

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



please ask for Martha Clampitt
direct line 0300 300 4032
date 28 October 2010

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 10 November 2010 10.00 a.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

Please note that agenda items 1 – 8 and 11 will be considered from 10.00am following which the meeting will adjourn. The meeting will reconvene at 2.00pm at which time agenda items 9, 10, 12 – 21 will be considered.

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

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 13 October 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	<p>Planning Enforcement Cases Where Formal Action Has Been Taken</p> <p>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.</p>	7 - 14

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/09/06766/RM</p> <p>Address: Dukeminster Estate, Church Street, Dunstable</p> <p>Erection of 172 dwellings, 300sqm of Class A1 retail and 513sqm of Class D1 accommodation (Reserved matters – outline permission SB/OUT/06/00884).</p> <p>Applicant: Lionsgate Properties Ltd</p>	15 - 38
8	<p>Planning Application No. CB/10/03096/RM</p> <p>Address: Warren Wood, Fordfield Road, Millbrook</p> <p>Reserved Matters: Development and use of land as a forest holiday village including 700 villas, 75 bedroom hotel, 12 bedroom spa accommodation, central buildings and facilities, staff accommodation, 1400 space car park, main access onto Fordfield Road, engineering operations and lakes, hard and soft landscaping and forest management works together with associated works and activities (pursuant to outline planning approval MB/08/00614/FULL dated 30 June 2008). Matters to be considered are appearance, landscaping, layout and scale.</p> <p>Applicant: Center Parcs (Operating Company Ltd)</p>	39 - 58
9	<p>Planning Application No. CB/10/01359/FULL</p> <p>Address : The Marston Vale Millennium Country Park, Station Road, Marston Mortaine, Bedford</p> <p>Erection of a 120.5 metre high wind turbine and ancillary infrastructure.</p> <p>Applicant : Marston Vale Trust</p>	59 - 98

- 10 **Planning Application No. CB/09/06296/OUT** 99 - 116
- Address :** Land Off Chapel Close, Clifton
- Outline: Residential development of up to 12 no. dwellings with all matters reserved except access.
- Applicant :** Alderwine Limited
- 11 **Planning Application No. CB/10/02493/OUT** 117 - 138
- Address :** Units 4,5,6,7,8,9,12,13,14 and 31 Humphreys Road, Dunstable
- Development of industrial and warehouse unit(s) (within B1c, B2 and B8 use classes) up to a maximum floor area of 45,057m² together with ancillary offices, service areas, car parking and landscaping.
- Applicant :** Woodside Unit Trust & Canmoor Developments Ltd.
- 12 **Planning Application No. CB/10/06722/FULL** 139 - 156
- Address :** Land on the South side of Rugby Club, Woburn Street, Ampthill
- Full: change of use from Agricultural Land to D2 Sport Pitches, Training Land with associated Groundworks.
- Applicant :** Ampthill & District RUFC
- 13 **Planning Application No. CB/10/03477/FULL** 157 - 170
- Address :** 2 High Street, Stotfold, Hitchin
- Full: Proposed detached dwelling to the rear garden of existing house.
- Applicant :** Mr McNeill
- 14 **Planning Application No. CB/10/02726/FULL** 171 - 180
- Address :** The Village Hall, High Street, Ridgmont, Bedford
- Applicant :** Trustees of the Ridgmont Charity

15 **Planning Application No. CB/10/03413/FULL** 181 - 190

Address : Cranfield University, University Way, Cranfield,
Bedford

Full: Erection of a multi use games area,
consisting of two five-a-side football pitches,
floodlighting and associated landscaping.

Applicant : Cranfield University

16 **Planning Application No. CB/10/03471/FULL** 191 - 198

Address : 10 Browns Way, Aspley Guise, Milton Keynes

Full: 2 storey rear extension. Enclosed front
entrance porch. Minor internal alterations.

Applicant : Mr & Mrs Brayson

17 **Planning Application No. CB/10/03547/FULL** 199 - 204

Address : 15 Walton Close, Shefford

Full: Single storey rear extension

Applicant : Mr M Liddiard

Schedule C - Any other Applications
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Item	Subject	Page Nos.
18	Planning Application No. CB/10/03622/FULL	205 - 210
	Address : 34 Chase Hill Road, Arlesey	
	Full: Single storey rear extension.	
	Applicant : Mr & Mrs Newlands	

19	Planning Application No. CB/10/02921/FULL	211 - 218
	Address : John Donne Lower School, High Street, Blunham, Bedford	
	Erection of new nursery building and extensions to existing school building including replacement windows	
	Applicant : John Donne Lower School	

20 **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 08 December 2010 having regard to the guidelines contained in the Code of Conduct for Planning Procedures.

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

21 **Agreement of Article 4 Direction for Wrest Park Estate, Silsoe**

219 - 226

To seek agreement to make an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995 and as amended by the Town and Country Planning (General Permitted Development (Amendment) (England) Order 2010 removing permitted development rights under Schedule 2, Class B of Part 3 for the units within the Wrest Park Estate, Silsoe (identified on the attached plan). This would remove the permitted change (without requiring planning permission) from Use Class B1 (Business) to Use Class B8 (Storage and Distribution) in cases where it involves less than 235 square metres of floor space.

Meeting: Development Management Committee
Date: 11th November 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 10th November 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/09/0555 Case closed	Satco Plastic Ltd, Satco House, Unit 7 Argan park, Foster Avenue, Dunstable	Breach of Condition Notice, condition 7 SB/TP/04/00818, change of use to B2. 2nd Notice issued	8-Dec-09	8-Dec-09	18-Jan-10			Not complied	Further sound proofing installed & assessed as B1 use
2	CB/ENC/09/1015	Land south of Pond Farmhouse, 7 High Street, Pulloxhill	Enforcement Notice - unauthorised carrying out of engineering operations and works consisting of excavation of site.	30-Nov-09	11-Jan-10	10-Feb-10	Appeal Received 08/01/2010. Site visit 28/9/10			Await outcome of Appeal
3	CB/ENC/09/1079 Case closed	Arcade Nursery, A507 Stotfold Road, Arlesey	BOCN - breach of condition 3, no retail sales	21-Oct-09	21-Oct-09	20-Nov-09				Planning application to retain extension & vary condition to allow limited retail sales granted CB/10/02923/full.
4	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				Check compliance after 13/11/10
5	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. Further action on kennels required.
6	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
7	CB/ENC/09/1378	Long Yard, Dunstable Road, Studham	Enforcement Notice - Residential use of barn	4-Jan-10	1-Feb-10	2-May-10				Planning application received, CB/10/00783. Await decision.
8	CB/ENC/10/0068	Land at The Haven, Castle Hill Road, Totterhoe, 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

Planning Enforcement formal action (DM Committee 10th November 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
9	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				Check compliance 6/11/10 and 6/1/11
10	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, portaloos and other paraphernalia for residential purposes, & construction of hardstanding.	10-Sep-10	6-Oct-10	Various 04/01/2011 & 06/04/2011	Appeal received 14/10/10			Await outcome of appeal
11	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
12	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
13	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
14	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
15	MB/ENC/07/0085-	Woodview Nurseries, Shefford Rd, Meppershall	Mobile home & conservatory	21-Jan-08	19-Feb-08	19-Aug-08	Appeal received. Hearing Oct-08	3-May-10	Appeal dismissed & uphold enforcement notice	Further action for non compliance.

Planning Enforcement formal action (DM Committee 10th November 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
16	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
17	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.
18	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.
19	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
20	MB/ENC/09/0034	Land at Whitsundales Farm	2 Enforcement Notices - Change of use to storage, erection of hardstanding + Access	17-Dec-09	17-Jan-10	various up to 17-Apr-10	Appeal received 12/01/2010	To be agreed	Hearing held jointly with planning appeals 10th to 11th August 2010	Appeal decision 27/8/10. Appeals dismissed, Enforcement Notices upheld, compliance periods to be monitored
21	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
22	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
23	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.

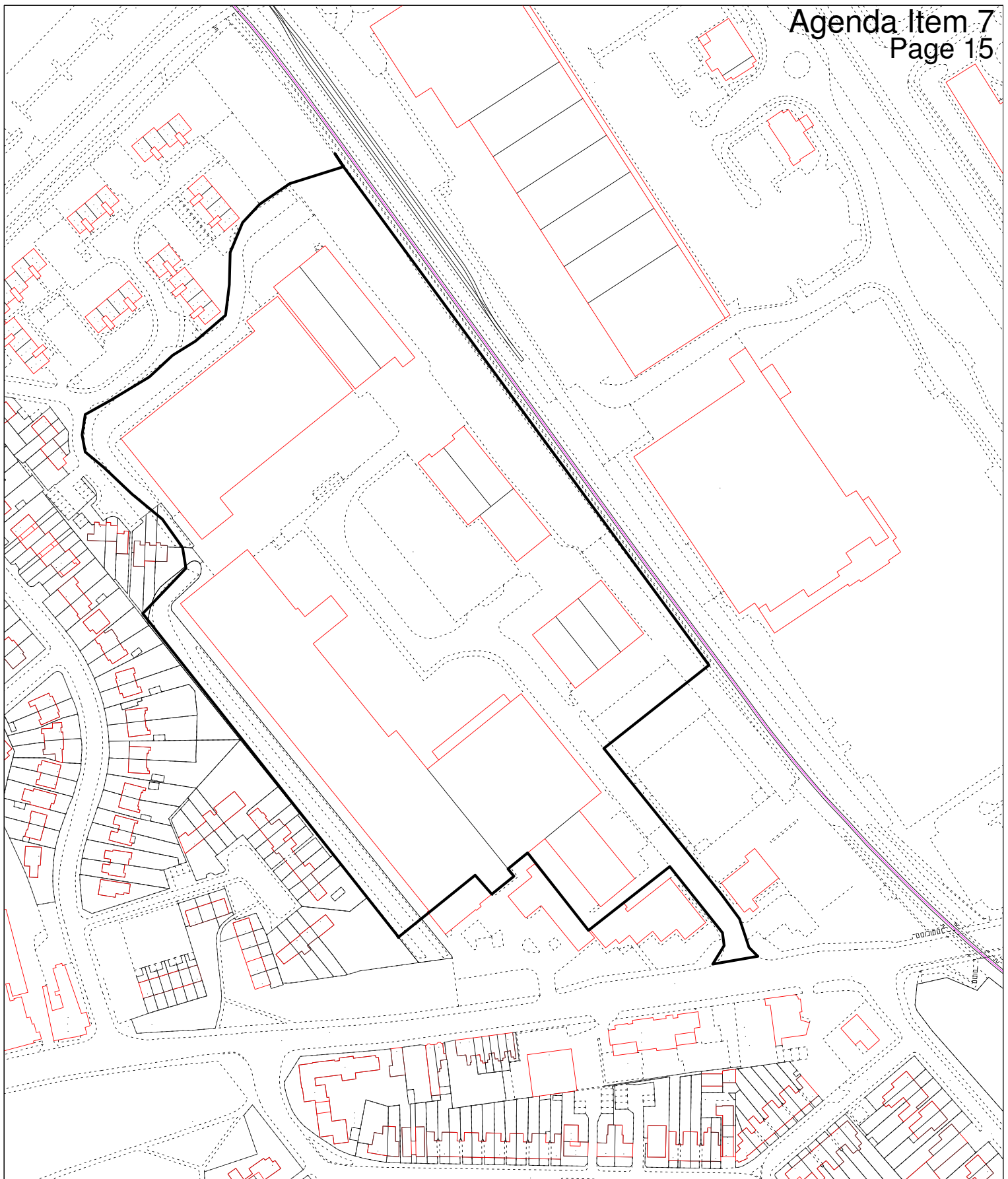
Planning Enforcement formal action (DM Committee 10th November 2010)

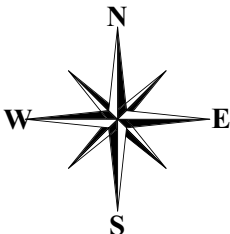
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
24	SB/ENF/05/0005	215 Common Road, Kensworth	Erection of a double garage and storeroom	16-Mar-05	18-Apr-05	18-Jul-05	6-May-05	6-Aug-05	Appeal dismissed & enforcement notice upheld. Not complied	Further evidence sent to Legal to commence prosecution.
25	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
26	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.
27	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				Check compliance after 2/11/10
28	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
29	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
30	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	received 29-Dec-09			Await outcome of appeal

Planning Enforcement formal action (DM Committee 10th November 2010)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1 06/67	Former Fullers Earth Quarry, Clophill	Enforcement Notice - failure to complete the approved restoration scheme and permit public access	2-May-07	6-Jun-07	6-Oct-07	YES - Public Inquiry		Enforcement notice quashed on 30-Oct-2009. Compliance steps lacked clarity and precision	A new enforcement notice is being drafted and under consideration with the Council's solicitor.
2 07/40	Former BR Goods Yard, Chiltern Green Road, East Hyde	Enforcement Notice - 3m high timber boundary fence at waste transfer station premises.	18-Mar-09	24-Apr-09	24-Jun-09	YES Written Repls Procedure	23-Nov-09	Appeal dismissed Sept 2009 and enforcement notice upheld. Compliance period 2 months	Alternative mesh type boundary fence granted on 25 February 2010. A further application to increase its height to 2.5m with angled wire top was then approved in June 2010 accompanied by an amended landscaping scheme. Unauthorised timber fence yet to be re
3 09/0034	Whitsundoles Farm Broughton Road, Salford	Enforcement Notice - Change of use of agricultural land to a mixed use for the storage of commercial vehicles, the processing and storage of inert waste and aggregates and as a recycling facility	17-Dec-09			YES Hearing Procedure	27-Aug-10	Enforcement Notice Appeals on ground (g) compliance periods upheld. Temporary Planning permission (5yrs) granted for the storage of aggregate and recycling facility and aftercare of land	The Inspector considered that the restoration and aftercare details were of sufficient merit to justify the grant of planning permission subject to various conditions
4 CB/ENC/09/1528	Erin House, Dunstable Road Caddington	Breach of Condition Notice - failure to carry out replacement tree planting as part of aftercare regime for former landraising site	5-Feb-10	05-Feb-10	02-Apr-10	N/A	16-Apr-10	Not complied with in April 2010. Further planting carried out July 2010	The additional planting in terms of type and quality has been assessed as being acceptable. All now in order

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	Date: 25:October:2010	

Scale: 1:2500	Map Sheet No
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Item No. 07

SCHEDULE B

APPLICATION NUMBER	CB/09/06766/RM
LOCATION	Dukeminster Estate, Church Street, Dunstable, LU5 4HU
PROPOSAL	Erection of 172 dwellings, 300sqm of Class A1 retail and 513sqm of Class D1 accommodation (Reserved matters- outline permission SB/OUT/06/00884).
PARISH	Dunstable
WARD	Dunstable Downs
WARD COUNCILLORS	Cllrs Paul Freeman & Tony Green
CASE OFFICER	Mr C Murdoch
DATE REGISTERED	23 December 2009
EXPIRY DATE	24 March 2010
APPLICANT	Lionsgate Properties Ltd
AGENT	Levitt Partnership
REASON FOR COMMITTEE TO DETERMINE	Members request (Development Management Committee 24/03/10)
RECOMMENDED DECISION	Reserved Matters - Granted

Site Location:

The Dukeminster Estate, which has a total area of 6.823ha, is on the north side of Church Street some 580m east of the town centre crossroads. Fronting onto Church Street and excluded from the application site are four office blocks on two sites (either side of the estate access) that have a combined area of 1.43ha - from west to east, Venture House (3 storeys), Unit 4 (4 storeys), Unit 1 (6 storeys) and Unit 18 (5 storeys). The 5.393ha application site lies to the rear of the office blocks. Currently, a number of the 16 buildings that occupy the site are being demolished.

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

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

The Application:

The application seeks approval of reserved matters pursuant to outline planning permission SB/OUT/06/0884 that was granted on appeal in December 2007

following a public inquiry in August 2007. The applicants' parallel application - reference CB/09/06759/REN - that sought a new outline permission to replace the extant outline permission (SB/OUT/06/0884) in order to extend the time limit for implementation was refused in March this year. The outline scheme comprises a residential development for up to a maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to a maximum of 300sqm of Class A1 floorspace and up to a maximum of 520sqm of Class D1 floorspace.

The Unilateral Undertaking associated with the outline permission includes the provision of affordable housing, the submission of a residential travel plan and the payment of contributions towards educational facilities, outdoor sports and built sports facilities, public art and a pedestrian/cycleway.

At outline stage, only access was determined, so the reserved matters for which approval is sought are appearance, landscaping, layout and scale. The new scheme would involve the erection of 172 dwellings, 300sqm of Class A1 retail and 513sqm of Class D1 accommodation. The dwellings mix would comprise 5 two bed flats above garage blocks, 24 two bed flats in part three/part four storeys above the ground floor Class A1 and Class D1 uses (beside the entrance to the site), 68 two bed semi-detached/terraced houses, 48 three bed detached/semi-detached houses and 27 four bed semi-detached/terraced houses.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development.

PPS3 - Housing.

PPS4 - Planning for Sustainable Economic Growth.

PPS9 - Biodiversity and Geological Conservation.

PPS10 - Planning for Sustainable Waste Management.

PPG13 - Transport.

PPG15 - Planning and Historic Environment.

PPG16 - Archaeology and Planning.

PPG17 - Planning for Open Space, Sport and Recreation.

PPS23 - Planning and Pollution Control.

PPS24 - Planning and Noise.

PPS25 - Development and Flood Risk.

Bedfordshire Structure Plan 2011

Policy 25 - Infrastructure.

South Bedfordshire Local Plan Review Policies

BE8 - Design and environmental considerations.

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

T10 Controlling parking in new development.

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

H3 - Meeting local housing needs.

H4 - Providing affordable housing.

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

R10 - Children's play area standard.

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

Planning History

SB/TP/74/0186	Permission for construction of estate road, rehabilitation of existing industrial units, erection of new warehouses and ancillary office accommodation.
SB/TP/85/0933	Permission for generator and fuel storage tank (Unit 5).
SB/TP/86/1384	Permission for vehicle loading dock to existing warehouse and ancillary works (Unit 2-3).
SB/TP/88/1247	Permission for enlargement of five windows in rear elevation of second floor offices (Unit 5).
SB/TP/90/0190	Permission for continuation of warehouse use (Unit 12).
SB/TP/93/0801	Permission for change of use from warehouse to light industrial (Unit 11b).
SB/TP/94/0598	Permission for change of use of vacant compound area to car park (land adjacent Units 12, 13 and 14).
SB/CPD/95/0003	Lawful Development Certificate issued for proposed use of premises for Class B2 general industrial use (Unit 17).
SB/TP/95/0050	Outline permission for office development with parking (land adjacent Unit 18 and rear of Units 12, 13 and 14).
SB/TP/95/0580	Permission for use of land for car parking purposes (land adjacent Unit 15 and rear of Unit 18).
SB/TP/00/1057	Outline application for new industrial units - withdrawn (land adjacent Units 11b, 12, 13, 14 and 15).
SB/TP/00/1105	Permission for fitting of cladding to front elevations (Units 7-10).
SB/TP/02/0230	Permission for additional entrance doors in front and windows in side elevations (Unit 2).
SB/TP/03/0083	Outline application for 4 units for Class B1, B2 and B8 purposes - disposed of (land adjacent Units 11b, 12, 14 and 15).
SB/TP/04/1218	Application for use of site for B1, B2 and B8 purposes and erection of 18.5m high water tower, storage shed, sprinkler tank and pump house, underground water storage tank. Withdrawn.
SB/OUT/06/0884	Refusal for residential development for up to maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to maximum of 300sqm of Class A1 floorspace and up to maximum of 520sqm of Class D1 floorspace. Subsequent appeal allowed.
CB/09/06759/REN	Refusal for renewal of extant outline planning permission SB/OUT/06/0884 in order to extend time limit for implementation in respect of residential development for up to maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to maximum of 300sqm of Class A1 floorspace and up to maximum of 520sqm of Class D1 floorspace. Appeal lodged - public inquiry date pending.

**Representations:
(Parish & Neighbours)**

Dunstable Town
Council

Objection.

The proposal would result in the loss of one of the last of the major employment sites in the town. The Town Council would welcome the development of light industrial units on this site which could be used for start-up businesses. The Town Council are concerned also that with the number of large residential developments in the town and the loss of such employment sites, there will be few opportunities for employment, leading to Dunstable becoming a dormitory town. In addition, the Council are concerned that the access and egress arrangements proposed for the new development are inappropriate and insufficient.

42 Kingsway

Objections, although scheme involving houses rather than flats is far better than previous proposal.

- 231 dwellings will add at least 300 more vehicles to already congested local roads.
- More air pollution and vehicle noise at rear of property from nearby road that runs around new estate.
- Loss of privacy due to elevated level of site in relation to Kingsway.
- Considerable amount of houses/flats built in town that are still empty - town needs places for work, light industry, not more new empty buildings.
- Proposal will drive away wildlife in existing tree belt at rear of Kingsway.

Consultations/Publicity responses

Highways Officer

Given reduction in number of dwellings, current proposal for 172 units would generate less traffic than approved outline proposal for 458 units (SB/OUT/06/0884). Furthermore, revised layout and transport assessment take into account impact of new development on Luton-Dunstable Busway. Transport assessment concludes that there would be no material difference between current proposal and approved outline proposal. Can confirm therefore that new scheme overcomes highway reason for refusal in terms of both its impact on now-approved Luton-Dunstable Busway and its impact on traffic in Church Street. At Section 38 stage, minor alterations to service margins would be sought.
Recommend conditions.

Conservation and
Design Team Leader

Following detailed negotiations over issues of layout, house types and architectural detailing this scheme has been revised and is now considered acceptable to approve.
Recommend conditions.

Anglian Water	<p>Recommends informative in respect of assets affected.</p> <p>Foul sewerage system cannot accommodate flows from development, therefore substantial upgrades would be required. Should Council be minded to approve application, request that 'Grampian style' condition be imposed so that development is suitably phased in line with anticipated improvements to company's sewerage network.</p> <p>Foul drainage from development would be treated at Dunstable STW that at present has available capacity for these flows.</p>
Highways Agency	<p>No objection. Proposal will not adversely affect A5 at this location.</p>
Environment Agency	<p>No comment</p>
Veolia Water Central	<p>Site is located within groundwater Source Protection Zone of Periwinkle Lane Pumping Station - public water supply comprising number of chalk boreholes operated by company. Construction works should be carried out so as to significantly reduce groundwater pollution risk. Such works may exacerbate any existing pollution. If pollution is found, then appropriate monitoring and remediation will need to be undertaken.</p>
Environmental Health Officer	<p>No objection. Recommend conditions.</p>
Joint Technical Unit (JTU)	<p>JTU is currently updating Luton and southern Bedfordshire housing trajectory. Loss of Dukeminster site in its entirety from housing trajectory would make it very difficult indeed to demonstrate 5-year housing land supply. Indeed, losing 284 dwellings from housing trajectory by reducing total to be delivered from 458 to 174 would also have significant impact. Council's position would be greatly weakened at future appeals if it was unable to demonstrate 5-year housing land supply. Dukeminster site is therefore of considerable importance and JTU is keen to see delivery of as much housing as is deemed appropriate here.</p>
Tree and Landscape Officer	<p>No objection. General aims and principles of proposed landscape strategy and choice of planting are acceptable. Earlier concerns about siting of two dwellings in proximity to existing trees have been addressed by deletion from layout of these dwellings.</p>
Sport England	<p>No comments on amended plans.</p>

Play and Open Space
Officer

Although there is no on-site formal open space, financial contribution identified in 2007 Unilateral Undertaking is appropriate.

Given that perimeter tree belt was originally accepted as informal open space, no further informal open space contribution is sought.

Although layout plan indicates that there would be sufficient space on open space near site entrance to fit LEAP (250sqm 5-8yr olds) and LAP (100sqm 3-6yr olds) play areas, would prefer that applicant/developer provides just one full-size LEAP instead, that is, 400sqm for 5-8yr olds. This should be located as far away as possible from houses facing it. Whole open space should be fenced, not just LEAP.

South-western LAP is fine. It should be fenced and have three pieces of play equipment with appropriate safety surfacing plus seat and bin.

Northern LAP is fine, as there now appears to be sufficient buffer space between LAP and nearest houses.

With regards to indoor sports and leisure centres, financial contribution identified in 2007 Unilateral Undertaking is appropriate.

Waste Strategy and
Policy Officer

Individual houses will need to be provided with access to rear of property to allow storage of Council's bin provisions. Communal bin stores serving blocks of flats will need to be approved by Council prior to residents taking up occupancy. Council's policy requires developers to pay for provision of bins for end user.

Bedfordshire Police ALO

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

Planning Obligations SPD advises that in order to meet demand for planned population growth for area, additional police facilities are considered essential in order to reduce crime and maintain community safety. Proposed number and mix of residential units would generate financial contribution of £36,888. Request that for all qualifying developments LPA include within S106 Agreement required financial contribution towards police's ongoing responsibility.

Project Team, Luton-
Dunstable Busway

No objection.

Determining Issues

The main considerations of the application are:

1. Previous refused application - CB/09/06759/REN
2. Town Council's consultation response
3. Design and layout
4. Other matters

Considerations

1. Previous refused application - CB/09/06759/REN

As stated above, the previous application submitted in association with this current reserved matters application sought a new outline permission to replace the existing outline permission - SB/OUT/06/0884 - in order to extend the time limit for implementation. It was refused permission for the following reasons.

1. Circumstances have materially changed since the original grant of planning permission at appeal and the application is not supported by sufficient, up to date, information to demonstrate that increase in traffic flow on Church Street and the provision of the Guided Busway across the site access frontage would not result in traffic from the development creating unacceptable congestion and detriment to the free flow and safety of traffic in the locality.
2. Circumstances have materially changed since the original grant of planning permission at appeal in that Anglian Water advises that the foul sewerage system cannot accommodate flows from the proposed development and are not aware when capacity will become available, but confirm that this is unlikely to be within the standard timescales of a planning permission. If the development were to proceed before further capacity is provided, this may result in environmental and amenity problems downstream. The Environment Agency also confirm that the sewage treatment works is overloaded and that there is an existing problem with combined sewer overflows which this development would exacerbate in the absence of improvements to the sewer system and recommend that no development should commence until a scheme for the improvement and/or extension of the existing sewerage system has been approved. The Council do not consider that in these uncertain circumstances it would be reasonable to grant planning permission subject to a condition requiring the provision of an approved scheme for an adequate sewerage system before the commencement of development.

It is therefore necessary to assess whether or not the current application, which involves a proposal for significantly fewer dwellings, albeit predominantly family dwellings rather than apartments, overcomes these reasons for refusal.

With regards to the first reason for refusal, the Highways Officer advises that given the proposed reduction in the number of dwellings, the current proposal for 172 units would generate less traffic than the approved outline proposal for 458 units (SB/OUT/06/0884). Furthermore, the revised layout and transport assessment take into account the impact of the new development on the Luton-Dunstable Busway. He notes that the transport assessment concludes that

there would be no material difference between the current proposal and the approved outline proposal and confirms that the new scheme therefore overcomes the highway reason for refusal in terms of both its impact on the now-approved Luton-Dunstable Busway and its impact on traffic in Church Street.

In respect of the second reason for refusal, whilst Anglian Water advises that the foul sewerage system cannot at present accommodate flows from the proposed development and that substantial upgrades would be required, the company recommends the imposition of the following 'Grampian style' pre-commencement condition so that development is suitably phased in line with the anticipated improvements to the company's sewerage network.

"Notwithstanding the provisions of Sections 94, 98 and 106 of the Water Industry Act 1991, no development shall commence until details of a scheme, including phasing, for the satisfactory provision of sufficient capacity within the public sewerage system to meet the needs of the approved development have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the scheme so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding."

Anglian Water advises also that the foul drainage from the proposed development would be treated at Dunstable Sewage Treatment Works that at present has available capacity for such flows.

In that Anglian Water is now recommending a pre-commencement condition to address its concerns about the future adequacy of the foul sewerage system in the vicinity of the site, it is clear that the company's comments on the current reserved matters application are materially different from those on the refused renewal of outline application and that the current proposal, subject to the completion of the works required by the recommended condition, would overcome the previous reason for refusal in relation to foul water drainage. It should be noted also that the Environment Agency makes no comment on the application.

2. Town Council's consultation response

With regards to the Town Council's objection, the following points are pertinent.

- The current application is not an application for planning permission. It is an application for the approval of matters reserved by conditions imposed on the existing outline permission - SB/OUT/06/0884.
- The application site is part of the Dukeminster Estate which is designated as a Main Employment Area in the South Bedfordshire Local Plan Review, adopted January 2004, Policy E1 of which seeks to safeguard land and buildings within Main Employment Areas for uses within Classes B1, B2 and B8. Whilst the current application is contrary to Policy E1, the loss of the greater part of the Main Employment Area at the Dukeminster Estate has been established by the grant of the existing outline permission on appeal. Furthermore, although a minor point, the current scheme would include a

small element of employment provision within the proposed retail shop and children's nursery and employment would be created during the construction phase of the new development.

- As indicated in 'Consideration 1' above in respect of application CB/09/06759/REN, when this application was determined by Committee in March this year it was refused on highway safety and foul sewerage grounds, not on the ground of loss of employment land/buildings.
- The Luton and South Bedfordshire Employment Land Review (ELR) was published in January 2008 and forms part of the evidence base for the Joint Luton and southern Central Bedfordshire Core Strategy. The ELR acknowledges the grant of the existing outline permission and in its 'traffic light' assessment of all the employment estates in the joint area, it identifies the Dukeminster Estate as a 'red' estate. 'Green' estates are to be retained in employment use, 'amber' estates are also to be retained in employment use, but require some form of intervention (for example, upgrading or redevelopment) and 'red' estates are considered suitable to be released from employment use. Although the Dukeminster site has locational advantages in terms of accessibility for employees, its position in relation to the town centre requires commercial vehicles to negotiate congested roads. As a consideration, this is likely to discourage a revival of manufacturing or distribution activity. Importantly, in terms of its potential to attract business occupiers, the Dukeminster site lies outside the wards in the town that benefit from Assisted Area status. In addition, there can be no certainty that, if approval of the reserved matters is refused, redevelopment for employment purposes would occur. Even if it did, evidence from recent and proposed developments nearby - at ProLogis Park, Boscombe Road and the Gazeley site (former Renault site) at Boscombe Place (within a ward that benefits from Assisted Area status) - suggests that a large distribution warehouse would be favoured. Issues relating to the site's proximity to existing residential properties to the west and north and its accessibility by commercial vehicles, perhaps exceeding past maximum levels of movement, would then need to be addressed.
- Since December 2007, by virtue of the outline permission granted, the Dukeminster site has been included in the joint Luton and southern Central Bedfordshire housing trajectory and joint strategic housing land availability assessment. The JTU is presently updating the housing trajectory and advises that the loss of the Dukeminster site in its entirety from the housing trajectory would make it difficult for the joint Councils to demonstrate a 5-year housing land supply. Should the current application be refused and, as a consequence, should the joint Councils be unable to demonstrate such housing land supply, this Council's position would be significantly undermined at any future appeals - for example, in respect of the proposed urban extension at West Linlade (Valley Farm, Soulbury) or the proposed urban extension at North West Dunstable.

Whilst the use of the site for largely residential development would result in the loss of the site's potential for employment use, it is considered that the underlying policy purposes of the Development Plan would not be compromised and any Development Plan conflict would be outweighed by the benefits to be derived from the residential development proposed, especially in terms of affordable housing.

3. Design and layout

The design and layout of the proposed development has been the subject of lengthy negotiations. As originally submitted, the application sought approval for 231 dwellings comprising 152 apartments in 4 five storey apartment blocks on the eastern side of the main loop road with the remainder of the site occupied by terraced and semi-detached houses. This scheme was unacceptable for a number of reasons.

- There was an unsatisfactory physical divide between the houses in the west and north and the apartment blocks in the east and these elements failed to tie the site together.
- Generally, whilst variation in building heights and details adds texture to streetscape views, the close proximity of two storey houses and five storey apartment blocks was jarring.
- The apartment blocks had no private communal outdoor open space and it was unclear whether the amenity space adjoining the apartment blocks was public or private space. Where such confusion exists, space is often unused and prone to neglect.
- Car parking was relegated to the rear of the buildings on both sides of the main loop road. The parking courts were poorly landscaped with large areas of tarmac. Some were inadequately overlooked because properties backing onto the parking courts had high boundary fences. The unwelcoming nature of the parking courts was likely to give rise to inconsiderate on-street parking.
- There were other elements within the layout that increased the development's vulnerability to crime - footpaths and access routes to rear parking areas that adjoin rear gardens were likely to facilitate intruder access.

In the revised proposal, approval is sought for 172 dwellings. The 4 five storey apartment blocks on the eastern side of the main loop road have been deleted from the scheme. With the exception of the 24 apartments that would occupy the upper floors above the ground floor retail/children's nursery of the part four/part five storey building beside the site entrance and the 5 flats above garage blocks, the majority of the new dwellings would be two storey two and three bed houses.

The amended proposal indicates an enhanced street and building layout where the buildings adequately enclose the streets and green spaces and the various elements are better integrated. In that the fronts of the buildings would face the street and for the most part the backs of properties would be inaccessible, the new scheme would better define public and private space and reduce opportunities for intruder access to rear gardens. The large rear parking courts of the original proposal have been eliminated from the layout. Where possible, parking would be accommodated on plot; elsewhere garage blocks and grouped parking areas, both at the front and rear of properties, would be small and adequately overlooked. In response to the Highways Officer's initial comments and in order to address any potential problems associated with inconsiderate on-street parking, the revised layout incorporates 48 unallocated visitor parking

spaces. Whilst it is acknowledged that the layout of the current scheme is constrained by the road layout of the permitted outline proposal, it is nonetheless acceptable. Earlier concerns about the appearance and architectural detailing of the proposed house types and apartments block have been addressed such that the Conservation and Design Team Leader considers that the proposal is acceptable.

Local Plan Review Policy H3 states that the proportion of one or two bedroom dwellings to be provided in residential development should be not less than 33% of the total dwelling provision. Given that 56% of the total dwelling provision would be two bedroom dwellings, the proposal clearly accords with Policy H3.

The residential element of the existing outline permission comprises up to 458 dwellings which would be provided at a density of up to 85 dwellings per hectare. In the current reserved matters scheme, 172 dwellings are proposed and these would be provided at a significantly reduced density of 32 dwellings per hectare.

With regards to the impact of the new development on neighbouring residents in terms of loss of privacy, whilst there would be some three storey houses in the northern corner of the layout, the majority of the dwellings near the northern and western boundaries would be two storey houses. In addition, the existing tree belt should offer some screening, particularly when the trees are in full leaf.

4. Other matters

Boundary planting

In response to the Tree and Landscape Officer's comments, the dwellings proposed for Plots 94 and 107 have been deleted from the scheme. It follows that in terms of its impact on existing trees adjacent the western boundary of the site, the amended layout is now acceptable.

Public Open Space/Recreation

The Unilateral Undertaking associated with the outline permission includes the payment of contributions towards outdoor sports and built sports facilities. The Play and Open Space Officer notes that such payments would be calculated from a formula based on the number of dwellings within the reserved matters scheme and advises that these arrangements are appropriate. The Play and Open Space Officer advises further that the proposed play space provision is acceptable. With regards to the play space near the site entrance, the previously proposed LAP and LEAP would be replaced by a full size (400sqm) LEAP for 5-8 year olds.

Waste Management

The outline permission includes a standard condition (set out in the Bedfordshire and Luton SPD, "Managing Waste in New Developments") that requires the submission of a detailed waste audit to manage the waste anticipated during the construction and subsequent occupation phases of the proposed development. At this reserved matters stage, a condition is recommended that would require the submission of details of bin storage and collection points within the new estate.

Crime reduction

In response to the Police ALO's comments, the perimeter footpath/cycletrack

that ran adjacent to rear gardens and rear parking courts in the originally submitted scheme has been deleted from the revised layout. With regards to the request for a financial contribution to be made towards the Police's ongoing crime reduction responsibilities, it should be noted that the application was submitted before 5th January this year and is therefore not subject to the provisions of the Planning Obligations SPD.

Reasons for Granting

The application seeks approval of the reserved matters, the proposed use of employment land for residential purposes having been established by the grant of the existing outline permission. In terms of the layout of the new development and its design, scale, density and overall appearance, the proposal conforms to the relevant Development Plan policies.

Recommendation

That APPROVAL be granted pursuant to Outline Planning Permission SB/OUT/06/0884 in respect of the Reserved Matters referred to subject to the following:

- 1 **The plans and particulars to be submitted in accordance with Condition 5 of Outline Planning Permission SB/OUT/06/0884 shall be submitted before development commences and shall include:**
 - (a) **a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;**
 - (b) **and in relation to every tree identified a schedule listing:**
 - **information as specified in Paragraph 4.2.6 of British Standard BS 5837 : 2005 (*Trees in Relation to Construction - Recommendations*);**
 - **any proposed pruning, felling or other work;**
 - (c) **and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:**
 - **any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see Paragraph 5.2.2 of BS 5837 : 2005);**
 - **all appropriate tree protection measures required before and during the course of development (see Condition 2 below);**
 - (d) **areas of existing landscaping to be protected from construction operations and the method of protection (see Condition 2 below).**
- REASON: To safeguard the existing trees on the site in the interests of visual amenity.**
(Policy BE8, S.B.L.P.R.).

- 2 Development shall not commence until a tree protection plan, which clearly shows the position and build specification of tree protection, with the purpose of enclosing an area around the canopy spread of all retained trees, has been submitted to and approved in writing by the Local Planning Authority. 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 BS 5837 : 2005). These measures shall 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.

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

- 3 No works or development shall take place until a scheme of supervision for the tree protection measures required by Conditions 1 and 2 above has been submitted to and approved in writing by the Local Planning Authority. This scheme of supervision shall be appropriate to the scale and duration of the works, shall be administered by a qualified arboricultural consultant instructed by the applicant/developer and approved by the Local Planning Authority and shall include details of:

- the arrangements for holding a pre-commencement site meeting to be attended by the site manager, the arboricultural consultant instructed by the applicant/developer and the Council's arboricultural officer to agree all aspects of the tree protection measures and aspects of their implementation and sequencing;
- the identification of individual responsibilities and key personnel;
- the timing and methods of site visiting and record keeping, including updates; and,
- procedures for dealing with variations and incidents.

The scheme of supervision shall be carried out as agreed.

REASON: To establish a system that will ensure that acceptable tree protection measures are implemented and maintained thereafter.

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

- 4 If any underground services are required to be routed through the root protection areas of retained trees, such works shall be carried out in strict accordance with the guidance set out in the National Joint Utilities Group's publication "*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 areas of retained trees.

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

- 5 Before the development is first occupied or brought into use, the parking spaces, servicing and unloading areas shown on Drawing No. 2429/101A

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.).

- 6 **Development shall not commence until a scheme for screen fencing and/or screen walling has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**

REASON: To safeguard the amenity of the area.

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

- 7 **Development shall not commence until samples/details of the materials to be used in the construction of the following elements of the proposed development have been submitted to and approved in writing by the Local Planning Authority.**

- **Samples of materials to be used for the external walls and roofs of all new buildings.**
- **Scaled drawings indicating details of all windows and doors and their surrounds, to include details of their materials and methods of opening.**
- **Details of canopies, balconies and roof terraces including their railings.**
- **Details of the size and location of and materials to be used for the rainwater goods.**
- **Details of the boundary treatments for all house plots and for the Class A1 and Class D1 units.**
- **Materials palette for the public realm, to include both adopted and unadopted areas, all street furniture and the parking courts.**
- **Details of all external lighting.**
- **In respect of the proposed play spaces, details of the play equipment and boundary fences; with regards to the play space that would incorporate a LEAP, such fencing shall enclose the entire play space.**
- **Scaled drawings indicating details of the shop front(s) of the proposed Class A1 unit, details of the refuse bin and cycle storage areas serving the proposed building comprising Plots 149-172 and the Class A1 and Class D1 units.**

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

REASON: To control the appearance of the development and to avoid doubt.

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

- 8 **Development shall not commence until details of the existing ground levels within and adjoining the site and details of the finished floor levels of each building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details of levels.**

**REASON: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.
(Policy BE8, S.B.L.P.R.).**

- 9 **Construction works in respect of each phase of the development hereby permitted shall not commence until the positions of the buildings, roads, footpaths and parking spaces that are proposed adjacent the site boundaries are pegged out on site and their positions approved in writing by the Local Planning Authority.
REASON: To enable consideration to be given to the precise layout of the development.
(Policy BE8, S.B.L.P.R.).**
- 10 Any garage, drive through garage, car port and parking space and any access thereto shall only be used for purposes incidental to the use of the dwelling for residential purposes and no trade or business shall be carried out therefrom.
REASON: To prevent the introduction of any commercial use.
(Policy BE8, S.B.L.P.R.).
- 11 No goods, waste, materials or equipment shall be deposited or stored on the site in the open where it would obstruct use of the parking, servicing and unloading areas associated with the proposed Class A1 retail shop and Class D1 children's nursery uses hereby permitted and indicated on the 'Site Plan', Drawing No. 2429/101A (or on any appropriately endorsed revised site plan).
REASON: To protect the amenities of the area and to ensure that vehicle parking, servicing and unloading areas are available for those purposes at all times.
(Policy BE8 S.B.L.P.R.).
- 12 The ground floor of the part four/part five storey building comprising Plots 149 to 172 shall only be used for Class A1 retail and Class D1 children's nursery purposes and for no other purpose in Part A and Part D of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification). The configuration and extent of the Class A1 and Class D1 uses shall be as indicated on Drawing No. 2429/101A (or on any appropriately endorsed revised plan).
REASON: To define the extent of the non-residential elements of the proposed development and to avoid doubt.
(Policy BE8, S.B.L.P.R.).
- 13 **Notwithstanding the provisions of Sections 94, 98 and 106 of the Water Industry Act 1991, no development shall commence until details of a scheme, including phasing, for the satisfactory provision of sufficient capacity within the public sewerage system to meet the needs of the approved development have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the scheme so approved unless otherwise approved in writing by the Local Planning Authority.
REASON: To prevent environmental and amenity problems arising from flooding.**

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

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

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

REASON: To protect human health and the environment.

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

- 15 **To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to the building envelope of the houses and flats hereby permitted as is necessary to achieve as a minimum standard an internal noise level of 30dB LAeq (23.00 to 07.00) and 45dB LAmax (23.00 to 07.00) for bedrooms and 35dB LAeq (07.00 to 23.00) for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB LAeq, 1hr in outdoor amenity areas. Unless otherwise agreed in writing, the effectiveness of the noise attenuation measures shall be demonstrated through validation noise monitoring with the results submitted to and approved in writing by the Local Planning Authority before any dwelling is occupied. Furthermore, the applicant/developer shall identify any windows that need to remain closed in order for the internal noise environment to meet the required standards. Such windows shall be fixed closed and be non-openable with alternative means of ventilation provided for those rooms affected.**

REASON: To protect occupants from externally generated noise.

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

- 16 **Development shall not commence until detailed plans and sections of roads proposed within the site, including the emergency access and including information on gradients, have been submitted to and approved in writing by the Local Planning Authority and no building shall be first occupied until the roads providing access to it from the public highway have been constructed and completed in accordance with the details approved, apart from final surfacing.**

REASON: To ensure that the proposed roadworks are constructed to

an adequate standard.

17 **Development shall not begin until details of the improvements to the junction between the proposed estate road and the highway have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until the subject junction has been constructed in accordance with the approved details.**

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.

18 No dwelling shall be occupied until triangular vision splays have been provided on each side of all accesses on to the new roads. Such vision splays shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's / developer's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

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

19 The development shall not be occupied until a residential travel plan has been submitted to and approved in writing by the Local Planning Authority. Such travel plan shall include:

- Details of predicted travel to and from the site and targets to reduce car use;
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks;
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport;
- A timetable for implementation of measures designed to promote travel choice;
- Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the planning authority;
- Details of provision of cycle parking in accordance with Council guidelines;
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Such welcome packs shall include walking, cycling, public transport and rights of way information;
- Details of the appointment of a travel plan co-ordinator.

No part of the development shall be occupied prior to implementation of those parts identified in the approved travel plan as capable of being implemented prior to occupation. Those parts of the approved travel plan that are identified as being capable of being implemented after occupation

shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

REASON: To promote the use of sustainable modes of transport.

- 20 The maximum gradient of the vehicular access shall be 10% (1 in 10).
REASON: In the interests of the safety of persons using the access and users of the highway.
- 21 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.
REASON: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.
- 22 The driveway length in front of the garages shall be at least 6.0m as measured from the garage doors to the highway boundary.
REASON: To ensure that parked vehicles do not adversely affect the safety and convenience of road users by overhanging the adjoining public highway.
- 23 If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.
REASON: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.
- 24 **Development shall not commence until details of a scheme for the parking of cycles on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before each phase of the development hereby permitted is first occupied or brought into use and thereafter retained for this purpose.**
REASON: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.
- 25 Details of bin storage/collection points shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling.
REASON: In the interest of the amenity of the area.
- 26 **Development shall not commence until details of a scheme for the provision of highway lighting within the site, to incorporate the use of light emitting diodes (LED lighting), has been submitted to and approved in writing by the Local Planning Authority. No building within any phase of the development hereby permitted shall be occupied until the highway lighting serving that phase has been installed in accordance with the approved details.**
REASON: To ensure that the proposed highways are adequately lit.

- 27 **Development shall not commence until details of a scheme to restrict the speed of traffic on the estate roads have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the scheme has been fully implemented in accordance with the approved details.**
REASON: In the interest of road safety.
- 28 Fixed plant associated with the proposed development must be designed to a level which is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise shall be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant are to apply at a position 1m from the closest affected window of the relevant noise sensitive property.
REASON: To prevent nuisance from noise and to safeguard the amenities of the area.
(Policy BE8, S.B.L.P.R.).
- 29 **Development shall not commence until details of the treatments proposed for the boundaries of the site with adjoining residential and commercial land uses have been submitted to and approved in writing by the Local Planning Authority.**
REASON: To control the appearance of the proposed development in the interests of safeguarding the amenities of the surrounding area.
(Policy BE8, S.B.L.P.R.).
- 30 The low brick wall on the north-eastern side of the tree belt adjacent the western boundary of the site shall be retained in its existing position and at its existing height and length. There shall be no reduction in its height or length and no sections of the wall shall be removed without the prior written approval of the Local Planning Authority.
REASON: To safeguard existing trees on the site.
(Policy BE8, S.B.L.P.R.).
- 31 In respect of the building comprising Plots 149 to 172 and the Class A1 and Class D1 units, no tanks, structures, extractor flues and vents, air conditioning units, telecommunications masts and aerials and satellite dishes shall be installed on the roofs or walls of the building without the prior written approval of the Local Planning Authority.
REASON: To control the appearance of the building in the interests of the amenity of the area and to avoid doubt.
(Policy BE8, S.B.L.P.R.).
- 32 Notwithstanding the details submitted with the application, further particulars of the hours of opening of the proposed Class A1 and Class D1 units and the arrangements for servicing the units shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To control the development in the interests of the amenity of the area.
(Policy BE8, S.B.L.P.R.).
- 33 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans numbered 100A, 101A, 102, 103, 104, 105, 106, 107, 108, 109A, 110A, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126,

127, 128, 129 and 130.

REASON: To identify the approved plans and to avoid 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 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:

Bedfordshire Structure Plan 2011

Policy 25 - Infrastructure.

South Bedfordshire Local Plan Review Policies

BE8 - Design and environmental considerations.

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

T10 Controlling parking in new development.

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

H3 - Meeting local housing needs.

H4 - Providing affordable housing.

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

R10 - Children's play area standard.

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

2. In accordance with Article 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 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. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. The site layout should therefore take this into account and accommodate those assets within prospectively adoptable highways or public open space. If this is not practicable, then the applicant/developer will need to ask for assets to be diverted under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
5. The applicant/developer is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from

the Central Bedfordshire Council's Highway Help Desk, P.O. Box 1395, Bedford, MK42 5AN.

6. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run-off calculations shall be submitted to the Development Planning and Control Group, Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford MK42 5AN. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

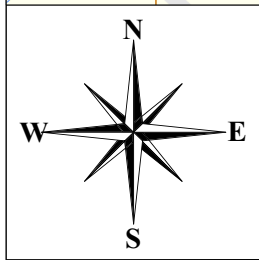
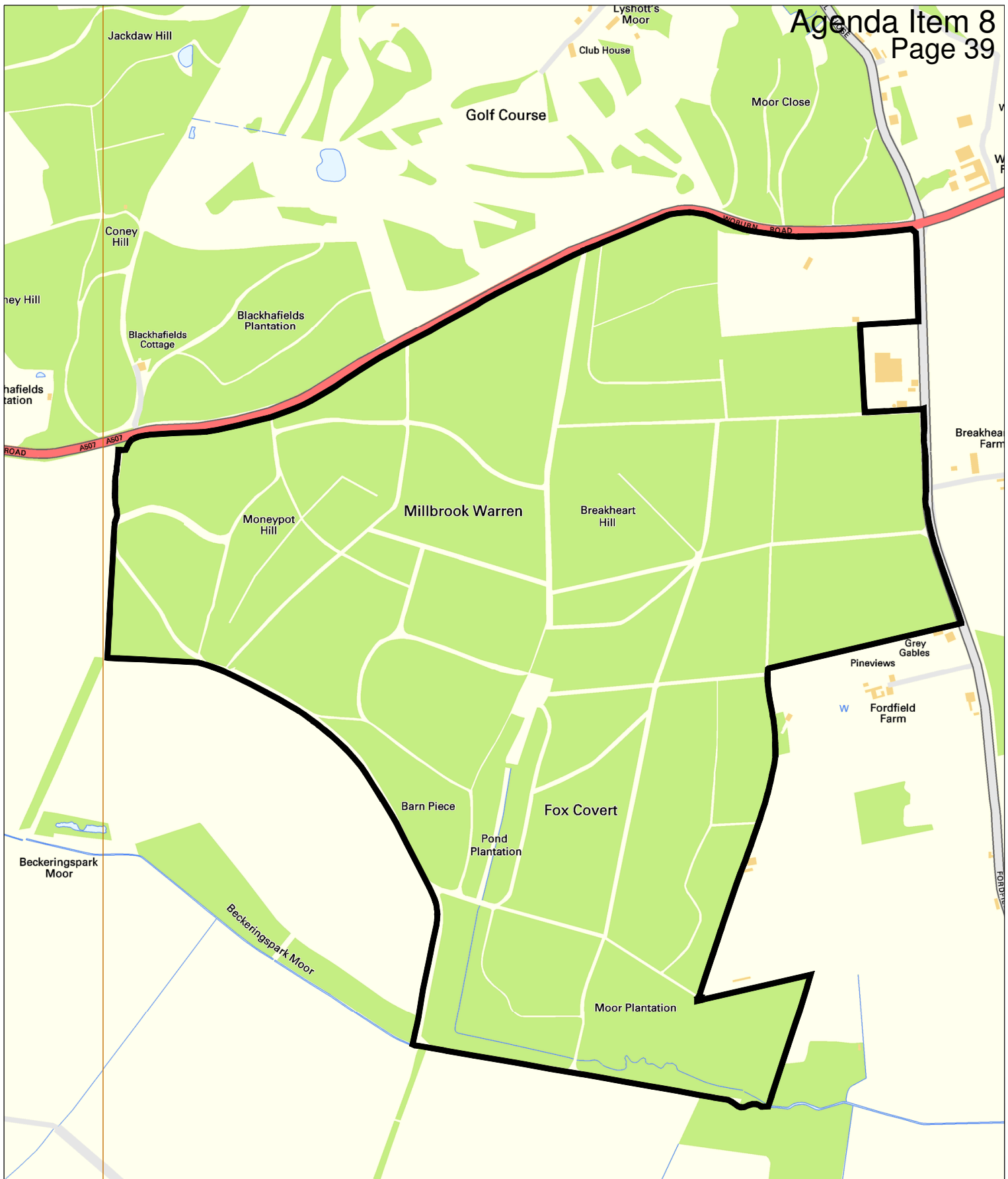
7. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "*Design in Central Bedfordshire: A Guide to Development - Design Supplement 7: Movement, Streets and Places*" and the Department for Transport's "*Manual for Streets*", or any amendment thereto.

DECISION

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Central Bedfordshire Council
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Date: 26:October:2010

Map Sheet No

CASE NO.

Scale: 1:9999

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Item No. 08

APPLICATION NUMBER	CB/10/03096/RM
LOCATION	Warren Wood, Fordfield Road, Millbrook
PROPOSAL	Reserved Matters: Development of the land as a forest holiday village including 700 villas, 75 bedroom hotel, 12 bedroom spa accommodation, central buildings and facilities, staff accommodation, 1400 space car park, main access onto Fordfield Road, engineering operations and lakes, hard and soft landscaping and forest management works together with associated works and activities (pursuant to outline planning approval MB/08/00614/FULL dated 30 June 2008). Matters to be considered are appearance, landscaping, layout and scale.
PARISH	Millbrook
WARD	Amphill
WARD COUNCILLORS	
CASE OFFICER	Dee Walker
DATE REGISTERED	26 August 2010
EXPIRY DATE	25 November 2010
APPLICANT	Center Parcs (Operating Company Ltd)
AGENT	NTR Planning
REASON FOR COMMITTEE TO DETERMINE	
RECOMMENDED DECISION	Reserved Matters - Granted

Major application with public interest

Site Location:

The site is located on the southern side of the A507 to the south of Millbrook village. It comprises of an area of mainly coniferous woodland amounting to a total area of 138.0 hectares. The woodland is surrounded on its east, south and west sides by open farmland. Further woodland, incorporating the Millbrook golf course, lies to the north on the opposite side of the A507.

Outline planning permission (MB/05/01066/OUT) was granted by the Secretary of State on 5 September 2007 and a subsequent Section 73 application (MB/08/00614/FULL) was granted on 30 June 2008 for the development and use of the land as a forest holiday village including 700 villas, 75 bedroom hotel, 12 bedroom spa accommodation, 1400 space car park, main access onto Fordfield Road, engineering operations and lakes, hard and soft landscaping and forest management works together with associated works and activities.

The Application:

The application seeks reserved matters approval for the development of the land as a forest holiday village with all the above associated works and activities pursuant to planning approval MB/08/00614/FULL dated 30.08.2008. The principle of the proposal including the location and access has already been determined and the only matters to be considered within this application are appearance, landscaping, layout and scale.

RELEVANT POLICIES:

National Policies (PPG & PPS)

- PPS1 Delivering Sustainable Development (2005)
- PPS 5 Planning for the Historic Environment (2010)
- PPS 7 Sustainable Development in Rural Areas (2004)
- PPS 9 Biodiversity and Geological Conservation (2005)
- PPS25 Development and Flood Risk (2006)

Regional Spatial Strategy

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

Bedfordshire Structure Plan 2011

N/A

Central Bedfordshire Core Strategy and Development Management Policies 2009

Policies CS14, Central Bedfordshire Adopted Core Strategy and Development
CS16, CS17, DM3, Management Policies (2009)
DM14

Supplementary Planning Guidance

None

Planning History

MB/05/01066	Outline: Development and use of the land as a forest holiday village including 700 villas, 75 bedroom hotel, 12 bedroom spa accommodation, 1400 space car park, main access onto Fordfield Road, engineering operations and lakes, hard and soft landscaping and forest management works together with associated works and activities (All matters reserved except means of access) – Refused 05.07.2006 Appeal Dismissed (APP/J0215/A/06/2024005) – 23.05.2007 Secretary of State – Granted 05.09.2007
MB/08/00614	Section 73 Determination: Variation of condition 15(b) of planning permission 05/01066/OUT – Approved 30.06.2008

This determination is, in effect a power to discharge or amend planning conditions but its actual legal effect is to issue a wholly new planning permission. A determination under this section does not affect the existing planning permission.

**Representations:
(Parish & Neighbours)**

Millbrook PC (MPC)

Re-iterate their comments of the original proposal:

1. If it results in getting the Millbrook roundabout then sooner the better;
2. MPC wanted to ensure that signage on the roundabout made it clear that there should be no oversized vehicles going through the village to the proving ground;
3. MPC wanted signage in the roundabout area pointing towards the church (big issue as no signs on A507), concerns whether emergency services would find it;
4. MPC wanted the bridleway, cycle path and footpaths around the development all separated so users were kept separate (even just low hedges/fences) It is known that the local walking group are very vocal in their request;
5. MPC did not want the upgrade of footpath 10 (or 11) to go ahead. The path is known locally as 'Chapel Path' and is currently approx. 1.0m wide. To upgrade would be a huge undertaking for what was seen as very low usage. Local horse owners that have been spoken to agree that this is not suitable for a bridleway, it exits straight onto the village road.

Steppingley PC (SPC)

Following comments were received:

1. Application appears deficient in that it is an application for approval of matters reserved under approval MB/08/00614/FULL (Variation of a condition) whereas the substantive application to which the various plans now submitted was that contained in the Secretary of States letter of 05.09.2007 (MB/05/01066/OUT);
2. Whether the applicant has addressed those matters of concern contained in the report of the Planning Inspector together with the report of Mr Peter Millman concerning the closure of FP1 and variation to BW21;
3. The applicant has secured simply the principle of permission for this development within the greenbelt, it is insufficient for the applicant not to have addressed those matters of particular concern namely materials, lighting and sound intrusion;
4. SPC request that no materials should be used which are visible from outside the wood which would be of urban quality and woodland;
5. No information as to the control of skyglow and light intrusion i.e. light spilling beyond the boundary of the property on which the light is located, including light

shining through windows and curtains or any mitigation. This is clearly a matter distinct from the requirement for approval pursuant to planning condition 10. light emission from this development has always been a major concern given that Steppingley is one of the few remaining 'dark sky' zones in this vicinity. SPC asks the applicant to address this concern;

6. SPC can find no details concerning sound attenuation and mitigation. Without adequate measures the green belt, and landscape qualities on which this development is proposed will sustain serious and inappropriate change;
7. SPC ask the agent to provide the citation for 'the House of Lords in Barker';
8. Drawing WSW-L-L-94-211 provides insufficient information to enable it to be ascertained whether the findings of Mr Millman in his 13.02.2009 decision have been sufficiently addressed and therefore asks for proper and adequate information to be submitted that may enable an informed decision to be made as this aspect;
9. Confirmation that no development on this site will commence prior to the completion of the construction of both the Millbrook and Steppingley roundabouts.

Flitwick TC

Town Council supports this application. However concerns remain with regards to additional vehicular movements within the town and that the installation of the roundabout at Millbrook crossroads is undertaken prior to the start of development.

Amphill T C

The application is supported

Aspley Guise PC

No comments received

Eversholt P C

No comments received

Husborne Crawley PC

No comments received

Lidlington PC

No comments received

Marston Moretaine PC

No objections

Ridgmont PC

No comments received

Westoning PC

No comments received

Woburn PC

No comments received

Adjacent Occupiers

Robinson & Hall, Bedford

Representation made on behalf of their client, an adjacent land owner.

Their client supports the principle of the development but has concerns regarding the proposed layout. The drawing shows the siting of several holiday lodges and staff accommodation. These will be within close proximity to existing agricultural operation which may cause potential nuisance issues and complaints being raised in the future. Issues could be raised in relation to potential odour and other nuisance associated with keeping livestock. Furthermore, the Town & Country Planning (General permitted Development) Order revokes any permitted development rights for the erection of buildings for agricultural uses which may cause nuisance issues (such

as slurry tanks, livestock buildings) which are within 400.0m of residential accommodation. It is therefore requested that when considering the layout of the proposed lodges and staff accommodation, the following options are considered:

1. The layout of the proposed site is altered so that all accommodation is situated 400.0m from existing agricultural operations;
2. The applicant provides conclusive evidence that the risk of any potential complaints arising from this adjoining land use has been considered and assessed.

Consultations/Publicity responses

Site Notices Posted	31.08.2010 – Byway signpost at A507 31.08.2010 – Footpath sign at A507 crossing 31.08.2010 – At site entrance, Fordfield Road
Newspaper Advert	10.09.2010
Ampthill & District Preservation Society	No comments received
Anglian Water Services Ltd	No objections raised
Bedfordshire Police Architectural Liaison Officer	No objections raised
I.D.B	No comments received
Beds Rights of Way Association	No comments received
Building Control	No comments received
CPRE	No comments received
Countryside Access Service	No comments received
Cycling Campaign	No comments received
Disability Discrimination Officer	No comments to make with regards to disabled access
Environment Agency	No comment to make on this reserved matters application
Fire Safety Dept.	No objection to the application
Flitwick Local History Society	No comments received
HSE	No comments received
Marston Vale Community Forest	Comments received regarding the funds secured by the Section 106 Legal Agreement towards woodland creation.
Ramblers Association	No comments received
Minerals & Waste	No comments received
Natural England	No comment to make on this application but this should not be interpreted as a statement that there is no impacts on the natural environment
Public Protection Team	No comments to make on this application
Rights of Way Officer	No comments received
RSPB	No comments received
Sustainable Growth/Climate Change	No comments received
Sustainable Transport,	No comments received

Cycling & Walking
Team

British Horse Society	No comments received
Greensand Trust	No comments received
Tree & Landscape Team	No comments received
Waste/recycling Team	No comments received
Wildlife Trust for Beds	No comments received
Other third party	<u>Network Rail</u> – no observations to make

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Landscape & Visual Implications
3. Appearance
4. Layout
5. Scale
6. Conclusion
7. Other Considerations
 - 7.1 Transport Implications
 - 7.2 Ecology and Nature Conservation
 - 7.3 Archaeology & Cultural Heritage Assessment
 - 7.4 Land Use & Forestry
 - 7.5 Noise & Vibration Assessment
 - 7.6 Air Quality Assessment
 - 7.7 Light Effects
 - 7.8 Geology & Soil Conditions
 - 7.9 Water Resources
 - 7.10 Energy Utilities
 - 7.11 Economic & Tourism Assessment
 - 7.12 Recreation & Community Resources
 - 7.13 Waste

Considerations

1. Principle of Development

Outline planning permission was granted by the Secretary of State for Communities and Local Government on 5 September 2007 under planning ref: MB/05/01066/OUT subject to conditions and a Section 106 Legal Agreement.

In 2008, Center Parc's submitted a section 73 determination for the variation of the wording to condition 15(b) of the outline consent MB/05/01066/OUT. The original wording of condition 15(b) states:

'No construction work shall take place during the bird nesting season as defined by section 2 of the Wildlife and Countryside Act 1981'.

The applicant requested to vary the wording to:

'No clearance of vegetation shall take place during the bird nesting period of March to July inclusive, unless a survey of the clearance area has been

submitted to, and approved in writing by, the Local Planning Authority, demonstrating that there are no birds nesting within the clearance area.'

The application was approved on 30 June 2008. Under Section 73 of the Town and Country Planning Act 1990 an application may be made to the Local Planning Authority for the development of land without compliance with conditions subject to which a planning permission was granted. It is, in effect a power to discharge or amend planning conditions but its actual legal effect is to issue a wholly new planning permission. A determination under this section does not affect the existing planning permission.

The principal of the Center Parc's development in the countryside and in green belt was considered at the outline application stage. The application was allowed by the Secretary of State following an Inquiry and it is not within the scope of the Local Planning Authority to re-visit these issues within this application. This reserved matters application is therefore solely dealing with the landscaping and layout of the site together with the design, siting and external appearance of all buildings on the site.

Condition 4 attached to planning permission MB/08/00816/FULL set out the gross external floor space for some of the buildings on site. The condition requires that the development and all reserved matters application pursuant to the outline planning permission shall not materially depart from such figures. Overall, the floor space for the specified buildings is less than the total set out within condition 4. Although the technical services building and arrivals lodge are slightly larger, it is not considered to be a material departure for that approved.

2. Landscape & Visual Implications

The applicant has submitted extensive landscaping details and these have been subject to pre-application negotiations to ensure the correct level is achieved. It is the applicant's ethos that their holiday villages are encompassed within woodland and as such they have worked to maintain a good level of forest cover and natural features on the site. The most significant landscape features are the undulating topography position, extensive woodland cover and its location within designated green belt. These were considered in great detail within the ES.

The ES itself addressed issues such as tree cover, public rights of way and access, views from settlements and public rights of way, effect on locally designated landscape and general effect on green belt. The master plan was developed to minimise adverse landscape and visual effects through the siting of buildings and infrastructure as well as assessing the qualities of the forest cover on site. The ES concluded that the overall effects would generally be minor to no effect in the short term and would be reduced to generally no effect in the long term (within five years).

The site master plan submitted with the reserved matters application and the location zones of the buildings was agreed by the Secretary of State, the site topography has influenced the design of the buildings which work with the land and no buildings are to be visible over the top of the retained forest cover. The site is to remain a wooded element in the landscape and the landscaping plan encompasses a mix of additional woodland planting, under planting and the introduction of heathland. The presences of landscaping bunds are a new feature to this area, however they were considered within the inspectors report

and they were considered capable of being assimilated into the current landscape.

The Public Rights of Way will be affected through the diversion order as well as the newly created routes. The ES concluded that initially there would be a minor to no effect impact in the short term reducing to no effect in the long term. New woodland under planting is proposed and as this continues to establish in the longer term, it will screen any built form within the site and maintain attractive walks within a wooded environment.

The visual impact to local settlements was considered minor to no effect in the short term reducing to no effect in the long term within the ES. Settlements highlighted within the ES were Millbrook, Steppingley, Amphill and Flitwick. The development of the master plan and careful siting of built form has mitigated through design this visual impact. Additional planting and screen bunding (where appropriate) will lessen any impact as it becomes established. The Landscape Partnership acting for the Council, has reviewed the submitted landscaping details and although considers them satisfactory in respect of level of landscaping, made comments with regards to screen bunding and the layout of the new bridleway adjacent to the A507 and these are set out below.

Screen Bunding

The Landscape Partnership noted that although the landscaping details set out the location and footprint of the screen bunding no further details have been provided with regards to their profile and height. Although it is considered that the proposed location of the bunding is acceptable, a condition will be attached to any consent granted for further details on the height and profile of the bunding to ensure the screen bunding is profiled to form natural contours and to avoid appearing 'engineered' especially at the ends of the bunds which should slope down gently and tie into existing ground levels. They also note that there is some additional bunding in places and some to be reduced near to the energy centre. This is considered acceptable changes.

Furthermore, it is noted that the landscaping plans shows additional screen bunding over the summit of Fox Covert (adjacent to lodge clusters 4, 5, 6 and 7), which was previously shown on the lower slopes only. A high mound will appear incongruous in this location and as such a condition will be attached to any consent granted to modify the screen bunding to the lower slopes only, as set out in the outline parameter plans.

Layout of Bridleway

The Landscape Partnership raised a concern with regards to the route of the proposed bridleway adjacent to the A507 against the presence of WW1 trenches. This route was a matter agreed by the Planning Inspectorate at the Public Inquiry and as such cannot be re-visited within the remit of this application.

Condition 11 attached to planning permission MB/08/00614/FULL is an informative for the reserved matter application and part (e) requires no bunding to be near deciduous trees. The landscape details shows some bunding adjacent to lodge clusters 10, 11 and 15 (south east edge of the site), which will be near to a couple of clusters of deciduous trees. This has been considered by the Tree and Landscape Officer and as it does not go outside the scope of the

overall landscaping details. The overall material impact is not considered significant that it would depart from the approved parameters.

To summarise, the landscape details submitted for approval are considered to provide what the ES envisaged and are considered acceptable to the Local Planning Authority.

3. Appearance

The appearance of the buildings will compliment this rural location by the use of materials proposed, namely stain cedar cladding, stone effect masonry, rendered and cedar shingle roof. The location of the buildings has worked with the existing topography of the site to ensure that they blend into the woodland appearance. Given their location, they will not be visible above the tree cover or prominent from any public viewpoint.

The lodges differ in height to enhance the occupiers experience while staying at the forest village. The roof of the lodges have been amended from flat to pitched, which in turn has resulted in an overall height difference. However, this is not considered to have materially departed from the outline and on visual impact grounds is acceptable.

It is acknowledged that at certain points along the Public Right of Way around the site, lodges will be visible through the tree cover but given the topography of the site and the landscape enhancements, this will diminish in the long term.

Policy CS14 requires development to respect the local context, the varied character and the local distinctiveness of Central Bedfordshire's places, spaces and buildings. The proposals have been located so as to minimise visibility of proposed buildings and structures and to retain woodland and other vegetation. The proposed development would therefore retain the existing character of the area to a great extent and accord with policy CS14.

4. Layout

The layout of the site was agreed by the Secretary of State within the parameter plan set out in the ES. This drawing set out the zones for each of the main buildings, lodge clusters and associated access routes. All the main buildings are in accordance with the parameters plan and although over the development of each building minor changes have been made these are still within the relevant building envelope. The car park layout has been altered to provide a more workable access to ensure vehicles can draw off the highway while waiting on changeover days. However, the revised layout is acceptable and within the parameters plan.

The location of lodges have been altered to work around the trees on site, this is considered acceptable in order to retain the maximum amount of tree cover.

Overall, the layout of the site is the same as the parameter plan and the amendments that have been made are not considered to be to the detriment of the site.

5. Scale

The parameter plan in the ES set out the envelopes for the buildings as well as detailing height parameters. The main centre buildings have been set well within

the land to ensure that they do not appear of the tree cover and by building the into the design it ensures the scale of the buildings are kept to a minimum. The level of buildings on site has not altered and therefore the overall scale of the development is in accordance with the ES.

6. Conclusion

In conclusion the details for the landscaping, appearance, layout and scale are considered to accord with what the ES envisaged and conform to policies CS14, CS16, CS17, DM3 and DM14 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009.

7. Other Considerations

The following matters are details dealt with as part of the ES and although do not form part of the approval of this application, are just as important to ensure the development accords with the ES. However, most of the matters below have been considered in detail through conditions attached to the outline application.

7.1 Transport Implications

A Transport Assessment was submitted as part of the Environmental Statement (ES) to examine the implications of the proposed development on the transport network. The normal pattern of Center Parc's operation is for guests to arrive and leave on designated changeover days, these being Mondays and Fridays. Whilst the development will generate additional traffic, a number of improvements and mitigation measures have been included to deal with the traffic. The ES concluded that worse case scenario would be a moderate/minor adverse impact.

As part of the Section 106 Legal Agreement, there are to be improvements to the A507 as well as the submission of a Construction Travel Plan and Holiday Village Travel Plan to address the issue of intensification of traffic and how it will be controlled. The Travel Plans encourage the use of sustainable modes of transport for both the construction and operational phase of development. The Sustainable Transport Team were consulted on the travel plans and found them acceptable.

The improvements to the A507 are required to be completed prior to the commencement of development on site and therefore the locality will benefit from this improvement before any additional traffic is created. The entrance to the site has been improved to include a link road to ensure that visitors entering the site on changeover day can wait within the site grounds rather than on the highway. The Local Highway Authority has been involved with this revised and the overall highway works and considers them satisfactory in highway terms. It is therefore considered that the local road network will not be significantly affected by the development.

Both the Millbrook and Steppingley Roundabouts form part of the Section 106 and 278 Legal Agreements and as such do not form part of this application. The delivery of these is set out within the relevant legal agreements.

7.2 Ecology and Nature Conservation

The site's woodland are designated as a County Wildlife Site (CWS) although this designation does not necessarily reflect the current ecological value of the area. The ES identified pockets of protected species (lizard, badger, and lesser

spotted woodpeckers), veteran and other broadleaved woodlands, woodlands and other habitats such as remnants of an ancient boundary hedgerow. Where necessary these were protected in the design of the proposal. The only feature that will be affected is the remnant lizard population, which was moved into the reptile protection zone in the north east corner of the site until such a time after construction is complete.

The ES also set out the mitigation measures to protect and enhance the ecology and nature conservation of the site that included no construction works within 20.0m of any badger sett, no veteran broadleaved trees will be affected, nesting sites used by lesser spotted woodpeckers are to be retained with a 30.0m buffer zone and no development will affect the remnant hedgerow.

A condition was attached to the outline permission for the submission of a Forest and Ecology Management Plan and this was reviewed by the Councils Tree and Landscape Officer and Ecologist. They concluded that it was a very thorough document utilising tried and tested methods from other Center Parc's forest villages. They encourage the retention of veteran trees and the exclusion of development from the majority of Breakheart Hill to prevent disturbance to the badgers. The value of the County Wildlife Site is mentioned as being for its potential for heathland redevelopment and given that this forms part of the overall landscape enhancement programme they supported the plans proposed.

In policy terms, policy CS16 requires the varied countryside character and local distinctiveness, as identified in the Mid Bedfordshire Landscape Character Assessment, to be conserved and enhanced. Woodlands, including ancient and semi-natural woodland, hedgerows and veteran trees should be conserved and woodland created within the Forest of Marston Vale. The proposals seek to retain woodland and specifically veteran trees within the site and will have very little impact on the character of the landscape within with the Center Parc's development will be located.

7.3 Archaeology & Cultural Heritage Assessment

The site contains no nationally important archaeological sites (Scheduled Ancient Monuments) and the background work for the ES indicated that there were very few archaeological remains, listed buildings or other heritage features occurring on or in close proximity of the site. The ES concluded that there will be no significant direct or indirect effect on archaeological remains or on any of the listed buildings in the wider area of the site.

As part of condition 14 attached to the outline permission, a written scheme for the method statement, evaluation trenching and mitigation of the archaeological investigation on site was submitted. This was subsequently approved following consultation with the relevant Archaeological Officer at that time. It concluded that should any excavation result in remains being found, these would be recorded together with any other evidence on the site.

The siting of buildings is relatively similar to the illustrative layout plan within the outline application. As further investigations are required before and during the construction phase, it is considered that this matter will be monitored throughout.

7.4 Land Use & Forestry

The existing land use of the site comprises or a private commercial coniferous

forest managed under a clear fell rotation system working to an agreed forest management plan registered with the Forestry Commission. The site also includes a small area of pasture to the north east. The main impacts will be mature evergreen tree loss through thinning and removal of areas of young compartment growth mainly as a result of the development of the centre buildings, ancillary buildings, lodges and car parking. The ES concluded the impact would be minor to moderate adverse in the short term and minor beneficial in the longer term.

A Forest and Ecology Plan that was submitted for condition 19 detailed the management of the woodland as well as the establishment of new woodland planting and general understorey planting. The Tree and Landscape Officer has been continuously involved with the project since the outline stage and considers the level of detail satisfactory.

7.5 Noise & Vibration Assessment

The ES outlined the possible impacts of the construction and operational phases in respect of noise and vibration. Within the construction phase works will take place over a limited timescale and only during permitted hours. The impacts were only considered to be moderate in the vicinity of the site entrance and minor adverse closer to the centre of the site. There were no significant impacts anticipated with regards to vibration. During the operation of the site, a minor adverse residual impact was concluded taking into account the perceptible increase in road traffic noise on changeover days, onsite plant and equipment.

A Construction and Environmental Plan was submitted to outline a number of issues that will be affected by the construction of the development – protection of habitats, tree protection, hours of work, traffic routing, air quality, parking, wheel cleaning facilities, on site routes and storage of hazardous waste. The Public Protection Team was consulted on the plan to ensure that the details according with the Council's standard for noise levels. They were satisfied that there will be no adverse noise or vibration impact as a result of the development.

7.6 Air Quality Assessment

The ES considered both construction and operational phases of the development. It was concluded that the traffic associated with the development was predicted to increase air pollutant concentrations by a very small amount would not compromise existing Air Quality Standards. The assessment within the ES also included on site heating. Overall, the resultant impact on air quality is considered to be neutral.

Air quality was considered within the Construction and Environmental Plan in respect of mitigating against any sources of dust arising from on site vehicle movements. The Public Protection Team raised no objections.

7.7 Light Effects

Two main effects were considered within the ES: the intrusion of light and the effects on the landscape, coming primarily from direct light sources and illuminated buildings, and the potential for light pollution to affect the view of the night sky (sky glow). The development incorporated tried and tested principles used on existing Center Parc's villages to minimise glare and upward distribution of light. Lighting within the construction phase will be planned under strict guidelines and overall the impact was considered as no significance.

Consultation raised a concern with the lighting of the development. Consideration has been given to this issue under a condition attached to the outline permission. The Public Protection Team was consulted on the Lighting Strategy submitted and was satisfied with the proposals as well as the mechanism to mitigate against any impacts that occur once the site is operational.

7.8 Geology & Soil Conditions

The Woburn Sands Formation outcrops across almost the whole of the site overlying Oxford Clay at depth. The ground investigation completed for the ES did not encounter any hazardous substances or signs of pollution/contamination. In order to limit the visual impact, the two centre buildings will be constructed at levels that require excavation below existing ground levels. The excavation will be completely in the Woburn Sands and the excavated material will be re-used elsewhere on site, in fill used principally for the construction of the lake-retaining embankment and noise bunds. In order to minimise tree loss arising from any excavation, excavated slopes around the main centre buildings will be vertical or near-vertical and will use contiguous bored piling, interlocking timber or other retaining wall techniques in order to retain the soil.

The lodges will be constructed at levels to suit their location on the site and a number of variations of foundation details have been submitted to cover all types of floor platforms throughout the site to minimise damage to tree roots.

Once construction is complete there will be no further changes on the geology or geomorphology of the site.

7.9 Water Resources

The site is underlain by an important aquifer which exists within the Woburn Sands. Groundwater can be found at depths up to 10.0m and there are springs on the southern side feeding ditched that flow to Steppingley Brook on the southern boundary. The development will increase the rate of run-off from built areas but this will be mitigated by adopting infiltration drainage (soakaways and swales) and by directing run-off from the main building centres into the lower lake to control the rate of flow into Steppingley Brook. There are no foul sewers within the proximity of the site that could serve the development but there is a public sewage treatment works to the east between Ampthill and Flitwick. The applicant is to construct an on-site treatment plant which would produce a high quality effluent that will be recycled to the lower lake. This issue is currently being finalised with Anglian Water under the details of condition 9 attached to the outline permission.

The lakes will be constructed in accordance with the Reservoirs Act 1975, which sets out design standards and procedures intended to minimise the risk of failure. In this case the risk of flooding due to failure is considered to be low.

7.10 Energy Utilities

The ES sets out the provision of an on-site combined heat and power plant as part of their Sustainability Strategy. The planning of on site infrastructure and services will use existing roads and tracks to avoid damage to trees. Impacts on the local environment are expected to be of minor adverse impact; however reinforcement of local infrastructure could potentially improve reliability of

services to the immediate area and may have a minor beneficial impact.

The reserved matters application includes an energy centre that will initially house gas boilers in the interim. However, the Local Planning Authority would look favourable on Center Parc's provision for an on-site combined heat and power plant as this would seek to comply with Policy DM1 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009.

7.11 Economic & Tourism Assessment

This issue was decided by the Secretary of State and the ES considers the impact as a major benefit. The design and construction phase is very important although it is only a short term impact into the economy. The ongoing operational phase not only maintains the economic element but also has a benefit to tourism. As part of the S106 obligations a local employment plan and local sourcing plan was submitted to detail how the applicant would encourage local businesses and residents to apply for jobs and tender for supply contracts. The Economic Growth Team was involved from the early stages to assist Center Parc's in the detail of the documents and was satisfied with the final version, which was subsequently approved.

Center Parc's forest holiday villages supply a unique product to the short breaks market. The existing four holiday village sites have a demand throughout the year. The application site is appropriate for the ethos of Center Parc's as their sites are encompassed within woodland. The site layout has been designed so that outdoor activities are an integral part of the village.

7.12 Recreation & Community Resources

The site forms part of the north south public rights of way links extending between the Bedford Estate and surrounding network and the Greensand Ridge and Ampthill Park to the north. The site itself is a private woodland crossed by one footpath and one bridleway and defined to its western edge by a byway.

Following a public enquiry, the relevant public rights of way have been diverted to result in a circular route around the site. The whole site will therefore be available to guests for the enjoyment of outdoor and countryside pursuits with no spill over effect on local open space or adjoining public rights of way network. The ES concluded that the overall effect would be one of minor benefit.

The reserved matters application includes the new public right of way routes that have been finalised in agreement with the Council's Rights of Way Officer. They have ensured that the phasing of works together with the result network is to the benefit of the local community. Policy CS17 seeks a net gain in green infrastructure through the protection and enhancement of assets and provision of new green spaces. Rights of way within the woodland will be retained, as will the woodland itself, protecting it as an asset to the area and part of the local green infrastructure provision.

7.13 Waste

The ES highlights the applicant's commitment to achieving targets for recycling at their existing forest villages. From the start of construction onwards during operation, waste will be produced and this will be managed to ensure as much of it is recycled which is economically viable to do so. The storage of waste

awaiting collection is to be in service yards within sealed waste compactors.

The measures have been designed into the final layout to ensure the service yards can accommodate such storage facilities as well as movement of delivery vehicles. Their main centre buildings are set well within the site and therefore not within the view of the public realm.

Reasons for Granting

In conclusion, the details of the scheme for landscaping, layout, scale and appearance are in conformity with Policies CS14, CS16, CS17, DM3 and DM14 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005), Planning Policy Statement 5 (2010), Planning Policy Statement 7 (2004), Planning Policy Statement 9 (2005) and Planning Policy Statement 25 (2006). It is therefore considered **acceptable** and that approval should be granted for the reserved matter details subject to conditions.

RECOMMENDATION

APPROVE the reserved matter details for the application set out above subject to the following condition(s):

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following submitted plans, numbers:
 WSW-L-L-91-200, WSW-L-L-91-201.1, WSW-L-L-91-201.2, WSW-L-L-91-201.3, WSW-L-L-91-201.4, WSW-L-L-91-201.5, WCP-L-L-95-204, WCP-L-L-95-205, WSW-L-L-94-211, WSW-L-L-91-211, WSW-L-L-91-213, WSW-L-L-90-301, WSW-L-L-90-302, WSW-L-L-90-303, WSW-L-L-90-304, WSW-L-L-90-327, WSW-L-L-328, WSW-L-L-90-329, WC1-L-L-90-401, WC2-L-L-90-402, WPH-L-L-90-403, WSW-L-L-90-409, WC1-AL-00-00, WC1-AL-00-1, WC1-AL-00-002, WC1-AL-00-003, WC1-AE-00-1, WC1-AE-00-02, WC1-AE-00-4, WC1-AX-00-4, WC2-AL-00-01, WC2-AL-00-02, WC2-AL-00-03, WC2-AL-00-04, WC2-AE-00-01, WC2-AE-00-02, WC2-AE-00-04, WC2-AX-00-01, WC2-AX-00-02, WC2-AX-00-03, WC2-AX-00-04, WC2-AX-00-05, WC2-AX-00-08, WC2-AX-00-09, WC2-AX-00-10, WC2-AX-00-11, WP-AL-00-01, WP-AE-00-01, WP-AX-00-01, 08/141/SP-001 revO, 08/141/SP-002 revN, 08/141/SP-003 revN, 08/141/SP-004 revN, 08/141/SP-005 revN, 08/141/SP-006 revN, 08/141/SP-011 revF, 08/141/SP-012 revG, 08/141/SP-013 revG, 08/141/SP-014 revG, 08/141/SP-021 revH, 08/141/SP-022 revC, 08/141/SP-023, 08/1414/CE-007a, 08/1414/CE-007b, 08/141/CE-008 revA, 08/1414/CE-009, 08/1414/CE-010 rev A, 08/1414/CE-011 rev A, 08/1414/CE-018 rev A, 08/1414/CE-019 rev A, 08/1414/CE-022 rev A, 08/1414/CE-025 rev A, 08/1414/CE-028 rev A, 08/1414/CE-033, 08/1414/CE-036 rev B, 08/141/CE-037, 08/141/CE-39, 08/1414/CE-040, 08/1414/CE-079, 08/1414/CE-082A, 08/1414/CE-084, 08/1414/CE-087, 08/141/CE088A, 08/141/AP-001 revF, 08/141/AP-021 revD, 08/141/AP-041 revG, 08/141/AP-061 revH, 08/141/AP-071 revA, 08/141/AP-081 revE, 08/141/AP-091a revA, 08/141/AP-101 revF, 08/141/AP-102 revB, 08/141/AP-103, 08/141/AP-110 revA, 08/141/AE-001 revC, 08/141/AE-041 revC, 08/1414/LP-001 revC, 08/1414/LP-003 rev D, 08/1414/LP-005 revD, 08/1414/LP-006 revD, 08/1414/LP-007c, 08/1414/LP-008 revD, 08/1414/LP-011 revB, 08/1414/LP-013 revC, 08/1414/LP-015 revC, 08/1414/LP-018 revA, 08/1414/LE-001 revA, 08/1414/LE-002 revA, 08/1414/LE-003 revA, 08/1414/LE-004 revA, 08/1414/LE-005 revA, 08/1414/LE-006 revA, 08/171/LE-007c, 08/1414/LE-008 revB, 08/1414/LE-011, 08/1414/LE-012, 08/1414/LE-013, 08/1414/LE-015, 08/1414/LE-015 revA, 08/1414/LE-018 revA, W-V-S-16-28 Rev.P8, W-V-S-16-29 Rev.P6, W-V-S-16-30 Rev.P7, W-V-S-16-31 Rev.P5, W-V-S-16-32 Rev.P5, W-V-S-16-33 Rev.P5, W-V-S-

16-34 Rev. P2, W-V-S-16-35 Rev.P2, W-V-S-16-36 Rev.P1, W-AB-S-16-01 Rev.P4, W-AB-S-16-02 Rev.P3, W-CB-S-16-20 Rev.P2, W-SW-C95-106, W-SW-C-95-107

- 2 The materials to be used for the external walls and roof shall accord with the details set out on the following approved plans unless otherwise agreed in writing by the Local Planning Authority:

Centre 1 Building

WC1-AE-00-1, WC1-AE-00-02, WC1-AE-00-4

Centre 2 Building

WC2-AE-00-01, WC2-AE-00-02

Ancillary Buildings

08/1414/AE-001C, 08/1414/AP-021D, 08/1414/AE-041C, 08/1414/AP-061H, 08/1414/AP-071A, 08/1414/AP-081E, 08/1414/AP-091aA, 08/1414/AP-101F, 08/1414/AP-102B, 08/1414/AP-103, 08/1414/AP-110A

Lodges

08/1414/LE-001A, 08/1414/LE-002A, 08/1414/LE-003A, 08/1414/LE-004A, 08/1414/LE005A, 08/1414/LE-006A, 08/1414/LE008-B, 08/1414/LE-011, 08/1414/LE-007c, 08/1414/LE-012, 08/1414/LE-013, 08/1414/LE-014, 08/1414/LE-015A, 08/1414/LE-018A

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

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

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

- 4 **Prior to the commencement of development, a scheme detailing the proposed bunding including the levels and contours to be formed, showing the relationship of proposed bunding to existing vegetation and surrounding landform in sections, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that a satisfactory relationship results between the new bunding and existing landscape character.

- 5 Approval of the details of street furniture, traffic barriers, signage and non-perimeter fencing within the application site shall be obtained in writing from the Local Planning Authority before such ancillary features are erected or installed.

Reason: To ensure a satisfactory development in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies 2009.

- 6 The Development shall be carried out in accordance with the following, unless otherwise agreed in writing with the Local Planning Authority:

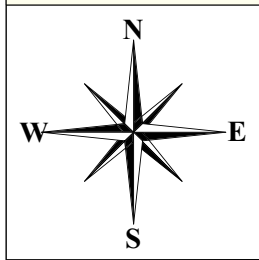
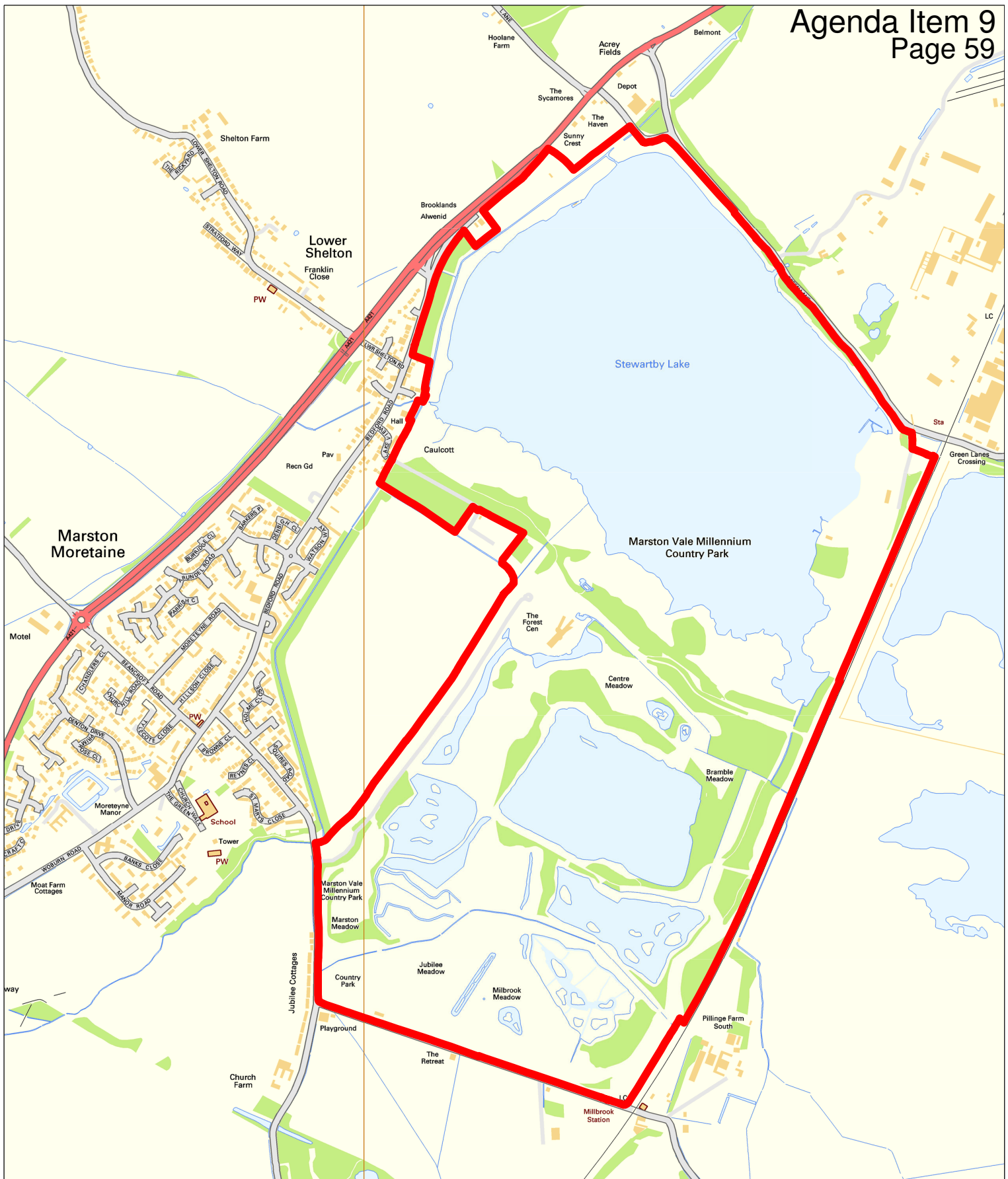
- (a) no construction work is to take place within 30 metres of any badger set unless an appropriate licence has been obtained;
- (b) no clearance of vegetation shall take place during the bird nesting period of March to July inclusive, unless a survey of the clearance area has been submitted to, and approved in writing by, the Local Planning Authority, demonstrating that there are no birds nesting within that clearance area;
- (c) there shall be no work to the watercourse on the southern boundary except for the purpose of enhancing its habitat structure.

Reason: To protect and safeguard the protected species found on the site; and ensure all impacts from the development are taken into account and mitigated. In accordance with Policy DM15 of the Central Bedfordshire Core Strategy and Development Management Policies 2009.

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

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

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Date: 26:October:2010

Map Sheet No

CASE NO.

Scale: 1:14000

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Item No. 09

APPLICATION NUMBER	CB/10/01359/FULL
LOCATION	The Marston Vale Millennium Country Park, Station Road, Marston Moretaine, Bedford, MK43 0PR
PROPOSAL	Full: Erection of a 120.5 metre high wind turbine and ancillary infrastructure.
PARISH	Marston Moretaine
WARD	Marston
WARD COUNCILLORS	Cllr Roger Baker, Cllr Mike Gibson
CASE OFFICER	Mary Collins
DATE REGISTERED	27 April 2010
EXPIRY DATE	27 July 2010
APPLICANT	Marston Vale Trust
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Councillor Baker request as concerns expressed by Marston Parish Council regarding the height of the turbine.
 RECOMMENDED DECISION	 Full Application - Granted

SITE LOCATION:

The application site lies at The Marston Vale Millennium Country Park, Station Road, Marston Moretaine. The Forest Centre building sits within the country park and operates as a visitor centre, cafe and office/training facilities. The building is of a modern, almost contemporary design with weatherboarding and a rendered finish. The park has a circular cycle route, horse trail and a wetlands area. The site lies within the Forest of Marston Vale which is one of 12 community forests established by central government in 1991.

THE APPLICATION:

This application seeks permission for the erection of a 120.5 metre high wind turbine and ancillary infrastructure.

The wind turbine will be similar to an Enercon E-70 machine which has a hub height of up to 85 metres, a rotor diameter of 70 metres and a maximum height of 120.5 metres to the blade tip. The turbine will be situated on a slightly raised area of land at 41m AOD.

The proposed wind turbine will require a foundation, comprising stone and concrete measuring 12 metres in diameter

An adjacent area of hardstanding measuring about 22 metres by 35 metres will provide a level and stable base on which to lay the turbine components ready for assembly and erection and to site the crane(s) necessary to lift the tower sections, nacelle and rotor into place.

A construction compound approximately 30 metres by 25 metres will provide a

temporary facility for the storage of equipment and materials during the construction period.

A screening opinion application was submitted earlier in the year and it was established that, in the opinion of the Local Planning Authority, the development does not have significant effects on the environment sufficient to trigger the need for an Environmental Impact Assessment.

RELEVANT POLICY:

National Policy

- Planning Policy Statement 1: Delivering Sustainable Development (2005)
- Supplement to Planning Policy Statement 1: Planning and Climate Change (2007)
- Planning Policy Statement 22: Renewable Energy (2004)
- 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)

Central Bedfordshire Council’s Core Strategy and Development Management Policies Development Plan Document (2009)

- CS3 - Healthy and Sustainable Communities
- CS4 - Linking Communities
- CS11 - Rural Economy and Tourism
- CS13 - Climate change
- CS15 - Heritage
- CS16 - Landscape and Woodland
- CS17 - Green Infrastructure
- CS18: Biodiversity and Geological Conservation
- DM1 - Renewable Energy
- DM4: Development within and beyond settlement envelopes
- DM14 - Landscape and woodland
- DM15 - Biodiversity
- DM16 Green Infrastructure
- DM17 - Accessible Greenspaces

Supplementary Planning Guidance

Mid Bedfordshire District Landscape Character Assessment Final Report August 2007.

RELEVANT PLANNING HISTORY

Planning History

MB/97/00807/FULL	Full: Creation of a cycle path and horsetrail around perimeter of site. creation of wetland habitat. Proposed visitor centre (including one wardens flat) and associated car parking and access. Approved:
MB/98/01203/FULL	Full: Erection of visitor centre, construction of car park and pergola. (revision to planning permission ref. 29/97/807 dated 4.11.97). Approved: 03/11/1998
MB/03/01771/ADV	Advertisement Consent: Replacement main entrance sign, 3 no. access road signs (one double sided) and one wall mounted entrance sign on building. Approved: 15/12/2003
MB/04/00183/FULL	Full: Change of use of land for retention of existing shipping container for storage of country park machinery and tools. Approved: 09/04/2004
MB/04/02239/FULL	Full: Alterations to cycle, pedestrian and wheelchair access to Country Park. Approved: 11/02/2005
MB/05/01818/FULL	Full: Erection of temporary meteorological mast up to 30 metres in height. Approved: 12/01/2006
MB/06/02012/FULL	Full: Formation of secure store under existing observation deck. Approved: 23/01/2007
MB/07/00195/FULL	Full: Retention of an existing temporary 30m meteorological mast for a further period of up to two years. Approved: 21/03/2007
MB/07/01136/FULL	Full: Extension to kitchen. Approved: 10/08/2007
CB/09/06918/FULL	Full: Construction of surfaced footpath to the wetlands. Erection of 3 ground level bird hides, 1 tower hide with associated ramp. 3 wooden board walks across wetlands. Approved: 05/02/10

REPRESENTATIONS:

Town/ Parish Councils

Marston Moretaine PC

Object: Believe that the sheer size of the wind turbine will have a major overbearing impact on the visual amenity of the area. The site was always considered to lie within an "area of great landscape value" and whilst the weight attributed to this definition may have changed the site's relationship to some of the best panoramic views from the vale to the surrounding Greensand Ridge; the panoramic views from the ridge across the entire vale, especially those seen from Ampthill Park, will be materially impaired.

Whilst the Council appreciates that wind power is fuel free and has no emissions as opposed to petrol/diesel engines; there are concerns that close residents may be subject to potential noise emanating from the turbine especially during evenings and night time. Local residents are also concerned about light flicker.

Given that the country park is a haven for many different species of home and migrating birds the council express concern over whether the turbine will alter their natural flight. These comments also relate to how bats will relate to the turbine.

Whilst the council are satisfied with the access route proposed for the construction of the turbine; they are unhappy with the alternative access route. By detailing it as an "alternative access route" it gives contractors the ability to use this route as an alternative to the preferred route. It does nothing to discourage them. This would take large vehicles carrying heavy and abnormal loads through the centre of the village close to a doctors surgery , school routes, homes and shops. Manoeuvring would be impossible. There is currently a raised area at the junctions of Bedford Road and Station Road which was installed for traffic calming purposes. There is no doubt that heavy loads will damage this area which will be of detriment to the local area and people. The 7.5 tonne weight restriction for the village will also be breached. The council does not wish to set a precedent for others by allowing unsuitable vehicles through the village.

Not against the Country Park, in principle but feel that structures of this magnitude in scale could set a precedent in an area of regenerated natural habitat.

Houghton Conquest PC
Hulcote and Salford PC

No objections

Size of the wind turbine will have a major overbearing impact on the visual amenity of the area and will detrimentally affect the views from the vale to the surrounding Greensand Ridge; and the panoramic views from the ridge across the entire vale, especially those seen from Ampthill Park.

There are concerns that neighbouring residents will suffer disturbance from the noise generated by the wind turbine.

Given that the country park is a haven for many different species of home and migrating birds express concern over whether the turbine will alter their natural flight. These comments also relate to how bats will relate to the turbine.

Lidlington PC

The turbine will be at a great height and the Council have enormous concerns over this in relation to the impact on local wildlife, including migrating birds that will be hampered tremendously by the turbine.

The turbine's great height will impact on many local residents visually and also through continuous noise pollution generated by the blades. The noise will also impact the wildlife.

If planning permission is granted such an application would set a precedent for the area in the future and the Council are concerned deeply over this and the implications this will have.

The site is very low lying so there appears to be little benefit of the turbine being positioned on such a site in relation to wind exposure.

Considerable concern over the rural country lanes surrounding the site and if permission granted, how

construction vehicles carrying the blades and other materials would access the site without causing significant damage to the roads and verges.

The Council feel that this application must be refused for the above reasons.

Cranfield PC
Millbrook PC
Ridgmont PC
Stewartby PC

No response received

No response received

No response received

No response received

Neighbours

Eight letters of objection received

Response 1.

If approved height of the wind turbine will set a precedent for future applications such as the proposed incinerator by Covanta.

Response 2.

Out of keeping with the area and will face a hazard to wildlife in the area. The noise will cause issues - especially at night when the area is generally quite quiet. This monstrosity will be a carbuncle on the landscape and its size will dominate the skyline for miles around.

Whilst realise the need for greener energy, everything should be in proportion. If the forest centre planned for a smaller more in keeping wind turbine would have no issue, in fact would back the plan.

Response 3.

Too near to bridleway for safety

Impact on existing and migrating birds.

There are maternal roosts of bats within 1 km of the proposed site.

The country park has actively encouraged horse users to the site as it is a "safe environment" to ride in, not on the public highway with all the conflict of horses and cars. This is a circular route and has proved popular especially with children. To meet a 85 metre tall structure with moving blades making a humming noise and possibly creating a shadow flicker will be frightening for the horse and potentially dangerous for the rider and general public.

In conclusion the general amenity of a circular safe route on horseback in the Marston Vale Community Forest (which is at the bottom of a valley) will be compromised if this industrial structure is given permission to be built there.

Response 4.

Stewartby Water Sports Club: The main issue concerning the sailing club is the disturbance to the wind across the southern end of the lake. A wind turbine would have a significant effect on the wind and, while they are used to the fact that environmental factors such as hills and groups of trees affect the wind flow, a wind turbine may contribute extremely variable disturbance across the lake that would be almost impossible to compensate for or to predict. Extreme changes in wind direction, caused by turbulence from the turbine blades, will almost certainly lead to boats capsizing and their members being put at risk.

It should be understood that the prevailing winds within the United Kingdom are from the southwest and the location of the turbine southwest of the most southerly one-third of the lake gives rise to concern.

Any wind effect would seriously impact on the suitability of Stewartby as a venue for sailing events. The club have raised their profile substantially over the past few years. Their work with juniors has led to them being recognised with the award of Volvo champion club status and this year, for the first time in many years, they will host a national championship event.

Apart from the effect this would have on the clubs core activity of dinghy racing it would also have a serious impact to the activities of the sailing school. The prevailing winds are usually from the west and the sailing school regularly uses the shelter of the west bank when introducing novices to sailing, particularly on windy days, the disruptive effect a turbine would have to these activities would be hard to imagine.

Whilst supportive of the sustainability aims of the Forrest Centre, who are their landlords, are concerned that, while the plans set out the visual and noise impact on the surrounding area, the submission does not include any assessment of the effect the turbine will have on the use the water sports club has of the lake.

Response 5.

What benefit will the area receive from the wind turbine.

If permission is granted will set a precedent.

The Millennium Park is used by the general public. This area has been restored to its natural beauty. Please don't fill it with these unsightly objects, already fighting proposed incinerator at Rookery Pit. What use will be

imposed on this area of the Marston Vale.

Response 6.

The proposed turbine is out of all proportion with the surrounding landscape and will have an overbearing and dominating effect on the visual amenity of the area. The Design and Access Statement (page 11) describes the environment which the turbine will be sited in very negative industrial terms painting a picture to justify the application. This is the same general area that a planning inspector previously described as an "area of great landscape value". A structure of the size will have a negative effect on some of the best panoramic views in Central Bedfordshire. It will detrimentally affect the views from the vale to the surrounding Greensand Ridge; and the panoramic views from the ridge across the entire vale, especially those seen from Ampthill Park.

Response 7.

The application would result in further environmental noise in the area. Have been near to other wind turbines in other areas and the constant sound of the blades turning is intrusive. There are so many planned projects in this area it is now becoming a platform for anyone to build and develop anything and this is yet another scheme to add to the list. It will invade the village with additional heavy traffic and noise during construction and will invade the environment with the noise produced.

Response 8.

All for sustainable energy sources, however find the wind turbine proposed to be of industrial size and much bigger than is required for the Forest Centre complex. Concerned about the impact it will have on the Marston Vale. The size of the turbine itself will mean it dominate the surrounding landscape.

Two letters of support received

Covanta Energy Limited voice their support for renewable energy projects and raise no objections to the wind turbine application

One letter of support from local resident and frequent user of the Millennium Country Park. Support the idea of erecting a wind turbine as proposed. Not only is this an ecologically sound idea but it will provide a point of interest and set a good educational example, particularly for young visitors. In their opinion (based on experience of wind farms in Mid Wales) wind turbines are dramatic, graceful and aesthetically pleasing. The development would thus complement and enhance the

CONSULTATION/ PUBLICITY RESPONSES

Publicity dates

Site notice posted 15/05/10	Response received see above
Application advertised 14/05/10 and 27/08/10	Response received see above

Internal

Highways	Recommend condition attached requiring no development until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Please be aware that in providing a condition for the proposal to generate more funding and move forward, do not confirm that the chosen route for the transportation of the turbine or other related traffic is achievable.
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Public Protection Team	Recommend approval subject to imposition of conditions regarding noise rating level and amplitude modulation.
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Archaeological officer	The area around the proposed site of the turbine contains a number of archaeological heritage assets representing later prehistoric, Roman, Saxon and medieval occupation and agricultural activity. However, the turbine's location has been heavily disturbed by clay extraction and munitions testing in the Second World War. This means that archaeological remains are very unlikely to survive at the site and so construction of the turbine will not affect important heritage assets at the site.
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There are a number of Scheduled Monuments within the visual envelope of the turbine. Some of these are mentioned in the Planning Statement (Moat Farm, Marston Moretaine; Ampthill Castle and Houghton House). Other Scheduled Monuments within similar distances from the turbine location are Thrupp End moats and medieval settlement at Lidlington, Old Rectory Moat, Houghton Conquest and Kempston Hardwick Moat. The turbine will impact the setting of the Monuments at Marston Moretaine, Thrupp End, Houghton Conquest and Kempston Hardwick as it will be clearly visible from them. However, these sites are in the low lying clay vale (Marston Vale) and while the turbine will be visible from them, they will not be dominated by the presence of the turbine in the landscape. Ampthill Castle and Houghton House are on the Greensand Ridge and have panoramic views out over the Marston Vale which was part of the reason for their location on the crest of the ridge.

These views will include the turbine which will be clearly visible from the two sites, but the views of it will be relatively distant and again it will not dominate the views. Therefore, although the turbine will have an impact in the setting of the designated heritage assets do not think that the impact will be overwhelmingly detrimental.

Community Paths officer

On this basis no objection to this application on the grounds of its impact on either buried archaeological heritage assets at the site of the turbine itself or its impact on the setting of designated heritage assets.

The proposed location of the turbine will only be 19m away from Footpath 72. Obviously there will be an initial safety fear that the turbine's location is too close to the public footpath, and should it fail and topple, any member of the public using the footpath at the time will be in serious danger.

Other Local Authorities

Milton Keynes Borough Council
Bedford Borough Council

No response received
No response received

Aviation

National Air Traffic Services

NATS (en Route) has no safeguarding objections to the proposal

Civil Aviation Authority

Can advise that the CAA have been previously involved in consultation aimed at attempting to gauge the scale of the turbine at the site.

There are no Luton Airport related concerns
The council will need to take into account comments from Cranfield Airport.

Ministry Of Defence - Defence Estates (Ops North)

No safeguarding objections to this proposal. In the interests of air safety request that the turbine is fitted with aviation lighting. All turbines should be fitted with 25 candela omni-directional red lighting at the highest practicable point.

London Luton Airport Operations Ltd
Cranfield Airport

No response received
No response received

Telecommunication

Anglian Water

As the windfarm has the potential to affect Anglian Water Services business microwave and UHF radio communications links, object to the application subject to the detailed analysis and possible mitigation

Home Office

No response received

National Telecommunications Limited

No response received

Wind Farm Site Clearances (OfCom)	No response received
Central Networks	No response received
Crown Castle UK Ltd	No response received
One2One	No response received
BT Cellnet Limited	No response received
Orange	Would not impact on any EE (Orange) microwave links.
Virgin Mobile	No response received
Cable & Wireless	No response received
O2 UK	No response received
T-Mobile (UK) Limited	No response received
Vodafone Ltd	No response received
The Joint Radio Company Ltd	Objects to the proposed wind turbine/wind farm on behalf of EON Central Networks and itself.
Radio solutions	No response received
EDF Connections	No response received

Landscape/ Visual

Natural England	Based on the information provided does not object to the proposals subject to mitigation being carried out as described in the Ecological Assessment and Ornithology Report and that planning conditions are attached to any permission to cover concerns.
Wildlife Trust	No comments on the impacts on County Wildlife Site as the impact has been assessed appropriately and Natural England will be looking at protected species issues.
Garden History Society	No response received
Bedfordshire Garden Trust	No response received
English Heritage	Have concern that proposal will adversely impact on the setting of a number of highly graded heritage assets specifically Amptill Park House, Amptill Park, Houghton House, Millbrook Conservation Area and Stewartby Conservation Area. On the basis of the limited information provided to date, it would appear that the proposed turbine would break the skyline in a number of views from key heritage assets and this coupled with the movement associated with turbines, will exacerbate the impact of the turbine on the setting of a number of heritage assets both in the vale and along the Greensand ridge.
CPRE Bedfordshire	Awaiting reply on additional information received. CPRE is fully aware of the need to conserve energy, reduce carbon emissions and to develop renewable sources of energy generation. In principle it supports a policy which aims to bring about an increase in renewable energy generation which is efficient in terms of carbon saving and investment cost.

However CPRE also has a duty on behalf of the whole nation to ensure that any loss of amenity due to adverse environmental impact on the countryside is proportionate to the level of benefit.

The Landscape Character Assessment study for this area of Central Bedfordshire acknowledges that in landscape terms the area has suffered a period of decline due to past industrial activities but also records that it is an “improving landscape”. This is not only due to the end of major industrial activity but also natural ecological regeneration plus a conscious effort on behalf of local authorities to reinstate the rural character of the area.

While only rating the area as *moderately sensitive to change* it does emphasise that change could have a strongly adverse impact on features such as the adjacent Greensand Ridge.

It also points out that change could impact on the setting of the listed brickworks chimneys.

In this context the proposed turbine would produce an adverse impact on this setting in the long view.

CPRE is of the view that this proposal would serve to reverse the process of improving the rural character in this area of Bedfordshire and would reduce the level of amenity benefit to the community. On balance believe that the potential benefits in terms of renewable energy are considerably outweighed by the overall harm to the rural quality of the area.

CPRE is opposed to this application and recommends that it be refused.

Chilterns Conservation Board

No comments to make. The application is not one on which the board would generally comment. It limits its input on planning applications to commenting on those which are considered to be the most significant type (either in scale or potential impact on the AONB) or which would set a dangerous precedent.

In all cases, however, the principles detailed in the Chilterns AONB Management Plan, the Chilterns Buildings Design Guide and Supplementary Technical Notes on Chilterns Building Materials (Flint, Brick and Roofing Materials) should be applied.

Footpaths/ bridleways

Ramblers Association

No response received

Other

Royal Society for the Protection of Birds Environment Agency	No response received Support the monitoring of bats that is proposed for the first two years of operation and this information will be valuable in contributing towards current knowledge of the impacts of wind turbines on bats.
Bat Conservation Trust	No response received
Bedford Group of Drainage Boards	No response received
Highways Agency	As the application will not have a material impact on the A421 trunk road do not wish to comment on the application

DETERMINING ISSUES

The main considerations of the application are;

1. Policy and principle (incl wider benefits, CO2 reduction etc)
2. The impact of the development upon landscape character
3. Cultural heritage and archaeology considerations
4. Ecology considerations (birds, mammals, bats etc.)
5. The effect on the residential amenity of nearby residents (noise, shadow flicker and visual impact)Hydrology/ geology/ flood risk/ contamination
6. The impact of the development upon the Millennium Country Park
7. The effects upon the enjoyment of the countryside by members of the public, including those using local rights of way
8. Telecommunication considerations
9. Aviation considerations
10. Traffic generation and access
11. The effects upon the enjoyment of the countryside by members of the public, including those using local rights of way
12. De commissioning

CONSIDERATIONS

1. Policy and principle

Sustainability and climate change, and the need to increase renewable energy generation and reduce carbon emissions, are key components of current planning policy. Therefore this must carry considerable weight in determining the application. The development will contribute towards the renewable energy and carbon reduction targets for 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.

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.

The Core Strategy and Development Management Policies Development Plan Document 2009 takes a positive approach to renewable energy developments in line with guidance set out in PPS1 Supplement and PPS22.

Policy DM1 states that the Council will consider favourably proposals for renewable energy installations, provided that they fit the following criteria:

- Have good accessibility to the transport network;
- Not be harmful to residential amenity, including noise and visual amenity;
- Be located and designed so as not to compromise the landscape and scenic beauty of the Chilterns AONB;
- In other areas identified through the Landscape Character Assessment as having high sensitivity, be located and designed so as to respect the character of the landscape.

In terms of the above criteria:

- The site is close to the transport network;
- The impact on residential amenity shall be assessed later in the report;
- The site is not located so as to compromise the landscape and scenic beauty of the Chilterns AONB;
- The Mid Bedfordshire District Landscape Character Assessment (August, 2007) characterises the landscape as the North Marston Clay Vale (5d). The overall landscape character sensitivity is considered to be moderate. In visual terms, the report notes that the landscape is considered to be moderately sensitive to change. The impact on the character of the landscape shall be assessed later in the report.

The principle of development is therefore considered to be acceptable, subject to the detailed considerations below.

2. The impact of the development upon landscape character

The application site lies within the North Marston Clay Vale (5d) which is not identified as being of high sensitivity.

The sensitivity is considered to be moderate. The landscape is highly disturbed as a consequence of mass clay extraction. Nevertheless, the area does contain a number of individual sensitive features. The overall process of landscape restoration, in particular establishment of the Forest of Marston Vale is also critically important.

The Mid Bedfordshire Landscape Character Assessment describes the visual sensitivity of the North Marston Clay Vale as a flat, open landscape offering extensive views - any development/significant change within the vale is

therefore likely to be visible.

The most visually sensitive areas of the vale are those that border the prominent landform of the adjacent Woburn and Maulden Wooded Greensand Ridge (6a and 6b) and the Cranfield to Stagsden Clay Farmland (1a) where the landform (and wooded) contrast with the vale is dramatic (and where much of the base of the slope has remained free from development). Visual sensitivity in the vale is likely to reduce, in time, as newly planted woodland matures to reduce the extent of views.

In terms of landscape strategy this is a landscape that has been disturbed and interrupted due to industrial activity, urban fringe development and the presence of major transport corridors. As a result the character of the landscape has become highly fragmented. The overall strategy is to continue to enhance/renew the landscape of the Marston Clay Vale. In addition, the history of mineral extraction provides opportunities to create new landscape character - as is evident through large scale restoration.

Development considerations outlined in the Mid Bedfordshire District Landscape Character Assessment are to conserve the open character of the vale and the important views of the Wooded Greensand Ridge (6a and 6b) and the Cranfield to Stagsden Clay Farmland (1a). Also to conserve the unique, historic character of Stewartby and conserve the Stewartby chimney stacks as landmark features.

There are views of the Marston Vale from the higher ground of the Greensand Ridge to south and east. The Mid Greensand Ridge (6b) is considered to have a high character sensitivity and in visual terms the landscape is considered to be moderate to high sensitivity to change.

There will also be views from the Clay farmland and the Cranfield to Stagsden Clay Farmland (1a) to the west. The overall landscape character of the Cranfield to Stagsden Farmland is judged to be moderately sensitive, whilst in visual terms the landscape has moderate to high sensitivity with the areas of highest visual sensitivity being the areas of open elevated plateau at the crest of the subtle valleys, areas of open gently rolling landform and the slopes abutting the North Marston Clay Vale (5d)

The landscape impacts arising from installation of a wind turbine involve primarily visual disruption, changes to landscape character and loss of tranquillity (which includes visual disturbance as well as noise) .

There is very little guidance available to help assess the appropriateness of a wind turbine or wind farm in it's landscape setting. It is generally accepted that individuals have a personal response to wind turbines but their general acceptability is greatly determined by the scale of the setting .

The turbine will be a prominent feature in the vale punctuating the skyline but its physical structure and movement is not considered to detrimentally disrupt important landscape panoramas or distinctive countryside. The turbine is sited relatively centrally within the vale and away from the visually sensitive areas of the vale that border the prominent landforms of the Greensand Ridge to the south/east and the Clay farmland to the west. The turbine will not detrimentally disrupt views of these distinctive landforms.

There will be views of the turbine from these vantage points but as it is sited away from the slopes of these landforms, views will be distant.

There will be views from the north from the Bedford by pass along the vale of the wind turbine. The existing chimneys at Stewartby are clearly visible being 70-80 metres high. There are also the Cardington Sheds clearly visible in this part of the vale. They are enormous, dominating the skyline for miles around and measuring 247 metres x 84 metres x 55 metres. The vale has a number of strategic routes through it and lines of pylons which punctuate the skyline.

The application has been accompanied by a ZTV map (Zone of Theoretical Visibility). This is a map which shows the theoretical visibility of a turbine from specified grid squares and assumes bare ground with no screening by intervening buildings or vegetation.

The tips of the blades can theoretically be seen from the Area of Outstanding Natural Beauty (The Chilterns) and from Harlington. However due to the intervening distance it is likely that the introduction of a single turbine more than 11km away where views are likely to be screened by intervening vegetation and buildings would not harm or adversely affect the Chilterns AONB.

There will be views from the key transport routes within 10 kilometres of the turbine. Views of the turbine from the wider environment and from main routes will be intermittent.

The turbine will be a tall modern feature with a sculptural form with clear views of it. It has a relatively slim profile being approximately 5 metres in diameter at the base decreasing to 4 metres at the junction with the hub. It is not considered to represent an overly intrusive feature in the landscape.

3. Cultural heritage and archaeology considerations

The proposal will be visible from a number of heritage assets (i.e. Scheduled Ancient Monuments and Conservation Areas). Provided the conclusions on the impact on these heritage assets are supported by other consultation bodies, the proposal will accord with PPS5, PPS22 and Policy CS15.

Wind turbines are far greater in vertical scale than most historic features and where an historic feature such as a hilltop monument or fortification, a church spire, or a plantation belonging to a designed landscape) is the most visually dominant feature in the surrounding landscape the construction of a turbine adjacent to them may be inappropriate. In this instance the Church at Marston Moretaine and the chimneys at Stewartby are the tallest structures within the immediate vicinity. Although of a larger scale the turbine has a modern slimline look and will not compete visually or dominate these listed structures. In this case the solitary wind turbine is not considered to be visually detrimental.

Certain archaeological or historic landscape features were intended to be seen from other historic sites. There is no intervisibility between historic sites across the vale that will be affected by the proposal. The turbine does not detrimentally disturb any vistas and sight-lines from designed landscapes and

does not affect key panoramas.

The movement, sound or light effects associated with wind turbines as well as their scale may be a significant issue in certain historic settings. In this instance adequate distance has been provided between the turbine and the conservation areas at Millbrook and Stewartby and Ampthill Park to avoid these sites being overshadowed or affected by noise and shadow flicker effects.

Due to the changes that have taken place in the vale, there are few historic sites that have remained unaltered in their settings that would be especially vulnerable to modern intrusions such as wind turbines.

There are a number of highly graded heritage assets. There are a number of Scheduled Monuments within the visual envelope of the turbine. Some of these are mentioned in the Planning Statement (Moat Farm, Marston Moretaine; Ampthill Castle and Houghton House). Other Scheduled Monuments within similar distances from the turbine location are Thrupp End moats and medieval settlement at Lidlington, Old Rectory Moat, Houghton Conquest and Kempston Hardwick Moat. The turbine will impact the setting of the Monuments at Marston Moretaine, Thrupp End, Houghton Conquest and Kempston Hardwick as it will be clearly visible from them. However, these sites are in the low lying clay vale (Marston Vale) and while the turbine will be visible from them, they will not be dominated by the presence of the turbine in the landscape. Ampthill Castle and Houghton House are on the Greensand Ridge and have panoramic views out over the Marston Vale which was part of the reason for their location on the crest of the ridge. These views will include the turbine which will be clearly visible from the two sites, but the views of it will be relatively distant and again it will not dominate the views. Therefore, although the turbine will have an impact in the setting of the designated heritage assets it is considered that the impact will be not overwhelmingly detrimental.

4. Ecology considerations (birds, mammals, bats etc.)

The application site is sufficiently removed from any statutory designated sites for nature conservation to ensure that impacts to special interest features will be negligible.

The application site is immediately adjacent to a number of County Wildlife Sites and an area of 0.08 hectares will be lost from Stewartby Lake CWS through the development footprint.

The Ecology Report describes the habitat to be affected as being of comparatively low ecological quality and proposes mitigation of detailed botanical surveys that will feed into the ongoing management plan for the site for future years. Provided that this is the case and that any losses can be compensated for by enhanced management on adjacent land, it is considered that there will be no overall net loss of habitat in the longer term.

A number of species that reside in the CWS, especially birds, bats and great crested newts are potentially affected by the proposal.

Birds

Breeding and overwintering surveys have revealed that the site is used by a variety of wildfowl, raptors and wintering flocks of gulls, several of which are noted as being Biodiversity Action Plan (BAP) priority species, or RSPB Species of Conservation Concern. The presence of Hobby as a likely local breeding species and the use of the site by large flocks of wintering Lapwing and Gulls are of particular note.

The potential impacts of the proposal are mainly through direct habitat loss, displacement and collision risk. The development footprint is relatively small and given the abundant alternative grassland and scrub nesting and foraging habitat in the vicinity, it is unlikely that bird populations will be impacted through this loss in the longer term. The proposals include mitigation through adjusting the scrub management regime on the site so that alternative habitat can be encouraged elsewhere. Disturbance displacement through construction and operation of the turbines is assessed in the report as being of low magnitude and Natural England are satisfied with this conclusion.

With regard to collision, the report describes that the notable raptor species using the site (such as Hobby and Red Kite) are unlikely to be at risk due to the limited time that they were observed utilising the proposed turbine site, and the manoeuvrability of these species in the air. Given the relatively small scale of the development, the impacts to these species are more likely to be through a limited amount of displacement rather than collision.

Following discussions with the applicants ecologist, Natural England received further justification as to the lack of Collision Risk Modelling (CRM) in the Ecology Report, specifically with regard to Lapwing and Gulls, both of which are recorded in substantial numbers at the site. Whilst CRM is useful in providing a baseline for predicted collisions for some species, the applicants ecologist deemed that the model is not robust enough to accurately cover the behaviour of flocking species such as Lapwing and Gulls, and would provide a substantial over-estimation of collision risk. Experiences on other wind farm sites has shown that Lapwing will instead modify their behaviour to avoid the turbine, and utilise other airspace to carry out their large wheeling movements, at no known detriment to the individuals concerned. In addition to this, the movement of Gulls across the site was not modelled as the main flight paths did not pass through the proposed turbine location.

The mitigation procedures outlined in the Ecology Assessment are acceptable to Natural England who recommend that details of any bird strikes and general observations of birds interacting with the turbine should be recorded as part of a monitoring program enforced by way of a planning condition

Bats

The Ecology report highlights that a series of automated surveys have been carried out at the site over the summer of 2009. The basis for a two monitoring program is outlined (page 43 of the Ecological Assessment) which will include further automated data gathering and dawn corpse searching.

There is some ambiguity over the number of Noctule that are actually using the site between August, September and October. Natural England recommends that prior to the erection of the turbine an estimation of the bats

on the site should be made by a suitably experienced observer during the key months and that this information should be used in conjunction with annabat data as a baseline to judge the future monitoring results against.

The bat monitoring program should feed into turbine operating procedure, so that if certain times of the year or specific weather conditions are found to increase the risk of bat mortality, the turbines can either be shut down for periods of the night, or be set to only operate at higher wind speeds. This should be sufficient to substantially reduce any remaining risks to local bat populations.

Further to this as the site is used by the public, there should be clear protocol in place to ensure that observations by visitors are reported to a single point of contact, so that they can be logged and fed into the monitoring program (eg if a visitor finds a dead bat/bird, or observes bats/birds interacting with the operating turbine).

Natural England recommend that a condition is imposed requiring a detailed Ecology Monitoring Program prior to any construction activity.

Other species

The Ecology report also highlights potential risks to badgers, great crested newt, reptiles and priority BAP invertebrates as a result of habitat loss and disturbance during construction activities. Natural England are satisfied with the mitigation procedures outlined on pages 33 and 34 of the Ecology Assessment and recommend a condition is imposed to ensure the mitigation measures are carried out.

The proposal is located within a County Wildlife Site. The conclusions of the Planning Statement and Ornithology Report with regards to the impacts on habitats, birds, bats and other local fauna are supported by Natural England and the proposal is considered to accord with policies CS18 and DM15.

5. The effect on the residential amenity of nearby residents (noise, shadow flicker and visual impact)

The main properties which might be affected are the properties on Station Road to the south west

Outline planning permission has also been granted reference MB/06/00593/OUT for residential development off Bedford Road for a mixed use development comprising approximately 480 dwellings, 3 hectares of B1 employment use, primary school, local centre, community sports hall and other engineering operations (all matters reserved except means of access)

The main ways in which they might be affected are: noise; shadow flicker and visual impact.

Noise

PPS 22 notes that renewable technologies may generate small increases in noise levels, such as aerodynamic noise from wind turbines. The local

planning authority should ensure that renewable energy developments have been located and designed in such a way to minimise increases in ambient noise levels and the 1997 report by ETSU for the Department of Trade and Industry should be used to assess and rate noise from wind energy development.

The Council's Public Protection team have recommended that two noise conditions, one for noise rating level and one for amplitude modulation are attached to mitigate against noise. The proposal is therefore considered to be acceptable in this respect.

Shadow flicker

Tall structures such as wind turbines cast shadows, which vary in length according to the sun's altitude and the position of the sun's azimuth (bearing).

PPS22 states: Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as "shadow flicker". It only occurs inside buildings where the flicker appears through a narrow window opening. A single window is likely to be affected for a few minutes at certain times of the day during short periods of the year.

Guidance on shadow flicker is included in Planning for Renewable Energy, A Companion Guide to PPS22, which states that "Flicker effects have been proven to occur only within ten rotor diameters of a turbine." Therefore in this instance as the rotor diameter is 70 metres all residential properties within 700 metres of the proposed turbine have been considered in the Noise and Shadow Flicker Assessment.

Furthermore, the path of the sun in the UK is such that only properties within 130 degrees either side of north, relative to the turbines can be affected at the latitudes within the UK. Turbines do not cast long shadows on their southern side.

Two properties were considered by the report to be affected by shadow flicker. One being the first floor residential accommodation at the Forest Centre being 425 metres west of the turbine and a property on the new development approximately 690 metres west and shown on the developers master plan as 19. The predicted shadow flicker effects are the theoretical worst-case scenario. The evidence submitted with the application suggests that potential impacts from noise and shadow flicker at the Bedford Road, Marston Moretaine development could be mitigated through design and landscaping. If permission is granted, noise and shadow flicker will need to be monitored and an appropriate condition set in place to mitigate against this.

The guidance document, 'Onshore Wind Energy Planning Conditions Guidance Note', commissioned by the Renewables Advisory Board notes that where it has been predicted that shadow flicker effects may occur in theory, a local planning authority may consider it appropriate to impose a planning

condition to provide that wind turbines should operate in accordance with a shadow flicker mitigation scheme which shall be submitted to and approved by the local planning authority prior to the operation of any wind turbine unless a survey carried out on behalf of the developer in accordance with a methodology approved in advance by the local planning authority confirms that shadow flicker effects would not be experienced within habitable rooms within any dwelling.

Visual impact

As already acknowledged, PPS 22 notes that, 'Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects (para. 20).

The impact of the loss of an open view will vary with the Receptor and with their experience of the landscape – but for many people the introduction of movement, rather than just the height of the turbine may be highly intrusive.

The turbine would measure up to 85 metres to the hub, with a maximum ground to tip height of 120.5 metres. The main base of the turbine will be 85 metres tall and stationary whilst the upper section and the three blades mounted onto the hub moving.

The turbine will be seen especially from properties along Station Road to the south west and from Station Lane to the south. From these properties the turbine is likely to be visible but may be partially screened by intervening vegetation in close proximity to the properties.

The turbine would be visible from the properties to the west in Bedford Road and the dwellings in the roads off the east side of Bedford Road. The turbine will also be visible from the new residential development given outline consent off Bedford Road. From the rear of some of these properties the full extent of the turbine will be visible. From others the turbine is likely to be screened by intervening properties and only a section of the turbine will be visible.

Given the height and slimline appearance of the turbine, it is not considered that it would appear overbearing to these properties and therefore their residential amenity would not be affected. Overall, in terms of the impact upon the residential amenity of nearby properties, the proposal is considered to be acceptable.

6. The impact of the development upon the Millennium Country Park

The site is designated as an area of Open Space, Sports and Recreation on the LDF proposals Maps (November 2009).

The construction compound is to be situated to the south east of The Forest Centre and alongside the existing footpath through the wetlands area of the site in the events field.

The construction compound is approximately 30 metres by 25 metres will provide a temporary facility for the storage of equipment and materials during the construction period. There will be an office, tool store, welfare, wet stores,

generator, fuel etc but these are shown indicatively only as the final requirements of the contractors may vary. No elevational details have been provided for the buildings but most will be portacabins or storage containers between 2.5 to 3 metres high. Surface vegetation and soil will be removed from the area and overlain by compacted stone to a depth of 500mm.

It is inevitable that there will be some disruption to the tranquil setting of the park and the loss of some open space during the construction period of such a structure. The construction phase of the development will take a maximum of three months (Planning Statement page 9) and as such it is considered that the construction compound would not be harmful to the longer term setting of the park.

The crane pad will be constructed close to the turbine and will be retained throughout the lifetime of the turbine to allow replacements of major components if required. The crane pad will be of geo-grid overlain with compacted stone and covered in limestone chippings which will promote the colonisation of species associated with calcareous habitats for which the Stewartby Lake. The hardstanding may be used for the decommissioning of the turbine. As such the hardstanding is not considered to be detriment of the visual amenities or biodiversity of the surrounding area.

The turbine will be in full view from The Forest Centre as it is sited on slightly higher ground on the edge of Stewartby Lake. With the full extent of the turbine visible, it is considered that the sculptural form of the turbine would not be unduly prominent in the landscape but would be in full view of the visitors to the Forest Centre.

The proposal is not considered to adversely affect existing accessible green space and accords with Policies CS3 and DM17.

7. The effects upon the enjoyment of the countryside by members of the public, including those using local rights of way

The public rights of way network is an important recreational resource for walkers, cyclists and horse riders. It forms an essential part of an integrated transport system. The routes and status of these paths are legally protected and there are legal powers available to protect the public's right to use these paths, including the prosecution of anyone who willfully obstructs a right of way.

The Public Footpath that is affected by the proposal is Public Footpath No. 72 from which the proposed location of the turbine will only be 19m away. Obviously there will be an initial safety fear that the turbine's location is too close to the public footpath, and should it fail and topple, any member of the public using the footpath at the time will be in serious danger.

Unfortunately there appears to be no guidance, either locally or nationally that relates to minimum distances turbines should be from Public Footpaths. The Companion Guide to PPS 22 (para 57) says "There is no statutory separation between a wind turbine and a public right of way. Often fall over distance is considered an acceptable separation, and the minimum distance is often taken to be that the turbine blades should not be permitted to oversail a public

right of way."

Cases of wind turbines collapsing or blades coming off are very rare but not totally unknown. In this instance the nacelle will not oversail the public footpath. Areas closer to the turbine will be accessible to members of public using the park. The fall over distance is height measured to the blade tip. This means that there will be a section of the public footpath that will fall within this 120.5 metre area. However as this distance represents a small section of the footpath, the turbine is not considered to detrimentally affect the enjoyment of walkers.

A horse trail will pass within 93 metres of the turbine and runs alongside the public footpath. The British Horse Society, which provides national guidance on equine matters including Rights of Way related bridleway issues, has produced advisory notes for developers and local authorities regarding wind turbines in the vicinity of routes for riding.

The Society believe that horses may react adversely to the rotors of the wind turbine which will cast a shadow on the ground which the horse is being asked to cross; horses may also be frightened by the blades starting to turn while in a horse's sight line and by the noise from the turbine.

In this instance as the turbine is sited to the north of the horse trail the turbine will not cast a shadow over the horse trail.

In the advisory notes it is suggested that there should be a separation distance of three times the overall height of the turbine between the riding route and the turbine itself. If this is to be implemented in this case, the turbine would need to be moved a further 268m away to comply with the guidance. The Companion Guide to PPS 22 states at para 56 that the British Horse Society has suggested a 200 metre exclusion zone around bridlepaths to avoid wind turbines frightening horses but goes on to say that this is not a statutory requirement.

In this instance the horse trail within the park is not a formal adopted or permissive bridleway but is a recreational facility which does not link up to any wider bridleway network. It is used by local riders, and it is considered that regular users of the park will be accustomed to the turbine and the applicant confirms that warning signs will be installed highlighting its presence.

The turbine and its foundation will not impinge on the surface of the nearby Public Footpath, it may require the path itself to be temporarily closed during the period of construction. This may also be the case for the construction of the new hard standing in the Event's Field. Should this be the case, it is imperative that the applicant contact the Rights of Way Team at the earliest opportunity to ensure that the path is legally closed and the public are prevented from accessing the site.

National Cycle Route 51 passes though the site. There is also a cycle path that runs around the perimeter of the site. The proposal is not considered to be detrimental to the enjoyment of the cycle paths.

Sailing club

The sailing club lies to the north of the application site and the turbine will cast a shadow over the lake and a shadow flicker effect may also occur. This is not considered to be detrimental to the users of the lake.

Concern has been raised that the turbine could disturb the wind across the southern third of the lake and that a wind turbine may contribute extremely variable disturbance across the lake that would be almost impossible to compensate for or to predict. The concern is that extreme changes in wind direction, caused by turbulence from the turbine blades could lead to boats capsizing and members being put at risk.

The prevailing winds within the United Kingdom are from the south west and the location of the turbine is to the south of the lake could interrupt the prevailing winds to the detriment of sailors.

Wind speeds vary with height above the ground and due to the height of the turbine above the surface of the lake, the impact of the turbine may not be detrimental on the winds that the boats would utilise. The lake is large being approximately 1km long by 1/2km wide and it is considered that the siting of the turbine and any associated wind disturbance will only affect a small area to the south west of the lake.

8. Telecommunication considerations

Wind turbines can potentially affect electromagnetic transmissions blocking or deflecting line of sight radio or microwave links or by the "scattering" of transmission signal.

With regards to the impact of turbines on airport operation, radar and aircraft, PPS 22 notes that it is the responsibility of developers to address any potential impacts, taking account of Civil Aviation Authority, Ministry of Defence and Department for Transport guidance in relation to radar and aviation, and the legislative requirements on separation distances, before planning applications are submitted (para 25).

The accompanying Design and Access Statement indicates that the applicant has undertaken work on this aspect of the proposal. Consequently, National Air Traffic Services have confirmed that they have no safeguarding objections to the proposal, London Luton Airport have confirmed that they have no safeguarding objections to the proposal and the MOD have noted that they have no objection to the proposal.

The Joint Radio Company Limited analyse proposals for wind turbine sites on behalf of the UK Energy Industry. It assesses their potential to cause interference to radio systems operated by Energy Industry Companies in support of their operational requirements for safety management of critical national infrastructure.

The Energy Industry considers that any wind energy development within 1km of a link operating below 3 GHz or 0.5 km of a link operating above 3 GHz requires detailed coordination. Unfortunately, part (or all) of the proposed

development is located within 1km/0.5km of a protected link site or path managed by The Joint Radio Company. As a consequence JRC objects to this proposal on behalf of EON Central Networks and itself. There is also an objection from Anglian Water.

A condition will be attached to ensure that further investigation is undertaken and that adequate mitigation is undertaken once the final design of the turbine is known to ensure that there are no adverse impacts on telecommunications.

9. Aviation considerations

Wind turbines like any large structure can potentially affect electromagnetic transmissions blocking or deflecting line of sight radio or microwave links or by the "scattering" of transmission signals and can affect systems concerned with aviation and radar. These effects can cause turbines to appear on returns on radar systems representing "clutter" for air traffic control services and degrading the signal when tracking aircraft through an area of a wind farm.

Consultations have confirmed that there are no detrimental impacts on aviation.

In the interests of air safety a condition will be imposed to ensure that the turbine is fitted with aviation lighting. All turbines should be fitted with 25 candela omni-directional red lighting at the highest practicable point.

10. Traffic generation and access

There is an existing access to the Millennium Country Park off Station Road, Marston Moretaine and a plan showing the proposed and alternative access routes have been submitted. 23445-r18a.dwg pattn and 23445-E006b stanm. The Design and Access Statement identifies certain locations on the route where there could be potential pinch points for abnormal loads. However tracking diagrams have not been submitted.

The Council's Highways Consultants have accepted that in the absence of tracking plans that a condition can be imposed to ensure that no development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction vehicle routes, site accesses, the management of junctions with, and crossings of, the public highway and other public rights of way, the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs, temporary removal or replacement of highway infrastructure/street furniture, reinstatement of any signs, verges or other items displaced by construction traffic, and banksman/escort details. The development shall be carried out in accordance with the approved CTMP including any agreed mitigation measures and reinstatement/improvements of the highway works along the route.

It will be made clear to the applicant that if planning permission is granted the imposition of this condition does not provide confirmation that the chosen route for the transportation of the turbine or other related traffic is achievable.

11. Hydrology/ geology/ flood risk/ contamination

The application site is within Flood Zone 1 within which there is less than a 1 in a 1000 year chance of flooding occurring. There is therefore a low flood risk. The main concern is the method of surface water drainage from the access road and hardstanding.

There are no risks of flood risk or contamination.

12. Decommissioning

One important feature of wind energy developments is their general reversibility (in terms of landscape if not archaeological impacts).

The wind turbine will be designed with an operational life of 25 years. Following this the wind turbine will be dismantled and removed and the site reinstated.

As noted above, PPS 22 highlights the visual impact of turbines and it notes that these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines (para. 20).

The accompanying Design and Access Statement also acknowledges the fact that turbines such as this have a useful life span, at the end of which they may need dismantling. The statement specifically notes that the applicant and the turbine company have no objection to a condition being imposed on any planning permission granted which would require removal of the turbine at the end of its operational life and reinstatement of the land to its former condition.

Reasons for Granting

The proposal for the installation of a turbine would not impact detrimentally upon the surrounding landscape character, or upon cultural heritage or archaeology, or local ecology, hydrology or geology, or upon the residential amenity of nearby residential properties. The proposal is also considered to be acceptable in terms of telecommunication and aviation considerations and traffic generation and access. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), Supplement to Planning Policy Statement 1: Planning and Climate Change (2007), Planning Policy Statement 22 (2004), 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). It is also in conformity with Policies CS13, CS16, DM1, DM14, DM15 and DM17 of the Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document 2009.

- 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 **No construction activity shall take place until a detailed Ecology Monitoring Programme has been submitted to and approved in writing by the Local Planning Authority, in consultation with Natural England. This will include details of automated data gathering for bats, and use of suitably experienced ecologists to carry out collision searches and monitor the activity of bats and birds in the vicinity of the turbine over the period beginning April to the end of October. Following two years of monitoring, the results shall be formally submitted to the Local Planning Authority, and used to modify turbine operating protocol if necessary.**

Reason: To ensure that biodiversity interests are protected.

- 3 **No construction activity shall take place until the mitigation measures outlined in the Ecological Assessment to minimise ecological impacts during the construction process have been gathered together into a single 'Construction Environment Management Plan' and have been submitted to and agreed in writing by the Local Planning Authority. This shall include a protocol for avoiding impacts to protected and notable species, such as timing constraints and procedure for undertaking construction activities in an ecologically sensitive manner, and a clear point of contact for ecological advice during the works. All contractors must be formally briefed on this document prior to their commencing work on site.**

Reason: To ensure that biodiversity interests are protected.

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

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

Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or

chemicals, soil or other materials shall take place inside the fenced area.

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

- 5 **No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction vehicle routes, site accesses, the management of junctions with, and crossings of, the public highway and other public rights of way, the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs, temporary removal or replacement of highway infrastructure/street furniture, reinstatement of any signs, verges or other items displaced by construction traffic, and banksman/escort details. Development shall be carried out in accordance with the approved CTMP including any agreed mitigation measures and reinstatement/improvements of the highway works along the route.**

Reason: To ensure the development is undertaken safely and without undue disturbance to the local community.

- 6 **Prior to the commencement of development, a baseline television reception study in the Marston Moretaine area shall be undertaken by a qualified television engineer and submitted to the Local Planning Authority. Details of works necessary to mitigate any adverse effects to domestic television signals in the Marston Moretaine Area caused by the development shall also be submitted to and approved in writing by the Local Planning Authority. Any claim by any person for domestic television picture loss or interference at their household within 12 months of the final commissioning of the wind turbine, shall be investigated by a qualified television engineer and the results submitted to the Local Planning Authority. Should any impairment to the television reception be determined by the qualified engineer as attributable to the wind turbine on the basis of the baseline reception study, such impairment shall be mitigated within 3 months of this decision according to the mitigation scheme outlined.**

Reason: To ensure that the impact of the turbine on broadcast systems are adequately mitigated.

- 7 **No development shall commence until a scheme detailing the investigation and alleviation of any potential interference to telecommunication links, caused by the turbine hereby permitted, has been submitted to and approved in writing by the local planning authority through consultation to the appropriate telecommunication providers. The approved mitigation measures shall be carried out prior to the erection of the turbine.**

Reason: To ensure that the impact of the turbine on telecommunications links is adequately mitigated.

- 8 **The wind turbine hereby approved shall operate in accordance with a shadow flicker mitigation scheme which shall be submitted to and approved by the Local Planning Authority prior to the operation of any wind turbine unless a survey carried out on behalf of the developer in accordance with a methodology approved in advance by the local planning authority confirms that shadow flicker effects would not be experienced within habitable rooms within any dwelling.**

Reason: To ensure shadow flicker is adequately mitigated.

- 9 The rating level of noise emissions from the wind turbine, (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed 35dB LA90 at any dwelling for any relevant 10m height 10 minute mean above ground level measured integer wind speed between 1-12m/s and:

- A. Prior to the First Export Date the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.
- B. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this paragraph (B), the wind farm operator shall provide the information logged in accordance with paragraph (G) to the Local Planning Authority in the format set out in Guidance Note 1(e).
- C. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limit of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.
- D. Prior to the submission of the independent consultants assessment of the rating level of noise emissions in accordance with paragraph (E), the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the following:
 - (i) the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to

determine the assessment of rating level of noise emissions; and

- (ii) a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (B), and such others as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the rating level of noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.

- E. The wind farm operator shall provide to the Local Planning Authority the independent consultants assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultants assessment of the rating level of noise emissions.
- F. Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultants assessment pursuant to paragraph (E) above unless the time limit has been extended in writing by the Local Planning Authority.
- G. The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine all in accordance with Guidance Note 1(d). 10m height wind speeds averaged over 10 minute periods shall be measured at a location approved by the local planning authority for comparison with noise levels, for the duration of the noise level compliance check survey. Rainfall shall also be measured during any measurement regime at a location approved by the local authority in writing. These data obtained shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- H. Once the Local Planning Authority has received the independent consultants noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limit, upon notification by the Local Planning Authority in

writing to the wind farm operator of the said breach, the wind farm operator shall within 14 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed with the Local Planning Authority.

For the purposes of this condition, a “dwelling” is a building which is lawfully used as a dwelling house and which exists or had planning permission at the date of this consent.

Reason: To ensure that the amenities of occupiers are not prejudiced by excessive noise.

10 The wind turbine shall not emit greater than expected amplitude modulation. Amplitude modulation is the modulation of the level of broadband noise emitted by a turbine at blade passing frequency. These will be deemed greater than expected if the following characteristics apply:

- a) A change in the measured LAeq 125 milliseconds turbine noise level of more than 3dB (represented as a rise and fall in sound energy levels each of more than 3dB) occurring within a 2 second period.
- b) The change identified in (a) above shall not occur less than 5 times in any one minute period provided that the LAeq, 1 minute turbine sound energy level for that minute is not below 28dB.
- c) The changes identified in (a) and (b) above shall not occur for fewer than 6 minutes in any hour.

Noise emissions at the complainant’s dwellings shall be measured not further than 35m from the relevant dwelling building, and not closer than 10m of any reflective building or surface other than the ground, or within 1.2m of the ground.

- i) Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling which relates to amplitude modulation, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess whether there is greater than expected amplitude modulation from the wind farm at the complainant’s property. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this condition, the wind farm operator shall provide the information logged in accordance with this condition to the Local Planning Authority in the format set out in Guidance Note 1(e).
- ii) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with this condition, the wind

farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified. Measurements to assess compliance with the noise limit of this condition shall be undertaken at the measurement location or locations approved in writing by the Local Planning Authority.

- iii) Prior to the submission of the independent consultant's assessment of the rating level of noise emissions in accordance with the requirements of this condition, the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions.
- iv) The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, or are identified as causing greater than expected amplitude modulation, having regard to the written request of the Local Planning Authority, and such other conditions as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.
- v) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of greater than expected amplitude modulation within 2 months of the date of the written request of the Local Planning Authority unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.
- vi) The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine all in accordance with Guidance Note 1(d). 10m height wind speeds averaged over 10 minute periods shall be measured at a location approved by the local planning authority for comparison with noise levels, for the duration of the noise level compliance check survey. Rainfall shall also be measured during any measurement regime at a location approved by the local authority in writing. These data obtained shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- vii) Once the Local Planning Authority has received the independent consultant's noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning

Authority is satisfied of an established breach of the noise limit, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 14 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.

- 11 The turbine shall be fitted with 25 candela omni-directional red lighting at the highest practicable point and this shall be retained for the lifetime of the turbine.

Reason: In the interests of air safety.

- 12 The planning permission is for a period from the date of the installation until the date occurring 25 years after the date of Commissioning of the Development. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

Reason: In the interests of visual amenity and landscape protection.

- 13 Not later than 3 months from the date that the planning permission hereby granted expires, or if the turbine ceases to operate for a continuous period of 6 months then, unless otherwise agreed in writing with the Local Planning Authority, it shall be dismantled and removed from the site and the land reinstated to its former condition.

Reason: To ensure that the turbine is removed at the end of its operational life and to safeguard the character of the locality.

Notes to Applicant

1. The granting of this planning permission does not absolve the applicants from complying with the relevant law protecting species, including obtaining and complying with the terms of conditions of any licences required, as described in Part IV B of *Circular 06/2005*.
2. Marston Moretaine Public Footpath No. 72 lies adjacent to the proposed development. The footpath does not appear to be affected by the proposal, however the surface of the footpath must not be disturbed and no materials can be stored on the path at any time.
The Applicant is advised that if the Public Footpath is to be temporarily closed a period of six weeks notice will be required to arrange the temporary closure.

3. The applicant is advised that in order to comply with Condition 5 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

4. **Guidance Notes for Noise Conditions**

These notes are to be read with and form part of the noise conditions 9 and 10. They further explain the conditions and specify the methods to be deployed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3. References to assessment of rating levels does not apply to the assessment of greater than expected amplitude modulation. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1 applies to noise condition 9 on planning permission and Note 1(e) & 1(d) also applies to noise condition 10 on planning permission

- (d) Values of the LA90,10-minute noise statistic required for condition 9 should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- (e) The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning

Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

- (f) The LA90, 10-minute measurements should be synchronised with measurements of the 10-minute arithmetic average wind speed and with operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (g) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s), arithmetic mean wind direction in degrees from north and rainfall data in each successive 10-minute periods by direct measurement at the meteorological monitoring location approved by the Local Planning Authority. In relation to noise condition 9 it is this procedure, which is determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle and arithmetic mean power generated during each successive 10-minutes period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time.
- (h) Data provided to the Local Planning Authority in accordance with paragraphs (E) (F) and (G) of noise condition 9 and as required under noise condition 10 shall be provided in comma separated values in electronic format.

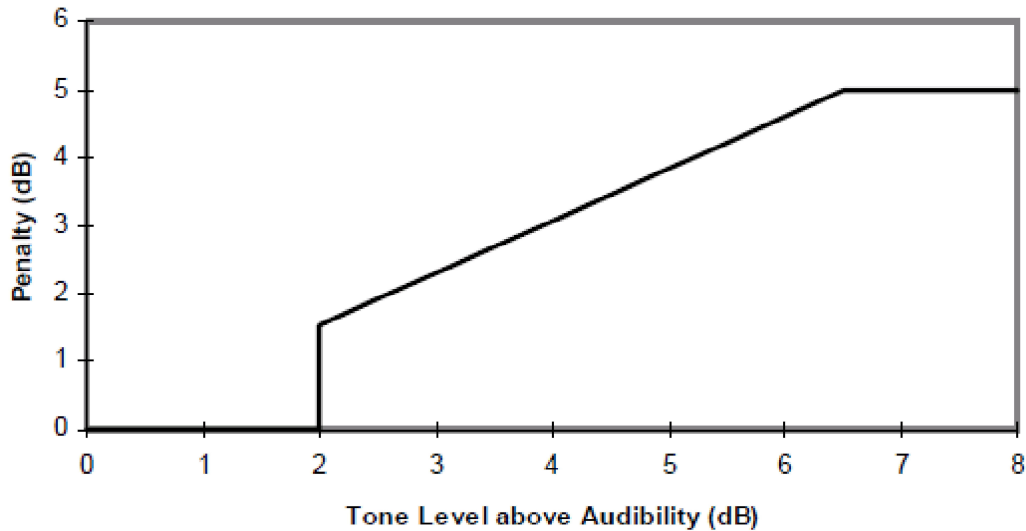
Note 2 applies to noise condition 9 on planning permission

- (a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).
- (b) Valid data points are those measured in the conditions set out in the assessment protocol approved by the Local Planning Authority under paragraph (E) of the noise condition but excluding any periods of rainfall measured at the approved meteorological measurement location provided in accordance with the planning permission on the wind farm site.
- (c) Values of the LA90,10-minute noise measurements and corresponding values of the 10-minute ten metre height wind speed for those data points considered valid in accordance with Note 2 paragraph (b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the

data points and define the wind farm noise level at each integer wind speed.

Note 3

- (a) Where in accordance with the approved assessment protocol under paragraph (D) of noise condition 9, noise emissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which $L_{A90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2 a tonal assessment shall be performed on noise emissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from standard procedure shall be reported.
- (c) For each of the 2-minute samples the tone level above audibility (L_{ta}), shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.
- (d) The tone level above audibility (L_{ta}) shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- (e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within $\pm 0.5\text{m/s}$ of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.
- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Note 4

- (a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 above at each integer wind speed within the range set out in the approved assessment protocol under paragraph (E) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.
- (c) In the event that the rating level is above the limit in the noise condition the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rated level relates to wind turbine noise emission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant or the Local Planning Authority requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
 - i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range set out in the approved assessment protocol under paragraph (E) of the noise condition.
 - ii. The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

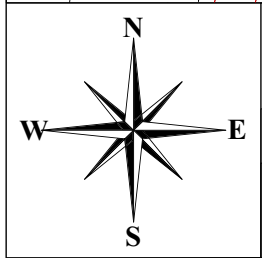
- iii. The rating level shall be re-calculated by adding the tonal

penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L_1 at that integer wind speed.

- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then the development fails to comply with the conditions.

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Date: 25:October:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 10

APPLICATION NUMBER	CB/09/06296/OUT
LOCATION	Land Off, Chapel Close, Clifton
PROPOSAL	Outline: Residential development of up to 12 no. dwellings with all matters reserved except access.
PARISH	Clifton
WARD	Langford and Henlow
WARD COUNCILLORS	Cllr Jon Clarke & Cllr Tony Rogers
CASE OFFICER	Godwin Eweka
DATE REGISTERED	15 October 2009
EXPIRY DATE	14 January 2010
APPLICANT	Alderwine Limited
AGENT	Phillips Planning Services Ltd
REASON FOR COMMITTEE TO DETERMINE	Cllr Rogers on grounds of overdevelopment
RECOMMENDED DECISION	Outline Application - Granted

Update to the Original Report

At its meeting on 16th December 2009, the Development Management Committee resolved to approve this application subject to the completion of a legal agreement which would require contributions to local infrastructure and the provision of affordable housing. At the time the Committee considered the application, Natural England and The Wildlife Trust had raised no objections to the proposal. However, both bodies made detailed comments regarding the application, and recommended the imposition of conditions on any approval granted to mitigate against the impact on the development on biodiversity. Appropriate conditions were added to the late sheet, which was distributed to Members before the meeting. Whilst the legal agreement required for the application has now been completed, the Council has not issued the planning approval for the reasons set out later in this report. The application is being referred back to this Committee so that it can consider the new information which has now been received regarding biodiversity issues.

Subsequent to the Committee's resolution to approve the application, local residents have raised concerns to the Council and to Natural England that the habitat survey submitted with the application does not consider the whole application site, in particular the un-cleared land rear of 47 Pedley Lane and 7-21 Spring Road. This part of the site contains garden, with fruit trees, ash and hazel trees with an understorey of bramble and ground ivy. Some of the land is also used as an allotment. When contacted again by the authority, representatives from both Natural England and The Wildlife Trust did raise new concerns that the habitat survey was misleading, as it did not include the above mentioned land. Advice was sought from the Council's own Ecologist who was appointed at the beginning of this year, and she raised similar issues.

The above comments were put to the applicant, and they were asked to revise/update the habitat survey in an attempt to respond to these concerns. The applicant responded by making the following points:

- The plan within the survey shows the un-cleared land within the red edged site area, and it is annotated as garden/allotments
- If the land rear of 47 Pedley Lane and 7-21 Spring Road had been excluded it would not have been included on the plan or indeed be annotated in terms of its current usage
- The applicant's Ecologist was instructed to include the un-cleared land, although it could not be accessed as it was beyond the applicant's ownership. The Ecologist was advised that due to its narrow width, it should be possible to survey visually from the main part of the site.
- The habitat survey includes a photograph of the un-cleared land, indicating there was no intention to mislead or hide the land.
- Considers that the confusion may have arisen as a result of people reading parts of the report and not the whole document
- Natural England did not consider the survey to be misleading when they were consulted on the application, and the current concerns may be as a result of pressure from objectors
- The applicant's Ecologist confirms that it was possible to undertake a visual inspection of the un-cleared gardens, and that the report describes its use and potential as a wildlife corridor to the wider area
- The areas of garden and trees are to be retained, and therefore the impacts on this area are unlikely to be exacerbated

Following the receipt of the applicant's comments, the Council consulted again Natural England, The Wildlife Trust, the authority's Ecologist and also local residents. A summary of the responses received is outlined below:

Natural England - No objections are raised to the proposal. Acknowledges that the plan attached to the survey does include the un-cleared land, although the report suggests that the land was adjacent to rather than within the development site. At the end of the survey it does describe the land. In addition, the survey recommends retaining the trees on the boundary, but there is no real assessment of the long-term impact of turning the orchard into gardens. The Council's Ecologist has already suggested that the land could be retained as a community garden, whereas the applicant suggests using a condition preventing development in the future. Considers that with the use of the conditions, the Council could probably argue that it has had regard to its duty under the NERC Act 2006. Considers that conditions would provide no assurance that new homeowners will not remove the trees in the future, and is sceptical over using this mechanism to actually protect what little biodiversity remains at the site.

The Wildlife Trust - No objections are raised to the proposal. Original comments sent in the belief that the site had been cleared. Acknowledges that the site plan in the survey includes the un-cleared land. Would expect the presence of a habitat listed nationally as "of principle importance for biodiversity" (NERC Act 2006 Section 41) to be clearly stated, and have specific recommendations to ensure its protection in accordance with the principles set out in PPS9. Suggests the case moves forward in the knowledge that elements of an orchard remain present and require protection during the development process and in the future.

Council's Ecologist – Happy that the applicant has addressed the points raised. Would like to see a condition placed on the permission to retain the trees, though I cannot see this happening as any new householder is unlikely to tolerate half their garden being consumed fruit trees. Once the remaining strip of trees/scrub is split

into gardens its value to biodiversity will go too. No other ecological comments.

Adjacent Neighbours – Eleven additional letters of objection received raising the following points:

- Applicant does not own land and should scale down proposals
- Sad the Council did not protect the rest of the orchard which has been cleared and hope the remaining area will be protected
- Reference is made to the fact that Chapel Close has not been adopted
- Applicant has underestimated the ecologically significant habitat, and completed the application form incorrectly
- Application contrary to PPG9, BS5837/2005, Wildlife & Countryside Act 1981, Annex iv EC Habitats Directive, Mid Beds Local Plan 2005, A nature Conservation Strategy for Beds, Beds & Luton Local Biodiversity Action Plan
- Site cleared before application submitted, there are protected species on the site such as Great Crested Newts, red list species such as song thrush, field fare and orange list dunnock
- Misled the Council by supplying selective documentation and failed to submit the habitat survey as requested by the Chief Planning Officer
- Application should be refused as it fails to provide required information and fails to meet local, national, international and legal requirements
- If permission should be granted, the applicant should be required to plant a community orchard, to set off the damage he has caused to an intrinsically important habitat
- Important to consider this site in the context of the available habitats and biodiversity of the village as a whole
- Any extension of Chapel Close should be in keeping with its approved and existing detached appearance
- Concerns regarding privacy, noise and traffic levels
- 12 dwellings would not be in keeping with the area
- Concerns regarding the loss of important habitat
- There are existing problems with drainage which need to be checked and resolved before any work is started
- Concerns regarding highway safety
- Council has failed to protect the habitats at the site

One letter received raising no objections in principle, but raises concerns regarding privacy.

Considerations Regarding Additional Biodiversity Information

The key question for the Council is whether any of the additional biodiversity information received since the Committee resolved to approve the application is of such significance to affect that decision.

There is clearly a difference of opinion in some areas regarding the adequacy of the habitat survey, and the impact of the development on biodiversity. The divergence of views is between the applicant, Natural England, The Wildlife Trust, the Council's own Ecologist and nearby residents. However, the land to rear of 47 Pedley Lane and 7-21 Spring Road is less than a quarter of the site area, with the majority of the land having already been cleared of vegetation. Moreover, none of

the consultees for ecology have recommended refusal or objected to the application.

The Council must be able to show that in the determination of the application it has had regard to the purpose of conserving biodiversity in order to comply with Section 40 of the Natural Environment & Rural Communities Act 2006, and in terms of PPS9 *Biodiversity and Geological Conservation*. Having considered all the information submitted to the authority on this issue, it is not considered that the impact of the development on biodiversity is of such significance so as to warrant the refusal of the application, particularly in the absence of any objection from the statutory bodies consulted or from the Council's own Ecologist.

Turning now to the recommendations that the Council should seek to protect the un-cleared land, during and after the development, by the imposition of conditions on the approval. Whilst it is possible for the local planning authority to impose a condition, which requires protection measures for retained trees during construction works, there is no effective way of protecting trees in the longer term by the imposition of a condition. In addition, the Council's Trees and Landscape Manager has confirmed that none of the trees are of such amenity to value to warrant the serving of a Tree Preservation Order. It is also likely that the subdivision of the land into individual gardens will result in the loss of some trees. As such, there is no appropriate mechanism for ensuring that the existing orchard is retained following the implementation of the development.

The limitations of the Council being able to protect the un-cleared land rear of 47 Pedley Lane and 7-21 Spring Road has been raised with Natural England, The Wildlife Trust and the Council's Ecologist. This has identified a consensus between these consultees that if it is not possible to ensure retention of the habitat, a requirement on the developer for some form of compensatory measures in the form of new planting elsewhere in the area would be appropriate.

If as seems likely the future of the remaining trees on the site cannot be safeguarded, it is reasonable for the Council to require the applicant to compensate for the impact of the development on biodiversity. This issue has been discussed with the applicant, and they have agreed to make a financial contribution towards new tree planting in the area, which would be secured within the legal agreement for the development. The contribution when received would be made available to either the Parish Council, or to a local amenity group for tree planting projects in Clifton. It should also be highlighted that the sum negotiated with the applicant would be adequate to plant more trees than exist currently on the site. It is considered that off site planting funded by this development would adequately compensate for any trees/habitat lost in the future.

Some of the other issues raised by residents such as drainage are a matter for the Building Regulations. The adoption of Chapel Close is separate from this planning application, and is not therefore a material planning consideration. The other issues relating to the impact of the proposal on privacy, highway safety, and on the character of the area are discussed in the original report which is appended to this update.

Finally, it is not considered that there have been any other material changes in planning policy or circumstances relating to the development which would affect the previous resolution of the Committee to approve the application,

Recommendation

It is recommended that planning approval is granted subject to the legal agreement and conditions listed in the main report considered by the Committee at its meeting in December 2009, with the additional requirement for the applicant to make a financial contribution towards off site tree planting as outlined above.

Original Report

Site Location:

This site which measures 0.55 hectares, is situated at the end of Chapel Close and lies within the settlement envelope of Clifton. This is a short residential access road, comprising eight modern two-storey detached residential properties.

The application site is almost rectangular in shape and enclosed by other residential properties in Spring Road, Pedley Lane and Shefford Road. This site is comprised of garden land associated with other residential properties located on Shefford Road and Pedley Lane. It is advised the proposed development would form a further phase of development, thus extending Chapel Close character and streetscene.

Chapel Close extends from the junction with Shefford Road up to the proposed application site on the south-western corner, where the existing access is located. The area is predominantly residential in character with a mix of designs of traditional and modern architecture. The topography of the site is generally flat and previously vegetated with shrubs and trees prior to site clearance.

The Application:

Outline: Residential development of 12no. dwellings with (All Matters Reserved, except access).

RELEVANT POLICIES:

National Policies (PPG & PPS)

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

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 (Achieving Sustainable Development)
H4 (Affordable Housing)
ENV1 (Green Infrastructure)
ENV3 (Biodiversity and Earth Heritage)

WM6 (Waste Management in Development)

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

Bedfordshire Structure Plan 2011

Central Bedfordshire (Core Strategy and Development Management Policies DPD)

CS1; CS2; CS7; CS16; DM2; DM3; DM4; DM10; DM15;

Supplementary Planning Guidance

Design Guide for Residential Areas in Mid Bedfordshire (2004)

South Bedfordshire Local Plan Review Policies

Supplementary Planning Guidance

Planning History

MB/99/01528/FA	Erection of three, 4-bedroom dwellings with garages and associated vehicular access and landscaping. Granted 25/10/99.
MB/99/01527/FA	Erection of three, 4-bedroom dwellings with garages and associated vehicular access and landscaping. Granted on 25/10/99.
MB/00/00738/FA	Erection of 3no. dwellings with garages and associated vehicular access and landscaping. (Revision to scheme previously approved under ref: 10/99/01527 dated 18.1.00). Approved 02/10/2000.
MB/01/01161/FA	Revised Road Layout (Revision to scheme previously approved under ref: 00/00738 dated 02/10/2000 for the erection of 3no. dwellings with garages and associated vehicular access and landscaping). Approved 31/07/2001.

**Representations:
(Parish & Neighbours)**

Clifton Parish Council	No objection raised. However, the following comments were made: <ul style="list-style-type: none">• The Council was strongly against any attempt to increase the number of houses beyond 12.• The design of the houses should match the existing in Chapel Close.
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- There should be a mix of houses, including 2 and 3 bedrooms to maximise affordability.
- Garages should be of adequate size to accommodate a family sized car plus storage space for bins and bicycles. Without adequate parking facilities, this development would be a disaster.
- Provision of play space. There is none at this end of the village.
- There should be a Section 106 agreement to fund traffic calming in Shefford Road, adjacent to Chapel Close. These points should be taken into account when the detailed application is submitted.

Whilst not objecting, the Council felt that it is important to restate the points made in the site application exercise.

1. The village Lower School is full.
2. Health facilities are under great strain.
3. Traffic through Clifton is totally unmanaged with very high levels of traffic breaking the speed limit.

Neighbours

Twenty-one letters of objection have been received. The grounds of objection are as follow:

- **Loss of Privacy:** We are currently overlooked and are surrounded by trees. A development of the housing proposed on this land would mean that this screening be removed and other houses visible from ours. According to the submitted plan, there will be two houses built directly behind our house backing onto our garden. The plans state that existing gardens in Spring Road are a minimum of 17-18 metres, this is serious underestimate as our gardens only 14 metres.
- **Noise Nuisance:** We are currently in a quiet area, but the development proposed would place many more neighbours in the vicinity and cause an increase in noise from cars and people. The building work itself will of course be intrusive.
- **Impact on Protected Wildlife:** We are in a rural setting and the area of land proposed for development has been a haven for many types of flora and fauna. we have seen a great variety of animals such as bats, birds (including woodpecker), deer, fox, hedgehogs, frogs and newts in our garden and are sure that they are supported by the presence of this patch of land behind us.
- **Amenities:** Clifton is a small village and as such, cannot cope with another estate, which is what Chapel Close would become. Clifton has had problems with sewage disposal as the sewers are unable to cope with demand. Additional homes will add to this unpleasant problem and there is a lack of play areas, schools and doctors.
- **Increased Traffic:** The development will cause a

significant increase in the daily traffic flow (probably greater than 100%) in Chapel Close, which has until now provided a safe environment for the children living the close.

- **Design and Appearance:** This should be in keeping with the existing part of Chapel Close where all houses are detached two-storey properties, not a mix as indicated on the application. Any higher than 2-storey would prove overbearing on surrounding properties.
- **Lack of Parking:** There is insufficient parking in the outline, compounded by the suggested use of the garages for recycling, storage and cycles.
- **Density:** Though the style and design of the proposed dwellings are yet to be determined because of the surrounding existing homes and the elevation of the plot, I believe a low level development made up of maximum of 6 x 1.5 storey and bungalows would have less impact on the surrounding area.
- **Back-Back Development:** The Design and Access Statement has used an old OS Plan and since this plan was made, quite a large number of properties have had extension built, reducing the stated 18 metres to the fence line. My house, for example, has only 8.6 metres to the rear fence and I believe a more up to date plan needs to be used before this application can be considered accurate.

Consultations/Publicity responses

Highways Section

No objection, subject to conditions.

Bedfordshire and River
Ivel Internal Drainage
Board (IDB)

This site is some 250m from the Board's drainage district where much of the land is in flood zone 3. The drainage map also indicates that drains issuing in Pedley Lane are likely to discharge into the drainage district.

It is recommended that if planning permission is granted this be on condition that the volumes and peak flow rates of surface water runoff from the proposed development are no greater than the greenfield rate of runoff of 3 litres per second per hectare of developed land, in order that the drainage district is not subject to an increased flood risk by overland flows or by flows channelled into the district.

Trees and Landscape
Officer

No objection, subject to conditions. The site has been cleared of all trees/vegetation and there do not appear to be any substantial trees in neighbouring properties that are likely to be at risk of damage. The submission of a planting scheme with densities, species and sizes would be required.

- Natural England No formal objection, the Council's attention has been drawn to the European or UK legislation.
- The Wildlife Trust No formal objection, the Council's attention has been drawn to the non-submission of an ecological assessments. The Wildlife Trust has advised that they have records that indicate that Great Crested Newts are found within Clifton. They are also now aware that the application site was cleared prior to a planning application being submitted, following complaints from nearby residents.
- Furthermore, they advise that as orchards are often hotspots for biodiversity, containing a wide range of wildlife, including rare and protected species, they have been designated as a Biodiversity Action Plan (BAP) habitat. There are national and Bedfordshire action plans for traditional orchards and the special biodiversity features that they contain.
- Due to the possible presence of Great Crested Newts and remnants of BAP habitat with no ecological report, we advise that there is insufficient information provided to enable the Planning Authority to a make a decision on this application under their obligations in the Natural Environment and Rural Communities (NERC) Act 2006.
- Public Protection (North) No comments on either contamination or noise issue.

Determining Issues

The main considerations of the application are:

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

Considerations

1. Principle of Development

The proposed development is in outline stage, where all matters have been reserved for future consideration by the applicant, except for access. The existing access (i.e. Chapel Close, comprise eight residential detached properties. This is a short residential access road, culminating into a cul-de-sac arrangement. The vehicular access would be taken from the south-western corner of the existing access into the application site.

In view of the recently adopted Central Bedfordshire Core Strategy and Development Management Policies (November 2009), the proposed

development will be assessed against the following Development Management Policies, particularly, DM2; DM3; DM4 and DM15.

Policy DM2 for example, expects all proposals for new development to contribute towards sustainable building principles. The Council expects future new housing development to comply with mandatory standards in relation to the Code for Sustainable homes and any major developments and developments, which will have high water consumption like this one, should incorporate measures to minimise their use of 'white' water.

Similarly, Policy DM3 will expect the proposed development to be of an appropriate scale and design to their setting; create a sense of place and to respect local distinctiveness in terms of the use of materials, efficient use of land, energy efficiency, safeguarding the amenities of neighbouring properties; provision of adequate areas for parking and the provision of adequate hard and soft landscaping.

As this development is in outline stage, the Council can only consider the access and pay regard to the above policies at the reserved matters stage. The applicant has provided an indicative layout for twelve dwellings which shows that the site is capable of accommodating 12 dwellings.

However, the Council will pay regard to the details as shown in the application and assess as to whether the principle of a residential development is acceptable. Having consideration to all other matters, It is considered the principle of a residential development is considered acceptable, by virtue of its location within the 'settlement envelope' and in an area surrounded by residential properties.

2. Impact of Development Character and Appearance of the Area

The proposed residential development lies within the settlement envelope of Clifton. As already explained, the principle of a residential development on the site is considered acceptable. Whilst this is an outline application, any subsequent detailed application for the reserved matters, is expected to respect the character and appearance of the area by creating a sense of place and respecting the local distinctiveness in its design and use of local sourced materials for the construction of the development.

The existing properties in Chapel Close are of modern, detached and of attractive architectural design, comprising two-storey, with adequate spacing around the dwellings. The neighbouring properties though, of traditional construction and older styles and design, it is considered that the Council will expect any reserved matters' application to respect this setting, character and appearance and to be in keeping with the immediate surroundings, especially those of Chapel Close in terms of use of materials in its construction and space around the buildings.

Given the location of the site, and the fact that it is surrounded by existing dwellings, it is not considered that residential development on the land would in principle be harmful to the character of the area.

3. Impact of Development on Neighbouring Properties

Whilst considering the impact of the development, it is apparent that the application site is capable of accommodating 12 dwellings. There are some concerns relating to the siting of plots 1 and 2 in relation to 7 Chapel Close. However, the layout is purely illustrative at this stage and the siting of the dwellings would be the subject of a reserved matters' application.

The illustrative layout does however indicate that 12 dwellings could be erected on the site without having an adverse impact on neighbouring dwellings by way of overbearing impact, loss of light or privacy. On most of its boundaries, the site adjoins the rear gardens of existing properties. Having regard to the depth of the adjacent gardens and the size of the site, it is considered that if appropriately designed the proposal would be acceptable in terms its effect on existing houses which surround the site.

The proposal would inevitably give rise to traffic generation in Chapel Close, although given the width of the highway this should not have an adverse impact on existing properties.

4. Highway Safety Implications

The Highways Section of the Council has advised that the site is proposed to be accessed through Chapel Close that already serves 8 properties, and that whilst it is not an adopted highway, it is in the process to being adopted. However since it is still a private highway, the proposal should include at least one of the footways within the application site to ensure that pedestrians will not be prejudiced.

Chapel Close is of the required standard to serve the additional development, however the proposed extension of the road does not comply with the required standards of the provision of a service strip of 2.0m preferable or minimum 1.0m at the back of the turning head.

In addition and due to the distance between the unit on plot 3 and the edge of the prospective adoptable street, a refuse collection point needs to be provided in close proximity to the latter. However, these issues can be resolved at the reserved matters stage.

In the circumstances, and subject to application site including at least one of the existing footways, no objection is raised to the development in terms of highway safety, subject to conditions.

5. Biodiversity Issues

The proposed site has been the subject of complaints from local residents particularly, from those in Chapel Close. This site was in vegetation, comprising trees and shrubs for many years therefore, undisturbed.

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

Following the clearance of the land by the owner and applicant, local residents complained that the site was a protected habitat for wildlife of all kinds, including

many species of birds, small mammals, hedgehog and amphibians (i.e frogs) and Great crested newts. It is claimed by these residents that this was a haven for many types of flora and fauna and that evidence of this wildlife has now been destroyed.

Council's policies relating to biodiversity has been effective in protecting wildlife and habitats in the district. The Council has also fully endorsed the 'Bedfordshire and Luton Biodiversity Action Plan' that seeks to protect locally important habitats and species. The Council therefore, has had regard to the proposed site and although, is keen to continue supporting the protection of designated sites from the effects of new development, the proposed site is not a protected or designated site for wildlife that is subject to Policy DM15 of the adopted Central Bedfordshire Core Strategy and Development Management Policies (November 2009).

As this site is not a designated site for wildlife, even though there were some evidence of habitat prior to the site clearance as claimed by neighbouring residents, under Policy DM15, the Council will pay regard to where any development is permitted within, adjacent to or in close proximity to designated sites or known locations of identified species, to ensure that the developer takes steps to secure the protection of such animals and plants. However, in cases where new development is unavoidable, such as this enclosed site within the settlement envelope and may harm wildlife interests, mitigation measures would be required.

More recently, the applicant has submitted a report regarding biodiversity, and comments from the ecologist will be reported in the late sheet. However, at the present time it is not considered that the proposal would be unacceptable due to its impact on biodiversity.

6. Other Issues

This development is required to make contributions to local infrastructure to comply with the Council's Planning Obligations Strategy. This will be secured by way of a legal agreement and will include the provision of some affordable housing.

Reasons for Granting

The proposed site lies within the 'Settlement Envelope' of Clifton and whilst this is an outline application for residential development, it is considered that the principle of a residential development is acceptable and in accordance with Policies CS1; CS2; CS7; CS16; DM2; DM3; DM4; DM10 and DM15 of the Central Bedfordshire Core Strategy and Development Management Policies (November 2009).

Recommendation

That Outline Permission be granted subject to the following:

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

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

2 Approval of the details of:-

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

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

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

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

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

4 The scheme approved in condition 1 shall be carried out by a date which shall be not later than the end of the full planting season immediately following the first occupation of the development hereby approved.

Thereafter the planting shall be adequately maintained for a period of five years from the date of planting. Any of the trees or shrubs or both which die or are removed, or which become severely damaged or seriously diseased (during the said period of five years) shall be replaced with trees or shrubs or both, as the case may be, of similar size and species to those originally required to be planted and the same shall be maintained until properly established.

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

5 **Details of the method of disposal of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority including any land drainage system, before the development is commenced. Thereafter no part of the development shall be brought into use until the approved drainage scheme has been implemented.**

Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.

6 **Development shall not begin until the detailed plans and sections of**

the proposed road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access thereto has been constructed (apart from final surfacing) in accordance with the approved details.

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

- 7 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a 2.0m service strip at the back of the turning head

Reason: For the avoidance of doubt.

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

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

- 9 Details of precautionary measures to be implemented during construction works to avoid impacts on protected species, shall be submitted to and approved by the Local Planning Authority prior to development commencing. The development shall be implemented in accordance with the details approved.

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

- 10 The development shall be implemented in accordance with the actions set out on Page 2 of the Phase 1 Habitat Survey dated November 2009, unless otherwise agreed in writing with the Local Planning Authority.

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

- 11 **No development shall commence until details of habitat creation and long-term management have been submitted to and approved by the Local Planning Authority. The development shall accord with the details approved.**

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

(Biodiversity and Geological Conservation).

12 No more than 12 dwellings shall be erected on the site pursuant to this planning approval.

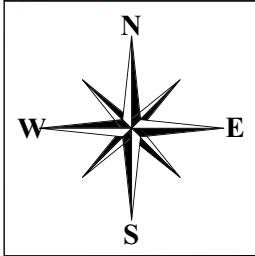
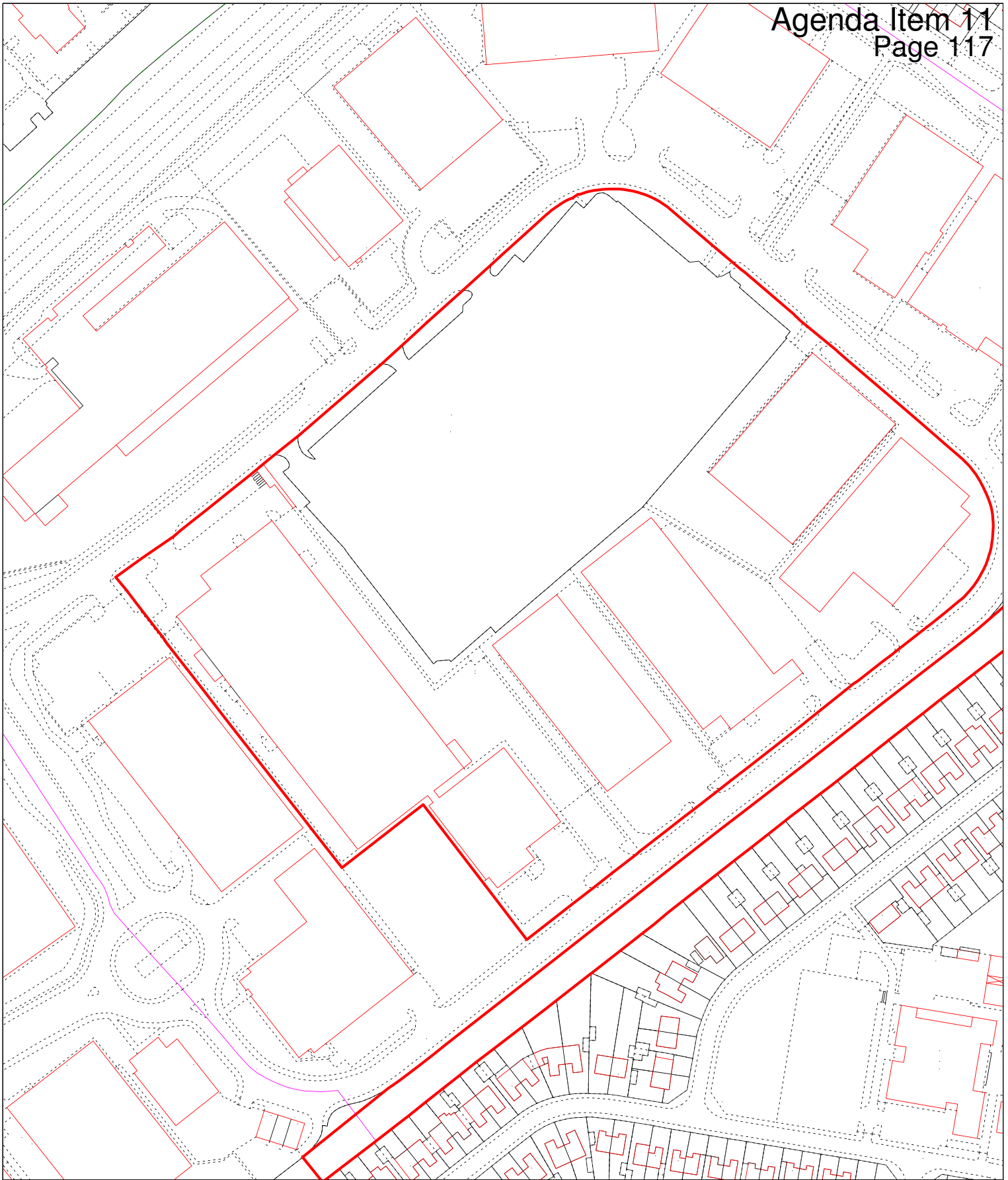
Reason: In order to safeguard the neighbouring residential properties and their amenities.

DECISION

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Date: 27:October:2010

Map Sheet No

CASE NO.

Scale: 1:2500

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Item No. 11

APPLICATION NUMBER	CB/10/02493/OUT
LOCATION	Unit 4, 5, 6, 7, 8, 9, 12, 13, 14, and 31 Humphrys Road, Dunstable, LU5 4TP
PROPOSAL	Development of industrial and warehouse unit(s) (within B1c, B2, B8 use classes) up to a maximum floor area of 45,057 sqm together with ancillary offices, service areas car parking and landscaping.
PARISH	Houghton Regis
WARD	Houghton Regis
WARD COUNCILLORS	Cllrs Egan, Goodchild, Jones & Williams
CASE OFFICER	Mr J Spurgeon
DATE REGISTERED	05 July 2010
EXPIRY DATE	04 October 2010
APPLICANT	Woodside Unit Trust & Canmoor Developments Ltd
AGENT	Michael Sparks Associates
REASON FOR COMMITTEE TO DETERMINE	Major application with unresolved objections from Houghton Regis and Dunstable Town Councils
 RECOMMENDED DECISION	 Outline Application - Granted

Site Location:

This 8.24ha site comprises buildings and cleared sites of various sizes, totalling 10 'units', constituting about 75% of the 'island' bounded by Humphrys Road and Lovett Way in Woodside Estate. Recent permissions for the standing units tend to have been 'open', ie. B1(c)/B2/B8 and only 2 are still in use, to be vacated by 2012.

Units 10 (vacant) and 11 sit outside the site and abut its southwest boundary. The northwest and northeast sides of Humphrys Road are also flanked by units which face the site across the road. Beyond the units to the northeast is Poynters Road and Lewsey Farm Estate. Southeast of Humphrys Road is a tree belt (included in this site) on land owned by the applicant beyond which are the back gardens of Wilbury Drive houses.

The site falls in stages from the southeast towards the northwest boundaries by between about 1 and 3m. The original landscaped margin between units/cleared sites and road is intact and some trees are approaching middle age.

The Application:

The joint applicants own Woodside Estate.

This is an application for Outline planning permission with all matters reserved. It is proposed to clear the site and to obtain an open B1(c)/B2/B8 permission for a maximum of 45,057m² (GEA - external measurement) floorspace. Taking into account the 14,633m² GEA already demolished, a total of 39,724m² GEA 'first generation floorspace' would be replaced, representing an increase of up to

5,333m² or 13%.

The application intends flexibility so that intending occupiers could be reasonably sure of what could be built under reserved matters. To this end it includes indicative layouts of up to 5 options, with a single parameters plan to cover these. This plan proposes a landscaped margin of 5m minimum but this widens to a 10m bund to the southeast, where the total set back of any building would be 15m. A 3m high acoustic fence is proposed between the road and the tree belt. Up to 6 points of access are proposed, but no HGVs would use the accesses 'facing' Wilbury Drive. Most of the site (ie. apart from the southwest and northeast ends) would be available for building(s) of maximum dimensions 231m x 232m and between 12 and 18m high from FFL. Areas not used for building or landscaping would be available for parking and servicing.

The following documents accompany the application:

- Planning statement
- Design and Access Statement
- Transport assessment
- Flood risk assessment
- Landscape and visual assessment, including Tree survey and constraints plan
- Noise assessment
- Air quality assessment
- Television environmental impact study.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development; PPS4 - Planning for Sustainable Economic Growth; PPG13 - Transport; PPG24 - Planning & Noise; PPS10 - Planning for Sustainable Waste Management

Bedfordshire Structure Plan 2011

25 Infrastructure

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

E1 Main Employment Areas

T10 Parking - New Development

T11 Contributions - Alt Parking

Supplementary Planning Document

Planning Obligations for Southern Bedfordshire

Planning History

Unit 4 main permission DB/TP/71/216; other permissions SB/TP/00/0423

Unit 5 permissions SB/TP/83/0683, 83/0808, 95/0438, 00/0684

Unit 6 main permission DB/TP/73/222; other permissions SB/TP/82/230, 83/808, 92/0329

Unit 7 permissions SB/TP/83/0663, 06/0384, 09/6513

Unit 8 permissions SB/TP/76/1694, 83/0680, 95/0070, 00/0685, 01/0202, 06/0382, 09/6513

Unit 9 permissions SB/TP/76/1694, 78/69, 79/420, 81/0567, 83/0808, 00/0686

Unit 12 permissions SB/TP/79/34, 88/0014, 94/0506, 95/0144, 95/0458, 97/0539, 01/1084

Unit 13 main permission DB/TP/223; other permissions 77/673A, B, C, 99/0825
 Unit 14 main permission DB/TP/73/39; other permissions SB/TP/78/0798
 Unit 31 permissions SB/TP/82/1018, 86/1162, 87/0598.

- SB/OUT/04/0828 Demolition of units 4, 6, 13, 14 and erection of new building for B1(c), B2 or B8 use. S106 to secure travel plan and cycleway works. Conditioned for max gfsp 13,919m².
- SB/OUT/08/1023 Erection of industrial/warehouse unit with a floorspace up to 13,937m² for use within class B1(c), B2 and B8.
- CB/10/00326/SCN Screening Opinion for redevelopment of (full current) site for employment purposes (B1/B2/B8 use) - Non-EIA development.

**Representations:
(Parish & Neighbours)**

Houghton Regis Town Council (27/7/10) No objections in principle but object to the proposed 24 hours per day, 7 days per week, including Bank Holidays, operation of the site. Concerns were also expressed about the likely increased noise levels that local residents, particularly those living in Wilbury Drive and Ridgeway Avenue, might be subjected to, as a result of the potential increased activity on the site. It was noted that a number of options for the actual layout of the site have been proposed. It was suggested that the preferred option would be one where access to the site is on the northwest or northeast boundary, with the bulk of movement, and those business activities that will create the most noise, kept to the area of the site furthest away from the residential areas mentioned above.

Dunstable Town Council (25/8/10) No objection in principle. However: Option 3 is considered to be the most acceptable. Operating hours should be from 6am to 10pm and not 24 hours to avoid disturbance to local residents. A ban on lorries parking overnight in Humphrys Road should be introduced to avoid disturbance to local residents. A designated parking area for lorries requiring overnight parking should be incorporated into the layout. New landscape planting in the existing screen to the rear of Wilbury Drive and Ridgeway Avenue and the new landscaped bund should include even greater numbers of evergreen and coniferous trees to ensure that screening and noise reduction is maintained throughout the winter period. Developers should be encouraged to strongly support the Woodside Link proposal.

Neighbours
 129 Ridgeway Ave (recd 16/8/10) - Concerned with noise as the Centrebus workshop can already cause a noise at times and buses are left in the evening with engines running.
 153 Ridgeway Ave (16/8/10) - Concern: would increase occurrence of lorries and unattended trailers on highway using refrigeration and heating units running - foreign

vehicles have even cooked meals and had sing-songs! Security officers have been helpful but being a public road can do little. Suggests making this a no parking road.

62 Wilbury Drive (12/8/10) - Concerns:

- Acoustic fence should be in position before development (and demolition) phase,
- High volume of HGV traffic using Humphrys Road behind houses - noise and pollution - should be conditioned that HGVs enter and exit away from housing side - makes OBJECTION if this is not done,
- Increase of incidence of lorry refrigeration units operating when parked along road/rest periods - double yellow lines should be painted,
- Prefers option 3,
- Council should satisfy itself of the adequacy of acoustic fence,
- Difference in ground levels to Wilbury Drive houses should be taken into account,
- This and development of Boscombe Road will add to traffic problems on Poynters Rd, Luton Rd and Boscombe Rd,
- Proper consideration of impacts to residents should be weighed against employment benefits.

Consultations/Publicity responses

Environment Agency (10/8/10, 21/10/10)	No objection provided conditions imposed requiring details of drainage.
Anglian Water (4/8/10)	Public foul and surface water sewerage have adequate capacity. Recommends informatives.
Environmental Health Officer (15/9/10, 12/10/10)	<p><u>Contamination risk</u>: recommends condition.</p> <p><u>Air Quality</u>: adjacent to an AQMA. No objections.</p> <p><u>Construction phase</u>: recommends informative referring to best practice guidance.</p> <p><u>End user noise</u>: recommends condition for plant and machinery. Does not challenge the applicant's noise readings. Accepts that the principal noise impact would be site-related HGV traffic using Humphrys Road during the relevant 0600 to 0700 period. Would not challenge the proposed provision of a 3m high acoustic fence alongside Humphrys Road adjacent to Wilbury Drive and Ridgeway Avenue to reduce noise emission levels. Would question why the traffic using this stretch of road would be as high as 50% of total site traffic.</p> <p><u>Lighting</u>: Would request informative relating to reduction of intrusive light.</p>
Highways Agency (21/10/10)	The proposal would not have a material impact on the Strategic Road Network. Directs a condition to be attached to any planning permission requiring the submission of a Travel Plan.
Highway authority	The assessment took into account the highest trip

(22/10/10)

generation classification and no objection is made on the basis of local junction capacity. It is important to reduce dependence in car travel as there could otherwise be parking on Humphrys Road and this should be done by a robust Travel Plan (via a S106 Agreement) which would set targets to reduce car use and manage parking. Failing this the developer would be required to fund a Traffic Regulation Order. The indicative points of access on the parameter plan are acceptable subject to standard visibility splays. Recommends conditions.

Archaeological Officer
(29/7/10)

No objection.

Landscape Officer
(19/8/10, 7/9/10,
20/10/10)

Longer views: From Blows Downs the development would be highly apparent and echo the mass of Chiltern Park to the west, intrusively out of scale and context with the residential surrounds and substantially larger than the largest building on Woodside Estate. Somewhat less scale of detrimental impact from Five Knolls, being further away. From Lords Hill the proposal would form a dominant linear form in contrast to gently undulating topography. From Maidenbower there will be an increase in building mass, although mitigated somewhat by variable surface treatment.

Short views: Key among these is the view from Houghton Hall and Park (Conservation Area) - roofline is likely to blend in with built surrounds and would not be very apparent from this direction. Submissions give an unclear picture of impact. Views from residential areas appear filtered by the major tree belt, other trees and other buildings. Therefore long term management of the tree belt is crucial. Additional off-site planting would mitigate impact to residential areas and a more detailed local visual impact assessment would assist. Agrees with Tree and Landscape Officer regarding loss of trees on site, reduction of area allowed for new trees/landscaping and quality of resulting landscaping. Adequate space must be given to allow suitable trees to develop to mitigate proposal. If a noise barrier is necessary should more be done to mitigate noise through building layout and design, exploring planting screens?

In conclusion the elevational treatments will help somewhat to deconstruct the visual mass of the building(s) it will still be intrusive and detrimental viewed from Dunstable Downs/AONB and the Toddington/Hockliffe hills. It would be of much larger scale than other commercial units in the vicinity and would then appear as a lateral sprawl of Chiltern Park. While employment development may be desirable it must be planned and designed in a way that fits within the local fabric and wider landscape in terms of scale, form and finishes.

Tree and Landscape
Officer (5/8/10)

The felling of 32 trees and areas of shrubs along the NW and NE frontages would significantly undermine the landscape layout typical of the Woodside Estate which is characterised by wide tree-lined frontages offering appropriate scale and sufficient buffer for the size of buildings being softened. This landscape is of high quality with the trees allowed to develop a natural canopy spread through unrestricted growth, combined with the buildings being set well back from the road to enable the landscaping to be more effective. The proposed layout would cramp new planting, fail to provide an adequate buffer and fail to soften the building. Objected to original submission. Recommends that the integrity of the existing landscape buffer be retained to allow trees to grow to their natural form. This would involve a strip about 10m deep from the back of footpath. [Parameter plan has now been amended].

The 3m acoustic fence to the buffer planting north of Wilbury Drive would be a harsh feature and the hedgerow would be an ineffective substitute to more natural landscaping.

Sustainable Growth
Officer (16/9/10,
19/10/10)

- Seeks confirmation that BREEAM 'very good' should be sought,
- Seeks energy statement: how the 10% reduction in carbon emissions will be achieved (including efficiency savings and technological installations) and which Low and Zero carbon technologies would be integrated,
- Car sharing bays and electric charge-up points?
- Means to disguise roof line from valuable viewpoints eg. green/sedum roofs.

An appropriate way would be to seek a sustainability appraisal at reserved matters stage.

Waste (12/10/10)

Recommends submission of Waste Audit a detailed stage.

Police ALO (17/8/10)

No objections subject to acceptable boundary treatments.

Determining Issues

The main considerations of the application are;

1. Employment land
2. Visual impact
3. Noise and air quality impact
4. Sustainability and access
5. Conclusion
6. Infrastructure and other matters

Considerations

1. Employment land

This is a Main Employment Area in the Development Plan and the proposal accords with Policy E1 of the Local Plan Review by retaining the appropriate range of uses. It also conforms with national policy statements relating to regeneration and employment opportunities in sustainable locations. The standing of this industrial estate in serving the future needs of Luton and southern Bedfordshire has been confirmed in the 2008 employment land review where Woodside Estate is in the green category 'recommended to be retained to meet future employment land demand'. This review has been followed up with an Employment Land and Market Assessment Study 2010 (part of the set of studies prepared for the next stage of the Core Strategy). In respect of this estate the report states that there is generally good demand for distribution uses, being close to the M1 and A5. Further office space, it states, is less likely to be needed because of the office park at Houghton Hall Park.

This suggests that the future of the estate will be assisted by providing flexible space and enabling larger distribution premises such as are now to be seen to the west of the estate. This conclusion is supported by the Pre-submission Joint Core Strategy which looks to Houghton Regis (within which the site lies) to deliver redevelopment of existing employment land and where proposed Policy CS9 states "*Redevelopment of existing employment sites for B use class development will be encouraged and supported...*". The applicant continues to offer refurbished units on the estate but the uptake has been particularly slow and much of the floorspace on the estate presently makes no contribution towards local employment needs. Neither have the recent permissions, including extant planning permission SB/OUT/08/1023 on the the smaller site, resulted in sustained interest. Indeed, some of the refurbished units are planned in this application to be demolished. The applicant's case is similar - that this flexibility is essential and allows the site to be marketed to a range of different occupiers with different operational requirements.

As recorded above, the proposal envisages increasing the employment floorspace by up to 13%. In comparison SB/OUT/08/1023 increased floorspace over its part of this site by 5%. New PPS4 takes PPS1 further and states that the objective of the government to achieve economic growth will be partly achieved through regeneration and that planning authorities should adopt a positive and constructive approach (Policy EC10). It sets out 5 tests to be applied:

- a. limiting carbon emissions and providing resilience to climate change - this will be addressed in section 4 below;
- b. accessibility by a choice of means of transport - see section 4 below;
- c. high quality design improving the character of the area - see section 2 below;
- d. impact on economic regeneration and social inclusion;
- e. impact on local employment.

In respect of (d) and (e) the number of employees is of course as yet unknown but the increase of floorspace within the same range of uses will increase potential employment. The flexibility of the scheme by aggregating plots would increase the likelihood of take up and remove the negative impression of many vacant units on the towns' premier industrial estate.

2. Visual impact

It is important to the applicant that as much of the site as possible is capable of taking a building up to 18m height, in order that the unit(s) can attract a full range of B8 interest in particular. This inevitably has repercussions on an estate, itself on slightly elevated land, which has few buildings over 10m high (the D+A

Statement states that the tallest is 16m). The 2008 permission anticipated a building 15m high. It was assumed then that only a warehouse (or other large building with a single floor level) would likely reach this height and would be built using the lowest ground level to avoid steep approaches to the doors. Therefore it was calculated that this would be only about 6m higher than most surrounding units, after taking into account topography. That permission was granted after noting that any visual harm due to the scale of the building could be adequately minimised at the reserved matter stage by considering design and elevational treatment in the details. No building line was proposed as this would be considered at detailed stage and would relate to the eventual height of the building. Consequently the adequacy of the proposed 4m deep landscaping belt addressed a scenario where even a 15m high building would be set well back from the street. The instant proposal could see a 15m high building within 10m of the street in one location (and 3m higher 10m further back). This is a material difference and impacts local views of the development.

We have examined the submitted visual assessment (VA) which includes 'before and after' views from adjacent streets (Humphrys Road); from nearby (Houghton Hall Park Conservation Area, Lewsey Farm Estate, Wilbury Drive/Ridgeway Avenue, Eyncourt Road); and from a distance (Lords Hill, Blows Downs, Maidenbower, Five Knolls). The proposal therefore has visual impact from 3 distance ranges: immediate, local and long distance views.

(a) Immediate

Unlike the previous permission this application sets zones within which a building up to 15m/18m high could be erected and this zone extends to within 10m/20m respectively of the street on the long NW boundary, and 15m on the long SE boundary. The other road frontage has a much larger setback. This provides a landscaped area sufficient, with local enlargements, to retain most of the significant trees in the existing landscape belt. This is a critical aspect in that the character of the estate would be damaged by the significant loss of these trees. The photomontages from Humphrys Road show the impact of 15m and 18m high options for a single building which would undoubtedly change the character of the estate hereabouts. The retention of trees and new planting would only go some way to integrating a tall and long building and much will also depend on elevational treatment. The acoustic fence would also have a significant impact on local character. It would be a long linear feature 3m high tucked into the tree belt but only 2m from the highway. Provided the 2m strip is landscaped imaginatively, rather than a single hawthorn hedge, the impact would be reduced. The character would change from an open 'parkland' to a strong wooded boundary; this is not necessarily harmful.

(b) Local

These views are taken from Houghton Hall and Park, Hadrian Estate and Lewsey Farm Estate. They are more likely to be filtered by trees or part of the buildings appearing between foreground buildings. Occasionally the new buildings would appear against the sky and overtop existing development. From Wilbury Drive area much of the building would be filtered by the tree belt and views from gardens which pass beneath the canopy would be blocked by the acoustic fence and new shrub and tree planting. From the Park the largest building would provide a regular shape just above the perimeter tree line and well below the height of the Aldwyck building in the foreground. It would not impact on the Conservation Area. We also accept that a tall building would not have a significant impact from Lewsey Farm Estate. We also accept that, from elsewhere within the Woodside Estate, a tall and bulky building in the distance may alter the character but without causing visual offence.

(c) Long distance

We consider that the most important distant views are from Blows Downs and Lords Hill. Whereas the built up area is already characterised by large 'patches' of light grey cladding, these views show the proposal has the potential to significantly add to this impact, especially if similar materials were used. From Blows Downs the proposal has the potential to introduce very large regular shapes which would be highlighted against the darker wooded conservation area behind. We agree with the Landscape Officer that this would appear as a sprawl eastwards of Chiltern Park. Although we agree that the tree belt to the southeast of the site helps reduce the vertical extent, an 18m high building would be up to 7m higher than the Scapa building which is already seen above the trees. From Lords Hill a single building would clearly stand out as a long flat wall sitting among a fluid landscape of rising and falling trees and darker buildings. Its regular shape would be the issue and upper parts would have to be treated with a complex arrangement of darker colours and materials to break up this line.

The main 'device' put forward by the applicant as mitigation is elevational treatment. The Design and Access Statement states generally that visual impact would be reduced by variety in the use of materials: *'a combination of metal cladding profiles and colours are incorporated...to allow large areas of the cladding to be broken down. The lower walls comprise silver coloured horizontal and vertical profile cladding panels separated by vertical flashings that visually break the walls into smaller components. These panels are capped by a wide band of white cladding with a further section of green and grey cladding above divided by a horizontal flashing... The layering of cladding up to the underside of the eaves provides visual interest and serves to reduce the apparent height of the units. The bulk and mass of the larger units are further reduced by using a variety of roof colours together with a full height section of black cladding at the centre of the elevations. When viewed from the downs this will break down the mass of the building and create the impression of a group of buildings blending into the estate.'* Some developers can find this control of colour unduly restrictive, especially with the bold house styles popular with 'big sheds'. However, the applicant confirms that the controls proposed in the elevations would be a design code which he would accept for carrying forward to the reserved matters stage.

In our opinion, it would be possible to produce a range of development options which would appropriately address the views into the site from a distance and not harm the local character. There are more imaginative ways of screening the acoustic fence than providing a single long trimmed hedge, as is rightly criticized by the Tree Officer, and grouping of shrubs and trees outside the fence would offer a more fluid landscape which can be considered at detail stage.

3. Noise and air quality impact

The Air Quality report concludes that, with appropriate site management practices in place, effects associated with demolition and construction would be minor, and negligible beyond the immediate vicinity. Building plant would embody general requirements to address emissions. The expected increase in traffic should not result in new exceedances of air quality objectives or an extension of the existing Air Quality Management Area. The EHO has accepted the justification for the acoustic fence which is to reduce the impact of vehicles using Humphrys Road on residents of Wilbury Drive and Ridgeway Avenue.

4. Sustainability and access

The Highways Agency is satisfied that the proposal would not impact the Strategic Road Network provided a Travel Plan is brought into operation. This would address car use and parking head on undergirded by a funded Traffic Regulation Order should targets not be met. The indicative points of access are acceptable subject to visibility and would not materially reduce the effectiveness of the landscaped margin.

The scheme aims to achieve a 10% reduction in carbon emissions, having been designed before Policy ENG1 of the RSS was cancelled. There would also be a careful use of materials including treatment of arisings, sourcing and recyclability. Buildings would be designed to last for a minimum of 25 years (exceeding Building Regulations), to control daylight and solar gain, balance air tightness and natural ventilation and use energy saving features. Without further adopted policy in place we would propose a condition requiring submission of a sustainability appraisal at reserved matters stage.

The general subject of safety and security has been considered. Individual sites would be secured appropriately and provided with CCTV cameras locally controlled. Car parking would be overlooked and lit. The acoustic fence would have returns at each end (with lockable gates) to prevent unauthorised access/misuse within the woodland. Pedestrian access would be mobility friendly.

5. Conclusion

PPS4 states at Policy EC10 that planning applications which secure sustainable economic growth should be treated favourably. This policy is proving particularly relevant as such growth will need to be nurtured at a time of public spending constraint. This proposal represents an important opportunity to attract a range of potential businesses to the area and could be a catalyst. The parameter plans could provide some options which would result in change away from the spacious character of Humphrys Road which was set in the 1970s but this would not inevitably result in harm to local character. Furthermore, there is also a need to attract companies with larger space requirements and few other sites can presently be assembled for that purpose.

With regard to design much time has been spent seeking a solution which provides such floorspace while integrating it within the estate. The elevational interventions also stand good prospect of rendering the largest of buildings much less obtrusive in the distant landscape.

We consider that an acceptable balance has been struck and that the proposal can be supported.

Both Town Councils have asked for restricted hours of operation. There are no previous or current operational restrictions on this site and we consider that it is unnecessary to introduce this now especially having regard to the acoustic fence and extra restrictions on HGV access opposite houses in Wilbury Drive and Ridgeway Avenue. We have also addressed the complaints of noise emanating occasionally from lorries parked opposite the houses. It is not the role of the planning authority to require an applicant to deal with pre-existing problems for which he is not responsible. But the proposed Travel Plan will include measures to deal with on-street parking arising from the proposal, which could if found necessary include Traffic Orders.

6. Infrastructure and other matters

The applicant accepts that the application will give rise to a requirement for planning obligation contributions but implies that, in current economic conditions, these should in the main be restricted to the additional floorspace. They may also be payable over stages.

DRAINAGE Although existing surface water drainage is to soakaway, surface water is proposed to be drained to mains sewer and the Flood Risk Assessment states that a cellular soakaway or SUDs would be investigated. The EA requires conditions for subsequent approval of foul and surface water.

TELEVISION RECEPTION The impact study concludes that the incremental effect of the new buildings would be minimal with analogue reception potentially affected in only a few dozen dwellings at the most. Mitigation measures would include aerial adjustment and/or fitting a new antenna system, which would be likely soon with the digital switchover (April 2011?). Radio impacts are considered minor. Modern computer coverage software combined with careful measurements can give good predictions of impact when the construction and cladding of a building are known. We consider that the completion of the development would likely be after this date.

Reasons for Granting The proposal would provide an opportunity to encourage economic regeneration while reducing the physical impacts of this scale of building to acceptable levels.

Recommendation

That Planning Permission be GRANTED subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to ensure the provision of a Travel Plan and developer contribution towards Public Art and subject to the following:

- 1 **Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**
 - access
 - appearance
 - landscaping
 - layout; and
 - scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with Article 4.

REASON: To comply with Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

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

1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 All reserved matters details for the development of new buildings hereby approved shall conform to the layout principles illustrated on drawing 30147/PL/103C and shall not exceed the maximum widths, lengths or heights above ground level specified thereon.
REASON: To define this permission and to ensure that the development relates appropriately to the character of the area and is capable of providing an appropriate parking and landscaped area.
Policies: BE8, T10 SBLPR.

- 4 This permission extends to a maximum 45,057m² floorspace (external measurement).
REASON: This would be the reasonable capacity of the site having regard to the character of the area.
Policies BE8, T10 SBLPR.

- 5 **Prior to the commencement of any phase of the development hereby approved 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 Phase I Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination,**
- 2) **Where shown to be necessary by 1) a Phase II Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling,**
- 3) **Where shown to be necessary by the Phase II investigation, a Phase III detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment,**
- 4) **On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase IV validation report to incorporate photographs, material transport tickets and sampling.**

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

REASON: To protect human health and the environment.

- 6 **No development shall commence until details of the proposed method of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage works as approved shall be constructed in accordance with the approved details before the development is completed.**

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system. (Environment Agency condition)

- 7 Prior to the commencement of development hereby approved (or such other date or stage in development as may be approved in writing by 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 that 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 ensure protection of controlled waters. (Environment Agency Condition)

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

REASON: To confirm that any remediation (if required) is completed to an acceptable standard. This is to ensure that the groundwater below the site (which is used to supply drinking water to the public) remains free from pollution. (Environment Agency condition)

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

REASON: To ensure that any contamination that is not identified during site

investigation is dealt with appropriately. (Environment Agency condition)

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

REASON: To ensure that any piling that is undertaken does not pollute the groundwater below the site (which is used to supply drinking water to the public). (Environment Agency condition)

- 11 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water, install of oil and petrol interceptors and roof drainage (sealed at ground level) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To ensure that suitable provision is made for both surface and foul drainage. It is important if mains drainage is being used, to make correct connections and obtain permission from the water company. It is advisable that systems are in place to prevent pollutants arising from the industrial site escaping into the wider surface water system, including groundwater below the site (which is used to supply drinking water to the public). (Environment Agency condition)

- 12 All fixed plant, machinery and equipment installed or operated in connection with his 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 BS 4142:1997. Noise limits for new plant are to apply at a position 1m from the closest affected window of the relevant noise sensitive property. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.

REASON: To protect neighbouring residents from any adverse impact from noise arising from internal or external plant on the premises.

- 13 The application of external materials to be used in any building hereby permitted shall conform to the design principles illustrated on drawing 30147-PL-111A and precise details of materials to be used shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the buildings, in view of their scale and potential dominance in the landscape, are sensitive to distant views from surrounding countryside.

- 14 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained**

for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

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

- 15 **Before development commences, a Waste Audit shall be submitted to and approved in writing by the District Planning Authority. Such Audit shall cover all wastes generated until completion of building and site works and shall include anticipated nature and volumes of waste that the development will generate, steps to incorporate the maximum amount of waste arising from the previous use of the land, steps to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage and recovery and recycling facilities, and steps to manage waste that cannot be incorporated within the development or that arises once development is completed.**

REASON: To provide suitable management of waste from the development.

- 16 A Sustainability Appraisal shall be submitted to the Local Planning Authority with the submission of reserved matters.

REASON: To demonstrate to the Local Planning Authority that sustainability issues have been fully taken into account and to inform the Authority of any matters which may need to be tied to any approval of reserved matters.

- 17 Development shall not begin until details of the junction of any proposed vehicular access with the highway have been approved by the Local Planning Authority and the building to which it relates shall not be occupied until the junction has been constructed in accordance with the approved details.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

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

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

- 19 Visibility splays shall be provided at the junction of any access with the public highway, in accordance with the Design Manual for Roads and Bridges, before the building to which it relates is brought into use.

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

- 20 Any gates provided shall open away from the highway and be set back a distance of at least 5m (for cars), 17m (for HGVs) from the nearside edge of

the carriageway of the adjoining highway.

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

- 21 Before any new access is first brought into use, any existing access within the proposed frontage of the building to which it relates, not incorporated in the access hereby approved, shall be closed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

- 22 Before any building is occupied all on site vehicular areas to which it relates shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

REASON: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

- 23 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a vehicular turning area within the curtilage of all premises taking access directly from the public highway.

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

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

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

- 25 The detailed layout plans to be submitted for approval as reserved matters in connection with this development shall illustrate a scheme for the parking of vehicles on the site. The scheme shall comply with the standards of the Local Planning Authority and shall be fully implemented before the building to which the scheme relates is first occupied or brought into use and such spaces and land shall thereafter be retained for this purpose.

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

- 26 Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.

REASON: To ensure safe operation of the surrounding road network in the interests of road safety.

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

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

- 28 Any access in the position shown on the parameter plan..30147/PL/103C with the text "Car entrance only" or "Emergency entrance only" shall only be used for those purposes and shall not be otherwise used by commercial vehicles.

REASON: To minimise noise and disturbance to nearby residential properties.

- 29 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted drawings numbers 30147/PL/101, 13652_OGL rev.0, 30147/PL/102 received 5/7/10; 30147/PL/103C, 30147/PL/111A received 26/10/10.

REASON: For the avoidance of doubt.

- 30 **No development shall take place, including ground clearance, until a scheme for tree protection of all retained trees in accordance with BS5837:2005 "Trees in relation to construction" and including provision for supervision by a suitably qualified arborist has been submitted to and approved in writing by the Local Planning Authority. No development shall proceed except in accordance with such scheme and fences shall be kept in place until the completion of the development. Within the fenced area, nothing shall be stored or placed, no fires shall be started, and no tipping, refuelling, disposal of solvents or cement mixing shall be carried out Any tarmac hardstanding which encroaches within the fenced area shall be broken out by hand, removed and fencing reinstated.**

REASON: To protect those trees which it is intended to retain.

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 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:

Bedfordshire Structure Plan 2011

Policy 25 - Infrastructure

South Bedfordshire Local Plan Review

BE8 Design and environmental considerations

E1 Main Employment Areas
T10 Parking - New developments
T11 Contributions - alternatives to parking.

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 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. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under S185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

It is recommended that petrol/oil interceptors be fitted to all car wash/parking/repair areas.

5. During the construction phase the developer is recommended to refer to the Mayor of London's Best Practice Guidance (BPG) *The Control of dust and emissions from construction and demolition*. The impacts upon air quality are likely to be in the 'High Risk' category and mitigation measures will need to be applied. It is recommended that normal working hours be 0800 - 1800 Monday to Friday, 0800 - 1300 Saturday and no working on Sunday, Bank Holidays and Public Holidays. Contractors should employ 'best practical means' as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites. For other information, including noisy activities, vehicles and equipment, contact: John Eden, Environmental Health Officer CBC.
6. It is recommended that regard be had to the Institution of Lighting Engineers Guidance Notes for the reduction of Obtrusive Light.
7. The applicant is advised that no works associated with the construction of a vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BA quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of a vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be

required to bear the cost of such removal or alteration.

8. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.

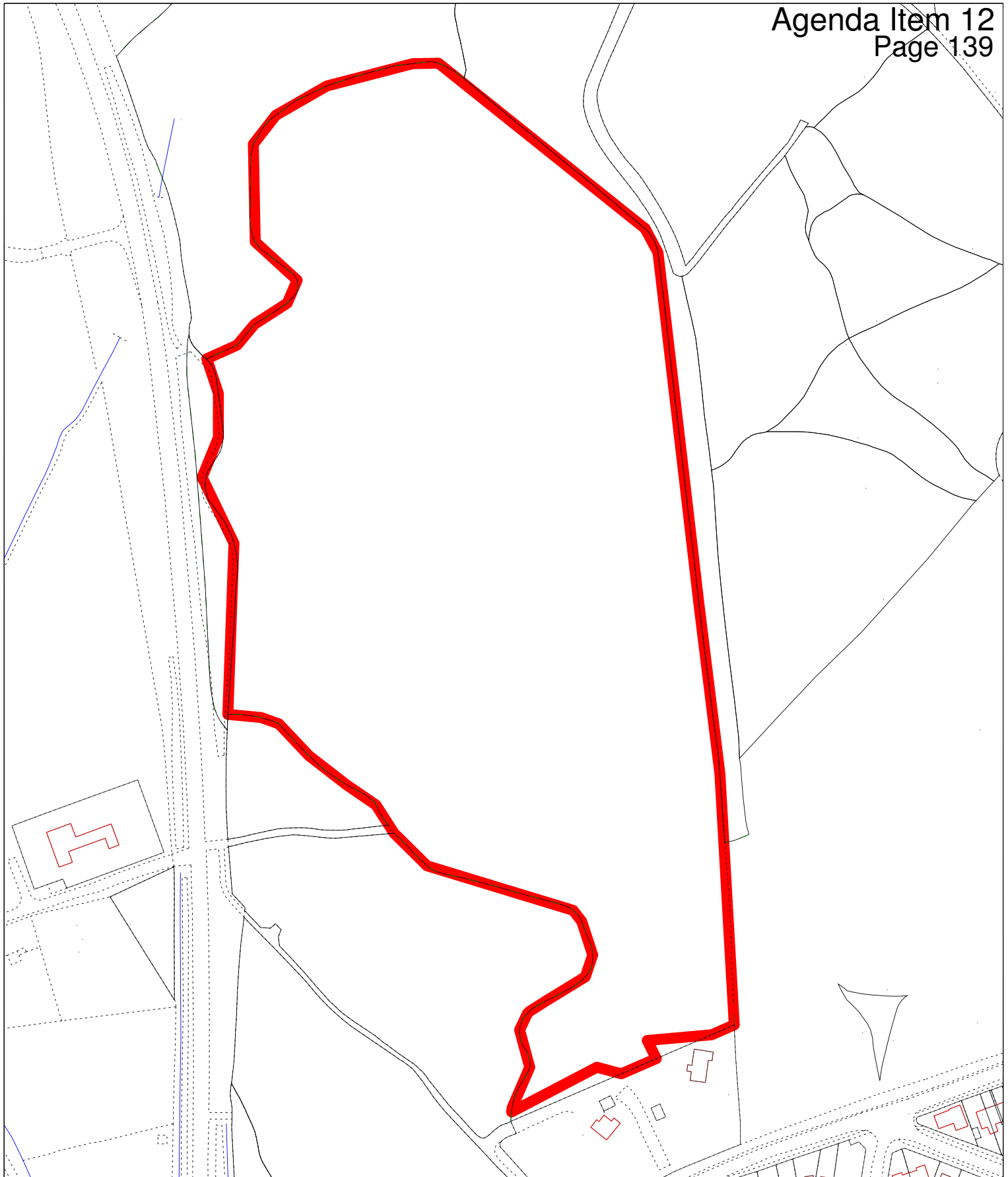
9. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

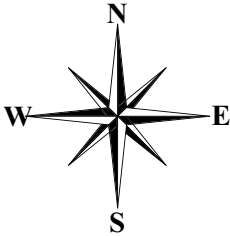
10. The applicant is advised that the closure of existing access(es) shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049. No work shall be carried out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

DECISION

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	CASE NO.
	Date: 26:October:2010	
	Map Sheet No	
Scale: 1:2500		

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Item No. 12

APPLICATION NUMBER	CB/09/06722/FULL
LOCATION	Land On The South Side Of Rugby Club, Woburn Street, Ampthill
PROPOSAL	Full: Change of use from Agricultural Land to D2 Sports Pitches, Training Land with associated Groundworks.
PARISH	Ampthill
WARD	Ampthill
WARD COUNCILLORS	Cllr Paul Duckett, Cllr Gary Summerfield
CASE OFFICER	Mary Collins
DATE REGISTERED	07 December 2009
EXPIRY DATE	08 March 2010
APPLICANT	Ampthill & District RUFC
AGENT	Aragon Land and Planning UK LLP
REASON FOR COMMITTEE TO DETERMINE	Councillor call in Cllr Summerfield: Effects on SSSI at Coopers Hill
 RECOMMENDED DECISION	 Full Application - Granted

Site Location:

The development site is situated on the western slope of Cooper's Hill between Station Road and Woburn Road at the western end of Ampthill. The application site is bounded on its eastern, northern, western and part of its southern side by Cooper's Hill Site of Special Scientific Interest. To the west lies the A507 Ampthill by pass.

The site is currently in agricultural use and it is understood previously formed part of the Coopers Hill nature reserve prior to 1917 when the trees were felled for war purposes.

Ampthill Rugby ground is situated off the southern side of Woburn Street Ampthill with the Queensmen Football ground next to it. The existing rugby ground lies to the north of the application site and is separated from it by the intervening SSSI.

The site is outside the Settlement Envelope of Ampthill and is within the South Bedfordshire Green Belt.

The Application:

Planning permission is sought for the change of use from agricultural land to D2 Sports Pitches, Training Land with associated groundworks.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS 1 - Delivering Sustainable Development

PPG 2 - Green Belt
PPS 5 - Planning for the Historic Environment - Policy HE7
PPS 5 - Planning for the Historic Environment: Historic Environment Planning Practice Guide
PPS 7 - Sustainable Development in Rural Areas
PPS 9 - Biodiversity and Geological Conservation
PPG17: Planning for open space, sport and recreation
PPS25: Development and Flood Risk

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

CS3 - Healthy and Sustainable Communities
CS4 - Linking Communities
CS11 - Rural Economy and Tourism
CS16 - Landscape and Woodland
CS17 - Green Infrastructure
CS18: Biodiversity and Geological Conservation
DM4: Development within and beyond settlement envelopes
DM14 - Landscape and woodland
DM15 - Biodiversity
DM16 Green Infrastructure
DM17 - Accessible Greenspaces

Supplementary Planning Guidance

Mid Bedfordshire District Landscape Character Assessment Final Report August 2007.

Planning History

None

**Representations:
(Parish & Neighbours)**

Amphill T C

Objects to the application on the following grounds:

- i) There is no ecological assessment provided with the application.
- ii) Access to the site is across the SSSI at Coopers Hill.
- iii) There could be a potential for damage to the areas of wet flushes.
- iv) The application is contrary to Policy CS18

Adj Occupiers

242 Letters of support received:
Approximate breakdown:

Amphill residents:61
Bedfordshire 177
Others: 12

Club lacking in adequate playing and training space

This application will help improve and transform the club facilities

There is a vast mini and youth section within the club that would benefit from extra pitch space

Club contributes to the local community and youth development

Additional pitches will help the community by attracting more children to the club

Benefit to Ampthill

Should be encouraging children to partake in sport

Children are taught respect whilst also keeping fit.

The local community needs facilities for young people to play or watch sport. This will divert them from being a nuisance to the community, policing and council cleaning services.

Valuable community resource

26 Letters of objection received:

- Detrimental impact on Coopers Hill SSSI
- Massive earth movements involved would alter the water levels and hydrology significantly with the potential to destroy a significant part of SSSI and the acid mire
- Any development next to the SSSI could have implications for hydrology of the site and its ecology
- Wear and tear to public footpaths crossing SSSI and result in degradation of the fragile sandy soils.
- Parking on match days is a problem. Increased parking in Woburn Road and Station Road. Parking on verges impairing pedestrian visibility.
- Serious negative impact on the view from Coopers Hill nature reserve. Currently it is a view of wildlife in an undulating topology, the proposed development would introduce a man made flat section to the currently unspoiled views from Ampthill's most popular nature reserve.
- Impact on wildlife
- Current field habitat for skylarks
- Would rob Ampthill of an attractive and popular area for walking and one that helps to frame the vistas around Ampthill.
- Loss of green belt land
- Erosion of paths connecting site with existing rugby club
- Impact of water quality from use of herbicides

Consultations/Publicity responses

Archaeology	<p>The proposed development lies within a documented prehistoric archaeological landscape. The results of the evaluation (fieldwalking and trial trenching) indicate the proposed development site is archaeologically sensitive, however there are few remaining sub-surface archaeological features and those that do survive are likely to be of fairly recent origin. The Council's Archaeologist can now confirm that the applicant has completed the required scheme of archaeological investigation and consequently has no objection to this application on archaeological grounds.</p>
Ramblers	<p>Footpath FPA3 traverses Cooper's Hill from the site of the War Memorial and then enters the area of the proposed development. It crosses the field in a westerly direction and exits the field via the proposed vehicle access route to the A507.</p> <p>Examination of the documents 805/002 and 805/003 indicates that the cut and fill work and the completed southern-most pitch will be very close to the line of path FPA3. Due to this proximity, it is likely that there could be intrusion upon the line of the path during the cut and fill work. If the project were allowed to proceed, then the contractors should be made aware of the path's existence and at no time should the ROW be impaired by temporary spoil heaps or equipment.</p> <p>The southern-most corner of the second pitch will be much closer to the southern boundary of the field and hence closer to path FPA3. Regarding the proposed use of the existing track for access between the clubhouse and the new pitches, this is on the line of ROW FP15. It should be brought to the attention of the proposers that any future application to allow vehicles to use this route would be strongly opposed.</p>
Footpaths	<p>Surface of footpath will deteriorate due to additional use by spectators and players in studded footwear. The footpath crosses the SSSI and this will damage it</p>
Highways	<p>The proposal is for a change of use from Agricultural land to D2 sports pitches, training land. The site has a direct access off the A507 which is intended to be used for ground maintenance vehicles and for emergency vehicles only. Players and spectators and coaches are proposed to access the site by walking via the footpath to the rear of the site from the Dillingham Park, that house the Amptill and District Rugby Union Football Club</p> <p>There are 90 car parking spaces at the existing Dillingham Park that are proposed to be used for the existing and the spectators and coaches to the new facility which is satisfactory.</p> <p>Recommend condition is attached requiring details of how direct access onto the A507 will be controlled to restrict to ground maintenance and emergency vehicles only.</p>
Police	<p>Concern that access to A507 will be used. Potential parking on</p>

	A507	
Natural England	Initially Objected to the proposed development. The application contains insufficient information to satisfy Natural England that there would be no adverse effects on features of interest for which the SSSI is notified, as well as biodiversity interests on the application site. Wildlife Survey received: Support mitigation measures but the issues of hydrology need to be resolved before determination of the application. Awaiting response on revised plan	
Wildlife Trust	Objected to the proposed development. The application contained insufficient information, concern regarding impact of surface water runoff on adjoining SSSI Awaiting response on revised plan	
Greensand Trust	Application has the potential to have a detrimental impact on Coopers Hill SSSI, its habitat and species. No attempt has been made by the applicants to assess this impact and therefore lodge objection to the proposal.	
Beds Network	Badger	Do not have any records of badger setts on, or immediately adjacent to, the application site as it is private land and have not had opportunity to visit it. Aware that there is a sett on the verge of the A507 Badgers are definitely present in the area.
Sport England	Planning Policy Objective 7 of Sport England's Planning for Sport and Active Recreation: Objectives and Opportunities document (September 2005), supports the development of new facilities that will secure opportunities to take part in sport. As the proposal would clearly meet this objective, Sport England would support the principle of this planning application. Advise that the RFU have also confirmed their support for the development.	
IDB	The site the subject of this application is on the Woburn Sands formation where natural drainage is good such that the greenfield rate of runoff is 1 litre per second per hectare. However, the cut and fill operations proposed for the levelling of ground for the rugby pitches is likely to alter the natural drainage of the site through ground compaction and the construction of steeper gradients on the slopes surrounding the pitches. Recommend a condition is included in any planning permission which may be granted which requires surface water runoff to be adequately discharged to ground on site, in order to ensure that overland flow of surface water is not increased which could reach the River Flit, Flood Zone 3.	
Environment Agency	The application site lies in Flood Zone 1 defined by Planning Policy Statement 25 as having a low probability of flooding. However, the proposed scale of development may present risks of flooding on-site and/or off-site if surface water is not effectively managed. It is likely that changes in the gradient /landform upon creation of two sports pitches may increase the rate of surface water runoff and the rate of discharge from the site. The applicant should submit calculations to demonstrate the greenfield runoff rate from the site has not been increased as a result of the proposed sports pitches. Where the runoff from the site is greater than previous, on-site attenuation will be required	

which must be provided up to the 1 in a 100 year critical storm with an allowance for climate change and controlled to that of the greenfield runoff rate.

The proposal will only be acceptable if condition is imposed requiring a scheme for the provision, implementation, ownership and maintenance of the surface water drainage system for the rugby pitches.

Recommend condition regarding contamination.

Site Notice
posted 23/12/09
Application
advertised
18/12/09

Response received

Response received

Determining Issues

The main considerations of the application are;

1. **Principle**
2. **Visual impact**
3. **Biodiversity and impact on adjoining SSSI**
4. **Footpaths and rights of way**
5. **Archaeology**
6. **Parking and access**
7. **Amenities of neighbouring property**

Considerations

1. Principle and background

The site is within the Green Belt and outside the Settlement Envelope of Ampthill.

PPG 2 states that the use of land for outdoor sport and outdoor recreation is considered an appropriate land use within the Green Belt and the change of use is therefore acceptable in principle. This proposal does not comprise any facilities or buildings associated with the use.

Policy CS3 states that the Council will ensure that appropriate infrastructure is provided for existing and growing communities by safeguarding existing community, education, open space, recreation sports, play and health facilities and supporting in principle the upgrading of community, education, open space, recreation sports, play and health facilities

CS17 says that development that would fragment or prejudice the green infrastructure network will not be permitted

CS18 says that development that would fragment or prejudice the biodiversity network will not be permitted

PPS9 states that "Planning permission should be refused if harm to wildlife interests cannot be prevented, adequately mitigated or compensated".

The proposal is considered to be acceptable in policy terms.

In terms of relocation, Ampthill Rugby Club has considered a number of alternatives in order to gain the additional pitch space it requires. This included relocating the club out of the region with options considered at Stewartby, Flitwick, Bedford and further afield but the Club does not want to leave Ampthill but was worried it had little choice due to the lack of space. Sites at Huntings Engineering and close to Ampthill tip were considered but the site close to the tip was sold for housing and Hunting Engineering did not contain enough space and the land was unsuitable. The club also did not want to develop entirely new facilities including club house as this would be prohibitively expensive due to the inability to dispose of the current site due to its location.

The site proposed for the new pitches is the only location within Ampthill that could utilise the clubs existing facilities and was of a suitable size.

The existing club has sufficient changing room space, but is lacking in pitch space. The proposed pitches will initially be used for juniors, but could be used by adults in the longer term. The current pitches are overused and therefore this shows the need for further pitches.

2. Visual impact

The development site is situated on the western slope of Cooper's Hill between Station Road and Woburn Road. The application site is bounded on its eastern, northern, western and part of its southern side by Cooper's Hill Site of Special Scientific Interest. The site is currently in agricultural use and is devoid of trees and as such is highly visible.

The Mid Bedfordshire District Landscapes Character Assessment Final Report August 2007 describes the landscape as the Wooded Greensand Ridge which is a prominent landform creating a distinctive skyline and horizon in the view from much of Bedfordshire. Any change on the ridge - land management or development/quarrying could threaten this important characteristic.

The site currently slopes upwards from west to east and is on the western slope of this part of the Greensand Ridge.

Two level full size rugby pitches 100 metres long by 65 metres wide with 10 metre in goal areas and 5 metre run-offs are proposed.

Due to the topography of the site a cut and fill operation is required which will remove 26,387 m³ of existing site materials and redistribute it to provide two level playing fields. The pitches themselves will have a gradient of 1 in 100 and will be sited lengthway with the length of the pitch parallel with the slope.

The pitches are set down from the top of the ridge and will be seen against the backdrop of the higher section of the slope and the top of the ridge. The pitches are approximately 4 metres lower than the footpath at the top of the ridge. The pitches are also at different levels to each other with the southern pitch being approximately 3 metres higher than the northern pitch.

The slope above each pitch will be graded to 1 in 5 slope whilst the slopes below the pitches will be graded 1 in 6 to the southern pitch and 1 in 5 to the northern pitch.

Although the regrading of the land and the creation of level playing fields would change the topology of the slope, the land will in effect be terraced with the sides of the terraces being sloped. As the pitches will be flat and almost horizontal and viewed edge on, the visual impact of the pitches themselves will be minimal when seen from the west

To the west of the site runs the A507. There will be limited views of the pitches from the road due to screening by an area of woodland in the SSSI to the boundary with the road. There will be distant views of the ridge and the pitches from the Millbrook Crossroads and from Fordfield Road to the west which runs parallel to the ridge. However the overall visual impact of the development on the ridge will be of the sides of the pitches and the goals posts will be seen against the back drop of the slope and landscaping to the top of the ridge.

There will be some views of the pitches from the top of the ridge and the public footpath that runs along the top. However there is currently some planting along the public footpath which will serve to partially screen the western slope from view. There will be views down towards the pitches but the main view from the ridge line will not be unduly harmed by the proposal.

There will also be views of the pitches from the public footpath crosses the site. The southern pitch will be seen end on from this point and the pitch will be higher than the adjoining slope.

As will be discussed in the next section of the report there is potential for habitat creation around the pitches and this will help to improve the visual impact of the proposal and help to improve the landscape value and character of this particular part of the Greensand ridge at Ampthill.

3. Biodiversity and impact on adjoining SSSI

The application site is bounded on its eastern, northern, western and part of its southern side by Cooper's Hill Site of Special Scientific Interest
Cooper's Hill is one of the few remaining fragments of lowland heathland remaining in Bedfordshire. On parts of the SSSI where springs arise, areas of acid mire are found, another rare habitat.

Impact on SSSI

Concern has also been raised that there is the likelihood of new informal paths being created through a quiet, sensitive part of the SSSI, as there is the potential for spectators and players to create short cuts to the new pitches from the existing facilities and changing rooms and these will damage the SSSI.

The construction of fencing to the southern boundary of the existing rugby football ground and to the northern boundary of the application site is proposed and this will serve to partially enclose the SSSI and channel users to a single entry and exit point to the training pitches and to use the existing footpath connecting the training pitches with the existing facilities. A drawing 1370/10/1 has been submitted showing the position of fencing and this is considered sufficient to prevent incursion into and short cuts through the intervening SSSI from the changing rooms and clubhouse to the new pitches.

The style of fencing put forward is not considered to be high enough or robust enough and may be easy to break or vault. As such a condition will be imposed that the height of the fence should be 1.8 metres.

Hydrology

The proposed earth movements have the potential to significantly affect the hydrology of the lower lying wetter parts of the SSSI. These acid mire areas rely on a delicate water balance and as such a hydrological assessment is needed to assess the potential impact on the SSSI

Cooper's Hill SSSI already receives above its critical load of nitrogen from atmospheric pollution and therefore it will be particularly sensitive to additional inputs from fertilisers.

To mitigate against water run off and fertilisers washing off into the lower and adjoining SSSI a plan was submitted (805/002 Revision T2) showing the position of a swale to prevent fertiliser /herbicides washing off into the acid mire of the SSSI. It is considered that rather than a swale which would hold up water and allow water to slowly dissipate into the surrounding mire that a bund would be more appropriate as it would divert the water away from the SSSI and encourage water to travel down the slope.

A further plan was received on 15 October 2010 805/002 Revision T4 which showed a raised bund. Comments are awaited from Natural England and the Wildlife Trust. If these details are acceptable it is expected that Natural England and the Wildlife Trust will be able to remove their objection to this planning application.

Protected species

A Ecological Survey has been carried out and the report found that there is an exceptional population of Common Lizards around the edge of the site. These are protected by the Wildlife and Countryside Act 1981 and the report recommends some measures to minimise the impact of creating the rugby pitches in section 5.1 of the report. A condition will be imposed to ensure that these mitigation measures are carried out.

Habitat enhancement

There will be large areas of the application site that are not to be taken up by the pitches or by spectators and it is proposed that new wildlife habitats around the pitches are created.

Site enhancements for biodiversity are outlined in section 5.2 of the Further Surveys report dated 27/0710 and these are supported by Natural England and the Wildlife Trust. Figure 3 attached to the report shows the recommended location for the habitat enhancements which include sand bars, scattered scrub and heath/acid grassland. It is vital that the successful establishment of the heathland/acid grassland habitat is ensured along with its long term management for the benefit of wildlife. The creation of heathland can be a long process and so the need to secure management into the future is critical to its

success. A condition will be attached to ensure the successful creation of heathland and acid grassland around the proposed rugby pitches. The Bedfordshire Wildlife Trust manage the heathland on Cooper's Hill adjacent to this site and the applicant is encouraged to explore a long term agreement with the Wildlife Trust as outlined at 5.2.6. As this is a vital part of the mitigation for this planning application the long term management arrangements should be put in place as a priority if the application is permitted.

The establishment of a suitable species rich acid grassland/heathland mix is highly desirable, though is likely to take a longer period to establish than standard amenity grassland, and therefore the timescales for success need to be adjusted accordingly. The sward development will need to be monitored over the initial 5 year period, and only agreed seed mixes (containing suitable local provenance seeds) should be used to reseed areas where it is deemed have failed to establish.

4. Footpaths and rights of way

Footpath No. A3 traverses Cooper's Hill from the site of the War Memorial and then enters the area of the proposed development. It crosses the field in a westerly direction and exits the field via the proposed vehicle access route to the A507.

Footpath No. 15 will connect the existing rugby ground and changing rooms with the training pitches. The application site does not impinge on this footpath but there is concern that this path is likely to be affected by the increased footfall using it and this will cause damage to the path and the SSSI it crosses. The soils here are sandy, fragile and easily eroded and the increased use of path in studded footwear will exacerbate this.

The cut and fill work and the completed southern-most pitch will be very close to the line of path FPA3. Due to this proximity, it is considered likely that there could be intrusion upon the line of the path during the cut and fill work. Contractors should be made aware of the path's existence and at no time should the Right of Way be impaired by temporary spoil heaps or equipment.

Although there is concern that the existing pathway will be eroded by increased use, it is conceded that it is better that the existing path is used rather than new informal footpaths being created and damaging the SSSI where there is vegetation. As discussed previously, the erection of the fence will stop incursions into the SSSI and it is accepted that the existing path across the SSSI will be sacrificed instead.

Regarding the proposed use of the existing track for access between the clubhouse and the new pitches, this is on the line of right of way FP15. Vehicles are unable to use this route.

The change of use of the land will not alter the public's use and enjoyment of the land for walking. The route of the public footpaths to the outer parts of the field remain unaltered and the land was not previously within the public domain but in agricultural use. The use as rugby pitches will ensure that there is a degree of public access to the site.

5. Archaeology

The proposed development lies within a documented prehistoric archaeological landscape.

The groundworks required to create two level rugby pitches within the application area will involve “cut and fill” and “approximately 26,000 cubic metres of soil will be cut and filled to create the pitches.” (Amphill and District RUFC Planning Statement, page 3). This quantity of earth moving will have a negative and irreversible impact on any surviving archaeological deposits present at the site.

The application was not accompanied by enough information to be able to assess the full impact of the proposed development on the archaeology of the site and work out an appropriate mitigation strategy. Therefore additional information was required on the archaeology of the site to be able to determine this application. This information was obtained through an archaeological field evaluation commissioned by the applicant.

An archaeological report was submitted dated 6th October and was approved by the Council's Archaeologist on 12th October. The results of the evaluation (fieldwalking and trial trenching) indicate the proposed development site is archaeologically sensitive, however there are few remaining sub-surface archaeological features and those that do survive are likely to be of fairly recent origin. The Council's Archaeologist can now confirm that the applicant has completed the required scheme of archaeological investigation and consequently has no objection to this application on archaeological grounds.

6. Parking and access

Vehicular access to the application site is from the A507 and will utilise an existing agricultural access opposite The John Crosse House.

Concern has been raised by the Police that the access should not be used routinely by vehicular traffic. The applicant has confirmed that this access will be required for the initial ground works and construction traffic. Once the rugby pitches are completed, vehicular access will only be required for ground maintenance vehicles and emergency vehicles should a player be seriously injured.

The applicant has confirmed that the normal practice for emergency vehicle access is to fit the gate with a combination lock which has a standard combination that is known to the emergency services, restrictions on the sharing of the combination (e.g. to the ground maintenance contractor) would provide security.

The existing gate is currently approximately 5m from the roadside and will be located some 10 metres further from the road in order to enable a tractor and trailer (or emergency vehicles) to be parked entirely off the road while the driver opens and/or closes the gate.

Concern has also been raised regarding the increased level of on street parking in Woburn Street and Station Road on match days and that there is inadequate parking for the current use. No additional parking is proposed. Station Road has unrestricted parking with the exception of double yellow lines to the turning area to the end of the road. Woburn Street also has unrestricted parking and there a public car parks on the north side of Woburn Street.

The community police have acknowledged that there have been parking issues at the rugby club for a number of years but that this does not cause obstruction to the

road in any way and that the other parking bays nearby are used to prevent the

The Highways Officer has no objection providing access from the A507 is suitably restricted.

7. Amenities of neighbouring property

There is only one residential property in close proximity to the proposed pitches and this is situated on the northern side of Station Road. This property is approximately 120 metres away from the public footpath and is not considered to be detrimentally affected by loss of outlook or amenities as a result of the proposal.

Reasons for Granting

The proposal is in conformity with Policy DM3 of the Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009, as it is appropriate in scale and design to its setting and respects the amenity of surrounding properties; DM14 as the proposal will not have an unacceptable impact on the landscape character of the area and DM15 as biodiversity is protected, appropriate mitigation measures will be carried out and the scheme will provide long term benefits for wildlife; Policy CS11 as the proposal supports the leisure developments in the countryside and which provides opportunities for rural diversification and is well located to support local services, businesses and other tourist attractions.

The proposal is in conformity with PPS5: Planning for the Historic Environment as the proposal reduces risks to a heritage asset.

It is also in accordance with Planning Policy Guidance: PPS1: Delivering Sustainable Development, PPG 2: Green Belt as the proposal does not affect the openness of the Green Belt and PPS 9: Biodiversity and Geological Conservation as biodiversity is safeguarded.

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 **No works shall commence on site until a scheme for the provision, implementation, ownership and maintenance of the surface water drainage system for the rugby pitches has been submitted to and agreed in writing with the Local Planning Authority . The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and shall demonstrate that there will be no additional run-off from the site.**

Reason: To prevent flooding by ensuring that satisfactory

storage/disposal of surface water on the site up to the critical 1:100 year critical storm with climate change allowance and in doing so ensure that there is no increased flood risk elsewhere.

- 3 **Prior to the commencement of development a scheme setting out measures for protecting all trees, shrubs and other natural features during construction work shall be submitted to and approved in writing by the Local Planning Authority. No work shall commence on site until all trees, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**
- **for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;**
 - **for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;**
 - **for other natural features along a line to be approved in writing by the Local Planning Authority.**

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

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

- 4 The development permitted by this planning permission shall only be carried out in accordance with the approved biodiversity mitigation measures outlined in Section 5.1 of the Further Reptile and Nesting Bird Surveys dated 27 July 2010, compiled by Adonis Ecology Ltd unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure biodiversity interests are safeguarded in line with PPS9.

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

Reason: To ensure that any potential land contamination is identified and appropriate remedial measures taken to produce a site that is free from harm to humans and ground water and is suitable for its proposed end use.

- 6 **Before development takes place details of how direct access between the A507 and the site for vehicles other than ground maintenance and emergency vehicles is to be prevented should be submitted to and approved in writing by the local planning authority. The approved details shall be implemented before the new facilities are first brought into use and thereafter retained for such purpose.**

Reason: In the interest of highway safety and for the avoidance of doubt.

- 7 Notwithstanding the approved plans, a 1.8 metre high chain link fence shall be erected in the positions shown on drawing 1370/10/1 prior to first use of the pitches. The fencing shall be kept in a good state of repair and retained at all times in perpetuity.

Reason: To ensure that the SSSI is protected against incursions by pedestrians.

- 8 The development permitted by this planning permission shall only be carried out in accordance with the habitat creation works outlined in Section 5.2 of the Further Reptile and Nesting Bird Surveys dated 27 July 2010, compiled by Adonis Ecology Ltd and shall relate to the areas shown on the plan at Appendix 1, Figure 3 attached to the report unless otherwise agreed in writing by the Local Planning Authority.

All habitat creation works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The works shall be undertaken not later than the end of the full planting season immediately following the completion of the development.

The sward development shall be monitored over the initial five years and the results reported annually to Natural England through the Local Planning Authority.

Reason: To create potential biodiversity gain through the appropriate design and management of wildlife enhancements within the development in line with PPS9.

- 9 The development permitted by this planning permission shall only be carried out in accordance with the principles for habitat enhancement management outlined in Section 5.2 of the Further Reptile and Nesting Bird Surveys dated 27 July 2010, compiled by Adonis Ecology Ltd and shown on the areas on the plan at Figure 3 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure existing or new habitats affected by development are managed effectively over an established period.

- 10 No works shall be commenced for the erection of any building or structure (including the erection of any lighting columns) within the area defined by the red line on site location plan Figure 3 without the specific grant of planning permission by the Local Planning Authority.

Reason: To protect the amenities of nearby occupiers and to protect the character and appearance of the surrounding countryside.

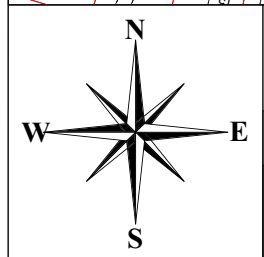
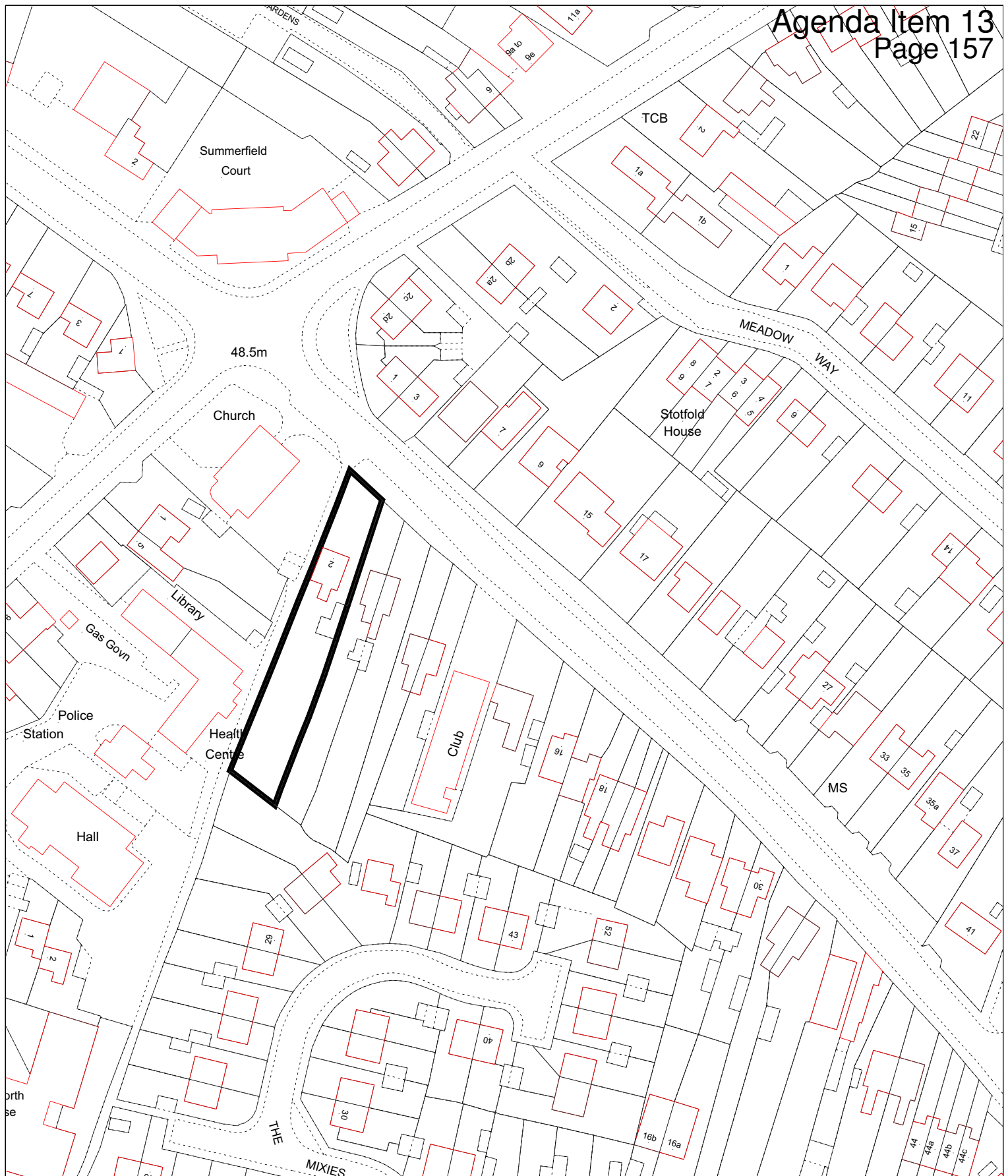
- 11 This permission does not authorise the use of the access from the A507 by vehicular traffic other than by vehicles used for ground maintenance or emergency vehicles.

Reason: To ensure safety of road users of A507.

Notes to Applicant

1. On uncontaminated land soakaways would be permissible for the disposal of clean surface water. Percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
2. The granting of this planning permission does not absolve the applicants from complying with the relevant law protecting species, including obtaining and complying with the terms of conditions of any licences required, as described in Part IV B of *Circular 06/2005*.
3. The surface of the public footpath must not be disturbed and no materials can be stored on the path at any time.
The Applicant is advised that if the Public Footpath is to be temporarily closed a period of six weeks notice will be required to arrange the temporary closure. Please contact Gemma Game, Rights of Way Officer, Central Bedfordshire Council on 0300 300 6574.
4. A surface water drainage scheme is required to effectively manage water run-off from the site so not to increase flooding on site or off site. The applicant will need to obtain water run-off calculations to provide information on the necessary storage/disposal (eg soakaways) of the surface water to the 1:100 year critical storm with climate change allowance that are necessary for this site.
5. The existing track between the clubhouse and the new pitches is on the line of Footpath 15 and is a right of way. Vehicles are unable to use this route.

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Date: 26:October:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 13

APPLICATION NUMBER	CB/10/03477/FULL
LOCATION	2 High Street, Stotfold, Hitchin, SG5 4LL
PROPOSAL	Full: Proposed detached dwelling to the rear garden of existing house
PARISH	Stotfold
WARD	Stotfold & Arleseay
WARD COUNCILLORS	Cllr Dalgarno, Cllr Saunders, Cllr Street & Cllr Turner
CASE OFFICER	Godwin Eweka
DATE REGISTERED	21 September 2010
EXPIRY DATE	16 November 2010
APPLICANT	Mr McNeill
AGENT	Aria Design
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Cllr Turner – Backland development and design, not in keeping with other residential properties
	Full Application - Granted

Site Location:

The site to which this development relates, measures 0.1 hectare and lies to the rear of Number 2 High Street, Stotfold, a two-storey 1930's detached dwellinghouse with pebble dashed and complementary plain tiled hipped roof and with two existing outbuildings.

This property shares a boundary with the church, north of the application site, at the crossroad of the High Street, Arleseay Road, Regent Street and Hitchin Road. The site has an existing vehicular crossover, which serves the dwellinghouse from the High Street. The existing property also has a large rear garden, which is split into an area of lawn and former vegetable garden, which has been left uncultivated for a couple of years.

The Application:

Proposed detached dwelling to the rear garden of the existing house, comprising three bedrooms and provision of two car parking spaces to the front and side of the dwellinghouse.

This proposal has been advertised in the local press.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 (Delivering Sustainable Development)
PPS3 (Housing)

PPS5 (Planning for the Historic Environment)

Bedfordshire Structure Plan 2011

N/A

Central Bedfordshire Core Strategy and Development Management Policies (2009)

DM3; DM4; CS1; CS2 and CS14

Supplementary Planning Guidance/Document

DS1 Design Guide for Central Bedfordshire (Jan 2010)

Planning Obligations Strategy (2009)

Planning History

There is no relevant Planning History.

Representations: (Parish & Neighbours)

Stotfold Town Council

Object as the building would be greatly out of character with the streetscene and would seriously affect the visual impact and character of the area. The proposed dwelling would constitute an unacceptable impact on neighbouring residential property by reason of overbearing impact, loss of privacy and loss of outlook to houses at Numbers 4 and 6 High Street.

The proposal fails to make adequate provision for turning for delivery vehicles and tankers to empty the septic tank. Object on the grounds that the proposal would constitute an unacceptable form of backland development. Medieval artefacts have been found on property and it is vital that an archaeology survey is carried out to assess development. There are no boundaries between the two properties shown on the plans and it is not apparent from the plans that the footpath on the property would have to be diverted to allow the development to take place, consideration for how the footpath links up with the other footpath would require vetting by Rights of Way Officer.

Neighbours

Two letters of objection have been received from the agent acting on behalf of the owner-occupiers of Numbers 4 and 6 High Street, Stotfold. The grounds of objection are as follow:

1. Garden Land: As you are aware, the development of existing garden land is now discouraged by alterations to

Central Government advice. Prior to June this year, garden land was considered to be brownfield or previously developed land under the terms of Annex B of PPS3.

2. Design: Paragraph 48 of PPS3 highlights the need for good design to ensure that land is used efficiently and by identifying the distinctive features that define the character of a particular area. The design bears no relation to the surrounding area and has no architectural leads.

3. Loss of Residential Amenity: The proposed residential development is unacceptable in principle. It will lead to loss of residential amenity to neighbouring occupiers.

4. Loss of Privacy: The development will result in a loss of outlook to a number of neighbouring properties and in particular, my clients' houses. The windows in the front elevation of the dwelling at first floor level, will give rise to loss of privacy to neighbouring owner-occupiers, particularly, their garden areas and rear elevations.

5. Built Form/Backland Development: The proposed development will give rise to highway safety and lead to a form of development, which is wholly inappropriate by reason of its poor and ill informed design, unacceptable siting, leading to a cramped form of development, which does not respect the local layout and the key characteristics of the surrounding area.

6. Highway Safety: The impact of the vehicular access on the neighbouring property, which will lead to a loss of amenity by reason of noise and general disturbance as well as issues concerning pollution and light nuisance from vehicles. The proposed vehicular access and servicing arrangements, are inadequate and the proposed turning facilities do not meet current standards.

7. Archaeology: Archaeological survey should be carried out. As a keen gardener, it is common place to dig up various Victorian artefact and many pottery fragments in the rear of garden of Number 2 High Street.

8. Size: The size of the proposed new build is 50% larger than the existing house (stated as 120 sqm), the proposed new build is claimed as 180 sqm. All Eastern sunlight and heat which comes into the Simpson Centre, will be blocked.

9. Eco House: Eco House pretext (Ideal approach to ease planning restrictions). In section 8, Sustainability. The following statements are vague and are not solid statements. The solar gain from the large windows...It is hoped that need for convention heating will be designed out (i.e. no heating).

Consultations/Publicity responses

Highway and Transport Division
No objection, subject to condition.

Ramblers Stotfold
Footpath Officer We have noted that Footpath (FP11) runs down the side of the property and is in the ownership of the property. We also observed that the FP provides a valuable link between the High Street and Brook Street and that there is currently a tall fence between the FP and the existing house and garden. We assume the fence or similar structure will be retained in order to provide the occupants with adequate degree of security and privacy.

The Design & Access Statement indicates that after consultation with the Central Bedfordshire Rights of Way Officer, it has been agreed to leaving a footpath width of 2.0m and a further 0.3m from the footpath to the dwelling.

It has been noted that FP11 should not in any way be affected by vehicular access to either the existing or proposed property.

In consideration of the above, the Ramblers Association have no objection to this application, providing there is no obstruction to FP11 during development.

No comments received.

Rights of Way Officer

No objections raised.

Archaeology

Determining Issues

The main considerations of the application are:

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

Considerations

1. Principle of Development

This site lies within the '*Settlement Envelope*' of Stotfold. As such, the proposed development is assessed against Policies CS1; CS2; DM3; DM4 and CS14 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

Policy CS1 of the Central Bedfordshire Core Strategy and Development Management Policies (2009), categorises Stotfold as one of the district's *Minor*

Policy DM3 requires all new development such as this, to be appropriate in scale and design to their setting, contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials, land use efficiency, energy efficiency, respect the amenity of surrounding properties, provision of adequate parking and servicing etc.

Policy DM4 states that within the '*Settlement Envelope*' of a Minor Service Centre such as Stotfold, the Council will approve housing with the scale of the settlement, taking into account of its role as a local service centre.

Policy CS14 requires development to be of the highest quality by respecting local context, varied character, focusing on the quality of buildings individually or collectively to create an attractive, accessible public realm and reducing the opportunities for crime etc.

There has been a recent amendment to PPS3 and residential gardens are no longer classed as previously developed (brownfield) land.

The amendments to PPS3 (Housing) which were announced on 9th June 2010, give Local Planning Authorities power to determine the best locations for development within their area. The amendments do not supersede Policy DM4 of the Central Bedfordshire Core Strategy and Development Management Policies (2009), which finds the principle of residential development within Settlement envelopes acceptable. This change in Government Policy results in lesser weight being given to the presumption in favour of garden land and it increases the weight given to the impact on amenity and character.

This development therefore, is assessed according to its merit, taking into account its specific site constraints. Bearing in mind the location of the proposed site within the Settlement Envelope, the principle of a residential development is considered acceptable.

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

This proposal lies in an area of varied character, with varying architectural styles. The design and materials of the proposed two-storey dwelling are different from the design of the 1930's existing two-storey dwellinghouse at Number 2 High Street and the adjoining Victorian properties of Numbers 4 and 6 High Street, Stotfold.

The design of the proposed dwellinghouse however, is described as a contemporary style, depicting a mono-pitched roof with celestial windows just beneath the ridge line facing west of the site. The pitched roof is of dark slate or a dark standing seam roof. The other parts of the dwellinghouse would comprise a flat roof with membrane construction. Wall finishes would be a mixture of smooth painted render and a natural Cedar/Larch clad, incorporating a plant room on the first floor, thus projecting out over one of the parking spaces. It is advised this would be left untreated and allow to weather naturally.

The varying design and architectural styles of the immediate surroundings are such that the proposed development would not look out of character from the

surrounding areas. It is considered the modern design lends itself to some environmental benefits, thus providing a sustainable development in the use of materials and renewal energy. The development therefore, is likely to enhance the varied nature of architectural designs in the area.

3. Impact of Development on Neighbouring Properties

The proposed two-storey detached dwellinghouse would occupy near to the bottom of what would be the second half of the rear garden of Number 2 High Street, Stotfold. Number 2 already benefits from a generous rear garden, excluding the part that is the subject of this application. As such, there are various factors that need to be considered in relation to adjoining residential properties.

The proposed development would result in an insignificant level of adverse impact on the amenity of the adjoining residents. The application site is separated by a 2 metre high close boarded timber fences, staggered in parts in order to reflect the varying ground levels that bound the site from adjoining properties to the east and the public footpath to the west. The new development is well set back to the south of the adjoining properties at Numbers 4 and 6 High Street as well as from the existing Number 2 High Street.

The issues raised by the objectors in the form of adverse impact on residential amenity, loss of outlook, loss of daylight and sunlight to adjoining garden areas and rear elevation, have all been assessed. The proposed two-storey dwellinghouse is approximately 13 metres to the rear of Number 4 High Street, which has a ground floor side elevation window and French doors, together with large rooflights on the part single, part two-storey rear extension, which would be facing towards the front elevation of the new dwellinghouse, which boasts a first floor large window serving a bedroom 2. Due to the layout and orientation of this new development, which lies at 21 metres from Number 2 and 13 metres from Number 4 High Street, it is not considered there would be any adverse impact resulting in any overbearing impact, overlooking/loss of privacy or loss of daylight/sunlight to those properties. It is not considered the siting or height of this two-storey dwelling would result in any adverse impact to neighbouring properties.

It is considered the rooflight in the upper floor has been kept to a minimum to prevent overlooking and a few windows in the east elevation next to Number 4 High Street are considered above eye level. There are no windows on the west elevation fronting the footpath to cause any potential loss of privacy/overlooking. It is considered this arrangement would ensure that the noise from the public footpath is negligible. The proposed development is also unlikely to result in any noise nuisance due to the new vehicular access that connects the site from the High Street, along the side of Number 2 High Street Stotfold, given the likely intensity of the use.

The proposed two-storey dwelling is sited 8 metres away from its rear boundary and the rear garden of Number 33 The Mixies, with close boarded fencing, a mature hedge of about 2 metres high and some mature trees. This fence also forms the side/rear boundary of Number 33 The Mixes. Although, there are two rear bedroom windows on the first floor south elevation of the proposed dwelling, their outlook though, would be obscured by the vegetation, it is not considered

their location would cause any adverse impact on the amenity of the owner-occupier(s) of Number 33 The Mixies.

Furthermore, the orientation of Number 33 The Mixies, is such that its front elevation faces south-east, whilst its rear elevation and rear garden face the western boundary. The owner-occupier(s) of this property has been consulted, but no comments have been received. This suggests therefore, that there are no adverse issues of concern to these residents.

In response to the letter of objections received on behalf of the two adjoining owner-occupiers at Numbers 4 and 6 High Street, it is important to stress that Number 4 High Street gained planning permission in October 2005 for the erection of part single, part two-storey rear extension to the main dwellinghouse. Although the extensions are no higher than the existing dwellinghouse at Number 2 High Street, the scale of the extensions was not considered detrimental to the owner-occupiers of Number 2 High Street. The proposed two-storey dwellinghouse therefore, is no higher than the height of the adjoining properties, but smaller in scale to them. The development therefore, should be considered within the context of the site, by virtue of its layout, scale and design within this rectangular plot, which forms the rear long garden of Number 2 High Street and which is also similar to the rear gardens of adjoining residential properties.

Consideration has also been given to the comments received from Stotfold Town Council and it is considered the issues raised, have been assessed and whilst the development lies to the rear of an existing dwellinghouse, with a proposed vehicular access link from the High Street, there are no other material considerations to outweigh the suitability of this development, as it is not considered it would result in any adverse impact, other than its location to the rear of an existing dwellinghouse, which is not likely to cause any harm or detriment to the amenity of the residents. This therefore, is not a reason to warrant refusal of the development.

4. Highway Safety Implications

This site currently has one off-street parking to the front garden of Number 2 with direct vehicular access from the High Street. However, the new proposal makes provision for three off-street parking to the front of this property and a further two spaces for the proposed dwelling at the rear, both of which would share the vehicular crossover direct from the High Street. The Highways and Transport Division have advised that no objections would be raised, subject to conditions.

Whilst there is no objection to the proposal the Highways and Transport Division have advised that the proposed dwelling alignment has been slightly altered to that of the building line on the pre-application advice, which they gave previously. As such, the turning area needs adjusting.

5. Planning Obligations Strategy

The proposed development is subject to a legal agreement in the form of a Unilateral Undertaking-Section 106 to seek financial contribution towards local infrastructure in accordance with the Supplementary Planning Document of the Planning Obligations Strategy (2009) and Policy CS2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

6. Sustainability

The new property, though a two-storey detached dwellinghouse, is of a scale similar to the existing dwellinghouse at Number 2 High Street, Stotfold. This property is designed to incorporate renewable energy measures and energy efficient materials in its construction.

It is considered the construction of this dwellinghouse aims to provide an increased efficiency of insulation, together with solar power gain from the large south facing glazed windows, thus reducing heavy heating costs. The development also incorporates a 'Mechanical Heat Recovery Ventilation' system. It is advised Solar Power would be used to heat water with winter back up, which is provided by biomass in the form of wood boiler. It is also advised that rainwater would be collected in a specialist rainwater harvesting system to an underground tank, which would be used for w.c. flushing, washing machine and dishwasher.

7. Archaeology

The Historic Environment Record does not contain any records of archaeological features or finds from 2 High Street, Stotfold. It is also away from the known core areas of historic settlement in Stotfold. On this basis, it is not considered the proposed development is likely to have an impact on archaeological remains or on the significance of the heritage asset they would represent.

Reasons for Granting

That the proposed residential development and character of the area lie within the '*Settlement Envelope*' of Stotfold and whilst this is considered a development which lies to the rear of an existing residential dwelling, it is not considered the development would result in any significant harm to the adjoining residents and their amenity by virtue of its siting, scale, height or design. Given the design and location of the proposal, it would not have an adverse impact on the character of the area. Therefore, it is considered the development is in accordance with Policies CS1; CS2; DM3; DM4 and CS14 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

Recommendation

That Planning Permission be granted subject to the following:

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

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

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

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

- 3 The permission shall extend only to the application as amended by Drawing Number 790:03A

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

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

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

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

- (i) materials to be used for any hard surfacing;
- (ii) proposed and existing functional services above and below ground level;
- (iii) planting plans, including schedule of size, species, positions, density and times of planting;
- (iv) cultivation details including operations required to establish new planting;
- (v) details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.

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

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

- 6 **No building shall be occupied until the junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 7 **Before the premises are occupied the on site vehicular areas shall be constructed and surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority for a distance of 5.0m into the site, measured from the highway boundary. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

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

- 8 Any gates provided shall open away from the highway and be set back a distance of at least 5.0m from the nearside edge of the carriageway of the adjoining highway. The gates shall remain unlocked at all times to allow access into the site for delivery/service/ambulance vehicles unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable vehicles to draw off the highway before the gates are opened and allow access to the rear turning area.

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

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

- 10 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout, parking provision, turning area and refuse collection point illustrated on the approved drawing No. 790:03A and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

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

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

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

- 12 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(s) shall be formed on the east elevation of the dwellinghouse without prior written approval of the Local Planning Authority.

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

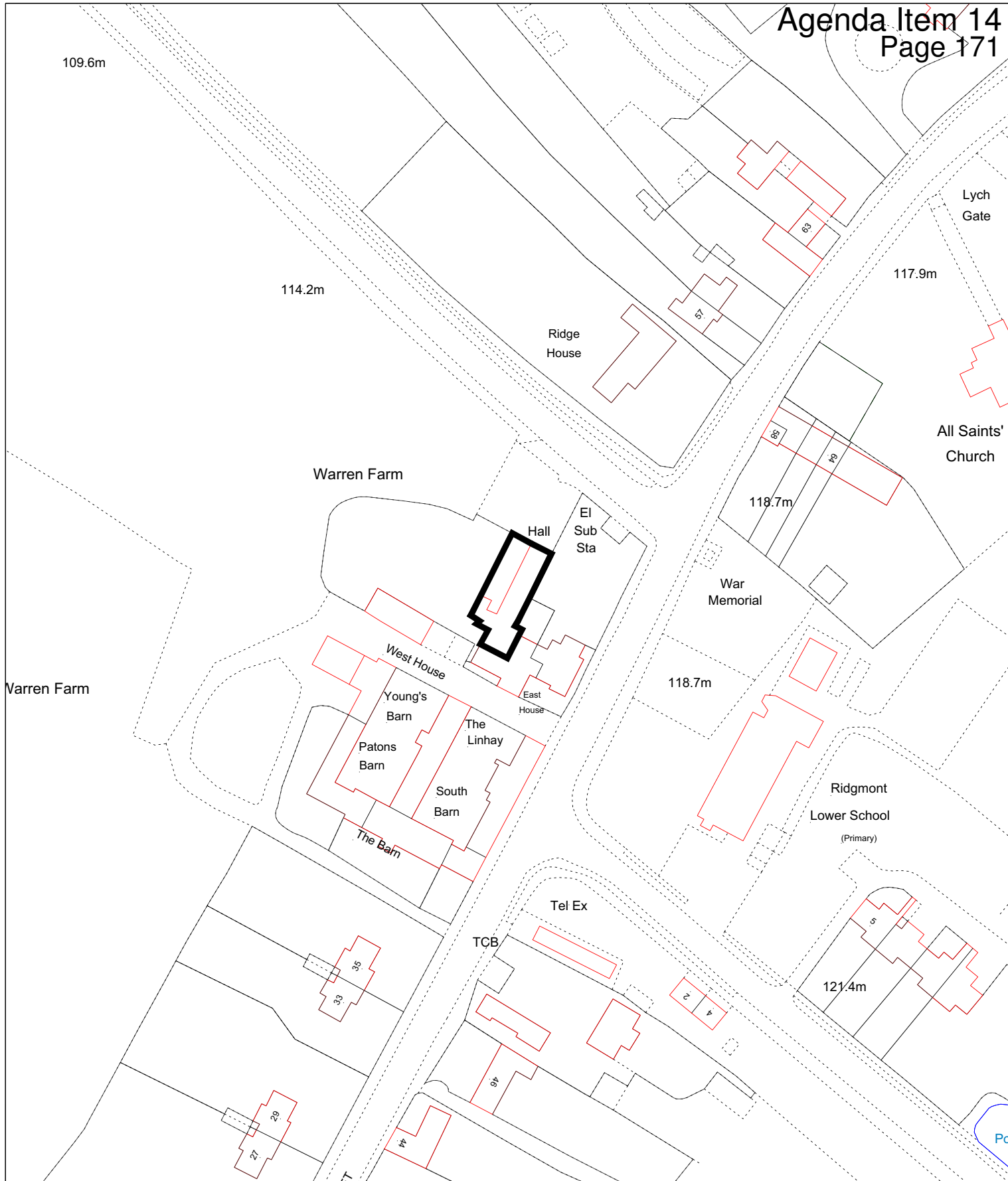
Notes to Applicant

1. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Amphill Road, Bedford MK42 9BD.
2. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

DECISION

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	<h2>CASE NO.</h2>
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Item No. 14

APPLICATION NUMBER CB/10/02726/FULL
LOCATION The Village Hall, High Street, Ridgmont, Bedford,
MK43 0TS
PROPOSAL The Village Hall, High Street, Ridgmont, Bedford,
MK43 0TS
PARISH Ridgmont
WARD Woburn & Harlington
WARD COUNCILLORS Cllr B Wells, Cllr F Chapman
CASE OFFICER Mary Collins
DATE REGISTERED 16 July 2010
EXPIRY DATE 10 September 2010
APPLICANT Trustees of the Ridgmont Charity
AGENT Kirkby & Diamond
REASON FOR Contrary to Policy CS3
COMMITTEE TO
DETERMINE

RECOMMENDED
DECISION Full Application - Granted

Site Location:

Ridgmont Village Hall is sited on the corner of the High Street and Station Road. It is attached to the residential property known as East House and the building forms a L shape plan with two wings.

The building is constructed in orange/red brick laid in a Flemish bond and has a slate roof with double gables to the front and rear elevation with barge boards.

The building was constructed in 1893 and has a Duke of Bedford plaque to the end gable. A single storey extension to the northern end elevation to create the stage area at the end of the hall appears to have been added in 1915 as a Bedford Estate Plaque to its parapet suggests. To the northern end facing Station Road is an external brick staircase providing a fire escape from the first floor of the single storey extension. To the rear is an area of flat roofed extension which forms the toilets and is constructed on the rear boundary of the site. Vehicular access to the site is off Station Road.

The building is situated with the Ridgmont Conservation Area and forms a part of an important group of buildings along with the attached properties at West House and East House on the corner of High Street and Station Road.

The Application:

Planning permission is sought for the change of use of the village hall from D1 (Non-Residential Institution) to C3 (Dwelling).

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS3 Housing
PPS5 Planning for the Historic Environment

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

DM3 - High Quality Development
CS15 - Heritage
DM13 - Heritage in Development
CS3 - Healthy and Sustainable Communities

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development, Adopted January 2010
Design Supplement 4: Residential Alterations and Extensions
Design Supplement 5: The Historic Environment
Ridgmont Conservation Area Appraisal dated December 1992

Planning History

ARDC/3659 72/231 Car park Approved: 31/08/72 p5434
MB/82/00820 Full: Fire escape. Approved: 21/12/82

Representations: (Parish & Neighbours)

Ridgmont P C
Adj Occupiers

No response received
Four letters received.
Two letters with comments

Request that any Planning consent is restricted or covenanted as follows:-

(a) Change of Use consent given on the basis that any development to this property once residential is limited to only one property; one occupier and not multiple dwellings within the one property i.e. flats. No consent for access will be granted to several occupiers of the Village Hall either now or in the future.

(b) That the windows and floors and ceilings remain as they are and any such windows that directly overlook East House Garden are obscured or in the case of the top floor removed and replaced with brickwork.

(c) The outside Staircase to the top floor is restricted in that no building i.e. conservatory or additional windows are erected on the site and that the site is not used for recreational facilities i.e. outside dining/BBQ's etc as this has a direct privacy invasion and enjoyment to East House's garden.

(d) The top floor of the building has never been used for either recreational or residential purposes and only for storage since we have owned East House in 1996. Ask that the top floor is not used as residential accommodation ideally but mindful that in

order for the building to be repaired and sold, this is likely to detract a buyer for the property. However, have enjoyed 14 years of privacy from the top floor; that this remains to be the case and the windows are removed and solid brickwork replaces them in keeping with the building.

(e) That any residential development is in keeping with both East and West House.

(f) That a noise and light pollution restriction on occupancy is part of the Planning Approval so that the enjoyment of East House during evenings and weekends is not compromised and is as it has been for the last 14 years.

(g) That any residential occupancy/development is restricted to being within the existing square footage of the Village Hall i.e. that no further buildings will be erected alongside East House boundary.

Two letters of support:

The village hall has not been used for some 5 years. This has not caused a deterioration in the social fabric of Ridgmont as there are other venues within the village available for hire; the Stables at the Rose and Crown and the school.

The village hall has not been used for at least 4 years or more. There are alternative venues to meet our residents needs.

Consultations/Publicity responses

Highways	Recommend conditions are attached.
Preservation Society	No response received
Application advertised 13/08/10 and 01/01/10	Response received see above
Site Notice posted 04/08/10	Response received see above

The main considerations of the application are;

1. Background and Policy
2. Impact on the character and appearance of the Ridgmont Conservation Area
3. Impact on amenities of neighbours.

Considerations

1. Background and Policy

Policy CS3 of the Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009: Healthy and Sustainable Communities states that the council will ensure that appropriate infrastructure is provided for existing and growing communities by safeguarding existing community, education, open space, recreation, sport, play and health facilities.

The proposal represents a loss of this village facility and is considered contrary to Policy CS3 and the application has been advertised accordingly.

In this instance the hall has not been used since it closed in 2006 and pre-application discussions have taken place regarding the potential sites for a new village hall but a formal application for a replacement village hall has not been made.

The sale of the existing village hall will provide funds for a replacement village hall. The current hall is owned by the trustees of The Ridgmont Charity. In order to sell the current hall the Charity under the Charities Act 1983 is obliged to seek to achieve best value for its assets and as such it is considered residential use will achieve this.

The application was accompanied by evidence from the local community that they are supportive of the change of use of the existing hall and the loss of the current facility. 26 responses were received in support of the change of use not be conditional upon development of a new hall and that proceeds of the sale of the hall to be ring-fenced for the purposes of a new hall, pending a survey.

The result of that consultation is that there is support for the grant of permission for the change of use unconditionally and for the proceeds from any disposal to be ring-fenced for the provision of a new facility. This is in accordance with a Trust Deed that has been prepared by the applicants and they hope that this will be sufficient to satisfy the Local Planning Authority.

It is considered that an exception in policy may be acceptable in this instance as there is community support for the change of use and because the terms of the Trust Deed means the funds from the sale of the existing hall will be applied for general charitable purposes for the benefit of the inhabitants of Ridgmont.

There are no objections in principle to the building's conversion into residential use in this village location.

2. Impact on the character and appearance of the Ridgmont Conservation Area

The existing village hall is attached to the residential property known as East House. and the village hall is aligned at 90 degrees to it. The Buildings are identified in the Ridgmont Conservation Area Appraisal dated December 1992 as being Buildings of Local Interest which are considered to make a positive contribution to the appearance of the conservation area.

The application is to convert the premises into a single residence. Floor plans showing the proposed ground and first floor internal layout have not been submitted and therefore it is not known how the internal space will be used in relation to the existing windows. However the applicant has confirmed that no external changes are proposed to the building to facilitate its change of use.

There are currently windows in the south eastern elevation of the building at first and ground floor level which face the garden of East House and the High Street. Windows in the rear elevation face the garden to West House. A first floor window in the end elevation is currently boarded up and this faces Station Road.

Although not a listed building, the building is considered to contribute to the character and appearance of the conservation area and forms an important group of buildings

along with the attached properties at West House and East House on the High Street and Station Road.

It is considered that the blocking up of any existing windows would be detrimental to the character and appearance of the building and that the existing openings should be utilised. However due to its close proximity with other residential properties it is considered that a condition should be imposed removing permitted development rights for extensions, alterations and outbuildings.

A plan showing a parking area for four cars has been submitted which is satisfactory in highway terms. The parking area is not considered to be detrimental to the appearance of the conservation area.

3. Impact on amenities of neighbours

Due to the relationship with the attached property at East House, windows in the side elevation of the village hall facing the High Street directly overlook the garden to East House.

The garden is enclosed by the L shape of the buildings front wall and by an approximate 1.8 metre high brick wall. Although to the front of the property, the wall provides privacy to the front garden and it cannot be overlooked from the pavement.

Windows in the first and ground floor of the hall are high level windows and it is considered that the windows will allow a view out of them for an average sized person standing up. However given that the windows also have a deep window cill it is considered that the potential for looking out of the windows is reduced. Windows on the first floor are narrower and are also at a high level. As discussed previously, a condition requiring internal floor plans of the final conversion will be attached to ensure that the Local Authority can assess the impact of the use of the rooms on neighbouring properties. To ensure that the floor levels are not raised internally which could also compromise privacy a condition will also be imposed.

Given that the building has been used a public building in the recent past and the use has not been abandoned the building could be reused for the public without planning permission, it is considered that the potential for overlooking into the adjoining gardens will be reduced by the proposal.

There will be potential for overlooking into neighbouring gardens from the landing to the first floor fire escape which could easily form a seating area. This vantage point would provide clear views across the whole of the garden to the front serving East House and with some views into the private amenity area of West House to the rear. As such it is considered that a condition is imposed to require the addition of a privacy screen to the parapet walls to each side of this area to an overall height of two metres measured from flat roof level. An obscurely glazed screen can be formed from a contemporary material which would be appropriate on this building and would prevent loss of privacy through overlooking.

4. Planning Obligation

The Planning Obligations Strategy, wherein the construction or creation of one dwelling or more is required to make a financial contribution towards the costs of local infrastructure and services, was adopted by Mid Bedfordshire District Council on 20th February 2008 and has been operative since 1st May 2008. The Draft Supplementary

Planning Document was subject to a six week public consultation period between 6th July and 17th August 2007.

In accordance with national planning policy contained in PPS1, Local Planning Authorities are required to ensure that new development is planned to be sustainable. Where communities continue to grow, many require additional infrastructure, in the form of services and health care, for example. This involves all new residential proposals having to enter into either a Section 106 Legal Agreement or a Unilateral Undertaking to provide contributions towards the impact of new developments within the former Mid Beds area. The SPD is a material consideration in the determination of planning applications and refusal of planning permission is likely when development proposals do not comply with its requirements.

This application entails the change of use of the building into a single property. The number of bedrooms is not known and therefore the calculation will be based on an Outline application for a single dwelling in Ridgmont.

A Unilateral Undertaking has not yet been completed but is hoped that this will be submitted and completed prior to the planning committee.

If members are minded to approve the application, Officers request that the decision is delegated to Officers pending the completion of an agreed Unilateral Undertaking.

Conclusion

In light of the above considerations it is recommended that planning permission is granted subject to the satisfactory completion of a Section 106 undertaking.

Reasons for Granting

The proposal is in conformity with Policies CS15 and DM13 of the Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009 as it is not considered inappropriate development within a Conservation Area and Policy DM3 as the proposal respects the amenity of surrounding properties and respects and complements the context and setting of the designated Ridgmont Conservation Area. It is also in accordance with Planning Policy Guidance: PPS1: Delivering Sustainable Development, PPS3: Housing and PPS5: Planning for Historic Environment as the development does not unacceptably adversely impact upon the character or appearance of the Conservation Area.

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 **No development shall take place until internal floor plans to a scale of 1:50 or 1:100 have been submitted to and approved in writing by the Local Planning Authority showing the final first and ground floor layout of the dwelling.**

Reason: To protect the visual amenities of conservation area and to protect the amenities of adjoining properties.

- 3 **No development shall take place until details of a privacy screen to be installed to the parapet walls on each side of the flat roofed single storey extension to the northern end of the existing building and to achieve an overall height of 2m have been submitted to and agreed in writing by the Local Planning Authority.**

The screens shall be constructed in accordance with the approved details and shall be retained in perpetuity.

Reason: To ensure that the privacy of adjoining residential properties is not detrimentally affected.

- 4 **No development shall commence until a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

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

- 5 **Notwithstanding Schedule 2, Part 1, Class A, B, C, D, E, F, G and H of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for the external alteration or extension of the dwelling hereby permitted or for the erection of any building/ structure within its curtilage without the specific grant of planning permission.**

Reason: To protect the visual amenities of conservation area and to protect the amenities of adjoining properties.

- 6 **The internal ground and first floor levels of the building shall not be raised or lowered unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To protect the visual amenities of conservation area and to protect the amenities of adjoining properties.

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

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

- 8 Details of bin collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling.

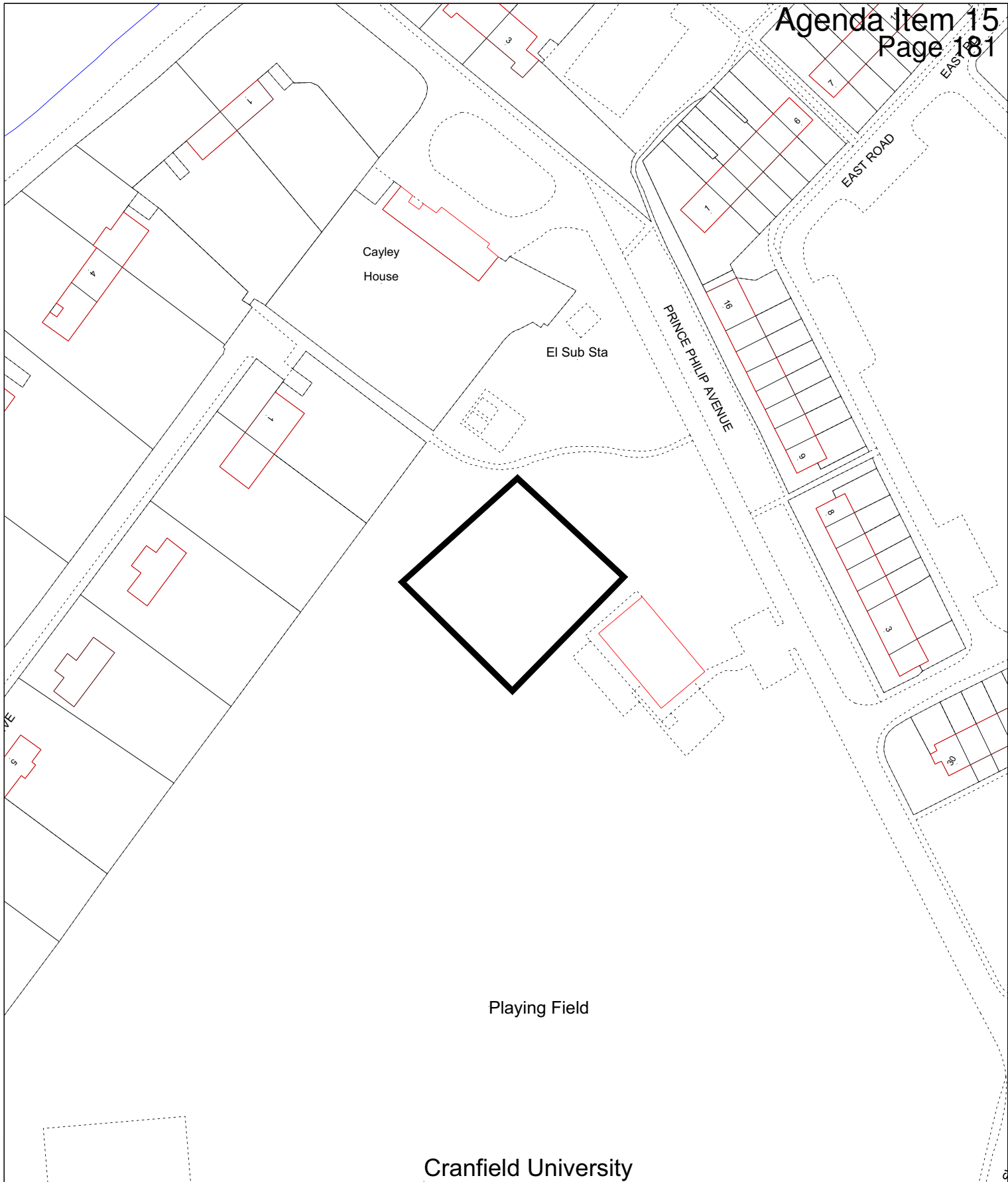
Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 9 This permission relates to the change of use of the building to a single dwelling only.

Reason: For the avoidance of doubt.

Notes to Applicant

1. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Amphill Road, Bedford MK42 9BD.
2. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
3. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Council's "Cycle Parking Guidance - August 2006".
4. The privacy screen to be installed to the parapet walls on each side of the flat roofed single storey extension to the northern end of the existing building shall be to an overall height of two metres measured from flat roof level. An obscurely glazed screen is considered to be a contemporary material which would be appropriate on this building and would prevent loss of privacy through overlooking.



Cranfield University

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Item No. 15

APPLICATION NUMBER	CB/10/03413/FULL
LOCATION	Cranfield University playing field, land adjacent to Prince Philip Avenue, Cranfield
PROPOSAL	Full: Erection of a multi use games area, consisting of two five-a-side football pitches, floodlighting and associated landscaping.
PARISH	Cranfield
WARD	Cranfield
WARD COUNCILLORS	Cllr K Matthews, Cllr A Bastable
CASE OFFICER	Clare Golden
DATE REGISTERED	13 September 2010
EXPIRY DATE	08 November 2010
APPLICANT	Cranfield University
AGENT	Turnberry Consulting
REASON FOR COMMITTEE TO DETERMINE	Councillor Bastable requested that this application be brought to the Development Management Committee following concerns from Cranfield Parish Council about the impact of the proposed floodlighting on surrounding residential amenity.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is located within the campus of Cranfield University. The site is located to the north west of the main campus and occupies the northern corner of the playing field adjacent to Prince Philip Avenue, from which the site is accessed. The proposal site hosts a redundant concrete base which originates from a temporary sports facility on the site.

Prince Philip Avenue lies to the east of the site and runs from north west to south east and is a predominantly residential area. All of the dwellings in this area are occupied by students and owned by Cranfield University. To the southeast of the site lies a single storey building which provides changing and showering facilities for users of the sports fields and is also used as a children's nursery. A car park providing 7 spaces and a vehicular access onto Prince Philip Avenue serves this building.

The site is accessed from Prince Philip Avenue by using the existing pathways, adjacent to, and across the site. Mature trees align the road to the front of the site.

The site falls within land designated as open space, sports and recreation.

The Application:

This application seeks permission for the erection of a Multi-use Games Area (MUGA). This comprises of two 5-a-side football pitches to be sited side-by-side in a north east to south west direction, separated by a chain link fence. The MUGA is

proposed to be used by students of Cranfield University and potentially for the wider community, and both pitches would be used for 5-a-side football and hockey.

The total footprint would be approximately 37metres by 37metres with an artificial surface, surrounded and separated by a 3metre chain fences and bounce boards between 3 and 4.5metres in height behind the goals. The pitches would also be floodlit by 6metre high lights located at each corner of the pitches and on in the centre of each side. The total number of lights would be 8. Access to the pitches would be obtained from the south eastern aspect of the pitches, facing the changing facilities. A paved path would be provided from the changing facilities to the MUGA and around the outside of the pitches fence.

RELEVANT POLICIES:

National Policies (PPG & PPS)

- PPS1: Delivering Sustainable Development
- PPS7: Rural Areas
- PPG13: Transport
- PPG17: Sport and Recreation

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

- CS3: Healthy and Sustainable Communities
- CS4: Accessibility and transport
- DM3: Protection of amenity
- DM4: Development in the Countryside
- DM11: Higher Education and Research Facilities
- DM17: Accessible Green Spaces

Supplementary Planning Guidance

'Design in Central Bedfordshire' Adopted Supplementary Planning Document, 2010

Planning History

MB/06/00929/FULL Erection of temporary sports hall. **Granted.**

**Representations:
(Parish & Neighbours)**

- Cranfield P C** Objects to the application on the grounds that the lighting may spill and will impact upon nearby residents.
- Adj Occupiers** No comments received.

Consultations/Publicity responses

Four Site Notice posted on 5/10/10: No comments received.

- Adjacent to the sub-station

on Lanchester Road
- adjacent to the footpath
leading to the playing field on
The Drive
- Directly adjacent to the site
on Prince Philip Avenue
- Adjacent to the bus shelter
adjacent to the playing field
and Prince Philip Avenue

Architectural Liaison Officer	No comments received.
Community Safety Officer	No comments received.
Cranfield Airport	No comments received.
Trees and Landscape Officer	No comments received.
Disability Discrimination Officer	No comments.
Highways	No objections subject to conditions.
National Air Traffic Services, (NATS)	No safeguarding objections.
Play and Open Space Officer	No comments.
Public Protection	No objections subject to conditions.
Sport England	Support the application

Determining Issues

The main considerations of the application are;

- 1. Planning Background and Principle of the development**
- 2. Impact on the visual amenity of the surrounding area**
- 3. Impact on neighbouring amenity**
- 4. Other matters relevant to the application**

Considerations

1. Planning Background and Principle of the development

Planning permission was granted for a temporary sports hall for a period of five years in 2006 on this site, (MB/06/00929/FULL), while a permanent sports hall was being constructed close by on the campus, (MB/02/00955/FULL). The temporary sports hall was a solid structure and larger than the current proposal and the remains of the concrete base fall within the area of the present application site.

The site lies within land designated in the Council's Proposal's Maps of the Core Strategy, Adopted 2009 as Open Space, Sport and Recreation. In accordance with Policies CS3 and DM17 and PPG17, the development proposed would offer enhanced facilities for outdoor sport and is wholly appropriate in this location.

The application site also falls within the countryside, although it lies within the university campus. Whilst Policy DM4 is relevant, particular consideration must also be given to Policy DM11 which seeks to permit appropriate development within the established campuses of Cranfield University. The proposal makes use of previously developed land which is an efficient use of space with minimal impact on the existing open space and thus accords with PPS1. In policy terms,

the principle of the development is acceptable. This is of course subject to the aims of other relevant planning policies which require new development to relate well with the surroundings, have a close association with the university, and have a safe, convenient and adequate standard of access. This policy also seeks to enhance landscape improvement. Each of these issues are discussed in the following aspects of the proposal.

2. Impact on the visual amenity of the surrounding area

In terms of the impact on the character and appearance of the streetscene, the proposed pitches would be set back from the adjacent road and footpath and screened by mature trees which would help to reduce the visual impact of the main structure within the streetscene.

Both pitches will be at ground level and uncovered, but surrounded predominantly by 3metre chain link fencing, (4.5metres behind the goal area) including a 1metre rebound board at the ground level. In comparison to the previous development on the site which was a temporary sports hall at three storeys in height and covered, the current proposal would have a lower visual impact. The development will have a very functional appearance clearly reflecting the intended use. Sited on the existing playing field, the appearance of the proposed development is entirely appropriate to the character of the land it would lie on. The visual impact of the proposal would be lessened by the mature trees that encircle this part of the green.

The application also proposes to erect floodlighting to serve both pitches. This is both a potential issue for the impact on the visual amenity of the surrounding area and on neighbouring amenity, both of which will be discussed.

It is proposed to erect a maximum of 8 flood lights which would equate to a lighting level of 350 lux which meets Sport England's requirements. The floodlighting would allow the facility to be used after daylight hours and in the winter up until 10pm. The floodlights would have a height of 6 metres and be located at each corner and two in the centre, and would only be used between the hours of 8pm and 10pm. Specific details of the lighting design and luminance was not provided with the application although this has been requested and this information will be reported verbally at the Committee. In terms of the impact of the floodlighting on the visual amenity of the surrounding area, the floodlights would be six metres in height, thus higher than the maximum height of the 4.5metre fence. During daylight hours and in the context of the playing field location, it is considered the lighting columns would not have an unduly prominent appearance.

3. Impact on neighbouring amenity

In terms of the impact of the floodlighting on the residential amenities of occupiers of surrounding properties, it is noted that all of these dwellings are occupied by students of Cranfield University and controlled by the University, and thus there are no private houses in the vicinity. Notwithstanding this, the applicants have confirmed that the proposed lighting specification will be compatible with a private residential setting. The height of the floodlights at 6metres will not be excessive. In terms of the potential for light pollution and overspill towards surrounding dwellings, it is possible for the lights to be designed so that they have asymmetric luminaries whereby the lamp is faced

downwards, but reflectors spread the light outwards to prevent upward glare. Assymmetric distribution would focus the light on the pitch and not above the horizontal line from the lamp.

In terms of the proximity of the lights from nearby dwellings, the closest distance from the north pitch to Cayley House, directly to the north, would be 20metres. It is recommended that should permission be granted, a condition be imposed which requests details of the lighting to be installed on the site, and furthermore, that should any unacceptable glare be caused to occupiers of the surrounding dwellings in the first 12 months following installation, that the lighting be revised or adjusted to rectify this.

Subject to a condition requesting further details and one to control the use of the lighting, it is not considered that the proposal will result in a detrimental impact on the amenities of occupiers of nearby dwellings, or surrounding buildings, or on highway safety.

4. Other matters relevant to the application

Highways:

The proposal does not include additional parking provision. There is a small car park, (7 spaces) to the front of the adjacent changing facilities building and evidence of on-street parking along Prince Philip Avenue. The MUGA would be used primarily by students and staff based on the campus who would walk to the facility. The facility could also be used by members of the wider community however, who are likely to drive to the site.

It is the intention of the university's parking policy to provide car parking at the periphery of the campus to enhance the quality of the built environment in the centre of the campus, making it more pedestrian friendly and preserving the existing areas of key open space. Providing additional parking on the playing field would encroach into this designated key open space and would detract from the character and appearance of this part of the site.

The University has sought to justify their case for not providing parking on these grounds and also state that sufficient parking is available in the surrounding area to accommodate the potential for additional cars during community and special events. It should be noted that as an existing playing field, even without a formal structure, two football pitches could be laid out without the need for planning permission and without additional parking.

In terms of how the university will promote the use of surrounding car parks to avoid on-street parking along Prince Philip Avenue, the applicants state that the existing infrastructure which comprises of its security patrols can manage visitors which will ensure visitors are directed to peripheral car parks. The dwellings surrounding the site are entirely student accommodation within the control of the university, and it is not considered that the potential for high levels of parking congestion along this road after working hours will be high. Should on-street parking occur along Prince Philip Avenue, the Council control the Highway and would expect any damage to the highway to be rectified by the University and measures taken to stop the damage. In accordance with the University's intention to reduce car parking in the centre of the campus and promote alternative, sustainable methods of transport, the university has agreed to provide 10 short stay cycle parking spaces.

Reasons for Granting

The scheme, by reason of its site, design and location is in conformity with Planning Policy Guidance: PPS1: Delivering Sustainable Development, PPS7: Rural Areas, PPG13: Transport, PPG17: Sport and Recreation, and Planning Policies CS3, CS4, DM3, DM4, DM11 and DM17 of the Core Strategy Development Management Policies, Adopted November 2009, and 'Design in Central Bedfordshire', Adopted Supplementary Planning Document, 2010.

Recommendation

That Planning Permission be Granted subject to the following:

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

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

- 2 **Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent and intensity of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.**

Reason: To preserve the residential amenities of occupiers of nearby residential dwellings.

- 3 **Development shall not commence until a scheme detailing temporary access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work and thereafter the temporary access shall be closed and re-instated.**

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.

- 4 **Development shall not commence until a scheme detailing provision for temporary on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period and thereafter the temporary parking area shall be closed and re-instated to its former condition.**

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

- 5 **Prior to the commencement of development a scheme setting out**

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

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

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

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

- 6 The proposed means of illumination shall be shielded so that no glare or dazzle occurs to drivers of vehicles using the public highway. (HC 34)

Reason: In the interest of road safety.

- 7 No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the groundworks have been completed.

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

- 8 External lighting on the development site shall not be used except between the hours of 8am and 10pm without the prior agreement in writing of the Local Planning Authority.

Reason: To preserve the residential amenities of occupiers of nearby residential dwellings.

- 9 Should any unacceptable glare be caused to occupiers of the surrounding dwellings in the first 12 months following installation of the floodlights, the lighting shall be revised or adjusted to rectify this.

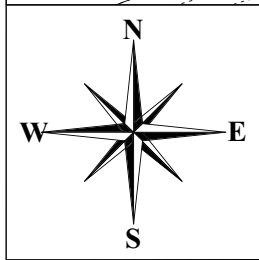
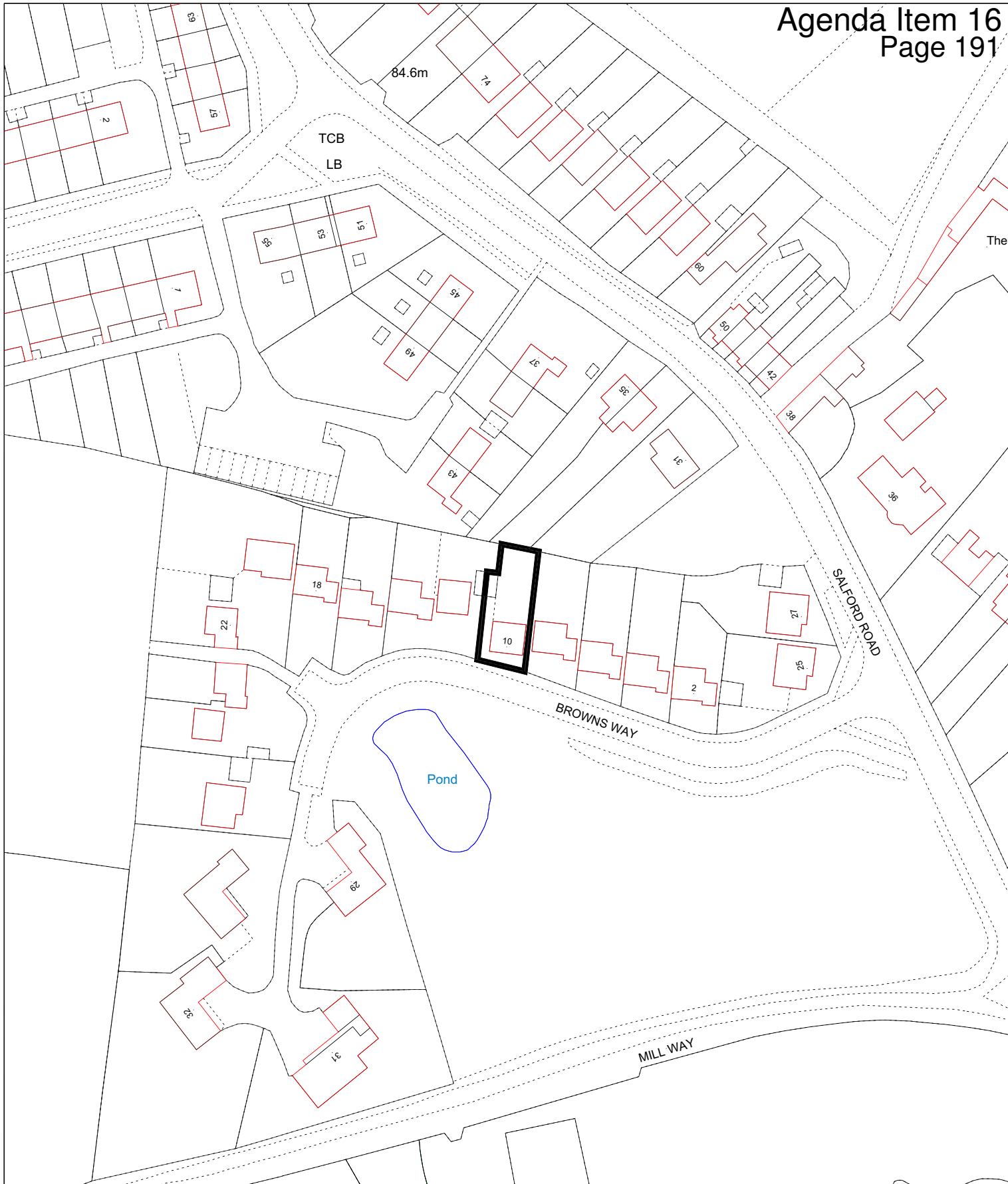
Reason: To preserve the residential amenities of occupiers of nearby residential dwellings.

Notes to Applicant

1. The applicant is advised that no works associated with the construction of the temporary vehicular access should be carried out within the confines of

the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Amphill Road, Bedford MK42 9BA quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the temporary vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Amphill Road, Bedford MK42 9BD.
3. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
4. The applicant is advised that the closure and re-instatement of the temporary access at the end of the construction period shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing and re-instatement of the temporary access.



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Date: 26:October:2010

Map Sheet No

CASE NO.

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Item No. 16

APPLICATION NUMBER	CB/10/03471/FULL
LOCATION	10 Browns Way, Aspley Guise, Milton Keynes, MK17 8JA
PROPOSAL	Full: 2 storey rear extension. Enclosed front entrance porch. Minor internal alterations.
PARISH	Aspley Guise
WARD	Woburn & Harlington
WARD COUNCILLORS	Cllr Chapman & Cllr Wells
CASE OFFICER	Mary Collins
DATE REGISTERED	21 September 2010
EXPIRY DATE	16 November 2010
APPLICANT	Mr & Mrs Brayson
AGENT	
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Called in by Councillor Chapman for overdevelopment Full Application - Granted

Site Location:

10 Browns Way, Aspley Guise is a detached property constructed in buff brick with pitched roof in interlocking roof tiles.

To the side/rear between the neighbouring property at 12 Browns Way is a detached double garage that provides a single garage for each property. To the front the property has a canopy over the front door.

Browns Way is characterised by detached dwellings of a similar style and age which facing onto an area of open green and pond.

The Application:

Planning Permission is sought for the erection of a two storey rear extension and front entrance porch.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS 1 Delivering Sustainable Development
PPS 3 Housing

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

DM3 - High Quality Development

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development, Adopted January 2010
Design Supplement 4: Residential Alterations and Extensions

Planning History

MB/75/00926/D Full: 18 detached houses and estate road. Approved: 02/03/79
MB/88/01019 Full: Two storey rear extension. Approved: 24/08/88

Representations: (Parish & Neighbours)

Aspley Guise PC	The Parish Council recommends refusal of this application as it appears to be an overdevelopment of the site.
Neighbours	One letter of objection received: Overdevelopment, loss of natural light to rooms and patio area to rear of property caused by height and depth of extension, damage to footpath in Browns Way, construction over public sewer

Consultations/Publicity responses

Anglian Water	Awaiting response
Site Notice Posted 12/10/10	Awaiting response

Determining Issues

The main considerations of the application are;

1. **Visual impact upon the character and appearance of the area**
2. **Impact upon neighbouring residential amenity**
3. **Other concerns**

Considerations

1. **Visual impact upon the character and appearance of the area.**

The two storey rear extension is 4 metres deep by 7 metres wide. It has been set in marginally from each side wall creating a break in materials.

The extension will present a gable to the rear and the apex of the gable roof has been set down from the ridge of the main dwelling. The depth of the extension exceeds more than half of the depth of the existing house but is not considered to be out of proportion.

The extension will infill the area between the rear of the house and the detached garage to the side/rear. Access to the rear garden will be maintained through the existing garage.

There will be views of the side elevation of the extension across the driveways serving 10 and 12 Browns Way. However the extension will appear recessive

and the reduced ridge height of the gable to the rear will mean that the extension reads as subservient.

There will be minimal views of the extension when viewed from the opposite direction as the dwelling at 8 Browns Way will obscure them.

The proposal is not considered to be overdevelopment of the site. A rear garden depth of approximately 13 metres will remain and the extension does not result in more than 50% of the garden being covered by buildings or other structures. Planning permission MB/88/01019 was never implemented and it is also noted that a two storey rear extension can be constructed under permitted development rights up to 3 metres in depth as long as it is set in by two metres from the side boundaries and retains a rear garden depth of 7 metres. This is in accordance with the Town and Country (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

The front porch is 3.5 metres wide by 1.2 metres deep and will have a lean to roof. Although the existing house is set further forwards and closer to the pavement than its neighbours, the addition of the front porch is not considered to cause any additional harm to the street scene.

2. Impact upon neighbouring residential amenity

12 Browns Way lies to the west of the application site. Due to its separation from the proposed rear extension and the porch by the intervening double width driveway and garages, this property is not considered to be detrimentally affected by overbearing or loss of light.

A new window is proposed in the existing first floor side elevation of the dwelling to serve a bedroom and this will face 12 Browns Way.

12 Browns Close has a bathroom window in its side wall facing the new window and this is obscurely glazed, it also has a bedroom window which faces the street frontage. Due to the relationship between the two bedroom windows at 90 degrees to each other, it is considered that the proposed new window will not result in a detrimental loss of privacy through overlooking.

Rooflights are proposed to the rear extension and serve a bedroom. The rooflights are at high level and due to the shallow pitch of the roof they will not provide an outlook from them and will serve to provide natural light and ventilation only to the room.

8 Browns Way lies to the east of the application site and its rear wall is currently set further back than the rear wall of the host dwelling. The proposed two storey rear extension will project by approximately 3 metres to the rear of this dwelling, however due to the inset of the extension from the boundary with this property by one metre, this property is not considered to be detrimentally affected by loss of light or overbearing.

A Juliet Balcony with french doors and full height glazed panels to the side is proposed centrally to the rear elevation. The balconette is inset from the boundary with 8 Browns Way by three metres. The balconette projects by 0.10

metres and is not considered to provide a platform for standing on but acts as a safety guard only.

There is potential to overlook the neighbouring garden from a seated position within the bedroom. However due to the inset from the boundary, it is considered that the views afforded will be of the end of the neighbouring garden and not across towards the private amenity space to the rear of this dwelling. The potential for overlooking is considered to be similar to that which would be possible from a standard window.

Neighbours adjoining to the rear are not affected by the proposal.

3. Other issues

The two storey rear extension proposed at 10 Browns Way is to be constructed over a public sewer which crosses the application site and neighbouring properties at 8 and 12 Browns Way. A Build Over Agreement is required from Anglian Water. Any issue of planning consent does not grant approval to build over or within 3 metres of a public sewer.

Building Control consult Anglian Water regarding any proposals within 3 metres of the public sewer. Private sewers can be built over subject to Building Regulation Approval. This is not a matter that would warrant refusal of a planning application.

Conclusion.

In light of the above considerations it is recommended that planning permission is Granted.

Reasons for Granting

The proposal is in conformity with Policy DM3 of the Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009 as the proposal is appropriate in scale and design to its setting and respects the amenity of surrounding properties. It is also in accordance with Planning Policy Guidance: PPS1: Delivering Sustainable Development and PPS3: Housing.

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

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

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

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

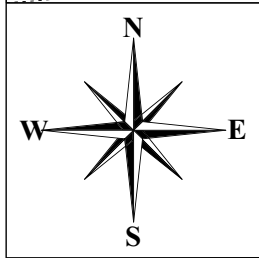
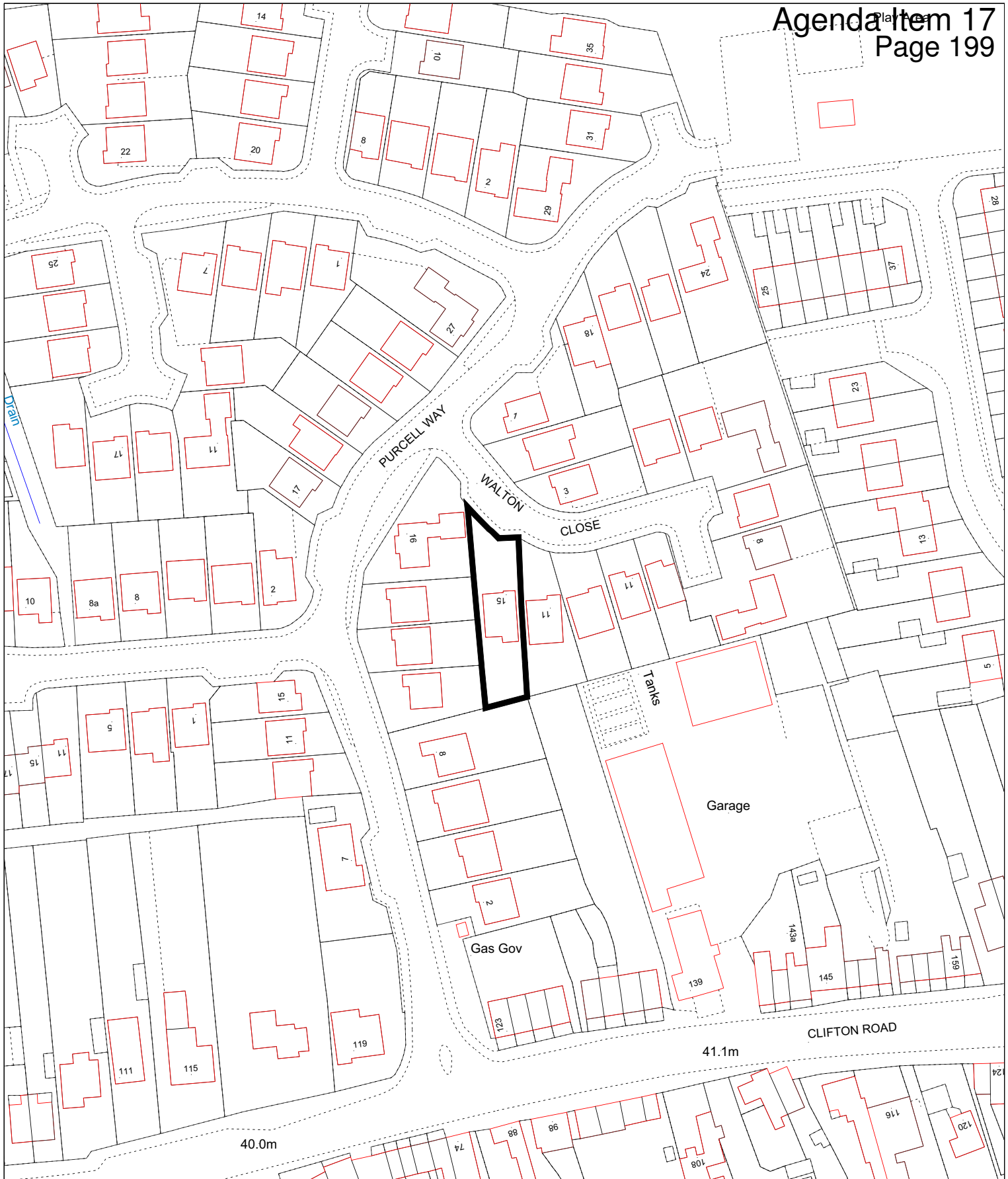
- 3 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on either side elevation of the extension hereby approved.

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

DECISION

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Date: 26:October:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 17

APPLICATION NUMBER CB/10/03547/FULL
LOCATION 15 Walton Close, Shefford, SG17 5RX
PROPOSAL Full: Single storey rear extension.
PARISH Shefford
WARD Shefford
WARD COUNCILLORS Cllr L Birt, Cllr A Brown
CASE OFFICER Sarah Fortune
DATE REGISTERED 24 September 2010
EXPIRY DATE 19 November 2010
APPLICANT Mr M Liddiard
AGENT
REASON FOR COMMITTEE TO DETERMINE Called in by Cllr L Birt on grounds of over bearing impact on adjacent property.

RECOMMENDED DECISION Full Application - Granted

Site Location:

The site lies on the south side of Walton Close in the built up area of Shefford. It comprises of a detached house which lies in an estate of similar designed properties.

The Application:

This application is for the erection of a single storey rear extension to provide for a family room. A new window is to be installed into the dining room in the side elevation at ground floor level.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS3 Housing

Core Strategy and Development Management Policy Document dated November 2009.

DM3 Amenity

Supplementary Planning Guidance

Planning History - relevant

08/00095 Single storey front extension.
Granted: 13/03/2008

**Representations:
(Parish & Neighbours)**

- | | |
|---------------|---|
| Shefford T C | No objection but had concerns over accuracy of submitted drawings. Revised drawings have been received showing correct house numbers and correct depth of extension |
| Adj Occupiers | <p>1. No objections. Good to see that people are investing in their homes.</p> <p>1. Objects. Loss of privacy of private amenity area. The extension will take up most of the rear boundary of neighbours garden, loss of daylight and sunlight into house and garden, overshadowing, overlooking, the max eaves height should not exceed three metres when within two metres of boundary, already have a two storey extension on a nearby house which is hugely overbearing and a window looks onto garden, the density of development in this area is becoming overwhelming and makes us feel overcrowded and hemmed in - and loss of property value.</p> |

Consultations/Publicity responses

None

Determining Issues

The main considerations of the application are;

1. Size, Siting and Design in relation to house and the visual amenities of the area
2. Impact on the amenities of neighbours and other considerations

Considerations

1. Size, Siting and Design in relation to house and the visual amenities of the area.

The house is detached and lies in a close of similar styled houses. It has recently had the benefit of planning permission for the erection of a single storey front extension.

There are no objections in principle / policy terms to a further addition as long as various criteria are met in particular the size, siting and design of the extension is in keeping with the house itself as well as the visual amenities of the area generally and there is no unduly adverse impact on the amenities of neighbours by way of loss of outlook, overlooking etc..

The extension is to be 4.7 metres in width with a depth of 4 metres and is to be built so that it adjoins the existing rear projection of the kitchen and is to provide for a family room. The mono pitched roof is to have a maximum height of 3.6

metres.

It is felt that the size and design of the extension is generally in keeping with the character of the house being of modest size and that it will not have an adverse impact on the character of the area generally. It is to be built in materials to match the house.

2. Impact on amenities of neighbours another considerations

There is a house to the east and one to the west. Number 14 to the east is at a distance of over five metres from the nearest part of the extension so there will be minimal impact on their amenities by way of loss of outlook and there is only to be a small window but this will not result in overlooking in view of the fact that it is at ground floor level and there is a fence along this shared boundary.

On the other side is number 12 Purcell Way and this has its rear elevation facing the extension - but this is at a distance of just over 12 metres from the closest part of the extension. The occupier of this property is raising strong objections on grounds that the proposed rear extension will result in overbearing impact, overshadowing, loss of daylight and sunlight as well as some overlooking from the roof light to the rear elevation of the extension. They advise that are already feeling 'hemmed in' and overlooked by neighbours extensions.

There is already a close boarded timber fence along the shared rear boundary of No 12 Purcell Way and the proposed extension will range from being about one metre above the top of this fence at the garden end of the extension to just under 2 metres above this fence at its highest where it adjoins the house - the roof being a mono pitched sloping one.

Whilst it is accepted there will be some loss of amenity to the neighbours by way of some loss of outlook and some loss of light - especially to the occupiers of number 12 Purcell Way - it is felt that this will not be sufficient as to sustain a refusal of planning permission on grounds of loss of amenity since the rear garden depth of 12 Purcell Way is 12 metres.

The new dining room window in the existing house at 15 Walton Close is at ground floor level so loss of amenity to the occupiers of 12 Purcell Way will be minimal since there is a timber fence along the shared boundary.

Also, officers advise the Committee that the extension would not require the benefit of planning permission if it were not for the fact that there is a small rear projection on the house that was built at the same time as the main house - which means that the proposed extension is now considered to be a side extension to this rear projection. If the rear projection were not in situ then the proposed rear extension could be built as Permitted Development.

A condition in respect of the time for commencement of works is not required since the footings have been started.

Reasons for Granting

In view of the fact that there are no policy objections to the extension and its size, siting and design are in keeping with house and the area generally and there is not

an unduly adverse impact on the amenities of any neighbours the application is recommended for approval as being in compliance with policies in the Core Strategy and Development Management Policy Document dated November 2009 and PPS3

Recommendation

It is recommended that planning permission be granted

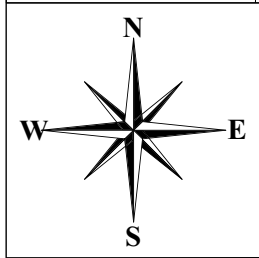
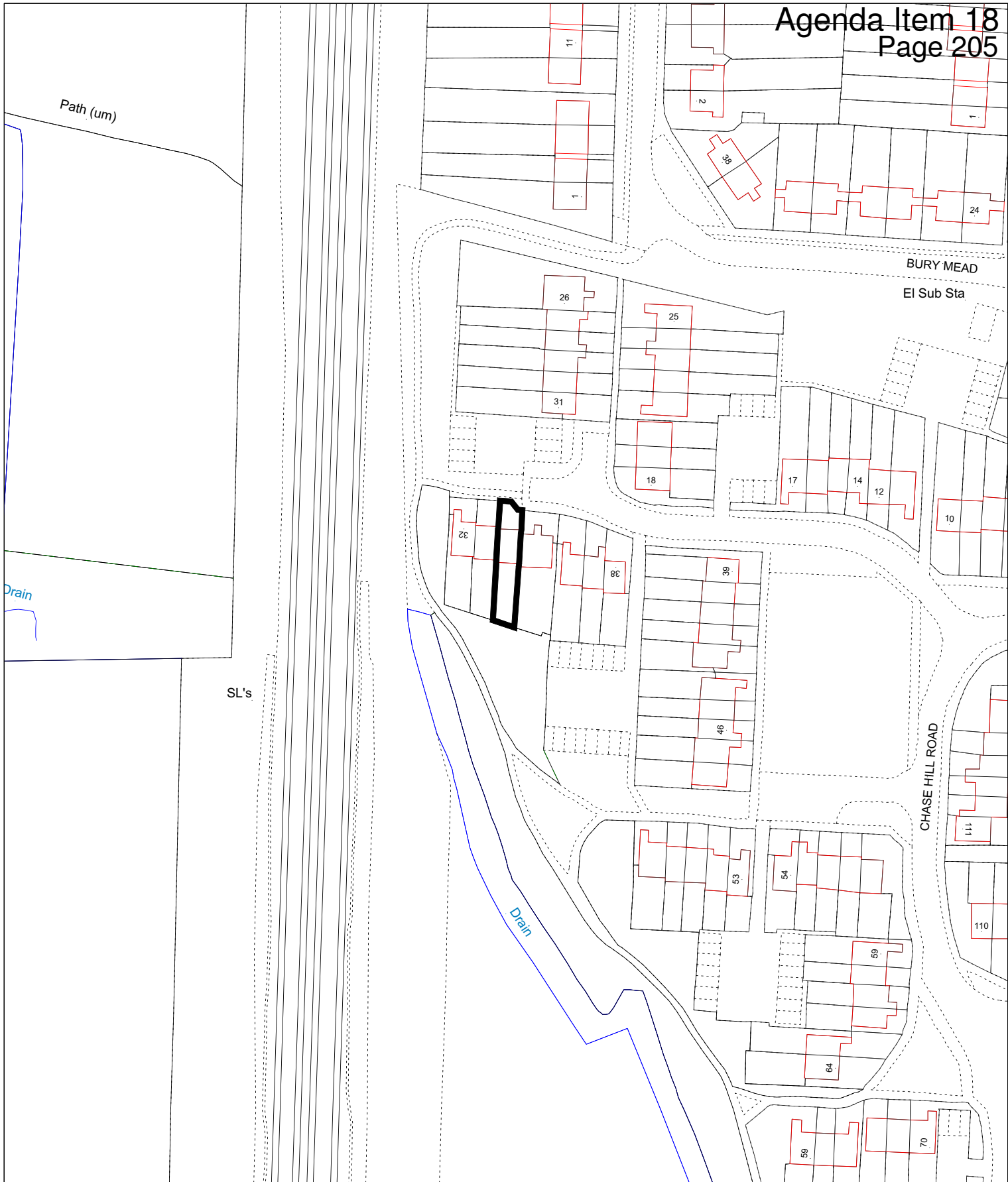
- 1 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

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

Notes to Applicant

Notes to Committee

As a point of information, the applicant is related by marriage to the Director of Sustainable Communities.



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Date: 26:October:2010

Map Sheet No

CASE NO.

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Item No. 18

APPLICATION NUMBER	CB/10/03622/FULL
LOCATION	34 Chase Hill Road, Arlesey, SG15 6UE
PROPOSAL	Full: Single storey rear extension
PARISH	Arlesey
WARD	Stotfold & Arlesey
WARD COUNCILLORS	Cllr I Dalgarno, Cllr J Saunders, Cllr J Street & Cllr C Turner
CASE OFFICER	Kate Phillips
DATE REGISTERED	30 September 2010
EXPIRY DATE	25 November 2010
APPLICANT	Mr & Mrs Newlands
AGENT	ArchiTech Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	The applicant is a member of staff at the Council
	Full Application - Granted

Site Location:

The application site is 34 Chase Hill Road in Arlesey which is a mid-terrace, two-storey, pale brick residential dwelling with some cladding to the front elevation, located on the southern side of the road. The property has a driveway to the front. To the rear is a private garden area, with some decking immediately adjacent to the house.

The surrounding area is residential in character. All the houses are of a similar age and style.

The Application:

This application seeks permission for a single storey rear extension.

RELEVANT POLICIES:

National Policies (PPG + PPS)

PPS 1 Delivering Sustainable Development (2005)
PPS 3 Housing (2010)

Bedfordshire Structure Plan 2011

Not applicable

Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document 2009

Policy DM3 High quality development – including extensions

South Bedfordshire Local Plan Review Policies

Not applicable

Supplementary Planning Guidance

Central Bedfordshire Council's Technical Guidance - Design Supplement 4:
Residential Alterations and Extensions (2010)

Planning History

None relevant

Representations: (Parish & Neighbours)

Arlesey TC	No comments received.
Adjacent occupiers	No comments received.

Consultations/Publicity responses

Site notice posted 8.10.10

Determining Issues

The main considerations of the application are;

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

Considerations

1. Effect on the character and appearance of the area

The proposed extension would be situated towards the rear of the host dwelling where it would not be visible in the streetscene along Chase Hill Road, which is characterised by terraced residential dwellings.

The extension, which would extend outwards from the dwelling by 3.4 metres, would be constructed with materials to match the existing (which a condition could ensure) and it is considered that it would be in keeping with the overall design of the dwelling.

Overall, it is not considered that it would detract from the character and appearance of the wider area, and the proposal is therefore considered to be acceptable in accordance with Policy DM3 of the Council's Core Strategy and Development Management Policies DPD.

2. Impact on the residential amenity of neighbouring properties

The main properties which might be affected by the proposal are the two neighbouring properties, numbers 33 and 35.

Number 33 is the attached property to the west. This property is also two-storey and its rear wall is set back marginally from the rear wall of the host dwelling (by approximately 0.4 metres). The proposed extension would therefore extend approximately 3.8 metres out from the rear wall of this property, along the shared boundary.

Taking into account the 45 degree angle rule, as laid out in the Council's adopted technical guidance, 'Design Supplement 4: Residential Alterations and Extensions', it is considered that there would be a degree of loss of light to the neighbouring property's patio doors as a result of the extension, and the guidance notes that, "If the rear of the property is facing south, south-east or south-west, it is particularly important to minimise loss of sunlight to neighbouring gardens". However on balance, given that the extension is only single storey in height and the properties benefit from reasonably sized gardens, it is not considered that the impact on the neighbour would be so bad as to warrant a refusal of the application on this basis.

Furthermore, there would be no windows on the western elevation of the extension, which a condition could ensure remains the case in the future, and therefore overlooking would not pose a problem.

The other neighbouring property, number 35, is single storey in height and is set slightly further south from the host dwelling (by approximately a metre). It also has a rear conservatory (not illustrated on the plans). The proposed extension would extend approximately 2.8 metres along the shared boundary with this property which is considered to be acceptable in terms of loss of light/ outlook or overbearing impact. It is also not considered that overlooking would cause a problem because there are no windows on the eastern elevation and, as noted above, a condition could ensure remains the case in the future.

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

3. Any other implications

There are no further considerations to this application.

Reasons for Granting

The proposal to erect a single storey rear extension would not impact detrimentally upon either the character and appearance of the surrounding area or upon the residential amenity of any nearby residential properties. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2010) and Policy DM3 of the Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document (2009). It is further in conformity with the Central Bedfordshire Council's Technical Guidance - Design Supplement 4: Residential Alterations and Extensions (2010).

Recommendation

That planning permission be granted subject to the following:

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

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

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

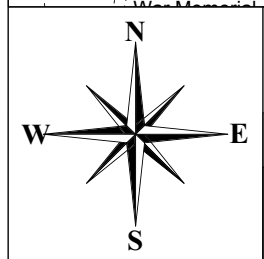
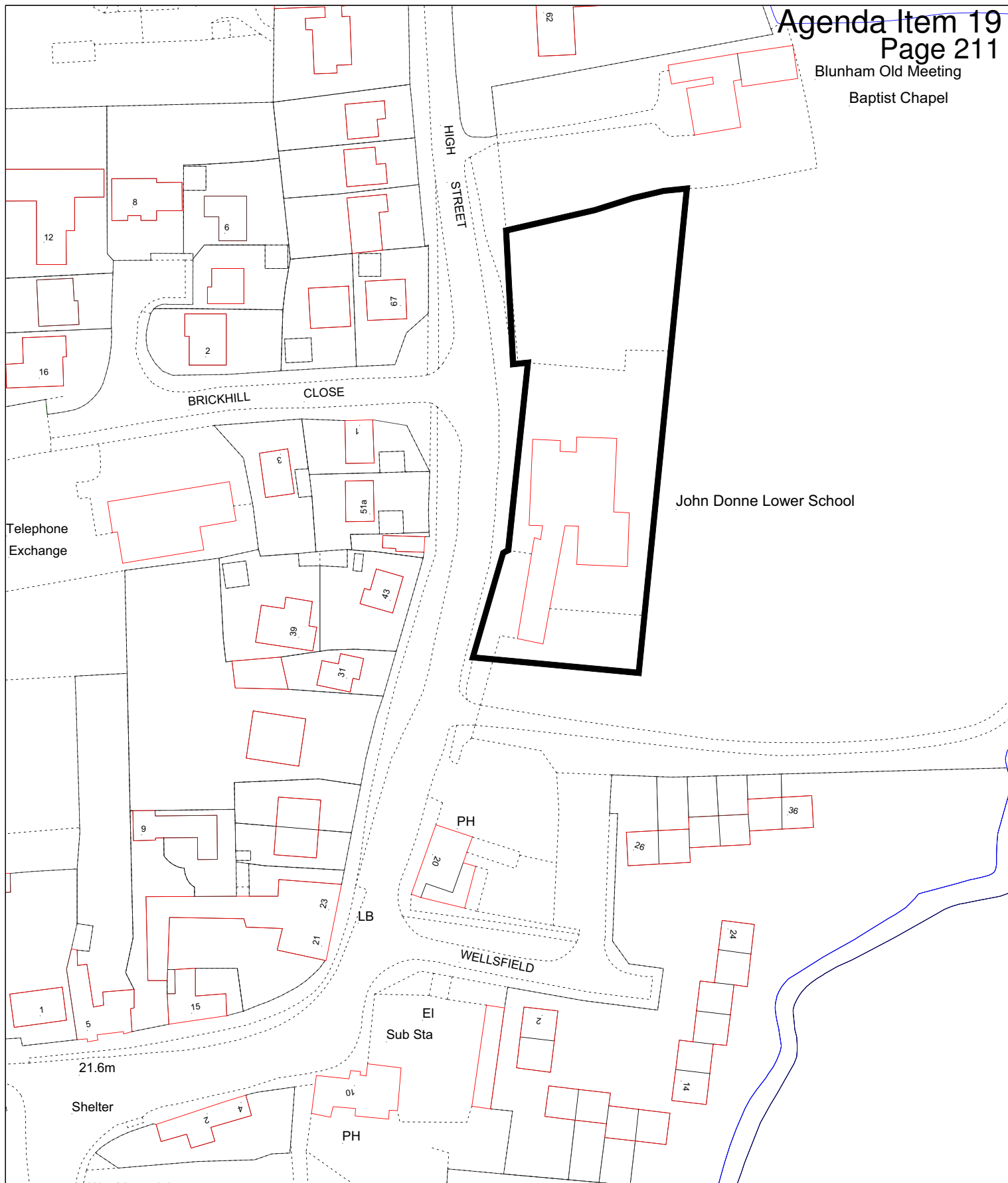
Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 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 elevations of the building.

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

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 26:October:2010
Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 19

APPLICATION NUMBER	CB/10/02921/FULL
LOCATION	John Donne Lower School, High Street, Blunham, Bedford, MK44 3NL
PROPOSAL	Erection of new nursery building and extensions to existing school building including replacement windows
PARISH	Blunham
WARD	Northhill and Blunham
WARD COUNCILLORS	Cllrs Caroline Maudlin & Tricia Turner
CASE OFFICER	Annabel Gammell
DATE REGISTERED	12 August 2010
EXPIRY DATE	07 October 2010
APPLICANT	John Donne VA Lower School
AGENT	Mr D Beynon
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	An objection to an application on land the council owns
	Full Application - Granted

Site Location:

John Donne Lower School was originally built in 1831, this section of the school remains, but it has been significantly extended since this time. The original part of the school is a long white rendered thatched building which faces the High Street, the large part of the modern school building is to the north and east of the thatched section. The school site comprises one school building, a play ground, a staff parking area and a playing field.

The school site is central within the village of Blunham, which is a linear development, the school has a mixture of residential and commercial on the opposite side of the High Street, there are residential dwellings to the north and south and agricultural fields to the east. To the rear of the school site there is a drain watercourse, the whole school site is within Floodzone 3. The whole school site is within the Blunham Conservation Area.

The Application:

This application is for a new nursery building which would measure some 14 metres in length, 11.5 metres in width and have a maximum height of 6.5 metres. This building would be located to the south east of the main school building.

The application is also for 2 extensions to the main school building, one to the north east facing elevation, this would be approximately 9 metres in width, 3.2 metres in depth and have a maximum height of 5.5 metres. The second extension would be to the south facing elevation, this would be a small glazing link formed between the existing classroom block and the school hall. The glazing link would be approximately 2 metres in depth, 3.5 metres in width and have a maximum height of 2.9 metres.

RELEVANT POLICIES:

National Policies (PPG + PPS)

PPS 1 Delivering Sustainable Development (2005)
PPS 5 Planning for the Historic Environment (2010)

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
Policy DM13 - Heritage in Development
Policy CS15 - Heritage

South Bedfordshire Local Plan Review Policies

Not applicable

Supplementary Planning Guidance

Design in Central Bedfordshire, a Guide for Development

Planning History

MB/06/01334/FULL Full: Construction of store and canopy
MB/04/01074/CC County Council: Extension to form library and study area.

**Representations:
(Parish & Neighbours)**

Blunham Parish Council:
Neighbours:

No comments received
Objection from 51A High Street, Blunham

- Bring greater traffic to site, parents are thoughtless and often block driveways.
- Accidents have occurred due to access being blocked.

Consultations/Publicity responses

Site Notice Posted on 19.08.10:
Advertisement on 27.08.10
Public Protection:
Disability Discrimination Officer:

No comments received
No comments received
No comments regarding application
No comments with regard to disabled access

Highways Department:	No comments received
Environment Agency:	Require further information
Internal Drainage Board:	No objection
Heritage and Conservation:	No objection
Archaeology:	No objection subject to condition

Determining Issues

The main considerations of the application are;

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

Considerations

1. Effect on the character and appearance of the area

The school has been extended significantly previously, and has a irregular design, all aspects of this development would be towards the rear of the existing school building. The extensions and new building would not be visible from the street scene of High Street.

The area where the new nursery building would be located is currently an area of grassed amenity land. It is considered that the extensions and the new nursery building would be acceptable in design terms, as the school has been extended several times before and these additions would be considered in keeping with the style of the current school. Though the original school building is rendered white with a thatched roof, the predominant school building is yellow and black brickwork, providing the materials matched that of the school building is it considered in these discrete locations that an additional building, and extensions to the main school building would be acceptable in design terms. It is judged the development would preserve the Blunham Conservation Area, and is in accordance with Policies DM13, CS15 and DM3 of the Core Strategy and Development Management Policies, 2009 and the technical guidance Design in Central Bedfordshire, a Guide for Development.

2. Impact on the residential amenity of neighbouring properties

The school site is within a predominantly residential area, but it is judged that due to the scale and design the single storey extensions and new building they would not significantly impact upon any adjoining residential neighbours. The closest neighbouring property to the new nursery building would be over 40 metres away, on the opposite side of High Street, the main school building would be between these properties.

Loss of light:

The building and extensions would be enclosed within the school site, there would be a distance of over 40 metres between the single storey new building/extensions and the closest adjacent residential property, this would be behind an existing part of the school building. It is judged at this distance there would not be any significant impact upon the light into any residential dwelling.

Overbearing impact:

It is judged that the development is in proportion with the scale of the building on the school site. The school building is an irregular shape, as it has been previously extended, the new building would be appropriately located in a under used area of the school site. The new parts of the school would be over 40 metres from a residential property, this is on the opposite side of the High Street. At this distance it is considered that the single storey buildings and extensions would not cause an overbearing impact upon any residential property.

Loss of privacy:

The extensions and new building would only be used as classrooms and facilities ancillary to school use. It is considered that there would not be any additional overlooking because of the development. It is judged that residential privacy would be ensured.

Outlook:

The extensions and new building would be of an acceptable design standard, it is considered that it would not impact upon residential outlook. It could be visible from the rear gardens of residential properties, but at this distance a development of this scale would not impact upon residential outlook.

One letter of objection was received this was from 51A High Street Blunham, the property is on the opposite side of the road:

- Bring greater traffic to site, parents are thoughtless and often block driveways.

This provision is to extend the schools facilities, there is currently a nursery operating out of John Donne Lower School, this would be a separate provision allowing the main school to have more space, a separate facility is beneficial to school security as sessional nursery's often have carer's dropping off/collecting children outside of traditional school hours. The small extension to the main building would allow the hall to be large enough to house all school events, currently the hall is not large enough to do this. Therefore it is considered that this development would not being significantly more traffic to the site and there would not be additional teaching staff.

- Accidents have occurred due to access being blocked.

Parents/visitors should not block the highway, John Donne Lower School currently has a Travel Plan, this should encourage sustainable travel to school. The school should be aware of any problems regarding traffic around the site and encourage carer's to travel sustainably and responsibly around, to and from the school.

3. Any other implications

Highways:

This issue shall be addressed in the late sheet, with Highway officer comments.

Environment Agency:

Further information required, at the time of report the applicant is in discussion over requirement to mitigate effect of development within the Floodzone. The further information is currently being considered by the Environment Agency.

Reasons for Granting

The proposed new building and two extensions to the main school building 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 Policies, DM13, CS15 and DM3 of the Core Strategy and Management Policies, November 2009; Planning Policy Statement 1 (2005), Planning Policy Statement 5 (2010), 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 The development hereby approved shall be commenced within three years of the date of this permission.

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

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

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

- 3 **No development shall take place until the applicant or developer has secured the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.**

Reason: To safeguard any material of archaeological interest which exists on the site.

DECISION

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Meeting: Development Management Committee
Date: 10 November 2010
Subject: Agreement of Article 4 Direction for Wrest Park Estate, Silsoe
Report of: Director of Sustainable Communities
Summary: To seek agreement to make an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995 and as amended by the Town and Country Planning (General Permitted Development (Amendment) (England) Order 2010 removing permitted development rights under Schedule 2, Class B of Part 3 for the units within the Wrest Park Estate, Silsoe (identified on the attached plan). This would remove the permitted change (without requiring planning permission) from Use Class B1 (Business) to Use Class B8 (Storage and Distribution) in cases where it involves less than 235 square metres of floor space.

Contact Officer: Lisa Newlands, Senior Planning Officer (Tel: 0300 300 4185)
Public/Exempt: Public
Wards Affected: Silsoe and Shillington
Ward Members: Councillor R Drinkwater and Councillor A Graham
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

The Article 4 Direction would remove the permitted development of the change of use from Use Class B1 (Business) to Use Class B8 (Storage and Distribution) where the floor space in the building is under 235 square metres. It would not rule out change per se but would require a planning application to be submitted, which would allow the proposal to be considered fully by the Local Planning Authority.

Financial:

There is a right to compensation should an application be submitted on the area covered by the Article 4 Direction and then refused by the Local Planning Authority, or at appeal, or conditions imposed on the grant of planning permission within the first 12 months of the Direction coming into force. Any person with an interest in the land, or in any mineral in the land, may seek compensation for abortive expenditure, or other loss or damage directly attributable to the withdrawal of the permitted development rights. This compensation would be payable in relation to each individual building/ application and therefore may result in a number of payments. Compensation would relate to administrative costs which can be quantified, and the effect on land value. This would be assessed in terms of the cost of the land/ building at Use Class B1/B8 value against the cost of the land/ building at Use Class B1 value.

Legal:

None

Risk Management:

None

Staffing (including Trades Unions):

None

Equalities/Human Rights:

The Direction would remove the permitted development right to change the use of no more than 235 square metres of floor space in a building from Class B1 (Business) to Class B8 (Storage and Distribution).

Community Safety:

None

Sustainability:

None

RECOMMENDATION(S):

That the Committee agree to the making of an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995, and as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 for land and buildings known as Wrest Park Estate, Silsoe (as identified on the attached plan).

Background

1. Wrest Park Estate lies within the extensive grounds of Wrest Park, Silsoe. It lies to the east of Wrest House, a Grade I listed building. It also lies within the Silsoe Conservation Area.
2. An application for a Lawful Development Certificate for the existing use of the following buildings 31, 42, 45, 46, 47, 48, 50, 51, 52, 55, 59, 66, 68, and 69 as B1 use in connection with the use as a research institute was submitted in December 2009.
3. The Lawful Development Certificate for the existing use was granted in July 2010 on the grounds that the information received in the application and during the application process had demonstrated that the lawful use of the site was a 'research institution' because, there is a case to say that the material change of use of the land occurred before the 1st July 1948 and/or because the development was undertaken by or on behalf of the Crown and therefore benefitted from Crown Immunity. Further it was considered that the lawful use had not been abandoned, nor had any material change of use occurred in respect of the site since the lawful use commenced. Therefore, the use of the site/ buildings for any purpose within Class B1 would not require planning permission as it would not involve development by virtue of section 55(2)(F) of the 1990 Act and the Town and Country Planning (Use Classes) Order 1987.

4. Following the grant of the Lawful Development Certificate concern has been raised by local residents and the Parish Council, in terms of the potential permitted change from Use Class B1 (Business) to Use Class B8 (Storage and Distribution) under Class B of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(Amendment) Order 2006. Under this legislation a change of use of a building from Class B1 (Business) to Class B8 (Storage and Distribution) would not require planning permission provided that the change of use relates to no more than 235 square metres of floor space in the building.
5. This potential permitted change of use is of concern because of the number of buildings within the site that could make use of this permitted change. The cumulative effect of such an uncontrolled B8 use within this area may cause harm to the amenities of the local residents, and a detrimental impact on the character and appearance of the surrounding area and conservation area as a whole. It is therefore suggested that an Article 4 Direction should be used to prevent this permitted change of use and bring it under planning control.

What is an Article 4 Direction

4. Article 4 Directions can take away all or some of permitted development rights given by Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended in 2008. These can relate to any land and can remove any development covered by a Part, Class or Paragraph of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, except Class B of Parts 22 and 23. Circular 9/95 advises that the boundaries of land subject to directions, should be drawn as tightly as possible having regard to the circumstances of the case.
5. A Direction brings prescribed works normally deemed as 'permitted development' under planning control. It does not rule out change per se, and if a planning application required solely due to the Direction is refused, it is open to the normal rights of appeal. Additionally if the owner is prevented from undertaking the work through the decision of the Council or at appeal there is a right to compensation (this is discussed in further detail in paragraph 16 of the report). This used to be unrestricted, but is now limited to the first 12 months of the Direction coming into force.
6. Circular 9/95 provides guidance on making Article 4 Directions. This circular makes it clear that 'permitted development' rights should not be withdrawn locally without a compelling reason. Generally there should be exceptional circumstances and it is only justified if there is a real and specific threat to interests of acknowledged importance.

Reason for Article 4 Direction

7. Concern has been raised by local residents and the Parish Council in terms of the potential permitted development of change of use from Use Class B1 to Use Class B8 where the floor space in the building is under 235 square metres.
8. This concern is due to the nature of Class B8 (storage and distribution) uses and the cumulative impact if all the buildings involved were to make use of the permitted development may have on the residential amenities of the surrounding properties and the character and appearance of the surrounding area. The vehicles used in relation to this kind of activity are by nature relatively large and local residents consider the highway network and junction into Wrest Park is not sufficient to cope with this type of activity.

9. It is therefore considered that by making an Article 4 Direction to remove this permitted development, it would bring the change of use under planning control and could therefore be given the proper consideration in terms of the impact on the residential amenities and the character and appearance of the surrounding area.

Procedure for making an Article 4 Direction

10. An Article 4 Direction may be made under Article 4(1) of The Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010. This would come into effect 28 days after making the Order.
11. In order to make the direction, as soon as practicable after the direction has been made, notice by the Local Planning Authority must be given by-
- local advertisement;
 - by site notice at no fewer than two locations within the area to which the direction relates;
 - by serving notice on the owner and occupier of every part of the land within the area or site to which the direction relates.
12. The notice referred to in paragraph 10 must-
- include a description of the development and the site to which it relates, and a statement of the effect of the direction;
 - specify that the direction is made under article 4(1) of the Order;
 - name a place where a copy of the direction, and a copy of the map defining the site to which it relates, may be seen at all reasonable hours;
 - specify a period of at least 21 days, stating the date on which that period begins, within which representations regarding the direction may be made to the Local Planning Authority.
 - Specify the date on which it is proposed that the direction will come in force, this must be at least 28 days after the 21 day representation period.
 - Send a copy of the direction and the notice referred to above, to the Secretary of State on the same day as the notice of the direction is first published.
13. On deciding whether to confirm the direction, the Local Planning Authority must take into account any representations received during the period specified in the notice referred to in paragraph 11.
14. The Local Planning Authority must not confirm a direction until-
- 28 days after the latest date on which notice relating to the direction was served or published; or
 - such longer period as may be specified by the Secretary of State following the notification of the direction.
15. On confirmation of the direction, the Local Planning Authority must as soon as practicable give notice of its confirmation; and send a copy of the direction as confirmed to the Secretary of State.

Compensation

16. The result of an Article 4 Direction is such that should the Local Planning Authority refuse, or impose conditions on a planning application that was required solely due to the Direction, it is open to the normal right of appeal. As stated in paragraph 5, if the owner is prevented from undertaking the work through the decision of the Council or at appeal, there is a right to compensation. This used to be open-ended, but is now limited to the first 12 months of the Direction coming into force.
17. Any person with an interest in the land, or in any mineral in the land, may seek compensation for abortive expenditure, or other loss or damage directly attributable to the withdrawal of the permitted development rights. This compensation would be payable on each of the buildings should an application be submitted. Therefore, the compensation is not limited to one payment. Compensation relates to administrative costs in preparing the application, which can be quantified, and the effect on the value of the land. This would be assessed in relation to the value of the land with B1/B8 use against purely B1 use. To give an indication of costs, the Land Tribunal considered a case in 1988 where the applicant had sub-divided agricultural land into 15 parcels of between one and 10 acres each. The Local Planning Authority had made a direction under article 4 of the 1977 General Development Order withdrawing the permitted development rights for agricultural purposes. The applicant then submitted 15 applications for planning permission, for an agricultural building on each parcel. Permission was refused. The Tribunal accepted that the appropriate basis for valuation of land was as 15 parcels, rejecting the case for the local planning authority that assessment should be on the basis of one parcel of land. This resulted in an overall compensation payment of £135,000. This illustrates that compensation would be payable for each of the buildings should an application for the change of use of them from B1 to B8 be refused or planning permission be granted subject to conditions, and not just one compensation payment for the site as a whole.

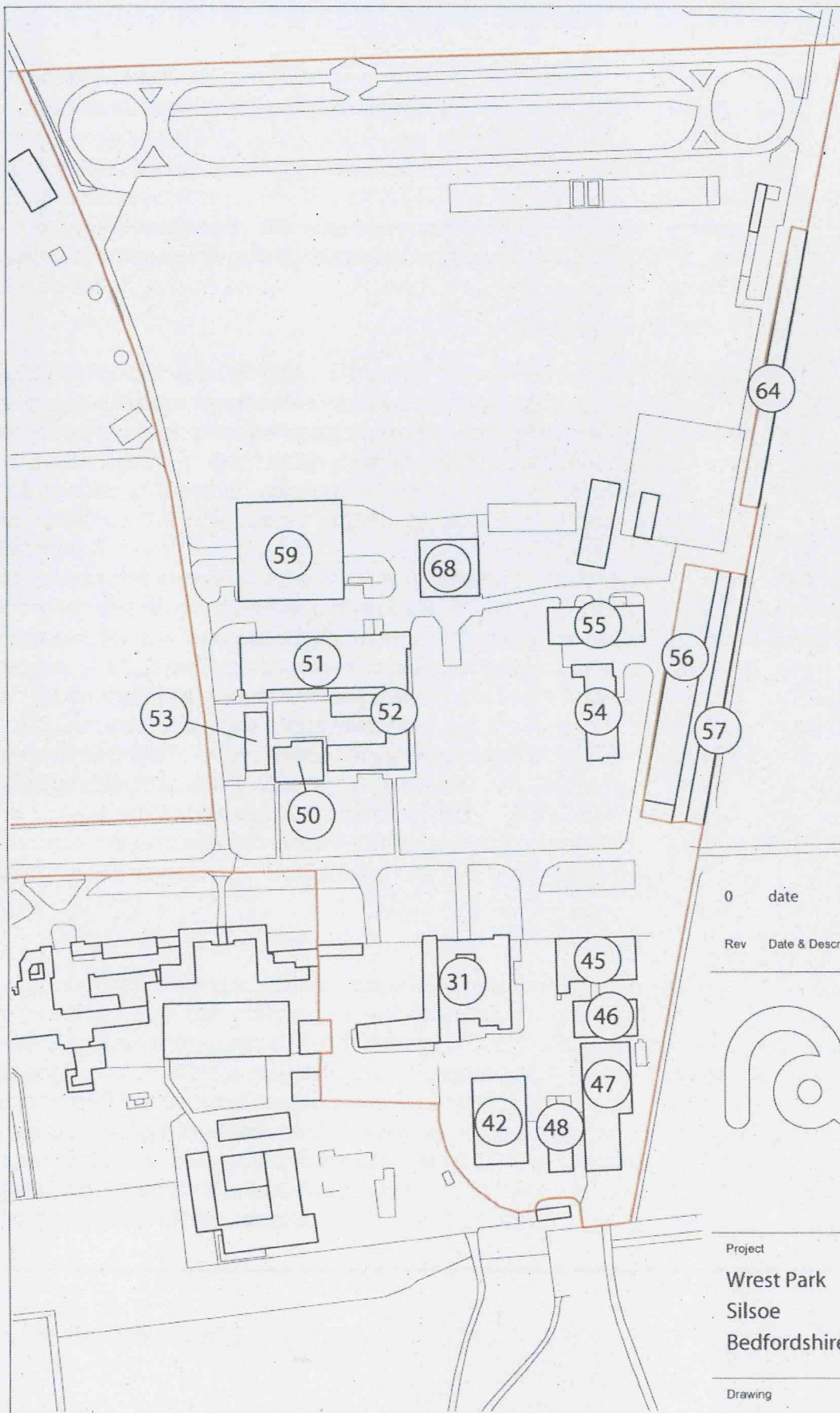
Conclusion

18. Wrest Park Estate is made up of a number of buildings, which all presently have the permitted development right to change the use of no more than 235 square metres of floor space in the building to Class B8 (Storage and Distribution). It is the cumulative impact of this that may have a detrimental impact on the character and appearance of the surrounding area, the Grade I listed building, the amenities of the neighbouring properties and the Silsoe Conservation Area. It is therefore considered that the Article 4 direction is required to remove the permitted development right to enable the Local Planning Authority to fully consider the potential impacts of any proposal of this nature.

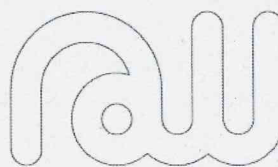
Appendices:

Appendix A – (site location plan showing the Wrest Park Estate)

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0	date
Rev	Date & Description



Unit 3A Sewells Farm
Barcombe
East Sussex
BN8 5BA

T 01273 400004
F 01273 400887
E info@rawarchitecture.

Project
Wrest Park
Silsoe
Bedfordshire

Drawing
Site Plan Inset
As Existing

REVISED



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