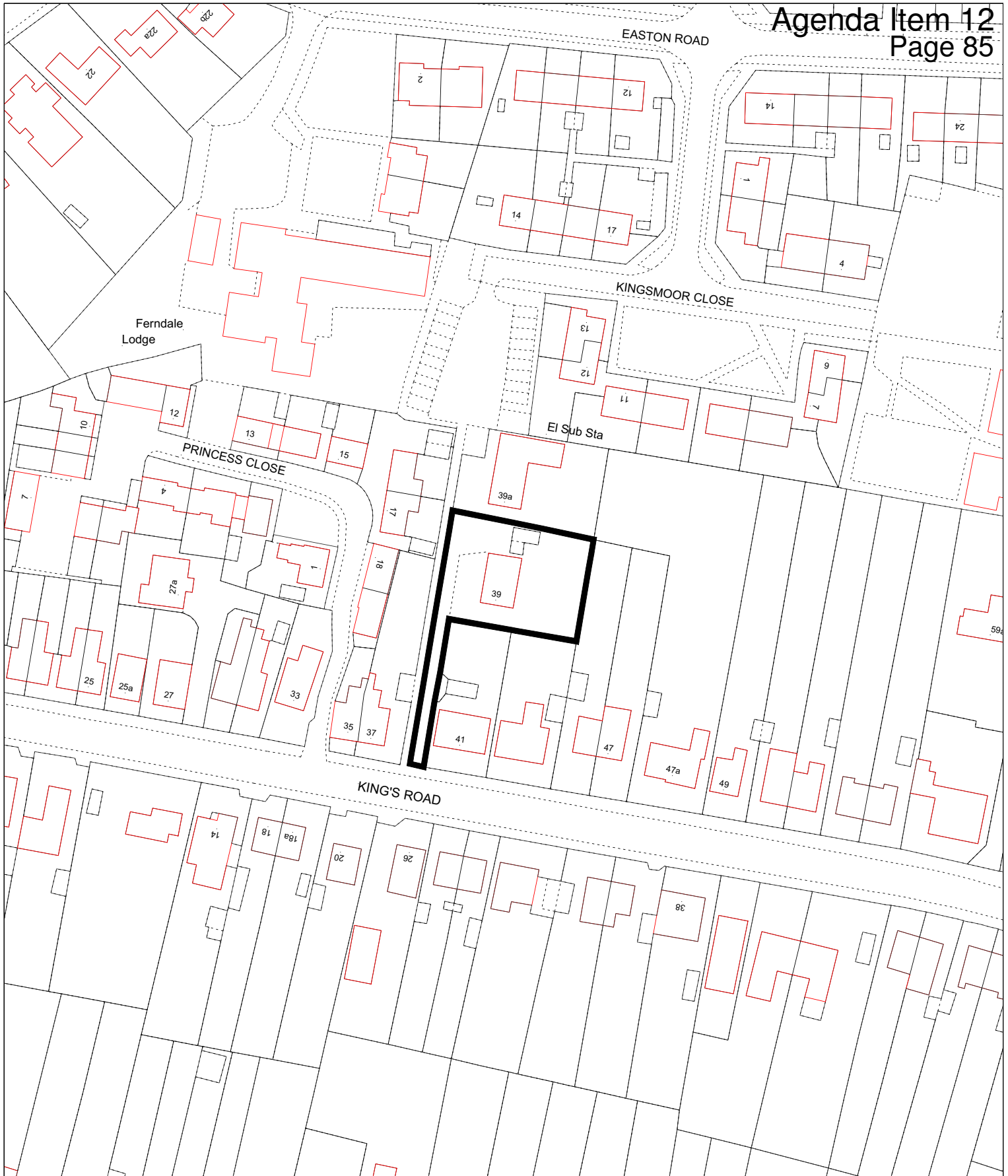
With regard to bats, when demolishing the main building as a precautionary measure, the roof should be removed by hand during the winter months to minimise the chance of disturbance to bats. This will also compliment the recommendation that buildings should be removed outside the bird nesting season of March to September (inclusive).

2. You are advised to note the comments of the Environment Agency as set out in the enclosed letter.

DECISION

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Date: 14:February:2011

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 12

APPLICATION NUMBER	CB/10/04536/FULL
LOCATION	39 Kings Road, Flitwick, Bedford, MK45 1EJ
PROPOSAL	Full: Extension and alteration to existing bungalow and new detached three bedroom dwelling.
PARISH	Flitwick
WARD	Flitwick East
WARD COUNCILLORS	Cllrs James Jamieson & Andrew Turner
CASE OFFICER	Clare Golden
DATE REGISTERED	21 December 2010
EXPIRY DATE	15 February 2011
APPLICANT	Mrs J Sherman
AGENT	Bradbury Design Ltd
REASON FOR COMMITTEE TO DETERMINE	Councillor Andrew Turner has called the application to Committee on the grounds of inadequate parking, turning, detrimental impact on neighbours and overdevelopment.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is located within the town of Flitwick. The site is known as 39 Kings Road and comprises a regular shaped plot set behind Nos. 41 and 43 and which fronts onto a narrow access drive which also serves no. 39a. The access drive is a private drive just to the north of Kings Road. The site is occupied by a detached bungalow and single garage. There is a pedestrian footpath which runs parallel to the access road leading to garaging on Kingsmoor Close to the north. The surrounding area is residential in character and comprises a mixture of residential development, varying in dwelling types, ages and styles. No.s 39 and 39a represent infill residential development, and Princess Close, directly to the west is a recent example of infill development, comprising a close of recently constructed dwellings of varying sizes to the rear of properties along Kings Road.

The site is located within the settlement envelope for Flitwick.

The Application:

This application seeks permission to demolish part of the existing bungalow, (No. 39), which includes the existing dining room and bedroom on the ground floor and a second bedroom on the first floor. This space would then be added to the south end of the dwelling in the form of a new extension to the building. This would effectively shift the footprint of the dwelling further to the southern boundary of the plot. The height of the roof would be raised and dormer windows added to the front and rear elevation.

It is also proposed to erect a single dwelling on the existing garden area to the north side of No. 39a. The proposed dwelling would be one and-a-half storeys in height with three bedrooms.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1: Delivering Sustainable Development
PPS3: Housing, Revised 10th June 2010

Core Strategy/Development Management Policies that supersede the Saved Local Plan Policies

CS1: Location of New Residential Development
CS2: Developer Contributions
CS14: High quality development in the natural and built environment
CS4: Accessibility and transport
CS5: Location of New Residential Development
DM3: Protection of Amenity
DM4: Development within and beyond settlement envelopes

Supplementary Planning Guidance

Planning Obligations Strategy Adopted 2008
'Design in Central Bedfordshire', Adopted Design Guide, 2010
'Manual for Streets', 2007

Planning History

CB/10/03780/FULL	Full: Proposed redevelopment comprising the extension and alteration of the existing bungalow and a new detached three bedroom dwelling. Withdrawn.
CB/10/00643/FULL	Full: Extension and alteration of existing bungalow. Erection of new dwelling. Withdrawn.
MB/08/00300/FULL	Demolition of existing bungalow and erection of two no three bedroom chalet bungalows. Granted.
MB/07/01392/FULL	Full: Erection of 2 no. 3 bed chalet bungalows following demolition of existing bungalow. Granted.
MB/07/00761/FULL	Full: Erection of five terraced three bedroom town houses following demolition of existing bungalow. Withdrawn.

Representations: (Parish & Neighbours)

Flitwick TC

Object to the proposal on the following grounds:

- Overdevelopment
- Access and egress
- Adjacent to pedestrian footpath

Adj Occupiers

Five letters of objection have been received from occupiers of neighbouring properties on the following grounds:

37 Kings Road:

- Roof height - not in keeping with character of surrounding area
- Risk of setting a precedent
- Increase in vehicles next to a pathway used by pupils of Kingsmoor School - Highway safety

39A Kings Road:

- Proximity of, and height of the proposed dwelling in relation to the kitchen window of No. 39A - impact on visual amenity, right to a quiet enjoyment of their property, right to light
- Higher than surrounding buildings
- Not in-keeping with the character of surrounding buildings and streetscene which includes spaces around the building
- Party wall concerns
- Loss of light to kitchen and garden
- Reduction of privacy, overlooking of rear garden
- No. 39a and the new dwelling would result in small garden areas without front gardens
- Overdevelopment
- Increase in vehicular traffic and parking, restricted access, potential conflict with pedestrians
- Increase in vehicular traffic and parking will prevent emergency vehicular access
- damage to the access road
- Lack of turning space resulting in vehicles encroaching onto No. 39A's driveway
- Increase in parking, restricting access to neighbouring properties
- Potential damage to Leylandii trees and loss of ecology within them
- The private access drive is within the ownership of No. 39A
- Electricity, gas or water is not allowed to connect or run in the access road
- Legal access to the proposed development is not possible
- Public liability insurance would be required during and after the building works
- Storage of refuse bins left at the end of the access drive causing problems with visibility and highway safety
- Increased pressure on the sewerage pipe work and drains
- Concerned with the potential amount of mess, dust and dirt generated by the proposed development and impact on the health of the occupier of 39A.
- Damage to the access drive

43 Kings Road:

- Lack of detail about proposed hard and soft landscaping
 - The removal of the hedges along the boundary.
- Concerned about the security, visual and acoustic protection for the boundaries of 43 and 41 Kings Road. A 1.8metre close boarded fence to the boundary with No. 43 and 41 is considered to be inappropriate

17 Princess Close:

- Overlooking from the dormer windows of the bungalow

Consultations/Publicity responses

Highways

No objection subject to conditions relating to parking bay dimensions, surfacing, turning space, cycle parking storage, and construction workers parking.

**Site notice posted on
17.01.11**

Determining Issues

The main considerations of the application are;

- 1. Planning background and the principle of the development**
- 2. Impact on the visual amenity of the surrounding area**
- 3. Impact upon the amenities of adjoining, nearby and future occupiers**
- 4. Highway Matters**
- 5. Any other matters relevant to the application**

Considerations

1. Planning background and the principle of the development

The application site lies within the settlement envelope for Flitwick wherein the principle of residential development is generally acceptable subject to certain detailed considerations. Flitwick is classified as a Major Service Centre in the Core Strategy and Development Management Policies Development Plan Document (DPD) where policies CS1 and CS5 are applicable.

There are no objections to the principle of infill development within Flitwick as proposed in this application as long as various other criteria are satisfied, in particular the size of the site needs to be adequate, there must be sufficient on-site parking, the design of the proposed house must be inkeeping with its surroundings and there must not be an unduly adverse impact on the amenities of neighbours. The site is not designated as important open space.

This application is a revised re-submission of earlier applications (CB/10/03780/FULL and CB/10/00643/FULL) both withdrawn to allow for revisions and in the latter case, for the proper 21 day consultation of the owner of part of the site, in accordance with Article 12 of The Town and Country Planning (Development Management Procedure) Order 2010. An earlier application in 2008 (MB/08/00300/FULL), for the demolition of the existing bungalow and erection of two three bedroom chalet bungalows was approved.

The conditions attached to this permission have been discharged and should the applicant shortly commence work on site, the permission remains in perpetuity. This planning permission is still a material consideration in the present application.

Revised PPS3: Housing

Since the last application in 2008, PPS3: Housing, has been revised, on 10th June 2010. The amended policy document sets out the Secretary of State's policy on previously developed land and housing density. Local Planning Authorities and the Planning Inspectorate are expected to, where relevant, take it into account as a material consideration when determining planning applications. Clearly then, the main planning policy change relevant to this proposal is the removal of private residential gardens from the definition of previously developed land in Annex B of PPS3.

In terms of PPS3, this gives Local Planning Authorities the power to decide for themselves the best locations and types of development in their areas. The policies in the Adopted Core Strategy will help inform these decisions. The Council's adopted Core Strategy (for the North Area) places a presumption in favour of development within the Settlement Envelope regardless of the classification of the land. Therefore, although a material consideration, the change of classification of garden land has little impact on the determination of such applications.

Whilst the revisions to PPS3 remove the presumption in favour of development on garden land, the Local Planning Authority may still grant planning permission on these sites if the proposal complies with policies in the Council's Adopted Core Strategy.

2. Impact on the visual amenity of the surrounding area

The character of the surrounding area has altered over time with dwellings originally principally fronting onto Kings Road, with later infill development including the application site and No. 39a, and more recent infill residential development now known as Princess Close which is located directly to the west of the application site. The character and appearance of the surrounding development now therefore, is varied with a mixture of houses of different styles and ages, and on different plot sizes.

The application site is located on a private drive to the north of Kings Road. Nos 39 and 39A have a minimal impact on the overall character of the main streetscene along Kings Road, therefore. A footpath does however run northwards, adjacent to the private road where views of the site can be obtained.

The application site comprises No. 39 which is a bungalow with one flat roof dormer to the rear. The bungalow is set back from the private drive by 6metres and is surrounded by garden land to the front, sides and rear. The depth of the rear garden is 16metres and has a width of 19metres.

The proposal involves the partial demolition of the northern end of the dwelling, an area of approximately 26.6square metres. The lost floor space will be replaced at the southern end of the bungalow in the form of an extension of

4metres. Overall, there would be a very small increase in the footprint of the existing dwelling as extended (0.4m). Three new dormer windows would be added to the front elevation. The overall height of the existing bungalow would be increased by 1metre.

The proposed dwelling:

The proposed new dwelling would be erected two metres to the north of the bungalow. This would be a one and-a-half storey dwelling, with a single window on the first floor level on the front elevation. The highest point of the dwelling would be 0.3metres higher than the altered bungalow and thus, 1.3metres higher than the original bungalow. The new dwelling would be set 2metres in from the bungalow which would help reduce its visual prominence within the streetscene. Both dwellings would retain a 1metre distance to each side boundary to ensure a degree of separation between each dwelling and to provide external access to the rear from the front. Both dwellings would also exceed the average rear garden size of 100m² and achieve garden depths in excess of 10metres, a standard recommended in the Council's Adopted Design Guide, 2010.

The proposed new dwelling is considered to be modest which will not appear unduly prominent within the streetscene. In terms of the positioning of the dwellings within each plot, it is considered that there is sufficient space around the building, reflecting the character of the surrounding urban grain and adequate amenity space for the occupiers of both dwellings. In terms of the design, the new dwelling would have fairly simple detailing with window proportions reflective of the surrounding properties. The dwellings would be finished with facing brickwork and plain roof tiles, precise details of which could be agreed by condition.

Alterations to the existing bungalow:

The alterations to the existing bungalow which will have the greatest impact on the surrounding visual amenity, are the three dormer windows on the front elevation, and increase in height of the roof. Two of the windows will serve bedrooms, with the central window serving an ensuite with obscured glazing. The size of the windows are considered to be in proportion with the existing windows on the dwelling and the increase in roof height is not considered to have a significant impact on the overall character of the dwelling within the streetscene. Although the alterations deviate from the simple character and height of the original bungalows in this area, it is noted that the surrounding roofscape is varied with a mixture of two storey, two and-a-half and one and-a-half storey dwellings. Subject to the use of matching materials, the proposed alterations are considered to preserve the visual amenity of the surrounding area.

Overall, it is judged that the design, siting and scale of the new dwelling and the alterations to the existing bungalow are acceptable in terms of the impact on the street scene and wider character of the area, and will adequately reflect the diverse mix of dwelling types and sizes in the locality.

Landscaping:

Concern has been raised in respect of the impact of the development on the existing landscaping on, and around the application site. The existing site is not considered to contain any natural features of significant importance within the streetscene, with the garden mainly enclosed by a hedge of Lleylandi trees and a privet hedge between No. 39 and 39A. These do provide a good level of screening and help soften the boundaries with neighbouring properties however, and thus these will remain as part of the landscaping for the new development. Should permission be granted, it is recommended that a condition requesting details of a landscaping scheme be imposed to help preserve the visual amenity of the development and surrounding area in accordance with Policy DM3 of the Adopted Core Strategy.

The proposal is therefore considered to preserve the character and appearance of the surrounding area in compliance with Policy DM3 of the Development Management Policies of the Core Strategy, and guidance in 'Design in Central Bedfordshire', in particular, 'New Residential Development' and 'Town Centre and Infill Development' in the Council's Adopted Design Guide, and PPS3: Housing, revised 2010.

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

Concern has been raised in respect of the impact of the new dwelling on the amount of privacy, outlook and light afforded to neighbouring properties. It should be noted that the application has been revised during the course of the present application, in response to the concerns raised by occupiers of neighbouring properties. The main alterations comprise of siting the new dwelling further forward by 0.6metres and reducing the overall depth of the dwelling from 9.5metres to 9.3metres, the removal of the rear dormer window, removal of windows on the ground floor and first floor of the side elevation.

The proposed dwelling:

The new dwelling would have windows on the south side elevation serving a study and lounge on the ground floor. The lounge window would have the potential to overlook the rear garden of No. 39, however, a 1.8metre close boarded fence or boundary planting would screen the boundary to prevent any overlooking. There would be one first floor bedroom window facing onto the north side elevation of No. 39, however, there are no openings proposed on this elevation of No. 39.

There would be one first floor window serving a bedroom on the rear elevation of the dwelling, however this would be 10metres away from the rear boundary shared with No. 45 which has a 40metre deep rear garden. This window would be 5.5metres away from the side boundary with No. 39A and direct views of No. 39A would not be afforded. Two small roof lights are proposed on the rear roofslope of the dwelling, however these could be conditioned to be high level rooflights so that they also, will not create overlooking to the rear or towards No. 39A. There are no first floor windows proposed on the front elevation of the new dwelling, only rooflights.

In terms of outlook afforded to surrounding properties, the outlook from No. 39A will be altered where part of the new dwelling would project 6metres at ground floor level and 5metres at first floor level beyond the rear building line of No. 39A. The new dwelling would be located 1metre from the side boundary with this property, and thus a large part of the dwelling would be visible from the rear garden of No. 39A. However, the highest point of the dwelling would be close to the rear building line of No. 39A so that, the slope of the roof would reduce the

bulk of the dwelling when view from this aspect. Furthermore, the main one and a-half portion of the dwelling would be located approximately 3.5metres away from the side boundary with 39A, helping to mitigate the amount of development in this outlook.

In terms of the impact on the amount of light afforded to neighbouring properties, the property potentially most affected by the proposal is No. 39A which is located to the north of the application site. It is thus important to consider how any development to the south of this property may impact on the amount of sunlight afforded to this neighbour. The 45 degree test is undertaken therefore to assess the impact of the proposal on the amount of light afforded to neighbouring properties. The proposal meets the 45 degree test in horizontal terms, but just fails in vertical terms where some overshadowing would occur to the small kitchen window. This is however a secondary window to the main, larger window and door into the kitchen, and thus whilst there would be a loss of light to this room, there are other openings to supply light into it. It should also be noted that presently, a single storey garage is located adjacent to the side boundary and has a depth of approximately 6metres and a height of 2.4metres. This existing relationship already restricts the amount of light afforded to the windows on the rear elevation of No. 39A.

The proposed new dwelling would be located 4.4metres to the south of No. 39A. The footprint of the dwelling would be set back from the front elevation of this property by 4.4metres but would project 4.4metres at first floor level and 6metres at ground floor level beyond the rear building line of No. 39A. There are three windows on the south facing side elevation of No. 39A serving the dining room and kitchen. The light afforded to these windows is presently restricted by the existing 1.8metre close boarded fence and hedge along the side boundary with No. 39 and given the slight set back of the dwelling, it is not considered that the proposed new dwelling would further exacerbate this situation.

In order to accommodate the new dwelling the private garden area would be reduced significantly. Nevertheless, it is considered that the remaining garden size would still be appropriate for a dwelling of this size. This is in line with the guidance set out in the Council's Technical Guidance, 'Design Supplement 1: New Residential Development' which recommends that rear gardens for family houses should be on average about 100 square metres and generally no less than 50 square metres (the garden would still be over 120 square metres).

Alterations to the existing dwelling:

Concern has also been raised in respect of the potential for overlooking created by the three new dormer windows on the existing dwelling. No.s 17, 18 and 19 Kings Road lie directly to the west of No. 39. No. 16 and 17 are two storey detached dwellings and No.s 18 and 19 are FOG units with car ports below. The dormer windows of No. 39 would be located 20metres away from the rear elevations of these dwellings.

A 21metre distance between facing habitable rooms is generally used as a conventional measure, however the Council's Adopted Design Guide advises that this should be taken as general guidance and it is still equally important to consider the relationship of the buildings with each other and the design and location of windows. In this case, the only first floor windows on No.s 16 and 17 serve stairways which are not habitable rooms, and they are obscurely glazed. There is the potential for some overlooking of the rear garden of No. 17, however this would not be direct overlooking and would be from a distance of

12metres. There are no windows on the rear elevations of No.s 18 and 19.

The existing dwelling would be coming closer to the rear boundaries of No.s 41 and 43, however, the gardens of these properties are relatively deep and there are no windows proposed on the south side elevation of the property.

The proposal would therefore preserve the residential amenities of occupiers of neighbouring properties in compliance with Policy DM3 of the Development Management Policies of the Core Strategy, and guidance in 'Design in Central Bedfordshire', in particular, 'New Residential Development' and 'Town Centre and Infill Development' in the Council's Adopted Design Guide.

4. Highway Matters

Concern has been raised with respect to inadequate parking provision, access and turning space, increased traffic movements, damage to the private drive and highway safety.

Both the proposed three bedroom dwelling and No. 39 require two parking spaces each and one shared visitor parking space. Five parking spaces have been provided which accord with the Council's parking standards and dimensions in Supplement 7: 'Movement, Streets and Places' of the Adopted Design Guide. Adequate turning space for vehicles can also be provided within the site.

There is a footpath which runs adjacent to the private lane, however this is separated from the drive by a wire mesh fence.

Bin Collection & Storage:

Concern has been raised in respect of the storage of bins on the footpath at the corner of the entrance into the private drive and adjacent to Kings Road, and the implications this may have on visibility. The private drive exceeds the 15metre reversing distance of a refuse collective, and thus the present arrangement is for a member of the refuse collection team to walk up to the existing two dwellings and wheel the bins to the bottom of the drive. Although the proposed dwelling would increase the number of bins to collect by two, the present arrangement is not proposed to be changed.

The Highways Officer has no objection to the proposal subject to conditions relating to the dimensions of the parking spaces, surfacing, turning space, cycle parking, and details of the parking provision for construction workers during the construction period.

5. Any other matters relevant to the application

Concern has been raised with respect to the legal status of the private drive in respect of access and repairs/maintenance, impact on utility systems, the party wall and public liability insurance. These are private, civil matters which cannot be considered as part of this planning application.

Planning Obligations Strategy

Following the adoption in 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 Flitwick area. The applicant has chosen to submit a Section 106 Agreement with this application which has been drafted by the Council's legal team.

Recommendation

That Planning Permission be **Granted** subject to the following:

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

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

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

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality in accordance with Policy DM3 of the Development Management policies of the Adopted Core Strategy, 2009.

- 3 **No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-**

- means of enclosure;
- materials to be used for any hard surfacing;
- planting plans, which includes at least one replacement tree to the front of the site along with a 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 landscaping works shall be undertaken in accordance with the approved plans no later than the end of the full planting season following the first occupation of the development.

Reason: In order to ensure that the landscaping is carried out within a

reasonable period in the interest of the visual amenities of the area, in accordance with Policy DM3 of the Development Management policies of the Adopted Core Strategy, 2009.

- 4 Before the development commences on site, details of the existing and proposed ground levels of the development in relation to any adjacent house and/or road shall have been submitted to and approved in writing by the Local Planning Authority. Such details must be sufficient to clearly identify the completed height of the development in relation to the adjacent development.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas in accordance with Policy DM3 of the Development Management policies of the Adopted Core Strategy, 2009.

- 5 The four parking bays and visitor parking bay shall measure 2.4m x 4.8m each.

Reason: For the avoidance of doubt, and to provide adequate on site parking provision in accordance with Policy DM3 of the Development Management policies of the Adopted Core Strategy, 2009.

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

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits in accordance with Policy DM3 of the Development Management policies of the Adopted Core Strategy, 2009.

- 7 The development shall not be brought into use until a turning space for vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority and thereafter kept clear of obstruction.

Reason: To enable vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway in accordance with Policy DM3 of the Development Management policies of the Adopted Core Strategy, 2009.

- 8 Before development begins, a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter

retained for this purpose.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport in accordance with Policy DM3 of the Development Management policies of the Adopted Core Strategy, 2009.

- 9 **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period. (HC 38)**

Reason: To ensure adequate off street parking during construction in the interests of road safety in accordance with Policy DM3 of the Development Management policies of the Adopted Core Strategy, 2009.

- 10 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for extensions or alterations, including new windows, and structures within the residential curtilage of the approved new dwelling until detailed plans and elevations which form a valid planning application have been submitted to and approved in writing by the Local Planning Authority.

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

- 11 All rooflights proposed within the northern and southern elevations of the roofs of both dwellings hereby approved shall have a cill height no less than 1.7 metres above the finished floor level, and the circular brick features on the front elevation of the new dwelling shall at all times be retained with a brick infill (i.e. not utilised as windows).

Reason: In order to prevent any direct outlook from rooflights or side facing windows to protect the privacy of neighbouring occupiers in accordance with Policy DM3 of the Development Management policies of the Adopted Core Strategy, 2009.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 2083-01A; 2082-01D;

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal for the erection of a dwelling, and alterations to the existing dwelling would not impact detrimentally upon the character and appearance of the surrounding area or upon the residential amenity of any existing neighbouring properties or future occupiers of the new dwelling. Highway safety would not be affected and the impact on nearby trees is considered to be acceptable. The scheme

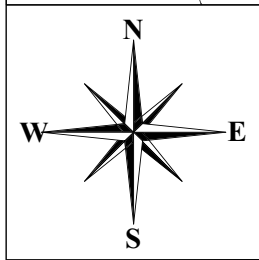
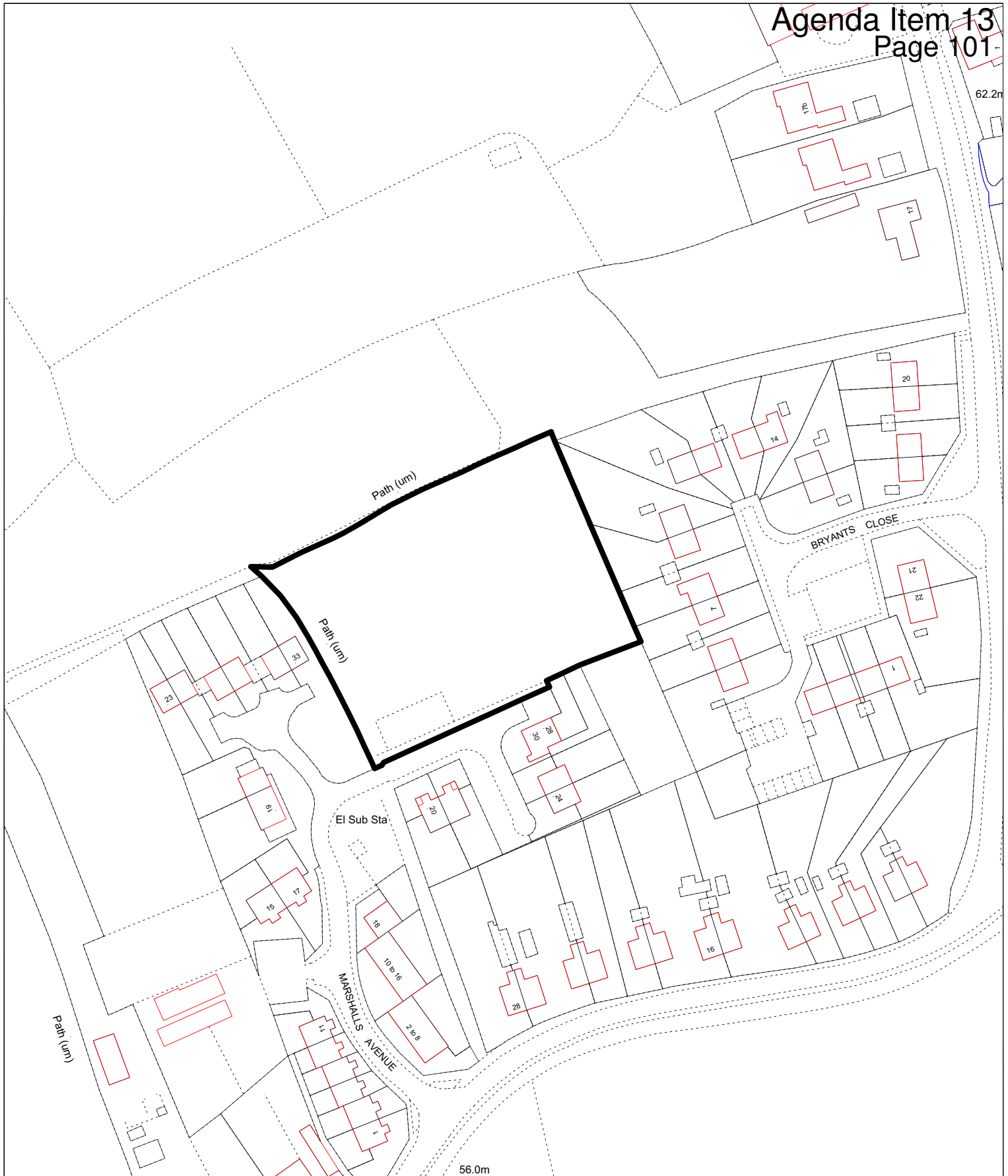
therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2010), and Policies CS1, CS2, CS4, CS5, CS14, DM3 and DM4 of the Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document (2009). It is further in conformity with the Central Bedfordshire Council's Technical Guidance – A Guide for development (2010) and the Central Bedfordshire Council's Technical Guidance - Design Supplement 1: New Residential Development (2010).

Notes to Applicant

1. 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.

2. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

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Date: 15:February:2011

Map Sheet No

CASE NO.

Scale: 1:1500

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Item No. 13

APPLICATION NUMBER	MB/08/02060/FULL
LOCATION	Land Adjacent To 33, Marshalls Avenue, Shillington
PROPOSAL	Full: The erection of 2 no. 2 bed houses, 5 no. 3 bed houses and 1 no. 4 bed house for sustainable housing
PARISH	Shillington
WARD	Silsoe & Shillington
WARD COUNCILLORS	Cllr Rita Drinkwater, Cllr Alison Graham
CASE OFFICER	Godwin Eweka
DATE REGISTERED	25 November 2008
EXPIRY DATE	20 January 2009
APPLICANT	Aragon Housing Association
AGENT	Kyle Smart Associates
REASON FOR COMMITTEE TO DETERMINE	The application site is Council owned land and objections have been received which cannot be resolved by the imposition of conditions
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The site to which this development relates, is an open greenfield and lies outside the settlement envelope, but surrounded by residential properties to the west, east and south of the site. The site which measures 5338 square metres in size, would be accessed via Marshalls Avenue, where the immediate residential properties are within a cul-de-sac layout. The immediate residential properties comprise of modern design and most are semi-detached, except for those in the eastern part of the site, which are of older design and construction, dating back to the 1930's and these properties have their rear gardens backing onto the application site.

The proposed site is adjacent to public footpath Nos 23 and 38. Footpath No. 38 runs along the side of the site adjacent to Number 33 Marshalls Avenue and Footpath No.23 lies to the north of the site.

This proposal has been advertised in the local press.

The Application:

The submitted application is for the erection of 2no. x 2-bed houses, 5no. x 3-bed houses and 1no. x 4-bed house for sustainable affordable housing, including associated parking.

This application is being referred to the Development Management Committee, because since the submission of the application on 25th November 2008 under the then Mid Bedfordshire District Council, the owner of the land was the former Bedfordshire County Council. As Central Bedfordshire Council now owns the land,

following the emergence of the new authority, it is advised that Members of the Development Management Committee, should consider the proposal. Furthermore, material consideration received from a neighbour, cannot be resolved by the imposition of condition(s).

Relevant Policies:

National Policies (PPG & PPS)

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

Regional Spatial Strategy

East of England (May 2008)

SS1 (Achieving Sustainable Development)
 H2 (Affordable Housing)
 ENV3 (Biodiversity and Earth Heritage)

Central Bedfordshire Core Strategy and Development Management Policies (200

CS1(Development Strategy)
 CS2(Developer Contributions)
 CS7 (Affordable Housing)
 CS8 (Exceptions Scheme)
 CS14 (High Quality Development)
 DM2 (Sustainable Construction of New Buildings)
 DM3 (High Quality Development)
 DM4 (Development Within and Beyond Settlement Envelopes)

Supplementary Planning Guidance DS1-Design Guide for Central Bedfordshire (Jan 2010)

Planning History There is no relevant planning history on this site.

Representations: (Parish & Neighbours)

Shillington Parish Support application.
 Council

Neighbours

Two letters of objection have been received from the owner-occupiers of Numbers 7 and 8 Bryants Close. The grounds of objection are as follows:

- **Amenity:** The new informal recreation area which will more or less be right by the fence of our garden;
- This area will create unwanted noise and disturbance and potentially an overbearing impact on our privacy and overlooking.
- **Highways:** The proposed development will have effect on traffic generation in the village

Consultations

Highways and Transport Division No objection, subject to conditions.

Internal Drainage Board (IDB) No objection, subject to condition.

Rights of Way Sustainability Officer No objection, subject to condition.

Village Design Association Support application.

Ramblers Association There are two Rights of Way bordering the site FP 23 and FP 38. It is assumed that these will be unaffected by the development and will be kept free of any blockage during the building work.

Ecology

I have been to the site and all scrub and suitable reptile / amphibian / bird habitat has been cleared. From the aerial photo and the Habitat survey it would appear that there was a high percentage of scrub cover on the site. This has now all gone and the sward height is also too low to offer any cover for reptiles or amphibians. The Habitat survey recommended further surveys for protected species and in the Design and Access statement chapter 4, it states that badger and reptile surveys had been instructed but that GCN were out of survey season so not done.

I have not had sight of the badger or reptile survey but looking at the site, I would say there was very little habitat opportunity left for protected species and that as long as the building work progresses within the next few months, there would be little opportunity for the site to colonise. A hedgerow remains in tact along the western side and this could be used by birds for nesting so no clearance or disturbance should take place within it between the months of March - August, inclusive.

Looking at the photos which were part of the Habitat survey it is disappointing to see that the site has been cleared in such a way but I would hope to see that the native planting

proposed for trees and shrubs is undertaken and also the addition of a wildflower mix along the boundaries would enhance the open areas. Ideally this could be cut annually in September with the arrisings removed, of course the majority of the open space will need to receive a regular amenity cut but to allow some areas to grow tall and flower will be of benefit. I am pleased to see the proposals for inclusion of bat and bird boxes but would suggest that instead of boxes bat and bird bricks are incorporated into the new buildings as there are few suitable trees on site in which to position boxes.

Proposals identified in the habitat survey recommendations should be followed as the design and access statement would seem to indicate. However it is noted in Chapter 5 that the pond will be enhanced, I was not aware of any pond on site but the inclusion of one as part of a SUDS system would provide additional biodiversity enhancement to the site.

Determining Issues

The main considerations of the application are:

1. Principle of Development
2. Impact of Development on Character and Appearance of the Area
3. Impact of Development on Neighbouring Properties
4. Highway Safety Implications
5. Planning Obligations Strategy (2009)
6. Sustainability Issues
7. Legal Agreement

Considerations

1. Principle of Development

This development is assessed especially, against Policies CS1; CS2; CS7; CS8; CS14; DM2; DM3 and DM4 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

This site lies outside the settlement envelope of Shillington, as such, residential development is not normally permitted. However, Policy CS8 in particular, is designed to meet local housing needs for affordable housing in the rural area by permitting such development outside the defined Settlement Envelope. The Council will support proposals for 100% affordable housing designed to meet local housing needs adjacent to the defined settlement provided that:

- the local need is demonstrated;
- the scheme is viable;
- the scheme will remain available in perpetuity to local people who demonstrate a need for accommodation;
- the design and location of the scheme relates well to the built up area of the settlement;
- the mix of size and tenure will relate to the needs identified in that area.

As an exception site, due to its location outside the settlement envelope agricultural land, it was necessary therefore for a 'Housing Needs Survey' to be submitted, in view of the above policy to demonstrate a local need. As such the applicant has submitted a 'Housing Needs Survey', compiled by *Bedfordshire Rural Communities Rural Housing Enabler*, which demonstrates a need for affordable housing in the village.

The background to this survey therefore, was to assess the need in the parish for housing, which because of high property cost in relation to household disposable income or other available assets, cannot readily be met through normal market provision. It is considered that this scheme satisfactorily meets the above criteria by virtue of the agreed 'Housing Needs Survey' and to allow the development to be undertaken.

In light of the above, there are eight affordable housing properties proposed for this site, providing a mix of 2 x 2-beds, 5 x 3-beds and 1 x 4-bed. All providing 100% of rented tenure. It is considered therefore, that the residential development is acceptable.

Whilst the proposed residential scheme would involve a loss of agricultural land outside the settlement envelope, it is considered the benefits of affordable housing as demonstrated for the whole site, outweigh the concerns that may arise therefore, the development is considered acceptable.

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

The proposed residential development occupy a position, which is currently being accessed by vehicular traffic in Marshalls Avenue, where the road terminates, thus forming a cul-de-sac layout to the existing semi-detached residential properties.

The proposed development would occupy the vacant land, which stretches northwards to at least 2 metres near the public footpath No. 23 where the proposed rear gardens of six of the dwellings would be sited and this footpath runs along the rear boundary of the adjacent property at Number 33 Marshalls Avenue. The layout of these properties are considered acceptable, with varying rear garden sizes stretching from west to east of the site, with soft landscaping and tree planting and boundary treatment. The western boundary with No. 33 Marshalls Avenue has a mature mixed hedgerow of 5 metres high. The front of the properties also have sizeable gardens and a triangular shaped green open space, dedicated as an informal recreation area. Part of this site was already in use as an informal recreation area with a bench. The new dwellings typify the semi-detached concept of the existing residential dwellings in the immediate surroundings, where the dwellings are of modern design and construction.

Although the proposed dwellings would be of modern design and construction, they would not detract significantly from the existing properties, in terms of height, but the design would be different. All the dwellings would be in two-storey setting, complemented by solar panels in the roof to generate renewal source of energy. The location and exposure of these properties on the fringe of the open countryside, would appear to be an attractive concept. Overall, it is not considered the proposed residential development would have any adverse impact on the character and appearance of the area.

3. Impact of Development on neighbouring Properties

The proposed development would be occupying a vacant plot. The siting is such that it is not likely to have an adverse impact on neighbouring properties. The nearest dwelling to the application site, is Number 33 Marshalls Avenue located to the west of the site, but separated by Public Footpath No. 38. This footpath is unaffected by this development. To the north of the site, the new dwellings face open countryside. However, the site is bounded by residential properties in the east and south of the site.

The properties to the east, notably those at Bryants Close, have their rear gardens facing the new dwellings and new informal recreational area and a considerable distance from their rear boundary therefore, it is not likely that the proposed development would result in any detriment on the owner-occupiers of Numbers 7 and 8 Bryants Close, who have raised objection on amenity and noise ground. No such objections have been received from the owner-occupiers of Numbers 20-30 (even), Marshalls Avenue, whose properties face onto the proposed site. It is considered therefore, that the development is unlikely to result in any detriment on the amenity and interests of the neighbouring properties, given the siting of the dwellings.

4. Highway Safety Implications

In considering the impact of this development on highway safety, the Highways and Transport Division, has advised that, from its junction with Shillington High Road, Marshalls Avenue conforms to a typical minor residential access road with a footway either side of the main carriageway. Part way along the road, it reduces in status, becoming an "access way" to serve the remaining 14 properties. This proposal therefore, seeks to extend the number of dwellings served via the access way to Number 22 Marshalls Avenue and this is considered acceptable.

5. Planning Obligations Strategy

In considering this type of development, the Council normally requires the applicant to submit a Planning Obligation in the form of a Unilateral Undertaking Section 106 legal agreement to secure financial contributions towards local infrastructure. However, due to the nature of the application being an exception site and providing 100% affordable housing towards housing needs in the parish, such financial contribution is not required as this would be likely to make the scheme unviable. It is considered therefore, that the provision of a much needed affordable housing within the whole plot for eight new houses and the local community, far outweighs the impact on local services.

6. Sustainability Issues

In accordance with Policy DM2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009), all proposals for new development should contribute towards sustainable building principles. New housing development is expected to comply with mandatory standards in relation to the '*Code for Sustainable Homes*', which seeks to provide stepped changes in sustainable home building practice measures, the sustainability of a home against design categories which are; energy/CO₂ emissions, water, materials, surface water run off, waste, pollution, health and wellbeing, management and ecology. The provision of Sustainable Urban Drainage Systems(SUDS) for the

disposal of surface water within and leading from development sites, will be expected.

The applicant has included in the submitted scheme that the proposed development will be aiming for *level 3 of the Code for Sustainable Homes* as a minimum. Biodiversity will be encouraged by the planting of local plant species and trees, with the existing pond enhanced. The proposed scheme will use high levels of thermal insulation to reduce energy requirements and heating appliances will have low emission levels. It is advised and that if feasible and subject to ground conditions, the parking areas will use a sustainable drainage system (SUDS) to drain so as not to adversely affect the natural water table and reduce the risk of flash flooding. There is water saving measures such as flow restrictors, aerated taps, water butts and dual flush and grey water recycling toilets. It is advised that the orientation of the dwellings, combined with large windows, will maximise solar gain and the glass used, will be highly insulated. The proposed dwellings therefore, have been designed to orientate 30 degrees towards south so as to allow for the possible use of solar panels.

7. Legal Agreement

This development is subject to a Section 106 legal agreement to ensure that the site is developed for the sole purpose of ensuring the provision of sustainable affordable housing for local people.

Conclusion

In conclusion, the proposed residential development is considered acceptable in form, design and in scale and the provision of affordable housing in this parish as demonstrated by the housing needs survey, is welcomed. As such, the proposed housing provision will make a significant contribution to the local community. Therefore, it is recommended that planning permission should be granted.

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

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

- 2 **Details of 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.

- 3 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.

- 4 **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.

- 5 The permission shall extend only to the application as amended by Plan Number 0773 wd2.01/P2 received 21st January 2009.

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.

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

- materials to be used for any hard surfacing;
- minor structures (e.g. furniture, play equipment, signs, etc);
- planting plans, including schedule of size, species, positions, density and times of planting;
- details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.

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

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

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

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

generally.

- 8 **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.

- 9 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 25.0m 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.

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

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

- 11 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.

- 12 The driveway length to each of the properties shall be at least 11.0m as measured from the highway boundary.

Reason: To ensure that parked vehicles do not adversely affect the safety and convenience of road users by overhanging the adjoining public highway.

- 13 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout illustrated on the approved plan No. 0773 wd2.01 and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

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

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

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

- 15 **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.

- 16 **The development shall not begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site during the construction period in accordance with details to be submitted and agreed in writing by the Local Planning Authority**

Reason: To minimise danger and inconvenience to highway users.

- 17 **Details of the 'Informal Recreation Area' including facilities, play equipments and furniture, shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The development shall be implemented in accordance with the approved details.**

Reason: In the interests and amenities of the immediate surroundings.

Reasons for Granting

The proposal is in conformity with Policies CS1; CS2; CS7; CS8; CS14; CS18; DM2; DM3; DM4 and DM15 of the Central Bedfordshire Core Strategy and Development Management Policies (2009); Planning Policy Statement: PPS1 (Delivering Sustainable Development) PPS3 (Housing) and PPS7 (Sustainable Development in Rural Areas); Supplementary Planning Guidance: Design Guide (DS1) for Central Bedfordshire (Jan 2010) and Planning Obligations Strategy (2009).

It is not considered the proposed development would result in any adverse impact on the character and appearance of the area, amenity of neighbours or highway safety. The proposed development would provide 100% sustainable affordable housing in accordance with Policy CS7 in particular, following the housing need that has been demonstrated within the community.

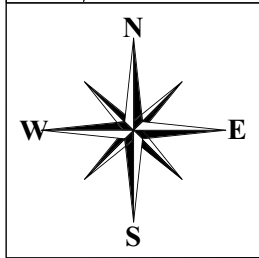
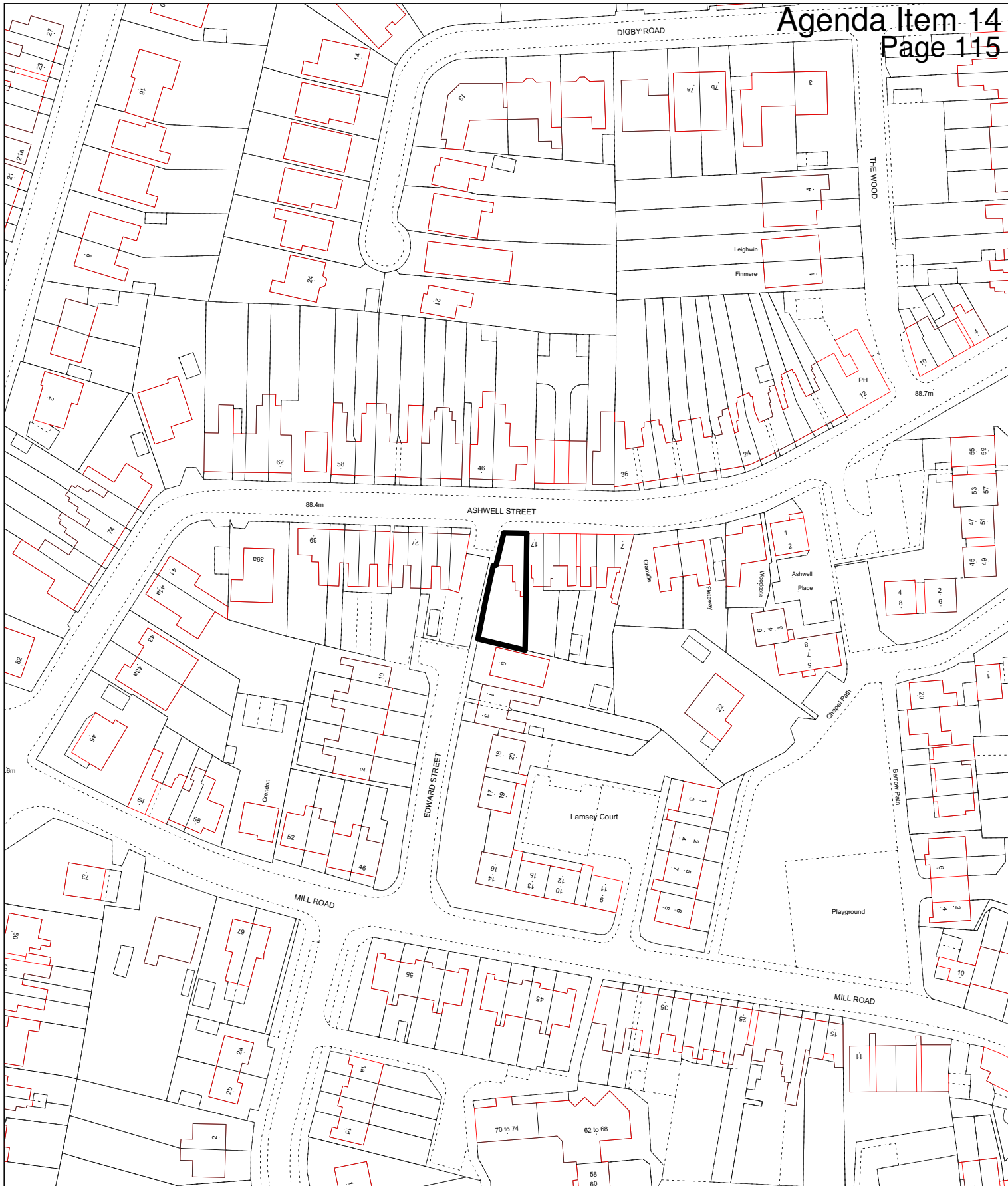
Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
3. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Planning and Control Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

4. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

DECISION

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Date: 15:February:2011

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 14

SCHEDULE C

APPLICATION NUMBER	CB/10/04516/FULL
LOCATION	19 Ashwell Street, Leighton Buzzard, LU7 1BG
PROPOSAL	Demolition of existing single-storey outbuildings and erection of two-storey rear extension.
PARISH	Leighton-Linslade
WARD	Leighton Linslade Central
WARD COUNCILLORS	Cllrs Bowater, Johnstone, Sharer & Spurr
CASE OFFICER	Richard Castro-Parker
DATE REGISTERED	21 December 2010
EXPIRY DATE	15 February 2011
APPLICANT	Mr C Reading
AGENT	Rosser Morris Ltd
REASON FOR COMMITTEE TO DETERMINE	The applicant is the daughter of Councillor Hopkin
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The application site is situated on Ashwell Street in Leighton Buzzard, as an end of terrace property, flanked to the east by adjoining terraced property 17 Ashwell Street. To the west a public footpath and amenity area separate a further terrace of houses fronting Ashwell Street. To the south is the detached property of 9 Edward Street at the head of the cul-de-sac that runs perpendicular to Ashwell Street.

The Application:

Permission is sought for the demolition of existing single storey outbuildings and the erection of a two storey rear extension along the boundary with number 17 Ashwell Street.

The two storey rear extension would largely sit on the existing footprint of outbuildings and would measure 3.5 metres in depth, 3.1 metres in width and 5.8 metres in height incorporating 2 windows into both the side and rear elevations, while no windows are proposed into the side elevation on the common boundary of property number 17 Ashwell Street. The two storey extension would provide an extended kitchen and toilet at ground floor level and a fourth bedroom at first floor level and would about double in length the existing two storey rear extension of some 3.4 metres depth.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development

Regional Spatial Strategy
East of England Plan (May 2008)
ENV7 - Quality in the Built Environment

Bedfordshire Structure Plan 2011
None

South Bedfordshire Local Plan Review Policies
BE8 - Design Considerations
H8 - Extensions to Dwellings

Supplementary Planning Guidance

Design in Central Bedfordshire, A Guide for Development; Design Supplement 4, Residential Alterations and Extensions; Design Supplement 7, Movement, Streets and Places

Planning History

SB/TP/00/00003 (Granted) Erection of a conservatory and side boundary wall

**Representations:
(Parish & Neighbours)**

Parish/Town Council	No objection.
Highways Officer	As the applicant is adding a fourth bedroom to the property, 3 off road parking spaces would be required. From a site visit and confirmation from the Agent, only 2 off road parking spaces could be provided within the site boundary with one, on road, to the rear of the property outside the site boundary.
Neighbours	None received.

Determining Issues

The main considerations of the application are:

1. Design and impact on both visual and residential amenity
2. Effect on parking and highway safety

Considerations

1. Design and Impact on Both Visual and Residential Amenity

Although the ridge height of the proposed extension would continue the line of the existing rear two storey extension and be set approximately 2.1 metres lower than that of the main ridgeline of the existing dwellinghouse, it is considered that the proposed extension is not acceptable in design terms. This is because the overall depth of the proposed two storey extension and the existing rear projection, would create a 2 storey rear projecting element on the boundary, with an overall depth of 6.9 metres and would also not adhere to the 1.0 metre

separation usually required as set out in paragraph 6.48 of the 'South Bedfordshire Local Plan Review 2004.' It is considered that by virtue of its siting, size, scale, volume and overall massing the proposed extension would appear overbearing, when viewed from the adjoining property number 17. Additionally there are windows in the rear elevation at both ground and first floor level along with a window in the side elevation at ground floor level of adjoining property number 17 that are already overshadowed by the existing rear projection at the application property, number 19. The rear of the property is orientated facing south, such that number 17 is situated due east from the proposed extension. Therefore it is considered that a further 3.5 metres in depth, 2 storey rear extension would accentuate the existing tunnelling effect and in turn lead to further overshadowing and loss of daylight, particularly in the latter half of the day, to habitable rooms in number 17.

The proposed extension, for the reasons stated above therefore represents inappropriate development which is contrary to policies BE8, H8 of the 'South Bedfordshire Local Plan Review 2004' and the Design Guide for Central Bedfordshire.

Thus the extension is contrary to policy H8 of the 'South Bedfordshire Local Plan Review 2004' whereby:

(i) The extension is well related to the existing building in terms of its design, siting, Bulk...

BE8 whereby:

(iii) The size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings...

and the Design Guide for Central Bedfordshire: Design Supplement 4: Residential Alterations and Extensions, whereby:

The proposed extensions and alterations should not dominate the existing building: in other words they should normally be subservient, and appear as additions in a supporting role.

2. Effect on Parking and Highway Safety

The Highways Officer states that as the applicant is adding a fourth bedroom to the property, 3 off road parking spaces would be required. From a site visit and confirmation from the Agent, only 2 off road parking spaces could be provided within the site boundary. However one on road parking space to the rear of the property outside the site boundary should be provided and on balance it is not considered reasonable to refuse planning permission on grounds of lack of parking provision.

Recommendation

That Planning Permission be REFUSED subject to the following:

- 1 The proposed two storey rear extension, would by virtue of its siting, size, scale, volume and overall massing appear overbearing and would lead to overshadowing and loss of daylight to the detriment of the occupiers of the adjoining property number 17 Ashwell Street. The proposal thereby represents inappropriate development which is contrary to the principles of good design as set out in the national guidance of PPS1, Delivering Sustainable Development and to Policies BE8, and H8 of the South Bedfordshire Local Plan Review 2004 and also to the Design Guide for Central Bedfordshire.

DECISION

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