

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



please ask for Martha Clampitt
direct line 0300 300 4032
date 25 November 2010

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 8 December 2010 2.00 p.m.*

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

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

Cllrs 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 10 November 2010.
(previously circulated)

4. **MEMBERS' INTERESTS**

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

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

5. **PETITIONS**

To receive Petitions in accordance with the schem of public participation set out in Annex 2 in Part 4 of the Constitution.

REPORT

Item	Subject	Page Nos.
6	Planning Enforcement Cases Where Formal Action Has Been Taken To consider the report of the Director of Sustainable Communities providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.	5 - 10

Planning and Related Applications

To consider the planning applications contained in the following schedules:

Schedule B - Applications recommended for Approval

Item	Subject	Page Nos.
7	<p>Planning Application No. CB/10/02908/FULL</p> <p>Address: 192 High Street South, Dunstable LU6 3SJ</p> <p>Conversion and change of use of tyre repair shop (sui generis) to provide neighbourhood food store (class A1) with external alterations including new shop front and associated parking.</p> <p>Applicant: Sainsburys Supermarket Ltd.</p>	11 - 28
8	<p>Planning Application No. CB/10/03200/FULL</p> <p>Address: Trinity Hall Farm, Watling Street, Hockliffe, 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>	29 - 46
9	<p>Planning Application No. CB/10/3696/FULL</p> <p>Address: 1 Monmouth Road, Harlington, LU5 6NE</p> <p>Full: First Floor side extension</p> <p>Applicant: Mr and Mrs George</p>	47 – 66

Schedule C - Any Other Applications
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Item	Subject	Page Nos.
10	Planning Application No. CB/10/03760/FULL Address : Fairfield Park Lower School, Dickens Boulevard, Stotfold SG5 4FD Full: A new modular single classroom building within the grounds. Applicant : Fairfield Park Lower School	67 - 74
11	Planning Application No. CB/10/03786/SE73 Address : Land to the rear of 144-146 London Road, Biggleswade Section 73: Removal of planning condition 2 (time constraint) on planning approval 07/01526/FULL dated 12 November 07 Applicant : Bringham Pre-School and the Den	75 - 80
12	Site Inspection Appointment(s) In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 5 January 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.	

Agenda Item:

Meeting: Development Management Committee

Date: 8th December 2010

Subject: **Planning Enforcement cases where formal action has been taken**

Report of: Director of Sustainable Communities

Summary: The report provides a monthly update of planning enforcement cases where formal action has been taken

Contact Officer: Sue Cawthra (Tel: 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. 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 – North & South)

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

Planning Enforcement formal action (DM Committee 8th December 2010)

	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	Check 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				To be vacated by end Jan 2011. Check for compliance.
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. To Legal 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				Check compliance after 12/12/10
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.
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
7	CB/ENC/10/0099	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				Part complied, check after 6/1/11
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, portaloo and other paraphernalia 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			Await outcome of appeal

Planning Enforcement formal action (DM Committee 8th December 2010)

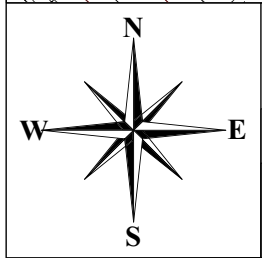
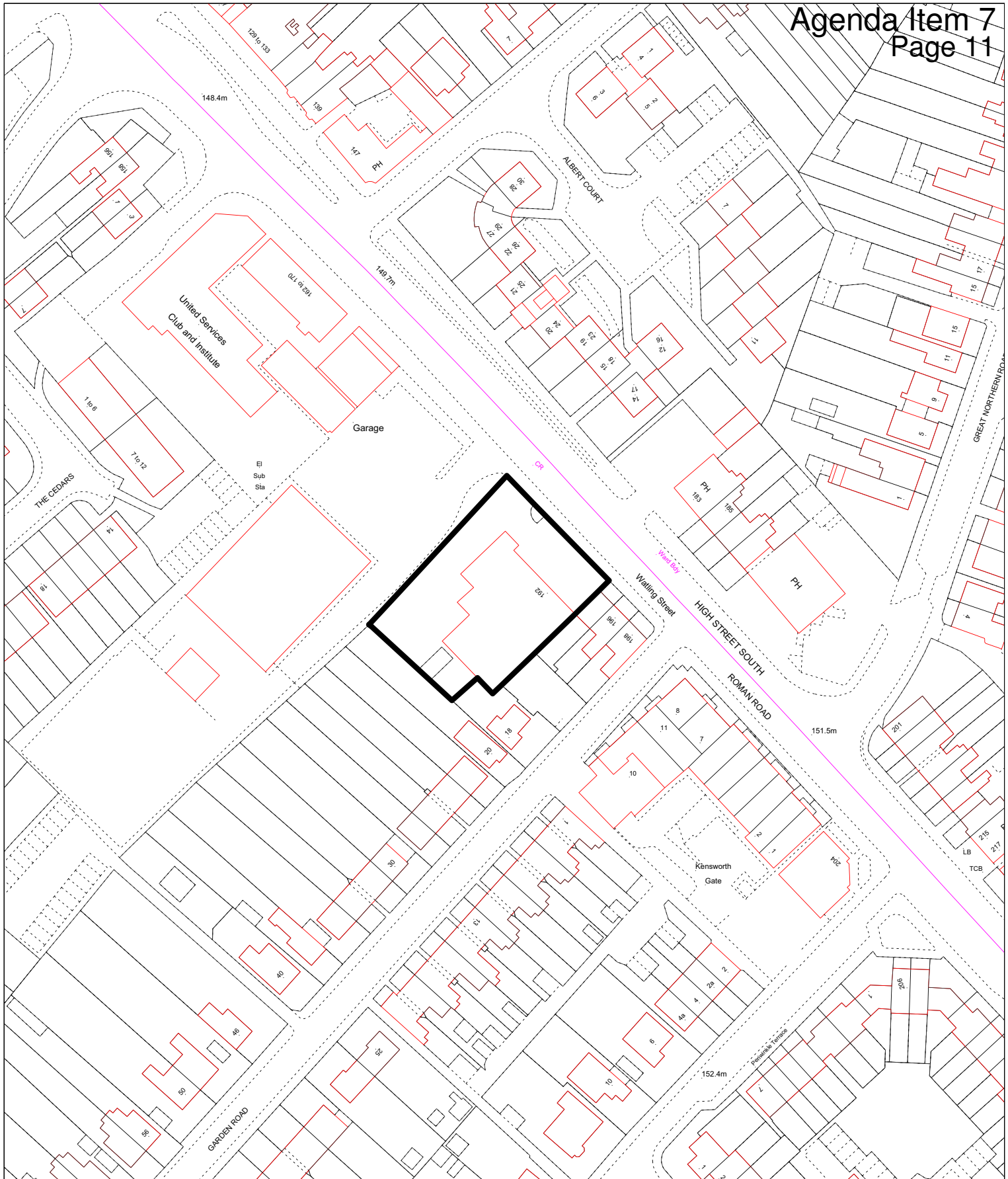
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
9	CB/ENC/10/0193	Conn Farm, Cranfield Road, Cranfield	Enforcement Notice. Erection of a building	21-Jul-10	18-Aug-10	Varied	received 13-Aug-10. Inquiry			Await outcome of appeal
10	CB/ENC/10/0570	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				Check compliance after 2/3/11
11	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, some refused.	Appeal decision received. Enforcement Notice varied & part upheld. Planning permission granted (part) with conditions. Conditions being monitored
12	MB/ENC/06/0078	Tythe Barn, Wood End, Tingrith	Change of use of land to retail sales & 2 timber showrooms	19-May-08	19-Jun-08	20-May-09	Appeal withdrawn, extension agreed to compliance period		Barn extension built.	1 cabin removed, 2nd cabin moved awaiting being sold
13	MB/ENC/06/0244	Land at The Green Man, Broom Road, Stanford	Enforcement Notice - extractor fan duct, 2 masts supporting security cameras and flood lighting.	9-Dec-08	9-Jan-09		Appeal received 4/2/09	26-Nov-09	Appeal dismissed & uphold enforcement notice.	Revised planning application CB/10/02613/full granted 20/9/10. Monitor compliance
14	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 & uphold enforcement notice	To Legal for further action for non compliance.
15	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	Referred to Legal 29/6/10 to assess for prosecution. 1st Court Hearing Nov 2010, adjourned to Dec 2010
16	MB/ENC/08/0257	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			Await outcome of appeal.

Planning Enforcement formal action (DM Committee 8th December 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
17	MB/ENC/08/0370	Land at Hadenham Farm, Gravenhurst Road, Shillington	Enforcement Notice - Mobile Home	11-Feb-10	11-Mar-10	9-Jun-10	Appeal Hearing 20/10/10			Revised planning application CB/10/01092 refused. Await outcome of appeals.
18	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
19	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 recived 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
20	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
21	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 - With Legal for further action
22	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.
23	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	Further evidence sent to Legal to commence prosecution.
24	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. Await decision
25	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 but period of compliance extended to 9/1/09	Not complied, further information sent to Legal for prosecution.

Planning Enforcement formal action (DM Committee 8th December 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
26	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, discuss with Legal for further action.
27	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	Assess for further action
28	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.	Further evidence sent to Legal 22/10/10
29	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	Check compliance after 31/12/10



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Date: 23:November:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 07

APPLICATION NUMBER	CB/10/02908/FULL
LOCATION	192 High Street South, Dunstable, LU6 3SJ
PROPOSAL	Conversion and change of use of tyre repair shop (sui generis) to provide neighbourhood foodstore (Class A1) with external alterations including new shop front and associated parking.
PARISH	Dunstable
WARD	Watling
WARD COUNCILLORS	Cllr Peter Hollick & Cllr Ann Sparrow
CASE OFFICER	Gill Claxton
DATE REGISTERED	26 August 2010
EXPIRY DATE	21 October 2010
APPLICANT	Sainsburys Supermarket Ltd
AGENT	Indigo Planning
REASON FOR COMMITTEE TO DETERMINE	Called in by Ward Councillor Mrs Sparrow, because of the potential impact on small independent shops in the locality.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The 0.14 ha application site lies on the north western side of High Street South (A5). It has a frontage to High Street South of some 34m and a maximum depth of 45m. The site is currently in use as a specialist tyre, battery and exhaust sales and fitting garage, trading as HiQ. The main building, with a floor space of just over 550 sq.m, is set back some 10m from the highway frontage. The main building comprises a workshop with a separate area for battery storage, a customer reception, general office and 2 toilets. Above the battery storage area is a mezzanine floor which houses the manager's office and staff canteen. The building is composed of brickwork up to the top of the car workshop bays with corrugated metal cladding above and has a shallow pitched roof. The roof also comprises profiled metal cladding. There is customer parking to the front of the building and a delivery area to the rear of the site. To the rear of the main workshop is a small single storey brick building which is used as a tyre store.

To the northwest there is a Honda dealership with a large forecourt display area. There is a line of mature trees separating the two sites and the trees appear to be within the boundary of the Honda site. To the south east is a terrace of three dwellings at 194-198 High Street South, while to the south and south west is further residential development in Garden Road. There is a mix of commercial and residential development on the opposite side of High Street South.

The Application:

Planning permission is being sought for the refurbishment of the site and buildings to form a Sainsbury's Local convenience store.

The existing single storey side element of the building (52 sq.m) which currently provides the customer reception and general office area would be demolished. That

area would be infilled with lime render on hemcrete insulated timber frame panels with an ATM inserted close to the front entrance.

Other external alterations would comprise the following:

- The insertion of clear glazing panels infilling the existing openings, with horizontal timber cladding between on the front façade;
- New single sliding automatic customer entrance door on the front elevation;
- The replacing of the roller shutter door in the delivery area with new delivery doors and the making good of the surrounding area with render;
- Replacement of the metal cladding with FSC approved horizontal and vertical timber cladding, except of the rear elevation where this will be treated with lime render on hemcrete insulated timber frame panels;
- Fascia signage would be applied to the front and side (north western) elevations.
- Skylights and sun pipes would be inserted within the roof.

The mezzanine floor comprising 25 sq.m would become redundant with the access stair demolished.

Refrigeration plant and air conditioning units would be positioned within the external tyre store to the rear of the building. This would typically consist of a flat bed refrigeration condenser and three air conditioning units. One side of the brick enclosure would be replaced with louvres plus hit-and-miss timber fencing.

The car park would provide 12 car parking spaces, including one space for disabled drivers and cycle parking provision for 6 cycles.

The refurbished store would have a gross floor area of 471 sq.m of which 280 sq.m would comprise the net retail sales area. The remainder of the building would be given over to warehousing, administration and staff facilities.

The proposed hours of opening are 07:00 to 23:00 daily.

In support of the application it is stated that:

- The proposed Sainsbury's Local store will provide a top-up shopping destination that is not currently provided in this part of Dunstable. The rationale for having a convenience store of this size is that it will give local residents access to the choice, value, quality and consistency that is offered by the larger supermarkets but with a more limited range that would facilitate top-up shopping needs. Sainsbury's Local provides a small, local convenience store whilst guaranteeing Sainsbury's quality and complementing the existing larger Sainsbury's store adjacent to the White Lion Retail Park;
- The proposed Sainsbury's Local will provide a basic range of groceries and will include ready meals, sandwiches and snacks, wines and spirits and a range of fresh fruit and vegetables. In addition, it will sell newspapers, magazines, flowers and the type and range of associated goods that can be found in small convenience stores.
- The proposals for the store are a result of the time and effort taken by Sainsbury's to understand customer requirements. In planning their 'Local' stores, Sainsbury's take into account customer comment, feedback and research which is derived from the local customer. Thus, Sainsbury's approach, providing investment into areas like Dunstable, reflects their understanding of their customer requirements. Sainsbury's customers want to be able to do a top-up shop and get quality products without having to go to the bigger supermarket at the White Lion Retail Park.

- The proposal accords with the relevant retail policy tests as set out in the Local Plan and PPS4. The Retail analysis also shows that there are no sequentially preferable sites in Dunstable town centre and that there is a clear need for retail investment in the town.
- The range of goods on offer will differ from the other local convenience stores and Sainsbury's Local will not compete directly with them. A reduced range of Sainsbury's products will be on offer which will allow customers to top-up on their main shop;
- It is anticipated that the diversion of trade from the other local convenience shops would be minimal. Sainsbury's Local would be competing with the Asda and Tesco stores;
- The Local store would bring further footfall to this part of High Street South which would be of benefit to all local stores by adding to the vitality of the area;
- The external appearance of the building has been designed to enhance the existing street scene without being detrimental to the character of the surrounding area. The proposals will have no adverse impact on the local amenity and the high quality design will enhance the street scene.
- The proposed store also offers socio-economic benefits. The store will create 25 to 30 jobs for which the majority of staff will be recruited from the local area. Sainsbury's also offer a range of training and skills qualification programmes to all employees.
- The company uses sustainable technologies in the building design and materials to be used. Sun pipes will be used to facilitate natural lighting, use will be made of intelligent heating and ventilation systems, the cladding will be FSC approved timber and the render will use lime render on hemcrete insulated timber-framed panels;
- The proposed Sainsbury's Local store satisfies PPG13 and Local Plan Policy T10. The scheme will not impact on the local highway network and an adequate level of car and cycle parking will be provided on the site.

The application was accompanied by a Design and Access Statement, Planning and Retail Statement, Transport Statement and a Background Noise Survey and Plant Assessment.

The scheme has been amended slightly since originally submitted with the ATM relocated from the front elevation to the side (north western elevation) and the size, location and number of sun pipes amended.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 – Delivering Sustainable Development
 PPS4 – Planning for Sustainable Economic Growth
 PPG 13 – Transport
 PPS23 – Planning and Pollution Control
 PPG24 – Planning & Noise

East of England Plan (May 2008)

SS1 – Achieving sustainable development
 SS6 – City and Town Centres
 ENV7 – Quality in the Built Environment
 T8 – Local Roads
 T14 - Parking

South Bedfordshire Local Plan Review Policies

SD1 – Sustainability Keynote Policy,

BE8 – Design Considerations

E2 – Control of development on employment land outside main employment areas

TCS1 – Sustaining and Enhancing the District's Town Centres

T10 – Controlling Parking in New Developments

Supplementary Planning Guidance

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

Planning History

SB/TP/87/00694	Permission for the erection of a new depot to replace the existing building.
SB/TP/87/01158	Withdrawn application for the removal of condition 11 of application SB/87/00694.
SB/TP/88/00758	Refusal of permission for the erection of a new depot to replace the existing building.
SB/TP/88/01304	Permission for the erection of a new depot to replace the existing building.
SB/TP/90/00052	Permission for the erection of a new depot.

**Representations:
(Parish & Neighbours)**

Dunstable Town
Council

No objection.

Occupier 241 High
Street South

Object for the following reasons:

- Dunstable has a problem with vacant retail premises but this site is not vacant;
- If Sainsbury's granted permission it will create problems for traders in the vicinity. There are smaller premises at Heyhoe's, a family business that has been part of the community for generations which has developed a convenience part of the business after the Post Office being closed. In addition there is a small supermarket at AM2PM which has recently opened in a premises that has been vacant for some time along with another small store in The Square. All of these are a short walk from one another.
- The local needs are already well catered for without Sainsburys
- The new store will cause even more traffic congestion. One of the problems faced by the town and the traders is traffic congestion and the knock-on effect on trade;
- Big businesses like Sainsburys should not be able to walk rough shod over local businesses who are working hard to keep shoppers going to their stores;
- New businesses opening should not be detrimental

to existing ones.

Hayhoe's Newsagents
and Convenience, 215-
217 High Street South

Object on the following grounds:

- Planning and Retail Statement (P&RS) prepared by Sainsburys claim that the site is 'edge of centre' and will 'provide (for the) top-up and daily shopping needs of the local community'. Disagree with the definition of edge of centre. The site has not been earmarked for regeneration. It will not aid the regeneration of the town centre it will degenerate out of town centre shops and businesses. Heyhoe's sells the same goods that Sainsbury's will. Our business and others in the vicinity will suffer including the Premier Shop in Brittany Court, the BP Shop, Dunstable Discount and The Really Nice Sandwich Shop in High Street South and The Sandwich Shop in London Road. The four local pubs: The New Greyhound, The Star & Garter, The Froth & Elbow and The White Swan as well as the United Services Club will all lose trade due to the sale of cheap alcohol.
- Existing businesses will no longer be viable and jobs will be lost.
- The P&RS claims that the store would meet criteria set out in national planning policy and would meet government objectives. This is not correct as Government policy hopes to build prosperous economies but not at the detriment to existing established businesses that are already fighting for survival in the current economic climate. The government encourages competition between retailers but competition from a retail giant is unfair;
- The P&RS states that the government expect Local Planning Authorities (LPAs) to adopt a positive approach when considering applications for new development which secure sustainable economic growth. The development will not achieve this. It will be in the wrong location and will damage the local economy and local businesses. The decimation experienced by the town centre will permeate out;
- Government Policy in PPS4 advises LPAs to refuse proposals for main town centre uses in an out-of-town or edge of town location where there is clear evidence that the proposal is likely to lead to a significant adverse impact. There will be an adverse effect here as livelihoods will be lost;
- While the town centre may be lacking in convenience and comparison retailing, the store is out-of-town;
- The P&RS claims that the town centre is unlikely to improve without new investment and proposals which comply with PPS4 should be encouraged. The site is in an out-of-town location so will not bring these benefits;
- All vacant town centre sites were dismissed as

unsuitable

- The P&RS suggests potential losses of trade and turnover to the Town Centre of 1.9%. The losses to out of centre stores will be 100% when they close down;
- The P&RS claims that top-up shopping is not adequately catered for in south Dunstable. This is not true as there are number. The Co-op store in Lowther Road, the Tesco Express in Langdale Road, Premier Shop in High Street South and Hayhoe's. All of these shops have alcohol licenses and sell newspapers and groceries;
- The proposal states that there will be no loss of employment. That is untrue as the employees of HiQ will lose their jobs. Our own and other local businesses would also suffer job losses. The scheme would have an adverse effect on local employment.
- There will be further traffic congestion in the vicinity. The traffic on the A5 is often at a standstill. Early morning and evening congestion is bad;
- The P&RS states that the site is accessible and the Transport Assessment includes measures to reduce car journeys. The store would provide 12 spaces. The public may not use them and will park on the road whether there are double yellow lines or not. Parked vehicles will obscure views for traffic entering and leaving Periwinkle Lane and Garden Road. There will be increased volumes of traffic here to the detriment of road safety.
- Noise will also be a problem. The store will have longer opening hours than current businesses. People will congregate outside the shop at night and for a more prolonged period. Later deliveries will also increase noise levels. Local residents will be disturbed.

Premier Store, 1
Brittany Court

Object for the following reasons:

- Store would have an adverse effect on business which is a family run concern serving the community between 7am and 11pm
- Livelihood would be lost if Sainsbury's goes ahead;
- The area is already well served by existing local businesses;
- Scheme would lead to the closure of the Premier Store
- Between 10 and 15 jobs would be lost.

Occupier of 85 High
Street South

Object for the following reasons:

- Adverse impact on a number of small businesses already in the vicinity of the site who sell all the items that would be stocked in the Sainsbury's Local;
- Adverse effect on traffic flow on a busy highway which is often at standstill when there are problems

- on the M1 motorway;
- Would lead to the demise of smaller retailers leading to a loss of employees which the town can ill afford.

Consultation/Publicity responses

Public Protection South	No objections subject to conditions restricting night-time deliveries to the store, limitations on noise from external plant, machinery and equipment and potential site contamination.
Highways Agency	No objection.
Environment Agency	No objection, subject to conditions on potential site contamination and ensuring that there is no infiltration of surface water drainage into the ground.
Highway Engineer	No objection subject to a condition securing the provision of a controlled pedestrian crossing over the A5.

Determining Issues

The main considerations in the determination of the application are:

1. Principle of development including retail impact on Dunstable Town Centre and other local shopping facilities
2. Design and external appearance considerations
3. Highway and parking considerations
4. Impact on the amenity of nearby residential occupiers
5. Other matters

Considerations

1. Principle of development including retail impact on Dunstable Town Centre and other local shopping facilities

Planning Policy Statement 4 (PPS 4) on Planning for Sustainable Economic Growth was published in December 2009. It sets out the Government's objectives for building prosperous communities and improving the sustainable economic growth of cities, towns and sub-regions across the UK. PPS4 provides policy guidance in relation to plan making and development management. The development management policies set out in the PPS must be taken into consideration in determining planning applications.

Policy EC10 of PPS4 expects local planning authorities to adopt a positive and constructive approach when considering applications for new economic development and to treat favourably those applications which secure sustainable economic growth. It is considered that the proposal falls within the definition of economic development as set out in the PPS. Economic development includes development of main town centre uses and proposals which achieves at least one of the following objectives: provides employment opportunities; generates wealth or produces or generates an economic output or product.

Policy EC10 also outlines the impact considerations against which all planning

applications for economic development should be assessed. In brief, these are

- whether the proposal has been planned to limit carbon dioxide emissions and impact on climate change;
- the accessibility of the proposal by a choice of means of transport, the effect on local traffic levels and congestion;
- whether the proposal secures a high quality and inclusive design;
- the impact on economic and physical regeneration in the area; and
- the impact on local employment.

Policy EC14 sets out the requirements for the supporting evidence that should accompany applications for main town centre uses that are not located within an existing centre and are not in compliance with an up-to-date development plan. A sequential assessment is only required where an extension to a retail or leisure facility exceeds 200 sq. m. An assessment of the likely impacts on existing centres is only required for schemes in excess of 2,500 square metres

Policy EC15 sets out the criteria for the assessment of sequential sites and Policy EC16 deals with the impact for proposed main town centre uses that are not in town centres.

The Applicant's agent has set out both an assessment of sequential sites in relation to the criteria set out in EC15 and an impact assessment addressing the criteria of EC16 in the Planning and Retail Statement.

In terms of the sequential assessment the applicant has investigated whether there are any available, suitable and viable sites that could reasonably accommodate the proposed store. The applicant contends that on the basis of its proximity to and opportunity to establish linkages with the Dunstable Town Centre, the store would function as an edge of centre store. The site is located just over 350m from the south eastern edge of the Town Centre boundary as set out in the Proposals Map and is considered therefore not to be at an edge of centre location.

The applicant has considered suitable, available sites within the Town Centre of sufficient size to accommodate the proposal. Whilst it was noted that Dunstable Town Centre had a number of vacant sites and premises, some of these were not of an appropriate size to accommodate the proposal, were under offer by others with negotiations at an advance stage or had no rear unloading of goods. The sites that were considered were 11-15, 21-25 and 62 High Street South; 17B, 59-65 and 67 High Street North; 5-7, 9-11, Icknield House, West Street; 13-17 Nicholas Way and 50-52 Broadwalk. Other sites were considered in an edge of centre/out-of-town location and were also rejected on a number of grounds including too close proximity to the main Sainsbury's store, the subject of restrictive conditions prohibiting the sale of convenience goods or of inadequate size. The sites considered were 1 Grove Park, Court Drive, White Lion Retail Park, The Egg, Luton Road Retail Park. Many of the sites also would not offer the opportunities for incorporating the sustainability features that the applicant is seeking.

None of the sites identified for redevelopment in the Local Plan have come forward or are available to accommodate this proposal.

The applicant contends that there are no sequentially preferable sites and

premises in Dunstable that are suitable, available or viable for the proposed development. The applicant continues that the proposed location is appropriate to meet local needs and provides the opportunity to establish linkages with the existing town centre. We would concur with that view.

With regard to the retail impact of the proposals on Dunstable Town Centre, given the size of the proposed development at 466sq.m (gross internal area or 471 sq.m gross external floor area), a full impact assessment against Policy EC16 is not required. However, in order to demonstrate that the proposal will not result in any significant adverse impacts on Dunstable town centre, the applicant has assessed the proposal on each of the relevant criteria:

- planned public or private investment in Dunstable town centre;
- the vitality and viability of Dunstable town centre;
- the turnover of existing facilities in Dunstable town centre; or
- any locally important impacts.

Impact on Public and Private Investment

There are a number of key regeneration sites in the town centre, which are allocated in the Local Plan and will be carried forward as key sites in the Dunstable Masterplan. There are aspirations for significant town centre redevelopment and improvements to secure the future of Dunstable town centre as a retail destination.

There has been significant investment in Dunstable for non-retail uses in recent years, including the development of the Grove Theatre, accompanied by bar and restaurant opportunities and residential development, which has contributed greatly to the evening economy of the town.

There are plans for Dunstable College to redevelop its town centre facility with a brand new college, resulting in investment in excess of £40m.

Significant investment in public transport is planned including the Luton-Dunstable Busway.

The applicant concludes that given the relatively small scale of the proposed store, there is no reason to suggest that the proposed development would undermine current or future investment in the town centre. Moreover, the proposal relates to a new format Sainsbury's Local Store which will be a flagship store of this type. This ongoing investment will be positive, providing new employment opportunities and an overall boost to the local economy.

We concur with the applicant's conclusions and consider that the proposed scale of the development would not result in a significant adverse impact on investment in the town centre.

Impact on Vitality and Viability

The applicant's findings indicate that Dunstable's retail offer principally caters to the everyday and service needs of the local community. The town centre has good accessibility and includes some key non-retail uses within the town centre. There are, however, some weaknesses in the town centre's retail offer and the centre struggles to compete with surrounding larger centres. Vacancies within the centre have increased over time. In part, this can be attributed to corporate closure nationally following the onset of the recession. In light of the town centre weaknesses and the need for growth and improvement in the retail offer, there are significant long-term regeneration proposals for the town, through the preparation and implementation of the Dunstable Town Centre Masterplan.

These proposals will help to improve the attraction and strength of Dunstable town centre over time.

Furthermore, Dunstable still serves an important town centre role in meeting the needs of its residents and the surrounding population. The proposed Sainsbury's store will assist in improving access to everyday and top-up needs of local residents and visitors to Dunstable.

Impact on Allocated Sites

The redevelopment sites which have been identified to come forward as part of the Dunstable Masterplan have been addressed previously. This has confirmed that the proposal will not impact on these sites coming forward in accordance with the Council's aspirations.

Impact on In-Centre Trade/Turnover

In order to assess the potential impact of the store on the turnover of Dunstable town centre, it is necessary to examine the potential turnover of the store and how it will impact on shopping patterns.

Based on the size of the store (280m²) and Sainsbury's company average sales density, it is estimated that the store will achieve a turnover of £3.05m.

In January 2009, White Young Green published the Luton and South Bedfordshire Retail Study Update (LSBRSU) on behalf of Luton Borough and South Bedfordshire Council. The findings of the LSBRSU indicate that there is a significant leakage of convenience expenditure from Dunstable to Luton and centres outside of the district. On this basis, it is highly unlikely that the entire store's estimated turnover will be diverted from Dunstable town centre. Even in the 'worst case scenario' the impact on Dunstable Town Centre would be 1.9%. The LSBRSU estimates that Dunstable town centre is currently achieving a turnover in the order of £160m. Assuming the total £3.05m is diverted from Dunstable town centre, the impact will be 1.9%. This level of impact would be negligible. In reality, the proposed store is likely to divert turnover from the out-of-centre foodstores. The applicant concludes that the proposal will not result in a significant adverse impact on Dunstable town centre.

Scale

Dunstable town centre currently has in the order of 42,910m² floorspace. The store proposes a net sales area of 280m².

The scale of the development would not have an adverse effect upon Dunstable Town Centre.

We concur with the applicant's assertion that the development would not have an adverse effect upon the vitality and viability of Dunstable Town Centre.

Locally Important Impacts

As part of a further submission the applicant has considered the likely impact upon local shopping facilities in the vicinity of the site. It is noted that there have been third party representations in relation to the potential impact on the trade pattern for existing businesses.

The applicant concludes that the existing stores and the Sainsbury's Local would be competing for a different market share. Whether that is the case or not, it is not the role of the planning system to restrict competition.

In conclusion, whilst PPS4 encourages new retail development to take place in town centres, it does not preclude edge or out-of-centre locations, providing the policy tests noted above are satisfied. We conclude that the proposals accord with PPS4 because:

- there are no sequentially preferable sites that are suitable, viable or appropriate for the proposed foodstore;
- the proposed development will make the best use of an existing site and is of appropriate scale; and,
- it will not have a significant adverse impact upon Dunstable town centre.

Although the site is currently in use for employment-generating purposes, albeit with a Sui Generis use class, it is not considered that there would be any conflict with Policy E2. The proposed food store would create employment opportunities for up to 30 people in full and part time roles. It is acknowledged that those jobs of those currently employed at HiQ would be lost from this site, but there would be unlikely to be any worsening of the current situation. The comments of interested parties relating to potential job losses for their businesses are noted. However, as has been stated it is not the role of the planning system to regulate competition.

It is therefore, considered that the principle of development is acceptable in this location.

2. Design and external appearance considerations

The existing building would be largely retained and refurbished, with only the single storey customer reception and general office being demolished. The scheme proposes changes to the external appearance of the building involving the removal of the profiled metal cladding and its replacement with timber boarding; new render panels on areas where making good is required, the insertion of a shopfront on the High Street South elevation and the insertion of skylights and sun pipes on the roof. Where possible sustainability would be a consideration with the timber from FSC approved sources, lime render on hemcrete blocks and other measures to reduce energy consumption and CO2 production, including energy efficient lighting, Computerised Building Management systems, daylight optimisation through natural daylight penetration and sun piping systems.

All of these changes would improve the visual appearance of the building, enhancing the street scene and character and appearance of the locality. The proposal is in accordance with Policy BE8 of the South Bedfordshire Local Plan Review.

3. Highway and parking considerations

There has been no objection to the scheme from the Highways Agency or the Council's Highways Engineer.

The application was accompanied by a Traffic Assessment which concluded that although there was a slight increase in trip generation, aside from pedestrian trips, the vast majority of those would be from passing traffic already on the highway network and would not, therefore, impede the free and safe flow of traffic on High Street South. This information has been considered by the Highways Agency who is satisfied with the information and raises no objection. On that basis, it would not be appropriate to seek to refuse the application on an

adverse impact on the A5.

Similarly there is no objection to the means of access, amount of parking provision and the delivery/servicing areas.

The Highway Engineer notes that the store would change the pedestrian desire line across the A5 and for that reason recommends that a pedestrian controlled crossing point be installed near to this store. This can be addressed by the imposition of a Grampian-style condition.

4. Impact on the amenity of nearby residential occupiers

The premises are situated adjacent to existing dwellings in High Street South and Garden Road, primarily. There is the potential for noise to be an issue which may have an impact upon residential amenity. A noise report has been submitted with the application. The Council's Public Protection Officer has no objections to the scheme subject to the imposition of conditions preventing night-time deliveries between 23.00 and 07:00 the following day, preventing and ensuring that all plant, equipment and machinery to be installed and operated in connection with the scheme shall be enclosed and attenuated such that noise arising shall not exceed a level of 5dB(A) below the existing background level in order to safeguard residential amenity.

The applicants have indicated that they are seeking trading hours of 07:00 to 23:00 each day. It is considered that this should also be regulated by condition in order to safeguard residential amenity.

The building is already in situ and there would be no change to the current relationship to neighbouring properties. Therefore, there is no objection to the scheme in relation to the impact on the amenity of neighbouring occupiers in terms of loss of sunlight, daylight, overlooking or overbearing effect.

5. Other matters

The impact of the development on the potential for ground contamination and pollution to controlled waters from surface water run-off can be regulated by conditions. The Environment Agency is satisfied with this approach and have recommended conditions in this regard.

Reasons for Granting

The proposed development accords with national guidance in PPS4: 'Planning for Sustainable Economic Growth', PPG13: 'Transport' and Policies BE8, E2 and T10 of the South Bedfordshire Local Plan Review in that there would be no adverse effect on the vitality and viability of the town centre, the character and appearance of the locality, residential amenity or highway and parking considerations.

Recommendation

That Planning Permission be granted subject to the following:

- 1 The development shall begin not later than three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 **Before development begins, samples of the materials to be used for the external cladding and other treatment of the walls and roof of the refurbished building 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 in the interests of the visual amenity of the locality.
(Policy BE8, S.B.L.P.R).

3 **Before development begins, details of the arrangements to be made for the collection, storage and disposal of solid trade waste emanating from the premises 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 ensure control over the development in the interests of amenity and public safety.
(Policy BE8, S.B.L.P.R).

4 The building shall not be open to the public outside the hours of 07:00 to 23:00 each day.
REASON: To protect the amenities of the area.

5 No deliveries shall be taken at or dispatched from the site outside the hours of 07:00 to 23:00 each day.
REASON: To protect the amenities of the area.

6 All external plant, machinery and equipment installed or operated in connection with this permission shall be so enclosed, operated and/or attenuated such that noise arising from such plant shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling.
REASON: To prevent nuisance from noise and vibration and to safeguard the amenities of the area.
(Policy BE8 S.B.L.P.R).

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

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

REASON: To protect the water environment.

- 8 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
REASON: To protect the water environment.
- 9 Before the development is first occupied or brought into use, the parking spaces, servicing and unloading areas shown on Drawing No. 09-522 306 A shall be completed and thereafter retained for this purpose.
REASON: To ensure provision for car parking and servicing clear of the highway.
(Policy T10 S.B.L.P.R).
- 10 **Development shall not begin until details of a controlled pedestrian crossing across High Street South have been submitted to and approved in writing by the Local Planning Authority and the building shall not be occupied in connection with the development hereby permitted until the crossing has been constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.**
REASON: To promote road safety and sustainable modes of transport.
- 11 **Before development begins, details of any external lighting for the building, car parking, servicing and delivery areas 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 protect the amenity of occupiers of neighbouring residential properties and in the interests of highway safety.
(Policy BE8, S.B.L.P.R).
- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1479002/SLP; 09_522/301; 09_522/304B; 09_522/305A; 09_522/306A; 09_522/307; E-04; E-05; E-14B and E-15A.
REASON: For the avoidance of doubt.

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 Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

East of England Plan (May 2008)

- SS1 – Achieving sustainable development
- SS6 – City and Town Centres
- ENV7 – Quality in the Built Environment
- T8 – Local Roads
- T14 - Parking

South Bedfordshire Local Plan Review Policies

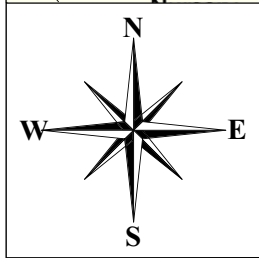
- SD1 – Sustainability Keynote Policy,
- BE8 – Design Considerations
- E2 – Control of development on employment land outside main employment areas
- TCS1 – Sustaining and Enhancing the District's Town Centres
- T10 – Controlling Parking in New Developments

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.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 23:November:2010
Map Sheet No

CASE NO.

Scale: 1:7000

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Item No. 08

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 Nichols
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 fodder maize because maize for human consumption does not grow well in the Northern European climate. 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 20,100 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.

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/Town Council

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.

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.

None received

Tilsworth

Neighbours
North Star Cottage,
Hockliffe

Objection - Air pollution, increased traffic, congestion

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

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.

Finally, Natural England has produced Standing Advice on protected species, which should be taken into account when determining the application.

Highways Agency

No objection subject to 1 condition.

Highway Officer

No objection subject to 2 conditions.

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 it's 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 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 are no toxic fumes released from the plant. PPS22 states '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 many safety measures that 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.

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.

Trinity Hall Farm has control and use of land to the east and west of the A5. The crops are harvested and taken to the farmyard either via private farm tracks or across the A5 from Dunstable Road. It is not envisaged that there would be a material increase in traffic movements because the maize would be harvested in the same way as existing crops, using the same accesses.

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 no objection subject to 2 conditions.

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.

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.

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.
(Policies BE8 & H8, S.B.L.P.R).
- 10 Only the land hatched blue in Drawing No. P10-THFB-008 shall be used to produce feedstock for the Biogas Plant unless otherwise agreed in writing with the Local Planning Authority.
REASON: To ensure control of the traffic movements associated with the Biogas Plant use.
- 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.

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

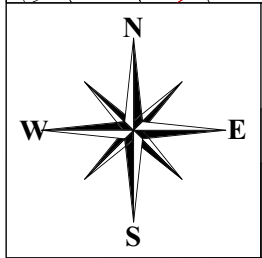
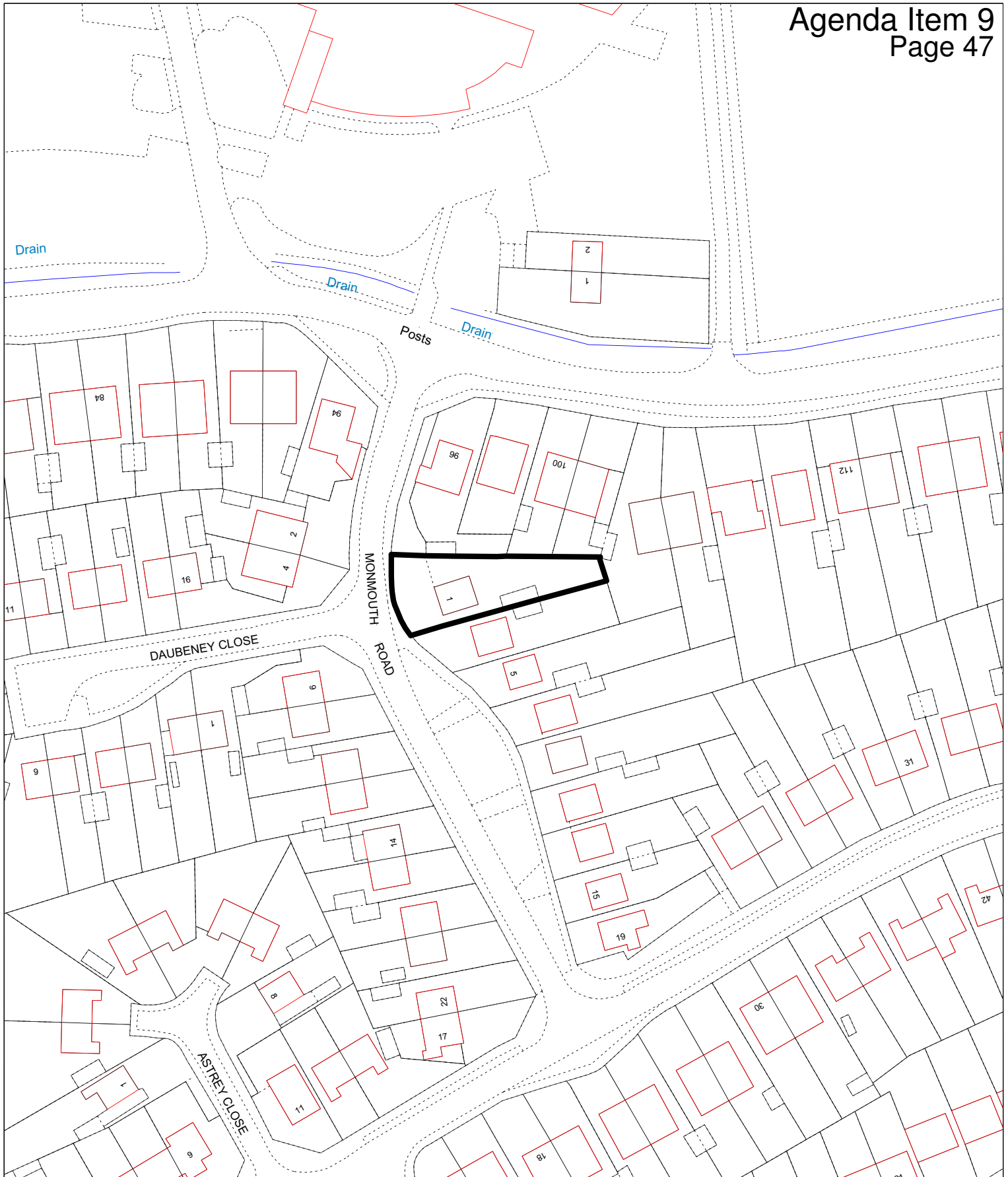
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire 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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Date: 23:November:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 09

SCHEDULE B

APPLICATION NUMBER	CB/10/03696/FULL
LOCATION	1 Monmouth Road, Harlington, Dunstable, LU5 6NE
PROPOSAL	Full: First floor side extension.
PARISH	Harlington
WARD	Woburn & Harlington
WARD COUNCILLORS	Cllr Fiona Chapman & Cllr Budge Wells
CASE OFFICER	Sarah Fortune
DATE REGISTERED	29 September 2010
EXPIRY DATE	24 November 2010
APPLICANT	Mr & Mrs George
AGENT	Paul Lambert Associates Ltd
REASON FOR COMMITTEE TO DETERMINE	Called to Committee by Head of Planning Services due to previous planning history and local concerns
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The site lies on the east side and at the entrance to Monmouth Road from Goswell End Road to the north. It comprises of a detached house built in the 1970's. There are similar houses to the south of the site and single storey bungalows to the north in Goswell End Road.

The Application:

This application is for the erection of a first floor side extension over the sitting room to provide for a bedroom and en suite. It is to have a ridge height of 6 metres (approx) with an eaves height of five metres (approx) and is a revised scheme to previous applications.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 Delivering Sustainable Development
PPS3 Housing.

Core Strategy and development Management Policy Document dated November 2009.

DM3 Criteria for extensions.

Supplementary Planning Guidance

Design Supplement 4: Residential Alterations and Extensions

Planning History - relevant

08/00709	Single storey side extension Granted: 16/06/2008
10/01373	First Floor Side Extension. Refused: 3/06/2010
10/02505	First Floor side extension Refused: 18/08/2010

**Representations:
(Parish & Neighbours)**

Harlington Parish
Council

Objects: Objections to previous applications still stand. Feel that this application is still large and with the site already overdeveloped would end up with the property being 50% extensions. Urge neighbours objections to be taken into consideration. Adverse effect on the neighbours and the street scene and invasion of privacy for neighbours. Ground levels of neighbours properties are not shown. The house is at a higher ground level than the neighbours properties to the side of the house - thus the adverse effect on these neighbours is more significant. The applicant may request a window in the side elevation at a later stage and this would directly overlook the neighbours gardens.

Neighbours

1. Objects: extension would not be in keeping with the village location and the properties surrounding it, would dwarf nearby properties, would appear massive as is up hill from neighbouring property, overlooking, loss of sunlight - and noise from rear widow if left open.

1. Objects: Previous applications were refused and feel that the current application raises the same concerns, conflicts with Policy DM3 of the Core Strategy, feel that no extension should be granted for this side of the house by reason of its mass and height, loss of sunlight to neighbouring properties, overlooking and loss of privacy. This latest scheme has the same volume and appears higher from the properties in Goswell End Road than the previous refusal. Bungalows next door are already dwarfed by the house. Lack of space for any extension on top of the present addition. Any restricted opening on the rear en suite window would still result in the impression of being overlooked.

The house has already had an extension. Feel that it is out of keeping with other houses in Monmouth Road. If it is allowed will expect the extension to proceed as per the plans and no changes made to it: windows in rear to be obscure glazed forever and fixed no further window be added at any time. A written signed agreement to control

the above should be made with the applicant before consent being granted.

1. Objects: visually dominates surrounding properties in Goswell End Road, loss of sunlight in the winter months, loss of daylight all year, conflicts with policy DM3 of the Core Strategy, conflicts with Design Supplement 4: 'Residential Alterations and extensions,' overbearing, house is already overdeveloped including the large rear extension.

Consultations/Publicity responses

None

Determining Issues

The main considerations of the application are;

1. Policy and Background.
2. Impact on Visual amenities of the area
3. Impact on amenities of neighbours
4. Other Considerations

Considerations

1. Policy and Background

The site lies in the built up area of the village of Harlington where there are no objections in principle to the erection of extensions to houses - as long as various criteria are satisfied. In particular, the extension must be in keeping with the character of the house itself and the street scene generally and there must no unduly adverse impact on the amenities of the neighbours.

There has been previous planning history for the house - including an approval for a single storey development to the rear granted in 2008 and more recently there have been two refusals of planning permission for a first floor side extension over the sitting room - the latter of these being a revision to the previous scheme of refusal (10/02505). This was refused for the following reason:

The proposed extension by reason of its mass, height and position relative to neighbouring properties is considered to be overbearing development to occupiers of neighbouring properties in Goswell End Road such that the extension conflicts with Policy DM3 of the Core Strategy and Development Management Policies, Central Bedfordshire North, November 2009 and Design Supplement 4: Residential Alterations and Extensions 2010.

In this last most recent refusal the previously submitted first floor side extension (10/01373 which had been refused) had been reduced in width by 1 metre and provided with a hipped roof with a set back on the frontage of one metre. However, although it was a reduced scheme, it was still felt by the Planning Committee to be unacceptable for the reason as stated above.

2. Impact on the visual amenities of the area

This revised scheme has been submitted following discussions with officers in an attempt to try and overcome the previous concerns relating to the loss of amenity to the occupiers of the bungalow in Goswell End Road.

It provides for a reduced scheme of development by keeping the form down to a chalet bungalow style. The increase in height of the gable wall has been kept to a minimum and it is to have a hipped end to keep the bulk down. The front and rear dormers are to have hipped roofs to minimise the bulk and the main bedroom is smaller in size and is to be obscure glazed - a condition can be attached to any consent to control this.

The applicant has provided plans which indicate clearly - with dotted lines - the outlines of the previous refusals of planning permission for a side extension - as well as the latest scheme of works.

In view of the fact that the previous application was not refused on grounds of adverse impact on the character of the house or the street scene - and this revised scheme is a further reduced form of development - there are, again, no objections from officers to the proposed development in respect of its impact on the character of the house and the street scene generally

3. Impact on amenities of neighbours

With regards to the potential impact on the amenities of neighbours there are again very strong objections from the neighbours in Goswell End Road. They feel that the development will have an overbearing impact on their properties and rear gardens and that it will result in loss of light, overlooking and general loss of privacy. They are of the view that loss of amenity to them will be exacerbated by the fact that the application site house sits on land which is at about one metre higher than that of the neighbouring bungalows in Goswell End Road.

The rear elevation of the nearest bungalow in Goswell End Road - no. 96 - is at a distance of 15 metres (approx) from the closest part of the proposed extension - and on the other side of the detached single garage belonging to 96 Goswell End Road.

It is accepted that the proposed extension will have some impact on the amenities of neighbours - particularly in that their outlook will be changed. However, in view of the fact that the application is a reduced scheme of works - being of reduced height although a little wider and is at a good distance of 15 metres (min) from the neighbours, it is considered that there will be no undue adverse impact on the amenities of the neighbours. The design and scale of the extension is also acceptable.

There are concerns from some of the neighbours about the potential for overlooking from the proposed obscure glazed rear en-suite window of the extension. A condition can be attached to any permission requiring that the window be fitted with a restricted opener and this will prevent the potential for overlooking.

4. Other Considerations

No objections have been received from the drainage authorities.

Reasons for Granting

In view of the fact that the extension has been reduced in overall size it is felt that the loss of amenity to the occupiers of neighbouring properties in particular the bungalows to the rear - will not be sufficient as to sustain a reason for refusal and there are no objections to the design of the development the application is recommended for approval as being in compliance with policies in the Core Strategy and Development Management Policy Document dated November 0009.

Recommendation

That Planning Permission be granted subject to the following:

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

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

- 2 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

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

- 3 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on the side or rear facing elevation of the extension hereby permitted.

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

- 4 Prior to the first occupation of the extension the first floor window to the en suite in the rear elevation of the extension shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and restriction on its opening, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority.

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

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC1, CBC2 and 2410/01/C.

REASON: For the avoidance of doubt.

DECISION

.....

.....

The Planning Officer
[Sarah Fortune]
Priory House
Monks Walk
Chicksands
Shefford
Bedfordshire, SG17 5TQ

Mr TW & Mrs EE Shenton
96, Goswell End Road
Harlington
Bedfordshire LU5 6NT

Telephone 01525 873262

E - mail tweeshenton@ntlworld.com

20th October 2010

Dear Sirs

Re : Application No : CB/10/03696/FULL

Proposed First Floor Side Extension at 1 Monmouth Road, Harlington,
Dunstable Bedfordshire. LU5 6NE.

We wish to object to the proposed first floor side extension at 1
Monmouth Road, Harlington.

Please find the enclosed supporting evidence, plans and photographs .

**I want this letter to be sent in its entirety to all members of Central
Bedfordshire Council Planning Committee prior to the meeting.**

Please do not change or summarise this letter.

Contents

Plan 1

Drawn by Paul Lambert Associates Ltd.

The superimposed lines of points B & C are as stated.

Plan 2

Drawn by Paul Lambert Associates Ltd.

The superimposed lines of points B & C are as you would see them if you were sat in the middle of our patio, at point A.

Plan 3

Shows the distance from house at No 1 Monmouth road, to the middle of our patio. 15.4 meters.

Plan 4

Photographs

Plan 5

Supporting evidence.

Harlington Parish Council
Parish council Office
Rear of Parish Hall
Church Road
Harlington
LU5 6LE

Mr & Mrs TW & EE Shenton
96, Goswell End Road
Harlington
Bedfordshire
LU5 6NT
Telephone 01525 873262
20th October 2010

Dear Parish Council

Please find the enclosed objection to the Planning application No :CB/10/03696/FULL submitted by Mr & Mrs George for another extension to 1 Monmouth Road, Harlington. This is for your consideration at your next meeting on the 26th October 2010

Yours sincerely

Tony Shenton

Eileen Shenton

Councillor Mrs C Fiona Chapman
23, Church End
Milton Bryan
Milton Keynes
MK17 9HR

Mr & Mrs TW & EE Shenton
96, Goswell End Road
Harlington
Bedfordshire LU5 6NT
Telephone 01525 873262
20th October 2010

Dear Councillor Chapman

I do apologise again for such a large envelope but it contains our latest objection to the proposed extension to 1, Monmouth Road, Harlington LU5 6NT.

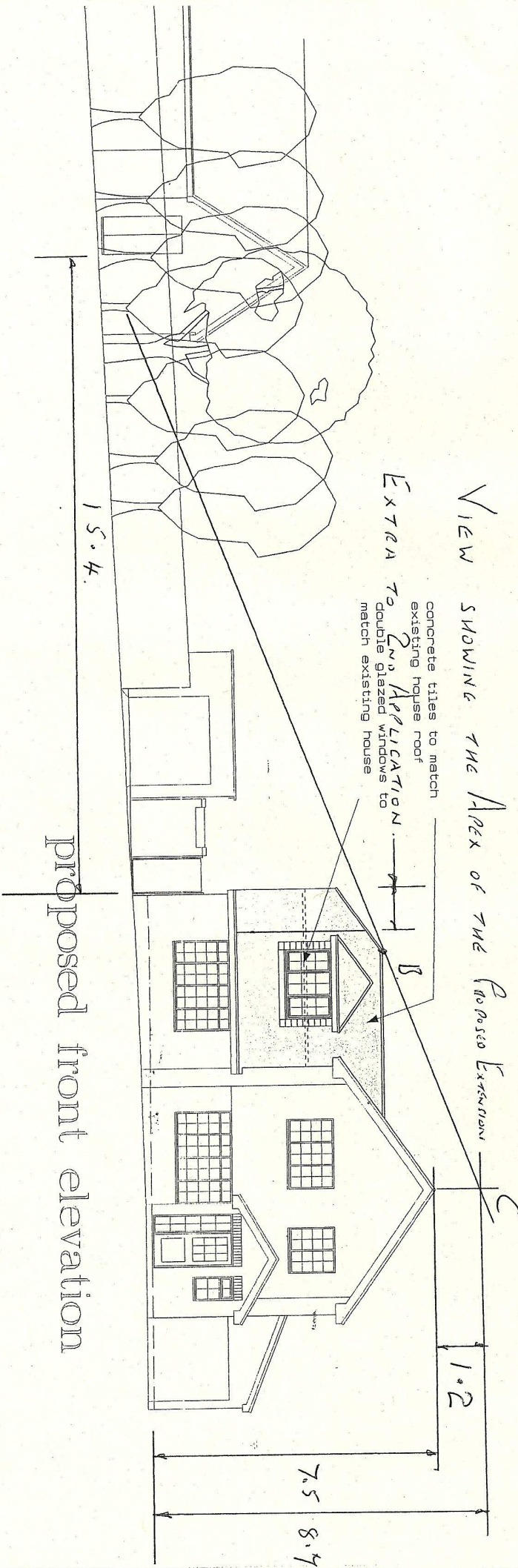
If our objection is overruled by the planning office will you please refer this objection to the appropriate committee.

Thanking you in anticipation.

Tony Shenton

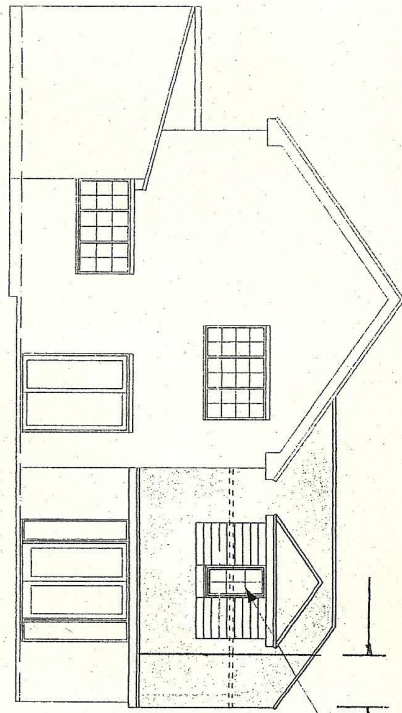
Eileen Shenton

PLAN 1



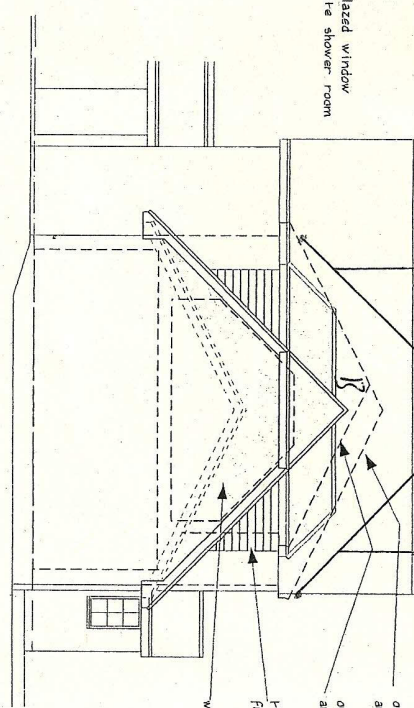
PLAN 2.

EXTRA TO 2ND APPLICATION.



obscure glazed window
to ensuite shower room

proposed rear elevation



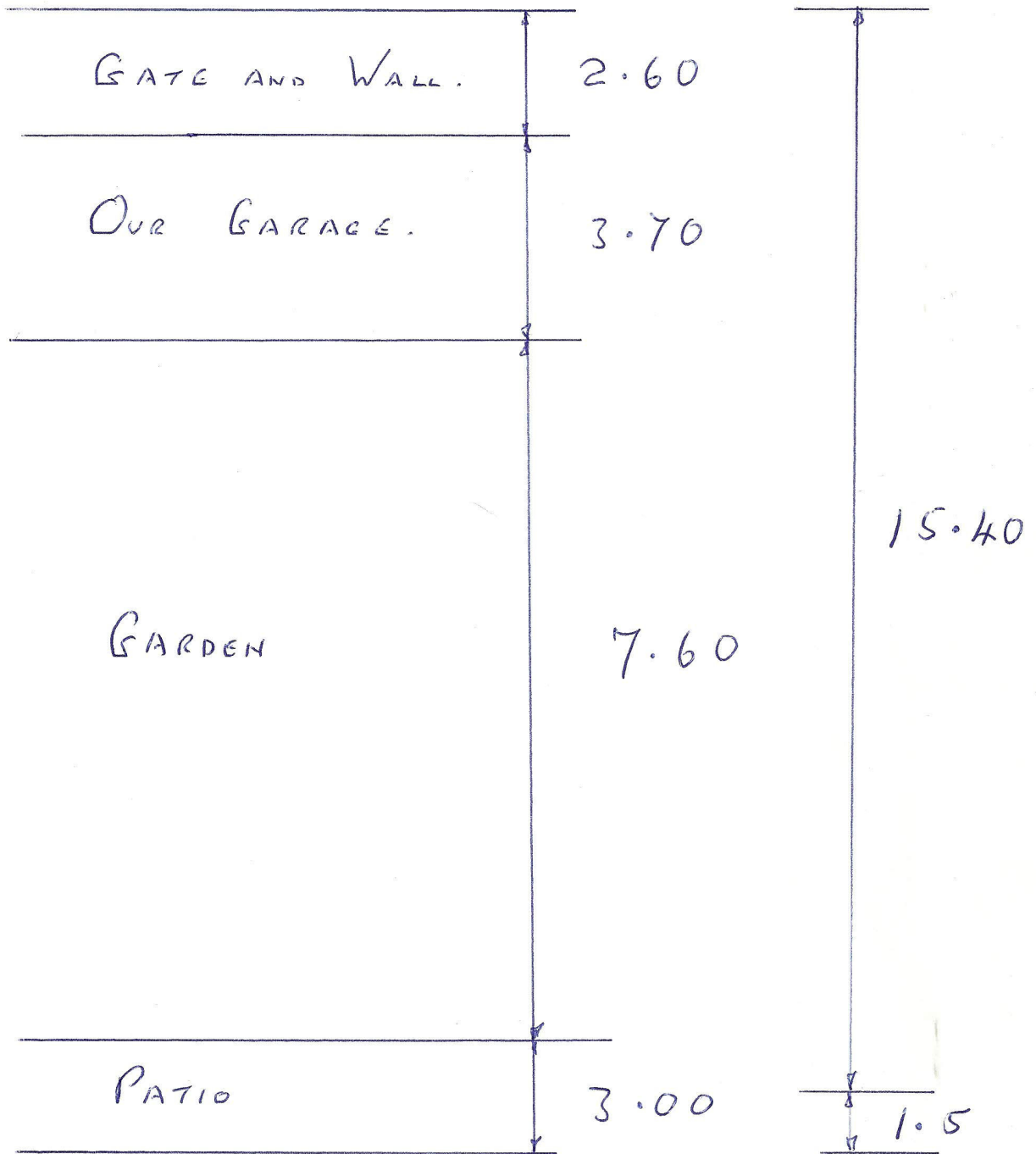
VIEW SHOWING PROPOSED
SIDE ELEVATION FROM
OVER PATIO.

proposed side elevation

outline of initial applia
and roof lines
outline of second applia
and wall lines
pile clad dormer windows
front and rear roof slop
wall built up from exist-

PLAN 3

1. MONMOUTH ROAD.



DISTANCE FROM 1 MONMOUTH ROAD TO
MIDDLE OF PATIO.

Plan 4

Photographs



View showing our garage and the existing extension from our patio. See plan 1.



View showing No1 Monmouth Road and our bungalow down hill of it and on the corner of Goswell End and Monmouth.



VIEW OF REAR EXTENSION AT 1 MONMOUTH
ROAD, FROM, 102 GOSWELL END ROAD



VIEW OF 1 MONMOUTH ROAD FROM 102,
GOSWELL END ROAD.

Supporting evidence.

We object to the third proposed first floor extension at 1no Monmouth Road, Harlington, Bedfordshire LU5 6NE.

It will visually dominate our, and the surrounding properties in Goswell End Road due to its mass and height and be overbearing.

We will suffer a loss of sunlight in the winter months, and daylight all year bringing about an unreasonable detriment to our living conditions.

As such the scheme will conflict with Policy BM3 of the Core Strategy and Development Management Policies, Central Bedfordshire [North], November 2009 and Design Supplement 4: Residential Alterations and Extensions [2010].

The proposed extension shown on the side elevation Plan1 and on the front elevation Plan 2 give a clear picture of the overbearing nature of this proposed extension. The apex of the hip roof will appear to be 1.2 metres above the main roof of the house . That is .2 of a metre higher than the last proposed extension.

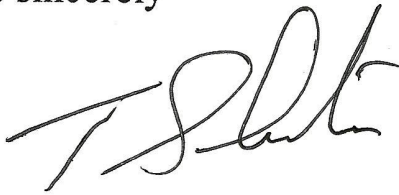
As can be seen this property is already overdeveloped ,with the large extensions in the back garden [not shown on Architects drawings] . The photographs taken from Denise Burdens bedroom window shows very clearly show the size of this existing extension.

We cannot over stress our objection to this proposed extension. If this extension were allowed , we will appeal.

A copy of this letter is also being sent to the Harlington Parish council and Councillor Mrs Fiona Chapman for her and the

appropriate committee to consider.

Yours sincerely



TONY SHENTON

Eileen Shenton

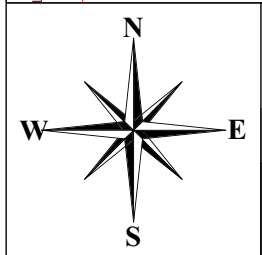
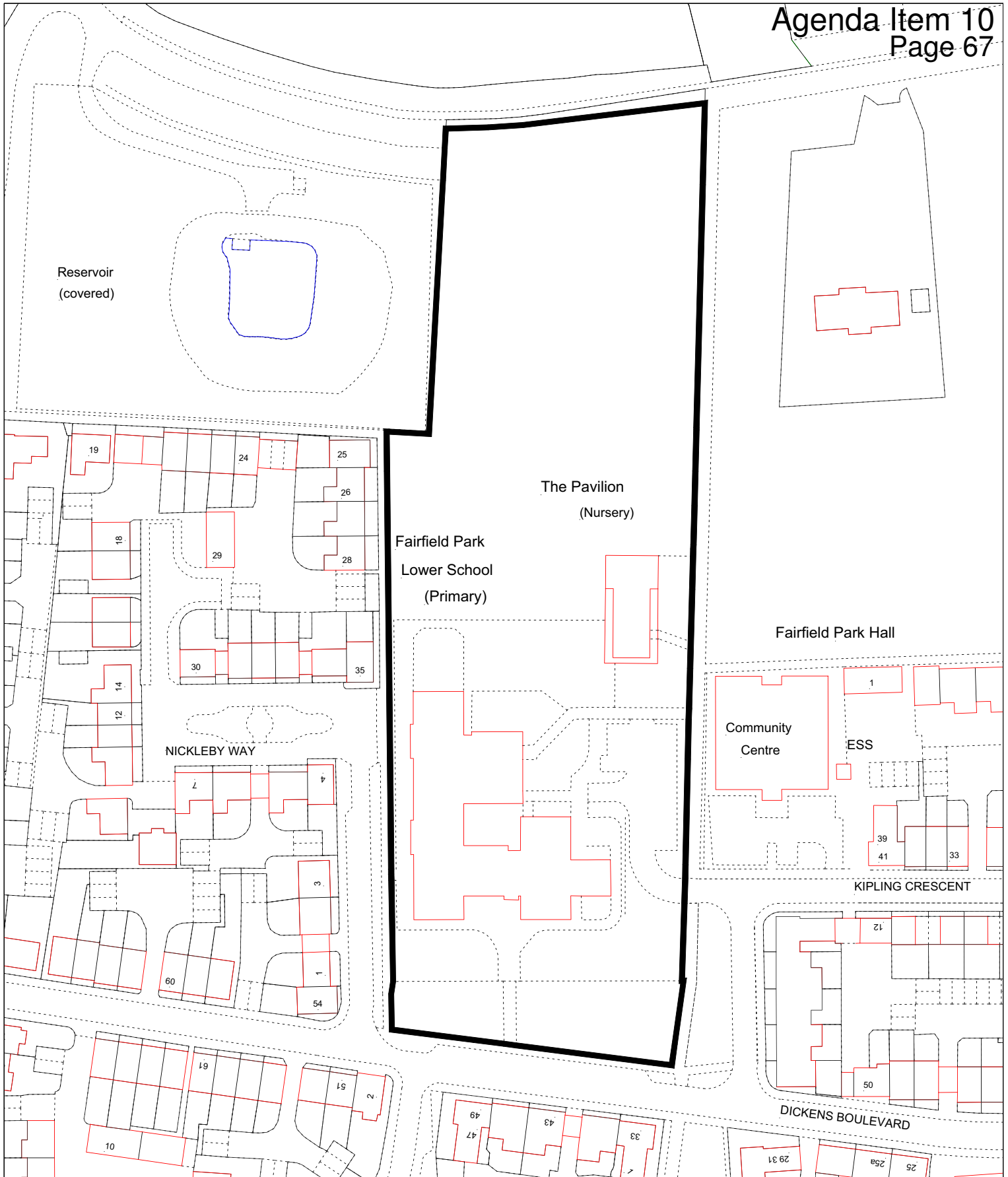
EILEEN SHENTON

Sent recorded delivery

Enclosures: Plans and Photographs

c.c. The Clerk to Harlington Parish Council
c.c. Councillor Mrs Fiona Chapman

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Central Bedfordshire Council
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Date: 23:November:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 10

SCHEDULE C

APPLICATION NUMBER	CB/10/03760/FULL
LOCATION	Fairfield Park Lower School, Dickens Boulevard, Stotfold, Hitchin, SG5 4FD
PROPOSAL	Full: A new modular single classroom building within the grounds
PARISH	Stotfold
WARD	Stotfold & Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Saunders, Street, Turner
CASE OFFICER	Vicki Davies
DATE REGISTERED	12 October 2010
EXPIRY DATE	07 December 2010
APPLICANT	Fairfield Park Lower School
AGENT	Porter Consulting and Management Services Limited
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	The application site is owned by CBC and Stotfold Town Council have raised objections which cannot be overcome through the use of conditions Full Application - Granted

Site Location:

The application site comprises the premises of an existing lower school located off Dickens Boulevard, Stotfold. Fairfield Lower School is located within the recent development at Stotfold known as Fairfield Park.

The school premises are bordered to the east by the community centre, designated public open space and a number of residential properties, to the south by Dickens Boulevard and some residential properties and to the west by residential properties and the covered reservoir. The north of the site adjoins the existing redeveloped Fairfield Hospital Grounds.

The existing school comprises a single storey purpose built building, constructed of buff brick under a slate roof.

The Application:

The application seeks consent for a modular single classroom building measuring 9m by 9.4m and 2.7 metres in height. The building would have solid walls on the east and west elevations. The southern elevation would have two windows and a door with the northern elevation consisting of 5.5 metres of glazed curtain walling with black steel supports with the remaining wall being solid. The walls would be finished in coarse render painted cream in colour. The modular building would be screened by a brick wall on whole of the eastern elevation and 2.5 metres of the northern elevation. The brick wall would be 2.8 metres in height and would include recessed panel details reflecting those on the nearby brick wall surrounding the bin store.

The proposed building would be located to the north west of the school building on land currently used as grassed amenity area and landscaping. The building would

be accessed through the main school building and out of the rear exit to the modified footpath leading to the unit. The building could also be accessed through the school's internal courtyard as well as the side entrance from the car park via a new security gate.

RELEVANT POLICIES:

National Policies (PPM & PPS)

PPS1: Delivering Sustainable Development

Bedfordshire Structure Plan 2011

No relevant policies

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

CS3 - Healthy and Sustainable Communities

CS14 - High Quality Development

DM3 - High Quality Development

DM4 - Development Within and Beyond Settlement Envelopes

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide to Development

Fairfield Planning and Development Brief (2000)

Fairfield Park Urban Design Strategy (2003)

Planning History

MB/06/00024/CC	CC: New 150 place Lower School, incorporating a nursery unit with associated ancillary facilities - Approved 27/2/06
MB/07/00578/CC	CC: Erection of canopy to create covered area - Approved 11/6/07
MB/08/00938/FULL	Full: Erection of timber storage shed and a teaching and learning timber play lodge (part retrospective) - Approved 09/07/08
MB/08/02210/FULL	Erection of single storey pre-school building - Approved 15/1/09
MB/09/00347/FULL	Installation of play equipment (retrospective) - Approved 14/5/09

Representations: (Parish & Neighbours)

Stotfold Town Council	Object - the proposal would be out of keeping with the overall site design statement and that of adjoining buildings. Modular design indicates a short building life and this needs to be a permanent additional classroom. The building should be subject to proper design and building control conditions.
Neighbours	No responses received

Consultations/Publicity responses

Conservation and Design Team	No objection. The proposed building would not be sited in an overly prominent location and significant efforts have been made to screen the building and raise its design quality.
Disability Discrimination Officer	No comments
Fairfield Park Residents Association	It is noted that this development may be replaced in due course with more permanent development when further assessment has taken place of a possible increase in the size of the school to a form and a half entry. Given the present demand for places at the school the Associated wishes to support the proposed development which appears to have been designed in such a way as to minimise its visual impact on the surroundings and its effect on the existing building and grounds.
Public Protection Team	No response received
Community Safety Team	No response received
Architectural Liaison Officer	No response received

Determining Issues

The main considerations of the application are;

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

Considerations

1. Principle of Development

The principal of residential use for the whole site to include a School Site was agreed under the provisions of the outline planning consent granted in 2002. The development of the Lower School Site was granted planning permission for a new 150 place Lower School in 2006.

Core Strategy policy CS3 states that the Council will in principle support the upgrading of education facilities. Core Strategy policy DM4 states that within settlement envelopes the Council will support schemes for education uses. The school site is within the settlement envelope for Fairfield Park and is therefore acceptable in principle.

Some concern has been raised regarding the temporary nature of the proposed building. The school is currently single form entry, with one class in each school year, however the take-up of places since opening has exceeded expectations. The September 2010 intake in Reception Year exceeds 30 children. Based on the rate of increase, the number of children in each class and the fact that the

housing development is not yet completed it is possible that the school will need to take a form and a half entry, i.e. 45 pupils. Based on the current and projected pupil numbers for 2011/12 the school has identified a need for two additional classrooms. The Education Authority has not yet determined whether the currently identified need for 2 classrooms will continue. The application proposes one classroom whilst the Education Authority continue to collect data in order to make an informed judgement on whether the demand for school places will continue. It is considered that a permanent extension to the school building would be a preferable solution however until whether the need for school places in future will continue has been determined the Education Authority does not want to waste money constructing a permanent extension.

2. Impact upon the Character and Appearance of the Area

Core Strategy policy DM3 states that new development should be appropriate in scale and design to its setting, contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials and respect and compliment the context and setting of all historically sensitive sites.

The proposed modular building has been designed and located to be within the built form of the existing school building and adjacent Community Centre within the existing school site. The proposed development has been designed to reflect the vernacular architecture, by taking into consideration its relationship with the both the new Lower School Building, the Fairfield Hospital and the overall keeping of the development.

Whilst it is recognised that the modular building is not of such high architectural quality as the existing school building it is considered that significant efforts have been made to visually integrate the unit.

It is considered that the proposed building is appropriate in terms of scale to its setting. The building would be set at ground level, rather than elevated as modular buildings usually are, with the floorspace of the building meeting minimum DfES standards. The design of the building is of high quality for a modular building and attempts have been made to screen the unit. The proposed screen wall would be constructed from buff bricks to match those of the existing school building it would be seen against. The detail of the wall would match that of the wall around the bin store with recessed panels and contrasting red brick bands. The use of glazing on the northern elevation minimises the visual impact of the building when viewed from the footpath which runs outside of the school site along its eastern boundary. Overall it is considered that the design of the building is acceptable.

The design and materials proposed would mean that the development would contribute to the strong sense of place within Fairfield Park and the local distinctiveness of the area would be respected.

The listed former hospital building to the north of the school would not be adversely effected by the proposed development and it is therefore considered that the historic setting and context would be respected.

There is limited detail contained in the Urban Design Strategy regarding the school building and future development within the school site. It is not however considered that the proposal conflicts with the principles set out in the strategy.

Overall it is considered that the proposed development accords with Core Strategy policy DM3 and the Fairfield Park Urban Design Strategy.

3. Impact upon Neighbouring Amenity

Core Strategy policy DM3 requires that new development respect the amenities of nearby residents.

The closest residents to the proposed building would be over 50 metres away on the other side of Kipling Crescent.

The location of the proposed modular building would be visible through the existing school boundary treatment of railings but due to the location of the neighbouring properties it is not considered that it would not have any impact in terms of loss of light or privacy. Therefore it is not felt that the proposal would result in an overbearing impact.

As such it is felt that the proposal would have no detrimental impact in terms of neighbouring amenity and would accord with policy DM3.

4. Other Issues

The proposed building has a 25 year lifespan however it is considered that such a unit should only be permitted for a limited amount of time. It is considered that if consent is granted that it should be for a temporary period of 5 years. This would provide sufficient time for the Education Authority to determine what the future needs of the school will be and put the relevant measures in place.

Reasons for Granting

The proposal is in conformity with Policies CS3, CS14, DM3 and DM4 of the Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009 as the design, scale, siting and use of materials are appropriate for the setting, the development is not considered to have an adverse impact on the character and appearance of the area and does not interfere with the amenities of adjoining residents. It is also in accordance with Planning Policy Guidance: PPS1: Delivering Sustainable Development, Design in Central Bedfordshire: A Guide for Development and Fairfield Park Urban Design Strategy.

Recommendation

That Planning Permission be granted subject to the following:

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

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

- 2 The screen wall hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

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

- 3 The exterior appearance of the modular building hereby permitted shall be in accordance with the details shown on plan no. 177-011A.

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

- 4 The building hereby permitted shall not be occupied unless and until the associated brick wall is constructed.

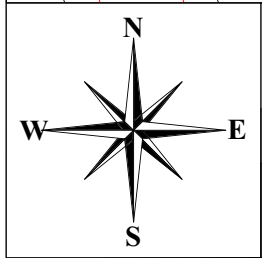
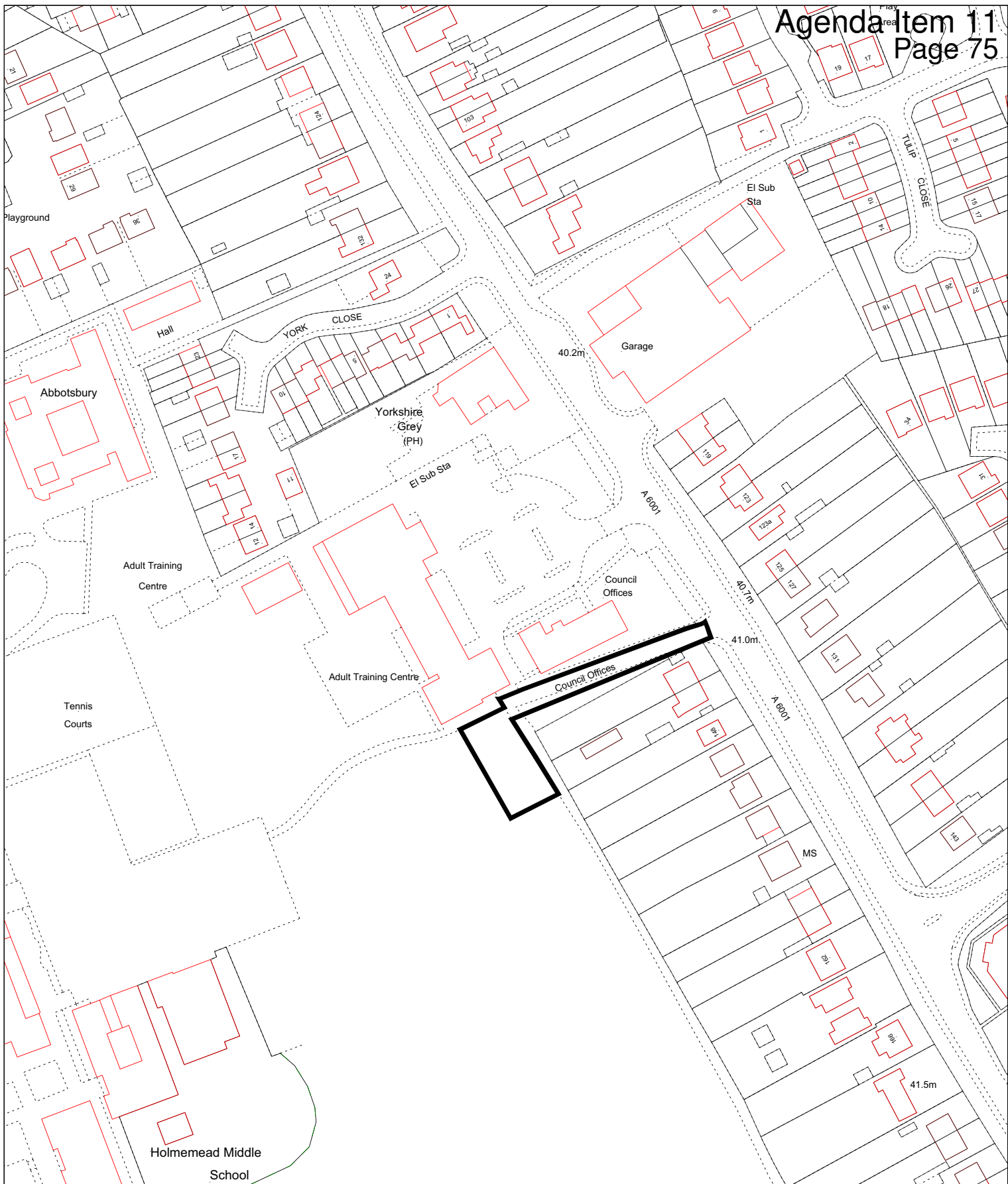
Reason: To protect visual amenities.

- 5 This permission is limited to a period expiring on 31/12/2015 when the building hereby permitted shall be removed and the land re-instated to its previous use unless before that date the Local Planning Authority has granted permission for its retention.

Reason: To enable the Local Planning Authority to review the need for the building when the permission expires.

DECISION

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Date: 23:November:2010

Map Sheet No

CASE NO.

Scale: 1:1700

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Item No. 11

APPLICATION NUMBER	CB/10/03786/SE73
LOCATION	Land Rear Of 144 To 146, London Road, Biggleswade
PROPOSAL	Section 73: Variation of condition 2 to extend time period for a further 5 years on planning approval 07/01526/FULL dated 12 November 2007
PARISH	Biggleswade
WARD	Biggleswade
WARD COUNCILLORS	Cllrs Jones, Lawrence, Lawrence & Vickers
CASE OFFICER	Annabel Gammell
DATE REGISTERED	18 October 2010
EXPIRY DATE	13 December 2010
APPLICANT	Brigham Pre-school and The Den
AGENT	
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	The application is on land owned by Central Bedfordshire Council, a letter of objection was received Section 73 Determination - Granted

Site Location:

The site is located on the west side of London Road to the rear of No.144-146 London Road. The site is positioned in the north east corner of the Holmemead Middle School playing fields. There is currently a buff single storey classroom unit on the site which is used as a play group.

There is no vehicular access to the site whilst the pedestrian access is from the footpath leading from London Road and Kitelands Road. Emergency access to the site is possible via Holmemead Middle School.

The Application:

The proposal is for the retention of a temporary unit (17.9 x 9.8m x 3.6m high). This is for continued use by Brigham Play group. The play group principally provides pre school care for up to 26 children aged 2 to 4 years, a breakfast club and after school service is also provided for school children. The application is to vary the condition for a period of 5 years. When the application was originally submitted the description specified the removal of the condition, this was subsequently amended to variation of condition.

RELEVANT POLICIES:

National Policies (PPG + PPS)

PPS 1 Delivering Sustainable Development (2005)

Regional Spatial Strategy

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

Bedfordshire Structure Plan 2011

Not applicable

Core Strategy and Development Management Policies, November 2009

Policy DM3 - High Quality Development

South Bedfordshire Local Plan Review Policies

Not applicable

Supplementary Planning Guidance

Design in Central Bedfordshire, a Guide for Development

Planning History

The site has a detailed planning history, none are relevant to this application except for the original permission for the play group that was granted for a period of 5 years previously.

Representations: (Parish & Neighbours)

Biggleswade Town Council
Adjacent neighbours

No objections for a temporary consent
One letter of objection was received, with regard to the parking situation along London Road.

Consultations/Publicity responses

Site Notice Posted 22.11.10:	No comments received
Highways Department:	No objection
Public Protection:	No objection
Ramblers Association:	No objection
Disability Discrimination Officer:	No objection
Play and Open Space Officer:	No comments to make

Determining Issues

The main considerations of the application are;

1. Appropriateness of development
2. The effect on the character and appearance of the surrounding area
3. The impact on the residential amenity of neighbouring properties
4. Any other implications of the proposal

Considerations

1. **Appropriateness of development**

The temporary unit is currently being used as a play group facility. It is considered that this is an appropriate use of the building and for the site, which is currently a mixed use community facility site. The continued use of temporary buildings is generally not considered to be desirable, and where possible a permanent solution should be found. There is no policy constraint for a building of this type in this location.

2. **Effect on the character and appearance of the area**

The site is large, the majority of the site is playing field land, this is to the south and west of the temporary classroom unit, the unit is situated behind the dwellings on London Road and therefore the views of it from the streetscene are limited. It is considered that the unit currently has no significant impact upon the character or appearance of the area and therefore it is judged in accordance with Policy DM 3 of the Core Strategy and Development Management Policies.

3. **Impact on the residential amenity of neighbouring properties**

The community facility site is within a predominantly residential area, there are residential properties to the east, playing fields to the south and west and an adult training centre to the north. It is considered that in terms of residential outlook, privacy, loss of light, or causing an overbearing impact the proposal is acceptable, given that it is a single storey building approximately 50 metres from the rear elevations of the neighbouring dwellings.

One letter of objection was received this was relating to car parking problems along London Road. There is currently a public footpath which forms the access to the play group, this is also a route used by pupils of Holmemead Middle School and people accessing the Adult training centre. The play group has a travel plan which encourages sustainable forms of transport to the site, and promotes schemes such as walk to school week. There is no dedicated parking for the play group, guardians who drive to the site are encouraged to do so with respect to local residents and share the parking facilities on the adjacent sites. It is acknowledged that London Road is a busy road within Biggleswade, but there are many residential, commercial and community properties off it and therefore the problem of parking can not be attributed to one function or facility. The Highways Department have made no objection to the continued use of the facility in terms of impact upon highway safety. There are currently white markings on the road in front of the driveways to access the dwellings closest to the application site to indicate that people should not park in these locations.

4. **Any other implications**

Consultation:

As this application was for the removal of condition, there was need for a re consultation period when the description was changed to variation of condition, this started on the 22/11/10 and will end on the 13/11/10, as such the Committee are asked to grant Delegated Powers to the Director of Sustainable Communities to approve the application subject to no new issues being raised.

Reasons for Granting

The temporary classroom being granted a temporary permission for a further five years would not have a negative impact upon the general character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its site, design and location, is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; Planning Policy Statement 1 (2005), Regional policies in the East of England Plan (May 2008) and the Milton Keynes and South Midlands Sub-Regional Strategy (March 2005). It is in further conformity with technical guidance, Design in Central Bedfordshire, a Guide for Development.

Recommendation

That Planning Permission be granted subject to the following:

- 1 This permission is limited to a period expiring five years from the date of this permission when the use shall be discontinued, any buildings or structures removed and the land re-instated unless before that date the Local Planning Authority has granted permission for its continuation and/or retention.

Reason: To enable the Local Planning Authority to review the uses, buildings and structures when the permission expires. The building is made of non durable materials and therefore not appropriate for permanent consent.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC-1 and Sheet no.1 Rev F.

Reason: For the avoidance of doubt.

DECISION

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