

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



please ask for Mrs M Clampitt
direct line 0300 300 4032
date 5 August 2010

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 18 August 2010 2.00 p.m.*

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

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

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

[Named Substitutes:

R A Baker, Mrs C F Chapman MBE, I Dalgarno, P A Duckett, M Gibson, R W Johnstone, P Snelling, B J Spurr, J Street and G Summerfield

All other Members of the Council - on request

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

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

AGENDA

1. **APOLOGIES FOR ABSENCE**

Apologies for absence and notification of substitute Members.

2. **CHAIRMAN'S ANNOUNCEMENTS**

If any.

3. **MINUTES**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 21 July 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 scheme of public participation set out in Annex 2 of Part A4 of the Constitution.

REPORT

Item	Subject	Page Nos.
6	Planning Enforcement Cases Where Formal Action Has Been Taken	5 - 12

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

Planning and Related Applications

To consider the planning applications contained in the following schedules:

Schedule A - Applications recommended for Refusal
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Item	Subject	Page Nos.
7	Planning Application No. CB/10/01349/FULL Address : Land Adjacent to 17, The Causeway, Clophill Full: Change of Use to a Gypsy Site, 1 static caravan, 1 towing caravan, parking for two vehicles and 1 serviced portaloo. (Part Retrospective) Applicant : Mrs J Terry	13 - 26
8	Planning Application No. CB/10/02505/FULL Address : 1 Monmouth Road, Harlington, Dunstable, LU5 6NE Full: First floor side extension. Applicant : Mr and Mrs George	27 - 32

Schedule B - Applications recommended for Approval

Item	Subject	Page Nos.
9	Planning Application No. CB/10/01776/FULL Address : 21 – 23, Queens Road, Ampthill, Bedford Full: Demolition of single storey building elements and garage. Replacement with two extensions one each side, partly single and partly two storey. Providing a total of 3 retail and 5 residential units. Refurbishment of existing accommodation. Associated amenity space, off street parking and landscaping provided. Re-routing of public pavement. Applicant: Vigor Homes Ltd.	33 - 46

Address : Land to rear of 23 & 25 Orchard Way, Lower Stondon, Henlow SG16 6NA

Full: Change of use to residential garden and erection of 1.8m high wooden fencing.

Applicant : Mr Parry

Schedule C - Any Other Applications
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Item	Subject	Page Nos.
11	Planning Application No. CB/10/02284/FULL	53 - 58

Address : Land at Caldecote House Farm, The Green, Upper Caldecote, Biggleswade

Full: Change of use of agricultural land to horse pasture land with associated stable block and store (retrospective).

Applicant : G.J. Maudlin & Sons

12 **Site Inspection Appointment(s)**

In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 15 September 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.

Agenda Item: 6

Meeting: Development Management Committee

Date: 18th August 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 21st July 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/09/0555	Satco Plastic Ltd, Satco House, Unit 7 Argan park, Foster Avenue, Dunstable	Breach of Condition Notice, condition 7 SB/TP/04/00818, change of use to B2. 2nd Notice issued	8-Dec-09	8-Dec-09	18-Jan-10			Not complied	Planning application for new fan/extractor units not received. Referred to Legal 10/6/10 for further action - prosecution. Court file prepared
2	CB/ENC/09/1015	Land south of Pond Farmhouse, 7 High Street, Pulloxhill	Enforcement Notice - unauthorised carrying out of engineering operations and works consisting of excavation of site.	30-Nov-09	11-Jan-10	10-Feb-10	Appeal Received 08/01/2010			Await outcome of Appeal
3	CB/ENC/09/1079	Arcade Nursery, A507 Stotfold Road, Arlesey	BOCN - breach of condition 3, no retail sales	21-Oct-09	21-Oct-09	20-Nov-09				New planning application to vary condition to allow limited retail sales to be submitted early Aug. Mobile home has been removed
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/EN/09/1180 case closed	Northfield Farm, Great Lane, Clophill, Bedford, MK45 4DD	Enforcement Notice, operational development comprising the construction of a structure.	10-May-10	14-Jun-10	14-Jul-10				Enforcement Notice complied with - structure removed
6	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			Not complied, action after 6/7/10	Check compliance after 8/6/10 for use and 6/7/10 for buildings. Partially complied with - planning application for retention of stables and
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, await S106 agreement, CB/10/00783.
8	CB/ENC/10/0068	Land at The Haven, Castle Hill Road, Totternhoe, Dunstable	Enforcement Notice, use of land for the stationing of container and the storage of building materials	22-Jun-10	20-Jul-10	17-Aug-10	Appeal rec 27/7/10			Check compliance after 17-Aug-2010
9	MB/ENC/04/0282 Case closed	Land at Etonbury Farm, A507, Arlesey	Unauthorised dwelling. Enforcement Notice not complied with.	6-Dec-06	10-Jan-07	10-Apr-07	12-Dec-06	5-Dec-07	Dwelling demolished	Demolition complete 8/6/10

Planning Enforcement formal action (DM Committee 21st July 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
10	MB/ENC/05/0178	Land at Maulden Garden Centre, Water End, Maulden	Enforcement Notice - change of use from nursery to garden centre, construction of 6 buildings, siting of mobile home.	9-Apr-09	9-May-09	9-Nov-09	Appeal received 7-May-09		Inquiry held 3rd to 5th Feb 2010	Appeal decision received. Enforcement Notice varied & part upheld. Planning permission granted (part) with conditions. Details submitted pending decision
11	MB/ENC/06/0078	Tythe Barn, Wood End, Tingrith	Change of use of land to retail sales & 2 timber showrooms	19-May-08	19-Jun-08	20-May-09	Appeal withdrawn, extension agreed to compliance period		Barn extension built.	1 cabin removed, 2nd cabin moved awaiting being sold
12	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 received CB/10/02613/Full
13	MB/ENC/07/0085	Woodview Nurseries, Shefford Rd, Meppershall	Mobile home & conservatory	21-Jan-08	19-Feb-08	19-Aug-08	Appeal received. Hearing Oct-08	3-May-10	Appeal dismissed & uphold enforcement notice	Have not complied with Enforcement Notice. Full assessment to decide further action.
14	MB/ENC/08/0214	Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington	Breach of conditions to Permissions 02/00553 & 06/00152. Enforcement Notice - outside storage & portacabins	15-Dec-08	12-Jan-09	12-Feb-09			Not complied	Referred to Legal to assess for further action for non compliance.
15	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			Check compliance after 7th-Jan-2011
16	MB/ENC/08/0370	Land at Hadenham Farm, Gravenhurst Road, Shillington	Enforcement Notice - Mobile Home	11-Feb-10	11-Mar-10	9-Jun-10	Appeal received 8/3/10			Revised planning application CB/10/01092 refused. Await outcome of appeals.
17	MB/ENC/08/0381	Land and Buildings on the West side of Foundry Lane, Biggleswade	Enforcement Notice - change of use to hand car wash	22-Dec-08	22-Jan-09	22-Feb-09	Late appeal not accepted by PINS		New planning application received 09/06/135/full	Await outcome of planning application, further plans now submitted.

Planning Enforcement formal action (DM Committee 21st July 2010)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
18	Land at Whitsundaes Farm	2 Enforcement Notices - Change of use to storage, erection of hardstanding + Access	17-Dec-09	17-Jan-10	various up to 17-Apr-10	Appeal received 12/01/2010		Hearing to be held jointly with planning appeals 10th to 11th August 2010	Await outcome of Appeals. Revised compliance periods agreed for trailers.
19	Land rear of Packhorse Place, Watling Street, Kensworth	Change of use of land for the parking of vehicles	5-Nov-07	5-Dec-07	01 Jan 2008 & 26 Feb 2008	21-Jan-08	28 Jul 2009 & 28 Sep 2009	Appeal dismissed but compliance periods extended.	Planning application CB/09/07011/full refused, discussions to assess further action continuing
20	Land at 2A Mardle Road, Linslade, LU7 2UT.	Enforcement Notice, unauthorised erection of fence exceeding 1M in height adjacent to the highway.	20-Aug-09	17-Sep-09	15-Oct-09	21-Sep-09	12-Jan-10	Appeal dismissed	Fence reduced in height - notice complied with
21	Land at Stanbridge Road, Billington, Leighton Buzzard	Change of Use of land for stationing of caravans and mobile homes	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Section C appeal dismissed, Plot 7 appeal dismissed - With Legal for further action
22	Land at Stanbridge Road, Billington, Leighton Buzzard	Laying of Hardcore and tarmac, erection of fencing and installation of services	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Section C appeal dismissed, Plot 7 appeal dismissed - With Legal for further action
23	Land at Stanbridge Road, Billington, Leighton Buzzard	Change of Use of land for stationing of caravans and mobile homes	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Section C appeal dismissed, Plot 7 appeal dismissed - With Legal for further action
24	Land at Stanbridge Road, Billington, Leighton Buzzard	Laying of Hardcore and tarmac, erection of fencing and installation of services	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Section C appeal dismissed, Plot 7 appeal dismissed - With Legal for further action
25	Land rear of Fancott Cottages, Luton Road, Toddington	Erection of Timber Clad Building for residential purposes & laying of hardcore surface	8-Sep-04	08-Oct-04	08-Jan-05	Appeal received 01 Nov 2004	No Change	Appeal withdrawn. SB/TP/05/1217 & Section 106 Agreement	New planning applications withdrawn. Discuss with Legal re S106 agreement.
26	Land rear of Fancott Cottages, Luton Road, Toddington	Change of Use from agricultural for stationing of mobile home & storage of machinery/building materials	8-Sep-04	08-Oct-04	08-Jan-05	Appeal received 01 Nov 2004	No Change	Appeal withdrawn. SB/TP/05/1217 & Section 106 Agreement approved allowing 2 years for compliance.	New planning applications withdrawn. Discuss with Legal re S106 agreement.

Planning Enforcement formal action (DM Committee 21st July 2010)

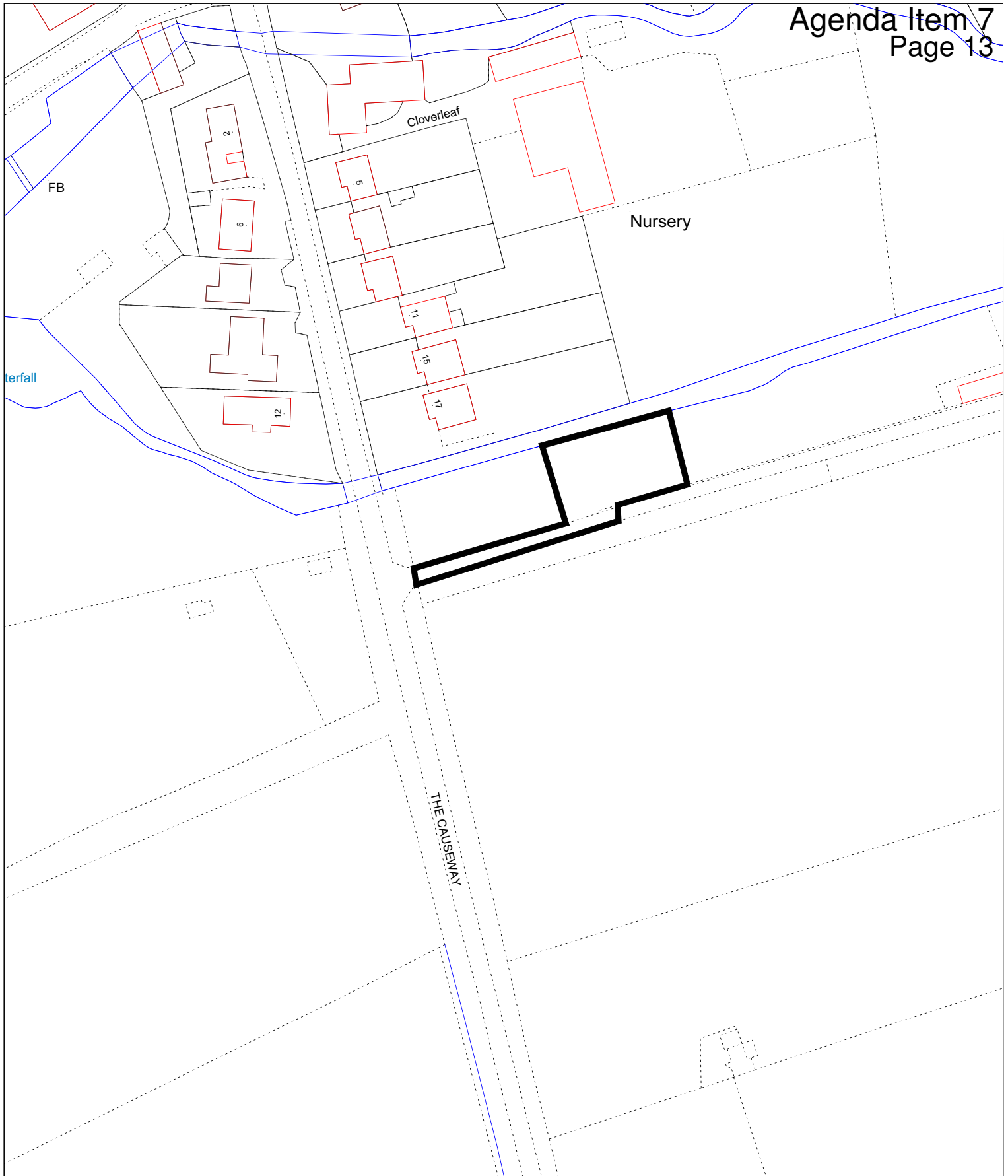
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
27	SB/ENF/05/0005	215 Common Road, Kensworth	Erection of a double garage and storeroom	16-Mar-05	18-Apr-05	18-Jul-05	6-May-05	6-Aug-05	Appeal dismissed & enforcement notice upheld. Not complied	Further evidence sent to Legal to commence prosecution.
28	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 outcome
29	SB/ENF/06/0001	Land at 34 The Rye, Eaton Bray	Construction of an area of hardstanding for mobile home	4-May-06	6-Jun-06	6-Sep-06	25-Jun-06		Appeal dismissed but period of compliance extended. Not complied	Mobile home not now occupied independantly. Not expediant to take further action at present, but continue to monitor.
30	SB/ENF/07/0006	Dunedin, Harlington Road, Toddington	Change of use of buildings to bedsit accommodation	10-Aug-07	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed but period of compliance extended to 9/1/09	Not complied, further information sent to Legal for prosecution.
31	SB/ENF/07/0007	Dunedin, Harlington Road, Toddington	Erection of building and alteration and extension of two other buildings	10-Aug-07	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed but period of compliance extended to 9/1/09	Not complied, further information sent to Legal for prosecution.
32	SB/ENF/07/0008	Dunedin, Harlington Road, Toddington	Failure to comply with Condition 2 of Planning Permission SB/TP/98/0838 issued 31 December 1998	10-Aug-07	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed but period of compliance extended to 9/1/09	Not complied, further information sent to Legal for prosecution.
33	SB/ENF/07/0009 Case closed	12-14 North Street, Leighton Buzzard	Installation of Shopfront on front elevation of premises	17-Aug-07	19-Sep-07	11-Dec-07			Part complied	Not expediant to take further action.
34	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	Further prosecution June 2010 with fine, 2 months to comply - to reinterview week of 8/8/10
35	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 for prosecution.
36	SB/ENQ/08/0035 Case closed	69 Princes Street, Dunstable	Enforcement Notice - Front and rear dormers	4-Jan-10	1-Feb-10	2-May-10			Complied	Front dormer removed, rear dormer is now permitted development. No further action.

Planning Enforcement formal action (DM Committee 21st July 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
39	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
40	MB/ENC/08/0372	Dingley Dell, Toddington Road, Westoning, Bedford	Unauthorised restaurant building and farm shop building	16-Jul-10	13-Aug-10	8-Oct-10				Check compliance 8/10/10
41	CB/ENC/09/1438	26 The Martins Drive, Linslade, Leighton Buzzard	Without planning permission, erection of fence over 1 metre in height adjacent to a public highway.	15-Jul-10	13-Jul-10	10-Sep-10				Check compliance 10/9/10
42	CB/ENC/10/0193	Conn Farm, Cranfield Road, Cranfield	Without planning permission, the erection of a building	21-Jul-10	18-Aug-10	Varied				Check compliance 21/5/11
43	CB/ENC/10/0099	Toad Hall, 23A Mill Lane, Stotfold, Hitchin	Without planning permission, the change of a stable building from a stable to use for ancillary residential purposes and the change of use of agricultural land to residential garden.	2-Aug-10	6-Sep-10	6-Nov-10				Check compliance 11/10
44	CB/ENC/10/0099	Toad Hall, 23A Mill Lane, Stotfold, Hitchin	Without planning permission, the alterations and the extension of a stable building.	2-Aug-10	6-Sep-10	6-Jan-11				Check compliance 6/11/11

Planning Enforcement formal action (DM Committee 21st July 2010)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
07/40	Former BR Goods Yard, Chiltern Green Road, East Hyde	Enforcement Notice - timber fence at waste transfer station premises.	18-Mar-09	24-Apr-09	24-Jun-09	Appeal received	23-Nov-09	Appeal dismissed and enforcement notice upheld.	Planning application for an alternative green mesh wire fence granted permission on 25 February 2010. However, a further application for a non-material amendment in order to extend the height of the fence from 2m to 2.5m, accompanied by an amended landscaping scheme, is being determined.
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	Appeal received		Enforcement notice quashed on 30-Oct-2009.	The Inspector determined that the notice was invalid as it does not specify with sufficient clarity the steps required for compliance. It is open to the Council to issue a revised enforcement notice and that course of action is currently under consideration with the Council's solicitor.
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		16-Apr-10	Not complied with.	Further action under consideration with the Council's solicitor.
09/31	Ledburn Road Sand Quarry, Leighton Buzzard	Enforcement Notice - change of use from disused quarry to a mixed use for a disused quarry and the importation and deposit of waste materials	10-May-10	21-Jun-10	21-Sep-12				Notice requires restoration of site to former quarried levels with landscaping works.



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Item No. 7

APPLICATION NUMBER	CB/10/01349/FULL
LOCATION	Land Adjacent, To 17, The Causeway, Clophill
PROPOSAL	Full: Change of Use to a Gypsy Site, 1 static caravan, 1 towing caravan, parking for two vehicles and 1 serviced portaloo. (Part Retrospective)
PARISH	Clophill
WARD	Maulden and Clophill
WARD COUNCILLORS	Cllr A Barker & Cllr H Lockey
CASE OFFICER	Sarah Fortune
DATE REGISTERED	12 May 2010
EXPIRY DATE	07 July 2010
APPLICANT	Mrs J Terry
AGENT	Bucks Floating Support
REASON FOR COMMITTEE TO DETERMINE	Cllr Angela Barker request due to site's location beyond Settlement Envelope. The Assistant Director also considers it prudent due to the level of interest in the application
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The site is located on the east side of The Causeway on the edge of the village of Clophill. It comprises of a roughly rectangular shaped area of agricultural land which is set back from the road by about 40 metres and accessed along a privately owned driveway- which has been named as Paradise Drive.

The Application:

This application is for the retrospective change of use of the land for the siting of one static caravan, 1 touring caravan, parking for two vehicles as well as a portaloo, for the occupation of a family from the Romani Gypsy community. There is a ribbon of housing development to the north and open agricultural land at Paradise Farm to the south.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1	Delivering Sustainable development
PPS3	Housing
ODPM Circular 01/0206	

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

Bedfordshire Structure Plan 2011

- CS1 Settlement Hierarchy
- DM3 High Quality development
- DM4 Development within and beyond settlement envelopes.
- DM15 Biodiversity

Supplementary Planning Guidance

Gypsy and Traveller DPD

Planning History - relevant

- 11/95/01588 Demolition of part of existing store and erection of single storey building for washing and WC facility.
Granted: 23/02/1996

Representations: (Parish & Neighbours)

Clophill Parish Council Objects:

Outside the Settlement Envelope and there are no exceptional reason for approval being given, the site is in the Flood Plain and the land does often flood. Several layers of hard core have been deposited on the whole site presumably to raise its level and to avoid flooding and this hardcore extends to the top of the immediate river bank. This prevents natural drainage to the river from the area which regularly floods. Vegetation has been removed and rubble laid on the river bank spilling improperly into the river and polluting it, development is within 7 metres of river bank, the fence on the bank top will prevent access to the river and its banks, the locked access gate makes access for emergency vehicles very difficult, the land was previously used for agricultural purposes, the site address should refer to Paradise Farm, several layers of hard core have been laid across the whole site and rubble used to build up the river banks and this could be contaminated, concerned about the disposal of domestic waste liquids, the site is a County Wildlife one and policies in the Core Strategy oppose development other than that which facilities access and management etc.. The river bank has previously been the home of Kingfishers. The improper clearance of the vegetation on the river bank has had an adverse effect on Kingfishers and wildlife resulting in their disappearance.

The access to the site is not acceptable in that both the High Street and the A507 are poor junctions. Noise from the generator impacts adversely on the neighbours, Central Beds Council is taking Enforcement action in

respect of a similar site in Clophill, the whole of the application site is retrospective.

Request that the application be called in to Planning Committee.

Comments received in response to the FRA and to the Statement in Support of the Planning application.

The FRA is biased, misleading and not a neutral document. It is not an objective survey. It needs to be taken throughout the year and especially in the wet seasons. There is anecdotal evidence from local residents that the site floods regularly. The land is not previously developed but was in agricultural use. The several layers of hard/gravel base have been laid by the applicant. The bank of the river has been illegally built up thereby hampering the natural lateral drainage of the flood plain. There has been further excavation work and pipe laying since the completion of the FRA.

There are many inaccuracies in the Statement of Support of the Planning Application. The site is and has been an integral part of Paradise Farm. There is a history of misuse of the site. The applicant started clearing the site some months ago. The applicant has now got connection to the village sewerage system. The fencing and caravans are site within the 7 metres of the river in contravention to the IDB's bye-laws. Damage to the site has already been done by the applicant in the carrying out of illegal works. These works are visually damaging and increase the flood risk, the site is in the central of the Flood Zone.

Neighbours

75 Letters of objection from residents in Clophill and Silsoe:

Strongly against, it would be disastrous, the land is agricultural and not designated for residential use, we have more than enough housing, the site is close to the river and is prone to flooding, damaging effect on wildlife, outside of the village Settlement Envelope, it will set a precedent for other sites of development in the village, the metal gate to the front of the site is not in keeping, where will grey water from the site go, damaging effect on bio diversity in the area and further down the river, strain on the school services, access onto the main road is dangerous, the Kingfisher family appear to have gone, strongly urge the council to do anything it can to stop this development, there are much better sites in the village for such development, it would be better to grant planning permission for novel flood resistant homes, it is very unhelpful that the application is retrospective, concern that

there will be more such developments on the adjoining land, are the drainage systems adequate, increase in noise, if allowed it will undermine conservation restrictions in the village, the new hardsurfacing will increase the risk of flooding, the site should be called land adjacent to Paradise Farm and not adjacent to 17 The Causeway, both sides of The Causeway regularly flood, the development contravenes the IDB's bylaws, three other sites for Gypsy development have been refused at the beginning of 2010, much work was undertaken on the site prior to its occupation - such as fences, hard standing, gates, lights etc.. illegal to disturb the nesting ground of Kingfishers, do the portaloos come under the Land Drainage Act 1994, the IDB need access to the bank of the river, who is to be responsible for the upkeep of the access track, will the residents of the site pay community charge the same as Clophill parishioners, will their rubbish be disposed of - will it be burnt on the site, the development is out of keeping with the area, loss of privacy by way of noise from generator (this has now been removed from the site), the council should have made available sites for travellers, the site has always been agricultural and not used for parking and storage.

Further 12 letters of objection in respect of FRA and the Statement in Support of the Planning Application:

the site is not suitable for this use, improper change of use of the land, it is in the centre of the flood plain, it is outside of the Settlement Envelope, adverse impact on the sites biodiversity, the site floods, there is significant hardstanding introduced at the site, it was not previously developed land but agricultural land, inaccuracies in the FRA statement, how are the children going to attend schools if they are part of the travelling community, there is no such road as Paradise Drive, the fact that the land has been raised and hardcored means that it is likely to cause flooding rather than be the victim of it, the stated Chair of the Gypsy Council should be verified by Central Beds Council. If this is allowed it will open the flood gates for similar applications. The site should not be called 'adjacent to 17 The Causeway...', static and touring caravans will be vulnerable if the site floods, fencing has been erected to close to the river, the site was raised by hardcore before the travellers came to the site, the development does not provide wider sustainable benefits to the community that outweigh the flood risk, the proposed fencing and hardstanding installed will cause alteration to the flood flow, the proposal is an attempt to bluff and con the Planning department, the planning agents for the FRA are not qualified to produce the FRA and the content of the report is negligent, shrubs, trees and wildflowers have been removed by the applicant, the

laying of hardcore and the tarmac and fencing all contravene strict By Laws, where is the level survey, the gates are industrial style metal ones and not in keeping with the street scene of The Causeway and where is the permission for connection to the main sewer?

App Adv

Consultations/Publicity responses

Highways Officer No objections subject to conditions regarding surfacing of the access drive.

E.A. No objection but recommend that the Beds and River Ivel IDB are consulted as the site lies wholly in the Floodplain Zone 3 of an IDB designated Main Drain.

A.W.S.L. No obs received

I.D.B. Objects: Site is in the Flood Plain of the River Hit in an area that is known to flood, there is no Flood Risk Assessment, the site is within 7 metres of the bank top and consent of IDB is required. Storm water can not be discharged to the adjacent water course as proposed as this water course can be overloaded during the winter months.

Further comments:

The site is in Flood Zone 3 - not Flood Zone 2 as claimed by the applicant's agent. Still object to the application having looked at the FRA.

Confirm floatation devices for use in periods of flooding not appropriate for permanent occupation, though may be considered acceptable for leisure uses where periods of greater flood risk tend to be out of season.

Clophill Conservation Objects: Outside the village settlement envelope, visually Group intrusive and not in keeping with the character of Clophill and the setting of the Conservation Area, is within 7 metres of the bank of watercourse, is in a Flood Plain, the development is contrary to Green Infrastructure policies, would set a precedent for other sites to be developed if allowed.

Further comments received in response to the FRA and the Statement in Support of the Planning Application.

Dispute the accuracy of many of the comments in the FRA and the Statement. Previous objections still stand.

The land is agricultural and outside of the Settlement Envelope and the FRA has not been produced by an unbiased person. The hardstanding works were undertaken by the applicant.

Wildlife Trust	No obs received.
Housing (private Sector)	The Site must be licensed under the Caravan and Site Control of development Act 1960.
E.H.O.	No comments
Ecologist	The site falls within the Flit Valley County Wildlife Site and being adjacent to the river will have a detrimental impact on the bio diversity of the site. Kingfishers appear to have been lost from the site. Policy CS18 of the Core Strategy and Development Management Policy document states that development that would fragment or prejudice the biodiversity network will not be permitted. No mention is made of suggested mitigation to provide beneficial habitat management. Suggest that there be an 8m (min) buffer to the river to protect the riparian habitat. The introduction of a shingled area and static caravan etc.. results in the loss of grassland habitat and thus the areas value to wildlife.

Determining Issues

The main considerations of the application are;

1. Background and Principle of development
2. Impact on the visual amenities of area
3. Impact on amenities of neighbours
4. Highways and parking
5. Other Matters
6. Conclusions

Considerations

1. Background and Principle of development

The site lies outside of the Settlement Envelope for Clophill within the open countryside where there is a general presumption against the granting of planning permission for new development - including mobile homes - unless there is a very exceptional need identified - or exceptional circumstances.

In this case the application is in respect of a static and a touring caravan and associated portaloo and the occupants of these ie the - applicant and his family - are Gypsies and persons of nomadic habit of life - as defined by the Caravan Sites (Development and Control) Act 1960 and ODPM Circular 1/2006. They are members of the Traveller community who maintain a travelling life style sufficient to maintain their culture. A letter from the Gypsy Council dated

23/07/2010 verifies that they are part of a well known Romani family with many links across the eastern Region of England and beyond. (It is understood that the Gypsy family who originally lived on this site and submitted this application have now sold the land to a further Gypsy family - but this does not make any difference to the way which the planning application is considered by this authority, particularly since it has been shown that the new residents take the same status.)

Circular 01/2006 is specifically designed to provide guidance on determining Gypsy applications with the intention of increasing the number of sites. One of the main aims of this circular is for Local Authorities and Gypsies and Travellers to work together and increase the number of sites made available in the next few years. The Circular also recognises the importance of the extended family to the Gypsy and Traveller way of life.

As a result of that legislation and guidance Local Planning Authorities are required to carry out a full assessment of the need of Gypsies and Travellers in their area in liaison with neighbouring authorities to determine the need for sites and then to locate suitable land for the occupation of the gypsies who have no lawful base to occupy.

In this area the Bedfordshire and Luton Gypsy and Traveller Assessment 2007 (GTAA) has been completed and this indicates that an additional 74 pitches are needed in Bedfordshire as a whole by 2011 and that 20 of these should be in the area formerly known as Mid Beds. This figure was increased to 30 pitches in July 2009 after the Single Issue Review of the East of England Plan reviewed the needs assessments and pitch distribution in light of the caravan counts.

In Central Bedfordshire North the preferred Sites consultation on the Gypsy and Traveller DPD (looking to accommodate sufficient pitches to meet the regional plan target) was published for six weeks between April and June and the comments received to this consultation are being logged and summarised. Since this consultation was published the coalition government abolished regional pitch targets and the Council is considering how it moves forward with its DPD as a result. Following the usual process of discussing the matter with the Task Force and the Overview and Scrutiny Committee, the Council will put forward its recommendations to the Executive. The Overview and Scrutiny Committee next meets on 7 September and a report is then expected to progress to the Executive at its meeting on 28 September 2010.

This aside it is clear from the local GTAA that there is an obvious and immediate unmet need for pitches within the Mid Beds area and this must be given full weight in the consideration of the policy aspects of this application. A need for 20 pitches by 2011 had been identified in the local needs assessment. It should be noted that since that time 3 pitches have been approved through planning permissions.

Local Planning Authorities must give substantial weight to unmet needs when considering whether a temporary permission is justified. In an application for temporary permission - this application does not state that a temporary period is being requested - the relevant policy guidance is found in para 45 of Circular 01.06. This states that temporary permission should be granted where there is an unmet need but no alternative Gypsy and Traveller provision in the area and

where there is a reasonable expectation that new sites are likely to become available at the end of that period in an area which will meet that need.

Where new sites are to be allocated, Circular 01.2006 supports a sequential test by stating that in deciding where to provide Gypsy and Traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services, eg shops, doctors and schools. However, it is acknowledged that Gypsy and travellers have historically located themselves in countryside locations. The Circular (paragraph 54) says sites may be found in rural or semi rural areas. Rural areas which are not subject to special planning constraints can be acceptable in principle.

As with any other form of housing, well located sites, with easy access to major roads or public transport services, will have a positive effect on the ability of residents to: attend school, further education or training; have access to health services and shopping facilities; and seek or retain employment.

In view of the above it is clear that in planning policy terms the proposal should be supported on a temporary basis, pending a situation where there is no unmet need for additional pitches.

2. Impact on the visual amenities of the area.

The site lies at the edge of the built up area of the village just beyond the edge of the ribbon of housing development on both sides of The Causeway to the immediate north of the site. The land is generally open and attractive and the mobile home and the caravan can be seen from the road above the 2m high close boarded fence which runs around the entire boundary of the site (erected under permitted development rights) - apart from the wooden gates which serve as vehicular and pedestrian access into the site off the Private road which it shares with Paradise Farm - further to the east and south. The development is therefore fairly well concealed from view.

The previous applicants advised that when they took possession of the site there was a substantial amount of rubbish and debris which were removed - about 200 tons of mainly hardcore, tree cuttings, general rubbish and unwanted clay from other areas.

Within the site is a static caravan/trailer, a site for the parking of a mobile caravan, 2 parking spaces, a garden waste storage area, a bin and gas bottle storage area. Much of the central area of the site is covered with shingle and the surrounding area is generally grassed. There is a mature conifer hedgerow along the north boundary of the site.

3. Impact on amenities of neighbours

The nearest house to the site is 17 The Causeway and this lies about 20 metres to the north west. There is a tall mature conifer hedgerow along the boundary of the application site close to the boundary of 17 The Causeway. This hedge and the tall fence around the site mean that there is very little visual impact of the development at the site on the outlook of the nearest neighbours or the visual amenities of the area generally.

4. Highways and Parking

Access to the site is via the shared private Driveway off The Causeway - which serves Paradise Farm. Parking spaces are provided within the site for a minimum of 2 cars. The highways officer is of the view that the access to the site is substandard in its width and visibility provision at its junction with the High Street. However, in view of the fact that two dwellings have been allowed on appeal for land to the rear of 3 The Causeway - where there were no adverse highways comments - it is considered that it would be difficult for the application to be refused on highways grounds. However, the access serving the site is not surfaced and there are no proposals to surface it. It is therefore recommended that a condition be attached to any consent which requires details of the surfacing to be submitted for approval by this authority within 6 months of the date of the permission as well as a further condition regarding the area coloured blue on the plan being kept free for the turning of vehicles. There is plenty of car parking area within the site.

5. Other matters

The site lies in a Flood Plain - the IDB have advised that it is Flood Zone 3. A Flood Risk Assessment has been prepared and the IDB and others have been consulted upon it. PPG25 defines caravans and mobile homes for permanent occupation as Highly Vulnerable development, and advises that such uses should not be permitted in Flood Zone 3.

The IDB have advised that the site is in the Flood Plain of the River Flit an area that is known to flood. The site and the fencing is within the Board's byelaw distance of 7 metres from the bank top and any development in this area is subject to the Board's consent. This area must be kept free of all obstructions to ensure the board is able to carry out maintenance. There must be no direct discharge of unbalanced storm water to the adjacent water course as this water course can be overloaded during the winter months.

The applicant has had discussions with the IDB and taken professional advice and advises that they consider there are a range of potential solutions to address the concerns of the IDB. In particular a revised indicative layout plan has been submitted for the site which shows that the two caravans can be located outside of the seven metre zone and secondly that all fencing can be modified to facilitate the free flow of flood water. In view of the fact that the planning application is for a change of use of the land - and the layout is only indicative - it is considered that it would be acceptable to attach conditions to cover these two matters.

Also, the applicants advise that they will reserve a 2 metre work strip within the seven metre zone for use by the IDB - should the IDB need to carry out work next to the river. It is also proposed to install an access gate to the river to facilitate ease of access to the river bank and the 7 metre zone next to the river will only be used as a garden or for parking of vehicles.

The applicants advise that the caravans do not sit on the ground and feel that this matter has been overlooked. The static caravan can be as much as 24 inches off the ground or higher and they consider this would take it out of the flood risk if combined with other measures. These could include a proposal to

install flotation devices that would counter the potential hazards which could be caused by significant flooding. The system that is favoured is manufactured by Marche Industries and has apparently been accepted for use on other sites in Flood Zones across the country. According to the applicant as well as a letter from Marche Industries Ltd this system has been used in areas where significant floods have occurred and it has a proven track record. The floatation system involves the design, supply and installation of colour coded polystyrene pods fitted directly to the chassis of the unit. The polystyrene pods effectively convert the caravan into a 'boat' under flood conditions.

The Galvanized Cantilever System is installed to control the rise and fall of the unit. This is secured directly to the chassis and to the concrete base. For caravans without a concrete base Marche Industries recommend the Piston system which requires a piston to the front and rear of the caravan, concreted into the ground and connected to a sliding tow bar. All structures such as balconies/steps/sheds etc.. must be free standing and cannot be attached to the unit in any way.

The IDB has commented in response to these suggestions to confirm that though such provision may be suitable in a leisure park environment, where occupation is generally seasonal and less likely during periods of increased flood risk, such is not the case here. PPG25 places caravans and mobile homes intended for permanent use in the highly vulnerable category, and thus the IDB would not support such intervention as making this site suitable for occupation.

A level survey is being commissioned by the applicant to verify the level of the application site relation to the land at the rear of 3 The Causeway and the existing houses, as they believe the site should properly be considered as Flood Zone 2. Until this additional information has been submitted, it is not possible to comment on whether the survey makes due recognition for the placing of hardsurfacing on the site which has in any event raised levels, works which would of themselves potentially cause risk to others in a flood situation.

There are no trees on the site which are affected by the proposals. Local residents have advised that trees have already been removed from the site.

This council's ecologist has advised that the site lies in the Flit Valley County Wildlife Site. Policy CS18 of the Core Strategy and Development Management Policy Document states that development that would fragment or prejudice the biodiversity network will not be permitted. The application does not make any mention of any suggested mitigation to provide beneficial habitat management but that there should be a minimum of 8 metres of any development to the river to protect riparian habitat. The introduction of a shingled area and caravan resulted in the loss of grassland habitat and thus the areas value to wildlife. It must, however, be noted that the placing of the 2m fencing around the site and the clearance of existing vegetation were not works which required the specific grant of planning permission, so the protection of such areas is very tenuous.

There was a generator which was used as a temporary source of power for the site and lay to the east of the site on land in the ownership of the neighbouring land owner at Paradise Farm. This has now been removed as the site has been connected to mains electricity.

Water services run close to the site as does the access to the foul sewer pipes. Permission has been sought and obtained to connect the site to the main sewers. This has now been carried out and the applicant advises that the works have been checked and certified. Certificates regarding this are to be forwarded to this authority. Until this information is received, it is not known who the authorising bodies have been.

Conclusions

In view of the fact that this authority has not made provision for an adequate number of Gypsy and Traveller sites in its area and there is a clear unmet need for such sites then it would be difficult to sustain at appeal an objection to the application on policy grounds. It is thus considered that from this perspective a temporary consent should be granted until such time as these sites have been made available in accordance with an approved Site Allocations DPD for Gypsy and Traveller sites in Central Bedfordshire.

However, notwithstanding the above, there are drainage objections from the Internal Drainage Board and as a result of advice in PPG25 and these would need to be resolved before officers could recommend that such a temporary planning consent be granted.

Recommendation

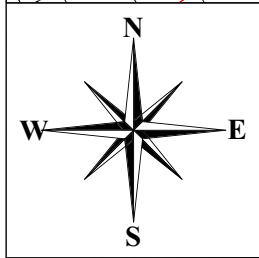
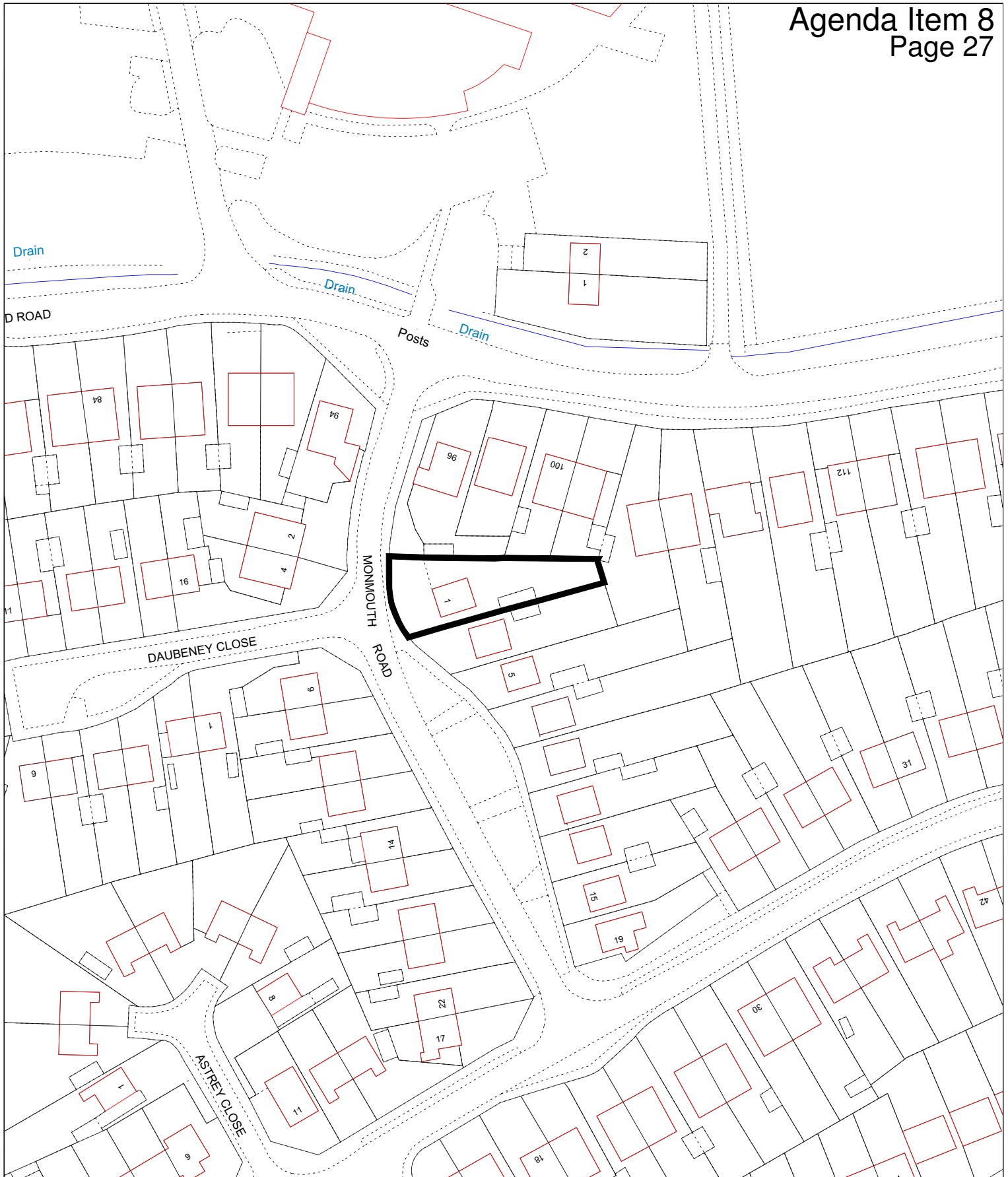
That Planning Permission be refused.

- 1 The site is within the floodplain of the River Flit, an area that is known to flood and is classified as Flood Zone 3 as shown on the flood map held by the Internal Drainage Board. Caravans for permanent occupation are defined as being highly vulnerable to flooding and PPS25 advises that such development should not take place in Flood Zone 3.
- 2 The raising of ground levels impacts adversely on flood storage within the flood plain and the erection of close boarded fencing along the bank of the watercourse will restrict flood flows onto the flood plain. The direct discharge of unbalanced water to the adjacent water course is not acceptable as the water course can be overloaded during the winter months. These matters all have the potential to increase risks of flooding in the local area, and are therefore contrary to the aims of Policy DM3 (High Quality Development) in the Core Strategy and Development Management Policies November 2009.

DECISION

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Date: 03:August:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 8

APPLICATION NUMBER	CB/10/02505/FULL
LOCATION	1 Monmouth Road, Harlington, Dunstable, LU5 6NE
PROPOSAL	Full: First floor side extension.
PARISH	Harlington
WARD	Woburn & Harlington
WARD COUNCILLORS	Cllr F Chapman & Cllr B Wells
CASE OFFICER	Duncan Jordan
DATE REGISTERED	08 July 2010
EXPIRY DATE	02 September 2010
APPLICANT	Mr & Mrs George
AGENT	Paul Lambert Associates Ltd
REASON FOR COMMITTEE TO DETERMINE	Cllr F Chapman request following concerns over loss of amenity and privacy, overdevelopment of site and overbearing nature of development. Also the Assistant Director considers it prudent to seek a Committee decision due to the contentious nature of the application
RECOMMENDED DECISION	Full Application - Refused

Site Location:

1, Monmouth Road is a detached property whose appearance appears to date the property to the 1970's. This dwelling lies to the east side of Monmouth Road. It is the first property on this side of the road as the gradient rises from Goswell End Road.

The Application:

For a first floor side extension

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1: Delivering Sustainable Development

PPS3: Housing

Bedfordshire Structure Plan 2011

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

Policy DM3 - Criteria for extensions

Supplementary Planning Guidance

Design Supplement 4: Residential Alterations and Extensions

Planning History

10/01373	First floor side extension. Refused 3/6/10 -overbearing - loss of sunlight
08/00709	Single storey side extension. Approved 16/6/08
88/00695	Single storey side extension and front entrance porch. Approved 24/5/88

**Representations:
(Parish & Neighbours)**

Parish/Town Council	Any comments will be reported on Late Sheet
Neighbours	Three objections received: <ul style="list-style-type: none">• Property will be out of keeping• Overlooking• The [previous ground floor extension] is not accurately shown on the current planning application drawing.• Overbearing - the property is uphill [from neighbours in Goswell End Road].• Loss of sunlight• The changes made to the proposed extension do not alter any of their previous concerns

Consultations

None

Determining Issues

The main considerations of the application are;

- 1. Visual impact on the character and appearance of the area**
- 2. Impact on neighbouring residential amenity**
- 3. Other Issues**

Considerations

1. Visual impact on the character and appearance of the area

This is a revised scheme to that previously refused under application 10/01373. This first floor side extension has been reduced in width by 1m a hipped roof employed and the frontage set back by 1m.

In terms of the visual impact on the character and appearance of the area, the bulk of the extension has been reduced and its impact on the property and streetscene are considered to be appropriate.

2. Impact on neighbouring residential amenity

Overlooking

The window serving the newly created bedroom is forward facing to the street and will not cause a concern of overlooking. The newly proposed rear window would serve an en-suite and could be conditioned for obscured glazing and restricted opening in response to concerns of neighbours.

Overshadowing

25 degree loss of daylight calculations indicate that the impact on rear windows of properties in Goswell End Road is acceptable.

The reduction in footprint of the extension, and its revision of the roof format to a hipped style, are sufficient change that the scheme is no longer considered to create an unacceptably detrimental loss of sunlight or daylight to neighbours.

Overbearing

Although it is recognised that the applicants and their agent have gone to considerable lengths to satisfy the previous overbearing concerns of the previous application, a site visit was undertaken to the neighbouring property at 98 Goswell End Road. On balance the impact to these neighbouring properties in Goswell End Road is still considered to be unduly overbearing particularly since the levels drop by approximately one metre to those in Goswell End Road, and so the overbearing nature of development remains a reason for refusal in itself.

3. Other Issues

Neighbours have raised concern that a previous extension at the site is not accurately shown on the submitted drawings. As this part of the site is some 5.5m from the extension now proposed, and is only partially represented on the drawings, the reported inaccuracy is unclear, but in any event is not material to the present application.

Conclusion

Despite the reduction in size from the previous application the proposed extension, on balance, is still considered to remain overbearing to occupiers of the neighbouring properties in Goswell End Road. As such the scheme is considered to conflict with Policy DM3 of the Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009 and Design Supplement 4: Residential Alterations and Extensions (2010).

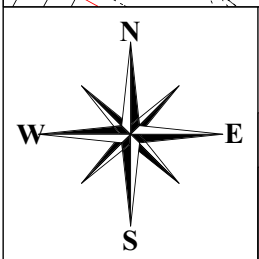
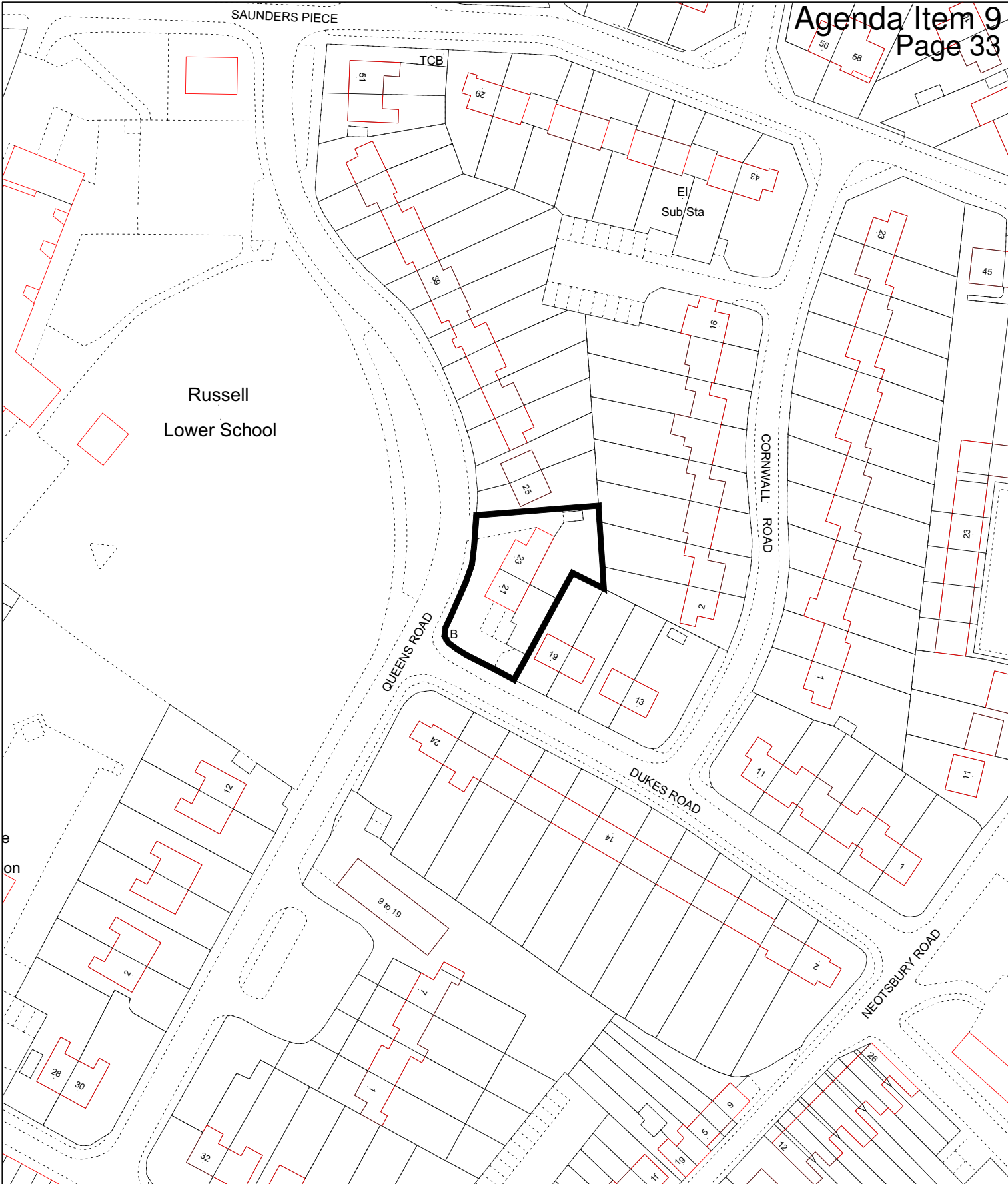
Recommendation

That Planning Permission be Refused

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

DECISION

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Date: 06:July:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 9

APPLICATION NUMBER	CB/10/01776/FULL
LOCATION	21 - 23, Queens Road, Ampthill, Bedford
PROPOSAL	Full: Demolition of single storey building elements and garage. Replacement with two extensions one each side, partly single and partly two storey. Providing a total of 3 retail and 5 residential units. Refurbishment of existing accommodation. Associated amenity space, off street parking and landscaping provided. Re-routing of public pavement.
PARISH	Ampthill
WARD	Ampthill
WARD COUNCILLORS	Cllr P Duckett & Cllr G Summerfield
CASE OFFICER	Nicola Stevens
DATE REGISTERED	20 May 2010
EXPIRY DATE	15 July 2010
APPLICANT	VIGOR HOMES LTD
AGENT	SAUNDERS PARTNERSHIP ARCHITECTS
REASON FOR COMMITTEE TO DETERMINE	Deferred from 21.07.10 meeting to allow the applicant further time to discuss the proposal with the existing tenant. Cllr Summerfield request, concerned about overbearing impact on neighbours and highway issues.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is located on the corner of Queens Road and Dukes Road, Ampthill. It is currently occupied by 2 retail units on the ground floor, one unoccupied and the other occupied by a private children's nursery, and two 2 bed flats on the first floor.

The site is surrounded by residential properties on three sides and the playing field of Russell Lower School opposite.

The Application:

Full consent is being sought for the demolition of single storey building elements and garage. Replacement with two extensions one each side, partly single and partly two storey. Providing a total of 3 retail and 5 residential units. Refurbishment of existing accommodation. Associated amenity space, off street parking and landscaping provided. Re-routing of public pavement.

PPS:

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS4: Planning for sustainable economic growth

Core Strategy and Development Management Policies Adopted November 2009

CS1	Selected settlements
CS2	Developer contributions
CS3	Healthy and Sustainable Communities
CS4	Linking communities
CS14	High quality development
CS17	Green infrastructure
DM3	High Quality Development
DM4	Development within and beyond settlement envelopes
DM14	Landscape & woodland
DM16	Green infrastructure
DM17	Accessible greenspaces

Supplementary Planning Guidance

Design Guide for Central Bedfordshire & DS3 Town Centre & Infill Development, and DS6 Shopfront and signage Adopted Jan 2010.

Mid Beds District Council Planning Obligations SPD (Adopted Feb 2008).

Planning History

634/54/7	14 houses and 2 shops. Approved
93/433	Full: conversion of existing garage/store to retail premises Approved 18.5.93
04/984	DCReg 3: COU of ground floor from retail to children's nursery for a temporary period of one year. Approved 28.7.04
05/739	DC3: Variation of condition 2 attached to planning permission ref: 04/984/DC3 for COU of ground floor from retail to children's nursery for a temporary period of one year. Approved 16.6.05
06/783	S73: Variation of condition 2 to extend the COU of ground floor from retail to children's nursery for a further two years attached to planning permission ref: 04/984/DC3. Approved 14.7.06
10/108	Full: Demolition of side extensions and garage. Replace with 2 two storey extensions to provide 4 retails and 6 residential units. Refurbishment of existing accommodation. Withdrawn 1.4.10

**Representations:
(Parish & Neighbours)**

Amphill Town Council	Object, concerned about overdevelopment of the site, loss of amenity on neighbouring properties including loss of light to No 25 Queens Road, lack of on site parking, Dukes Road/Queens Road already congested at school times, highway safety concerns regarding vision splay coming out of Dukes Road onto Queens Road, concern for child safety as this is a safer route to school area.
Neighbours	7 letters of objection, concerned about pedestrian and highway safety, Queens Road already congested at school times, increase in traffic flow will lead to noise and fumes, lack of parking, no need for further shops or small flats, shop opening and delivery hours will harm residential amenity from noise and disturbance, will lead to antisocial behaviour and more rubbish, overbearing, loss of light, noise and disturbance, and smell from refuse storage area for No 25 Queens Road, replacement boundary treatment should be provided and maintained, inaccuracies in Design and Access Statement. Existing resident concerned about safety during development and replacement facilities proposed.

Consultations/Publicity responses

Highway Officer Planning Waste Management Officer	No objection subject to conditions and notes The residential bin collection point has satisfactorily been moved forward to the highway boundary. A site waste management plan will be required.
EHO Public Protection	No objection subject to conditions relating to installation of equipment to prevent problems of odours and noise unduly harming adjoining residential amenity.
Tree and Landscape Officer	No objection

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Visual impact
3. Residential amenity
4. Highways
5. Other issues

Considerations

1. Principle of development

The proposal will result in a net increase of gross internal floorspace (Use Class A1 retail) of 34m² (from 147.5m² to 181.5m²) at ground floor. Four x 1 bed and one x 2 bed flats will be created at first floor to replace the existing two 2 bed.

The site is within a predominately residential area and has had a mixed retail and residential use for a substantial number of years. It lies within the settlement envelope of Ampthill where new development is generally considered acceptable provided it meets other local plan criteria which will be discussed in more detail below.

2. Visual impact

There is presently a two storey, semi detached building on the site with single storey extensions on both sides. It is a corner site and thus has a dual aspect facing onto both Queens Road and Dukes Road. In terms of topography, the applicant points out that Queens Road gradually slopes up northwards, though there is little impact on the site itself. However, Dukes Road slopes downwards away from Queens Road more significantly.

To reflect the change in levels along Dukes Road the floor level for the two storey extension on that side has been lowered to allow level access for the retail units. A 3m gap is retained between the extension and the adjoining property No 19 Dukes Road and the roof is stepped down from the main building and fully hipped. In streetscene terms this elevation is considered visually in keeping.

The two storey extension along Queens Road would also be stepped down from the main ridgeline and stepped back from the main elevation to take into account the position of No 25 Queens Road which is at an angle to the application site. In the streetscene elevation this shows a separation gap of 1.4m which is considered visually acceptable but in reality the gap is larger because this elevation does not account for the splayed relationships, the closest point between the buildings actually being 2.4m distance.

In terms of external alterations to the shops, new windows, doors and entrance canopy will match the proposed extensions, all in keeping with the surrounding area in terms of design and materials.

A large eucalyptus tree will be lost to the rear of the building as a result of the proposal. Whilst visible in the streetscene it is not protected and not visually dominant due to its location behind the existing building therefore its loss is considered visually acceptable.

Some additional planting is proposed to the front of the building along Queens Road to help break up the large area of hardstanding, whilst there is limited opportunity for this it will help to approve the appearance of this corner.

3. Residential amenity

No 25 Queens Road is located to the north of the application site and has a ground floor hallway window, first floor stairs and bathroom windows facing the application site. The nearest point from the northern extension to the rear of No 25 Queens Road is 7m. Whilst there will be more built mass visible from the rear garden of No 25 Queens Road, the eaves and ridge heights of the proposed and existing properties are comparable in terms of scale, the rear element would now be single storey and fully hipped, and given the distances involved it will not lead to any undue loss of light, privacy or overbearing impact to that adjoining property. The first floor bathroom window on the side elevation can be conditioned to be obscure glazed to protect privacy.

There is a drop of approx 1m from the existing building on the application site to No 19 Dukes Road. That property has a ground floor window in its side (north west) elevation which serves a store room. The main concern is the impact on the rear of that property as the proposed extension would extend approx 2.6m further to the rear of No 19. However, given the distance between the properties (approx 3m) and their relationship, it is not considered this part of the proposal will result in an unacceptable impact in terms of loss of light and overbearing impact.

In terms of the northern extension the scheme is improved as the rear element is now single storey with no first floor windows. A kitchen/living room window is shown at ground floor level on the rear elevation. Due to the difference in ground levels, the new boundary fencing will not screen this window, however, it is offset from the boundary of No 19 Dukes Road and is approx 24m away from the properties along Cornwall Road which is acceptable in terms of privacy.

First floor bedroom and bathroom windows are proposed on the northern side of the southern extension but will not result in any undue loss of residential amenity to surrounding properties due to the relationship and distances involved. A kitchen/living room window is proposed on the southern side of the single storey northern extension facing onto the rear of No 19 Dukes Road. Whilst No 19 is at a slightly lower ground level, given that this is a ground floor window proposed and that there is a covered porch at ground level on the rear of No 19 nearest this window it is considered the relationship is acceptable and no undue loss of privacy will result.

The site is adjoined by residential properties, however, a general condition restricting hours of opening of the retail uses to protect residents from noise and disturbance cannot be attached because the existing building has an established A1 use. It is noted that the nursery has limited hours of operation but that is only a temporary permission. However, it is noted that the retail units themselves will be no nearer to No 25 Queens Road than the existing situation. A blank sided elevation is now proposed facing No 19 Dukes Road. However, a condition limiting hours of operation for unit 3 which is to be extended should be conditioned to protect adjoining residential amenity.

An amenity area for the residential units is provided to the rear of the building with space allocated for commercial refuse storage. An enclosed and gated bin/recycling store is shown for the residential units on the northern boundary adjoining the rear garden of No 25 Queens Road which the Planning and Waste Management Officer previously objected too as being too far away from the

public highway. However, no such objection has been received as part of the application and additionally an area has been identified to the front where bins can be placed on collection day. The site layout has been amended to show a wall along this part of the northern boundary treatment to ensure no undue loss of residential amenity from this bin store. The Environmental Health Officer has no objection to the scheme. Whilst conditions have been suggested relating to installation of equipment to prevent problems of odours and noise unduly harming adjoining residential amenity, as this is an A1 existing use it is not considered that those conditions are necessary. The EHO has confirmed that a condition is required for sound insulation to the flats to provide noise protection from the commercial use which has been attached accordingly.

The relationship and separation distances provided between the site and properties opposite along Dukes Road are considered sufficient. No other surrounding properties would be affected as they are located too far away.

4. Highways

Unallocated off street parking is provided for both the retail and residential use on both Queens Road and Dukes Road. For pedestrians, the difference in the two levels has been accommodated in this revised application by a ramp which wraps around the corner of the building.

The proposal includes the provision of a replacement footpath along Queens Road which will need to be offered for adoption as public highway and this can be covered by condition.

14 unallocated car parking spaces are proposed, 6 spaces off Dukes Road and 8 spaces off Queens Road, which the Highway Officer confirms is acceptable to serve the development.

However, in order for vehicles to manoeuvre in and out of parking spaces located off Dukes Road parking restrictions on the southern side of Dukes Road along the whole frontage of the parking area need to be introduced for which a Traffic Regulation Order would be required. The financial contributions to ensure this have been secured within the unilateral.

One space off Queens Road is able to accommodate a small delivery vehicle. Loading and unloading of large delivery vehicles will continue to be done on the street which given its frequency is considered satisfactory.

Cycle storage for the residents of the flats is provided in the rear garden and public cycle storage to the front of the retail units on Queens Road. Further details would be required by condition.

5. Other issues

This proposal will result in an increase in A1 retail floorspace (34m²), the lost of two 2 bed flats and the creation of five flats (4x1 bed and 1x2 bed), resulting in the need for financial contributions under the Planning Obligations Strategy Adopted 2008. A Draft Unilateral has been submitted and is now considered satisfactory, however, this will need to form a reason for refusal if the signed version has not been received by the date of committee. As the 'net' increase in residential units is 3, there would be no requirement for affordable housing under policy CS7. No financial contribution requirements are identified for the

commercial use.

Although the comments of neighbours are noted about possible types of retail uses, the existing units could be used as an off licence (Use Class A1). As stated above it is not possible to control hours of operation in this proposal because the existing building has an established A1 use. Fast food establishments would require separate planning consent for change of use.

Reasons for Granting

The proposal is in conformity with Policies CS1, CS2, CS3, CS4, CS14, CS17, DM3, DM4, DM14, DM16 and DM17 of the Core Strategy and Development Management Policies Adopted November 2009 as the proposal does not seriously harm the amenities of neighbours and will not have a harmful impact on the character and appearance of the locality. Appropriate and safe provision has been made for access and parking.

The proposal is in conformity with Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing) and PPS4 Planning for sustainable economic growth, Technical Guidance: Design Guide for Central Bedfordshire & DS3 Town Centre & Infill Development, and DS6 Shopfront and signage Adopted Jan 2010, and Mid Beds District Council Planning Obligations SPD (Adopted Feb 2008).

Recommendation

That Planning Permission be APPROVED 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 commence until full details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **materials to be used for any hard surfacing;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**
- **details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.**

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

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

- 3 The scheme approved in Condition 2 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.

- 4 The boundary treatment including a 1.8m high brick wall around the residential bin storage area shall be erected as shown on the plans hereby approved. The boundary treatment shall be completed in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality and protect residential amenity.

- 5 **No development shall commence until details of materials to be used for the external finishes of the development hereby approved to include roof, bricks, windows, doors, and porches have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**

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

- 6 Final ground and slab levels of the development hereby approved shall be implemented in full accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

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

- 7 Retail unit 3 as shown on drawing 6444-P15 shall only be open to customers between the hours of 8am to 6pm Mondays to Saturdays, and not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.

8 Prior to the first occupation of the northern extension the first floor bathroom window in the side (northern) elevation of the development shall be fitted with obscured glass of a type to substantially restrict vision through it, and restriction on its opening to a maximum of 10 cm. These restrictions shall be retained at all times unless written authority has been given by the Local Planning Authority.

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

9 **Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall 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.

10 **No development shall take place until the developer has entered with the Council into a Section 38 Agreement of the Highways Act 1980 or similar in respect of the re-routing of the existing footway along Queens Street, to be constructed as part of the development.**

Reason: To ensure that the re-routed footway is available for the public use without any restrictions, in the interest of pedestrian movement.

11 No dwelling shall be occupied until the re-routing of the existing footway along Queens Road along the back of the proposed car parking area, the principles of which are as shown on Drawing No 6444 P14B, has been completed. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement.

12 **Development shall not begin until detailed plans and sections of the proposed pedestrian and car parking areas off Dukes Road and Queens Street showing gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the approved details have been constructed.**

Reason: To ensure that the proposed pedestrian and car parking areas are constructed to an adequate standard in the interest of highway safety.

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

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

- 14 There shall be no restriction on the use of the car parking spaces shown on drawing No 6444 P14B by occupiers of, or visitors to, any of the buildings hereby permitted.

Reason: To minimise the potential for on-street parking and thereby safeguard the interest of the safety and convenience of road users.

- 15 Cycle parking and storage on the site shall be implemented in accordance with the plans and details hereby approved. The scheme shall be fully implemented before the development hereby approved 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.

- 16 **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.

- 17 **No development shall commence until a Site Waste Management Plan has been submitted to and approved by the Local Planning Officer. Development shall be completed in accordance with the approved details. The Site Waste Management Plan should demonstrate that in both construction and operational phases of the development, waste will be minimised as far as possible and that such waste as is generated will be managed in an appropriate manner.**

Reason: To ensure that site waste is disposed of in a safe, efficient and comprehensive manner.

- 18 The ground floor of the building shall be used for retail sale of goods to the public (Use Class A1) of the Town and Country Planning (Use Classes) Order 2006 and no other purpose, (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To exclude the provisions of the said Use Classes Order and thereby ensure the Local Planning Authority retains full control of the future use of the land/building(s) in view of the special circumstances of the case.

- 19 **Prior to commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the Local Planning Authority a scheme of noise attenuation measures which will ensure that internal noise levels for the residential units which need to be protected from the commercial use shall not exceed 35dB LAeq, 07.00-23.00 in any habitable room, or 30dB LAeq, 23.00 - 07.00 and 45dB LAmax, 23.00 - 07.00 inside any bedroom. Any works which form part of the scheme approved by the Local Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring with the results reported to the Local Planning Authority in writing , before any permitted dwelling is occupied, unless an alternative period is approved in writing by the authority.**

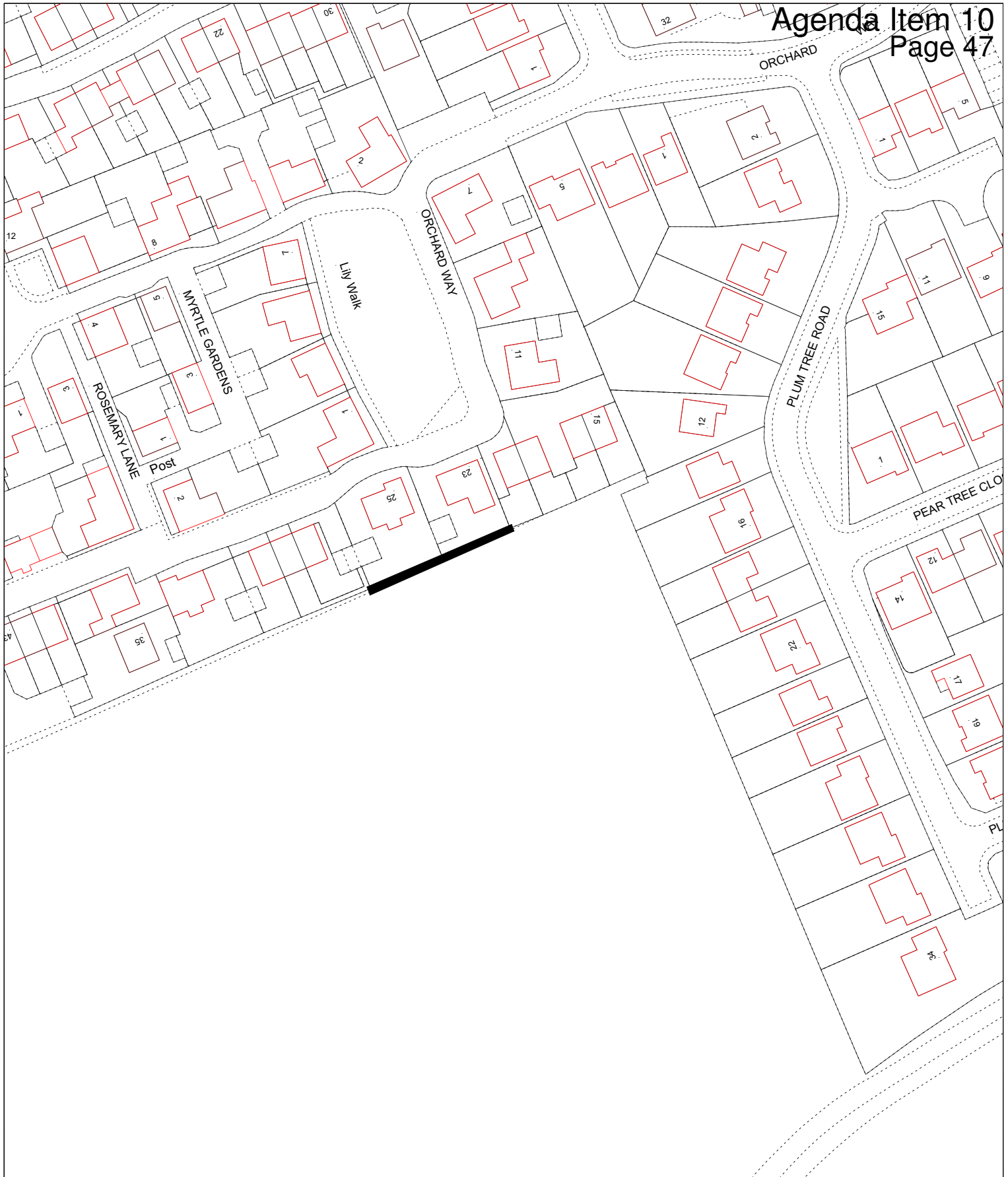
Reason : To protect neighbouring residents from any adverse impact from noise arising from the commercial use.

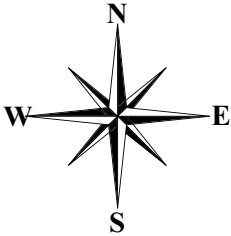
Notes to Applicant

1. You are advised to note that new shop signage may need separate advisement consent. You are advised to contact the planning department for further advise prior to erection of any signage.
2. You are advised to note that this permission is restricted to A1 use. Should any cooking facilities/equipment be required this is likely to require separate planning consent.
3. The applicant is advised that in order to comply with Condition 12 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 or similar of the Highways Act 1980 to ensure the satisfactory completion of the access, car parking areas and footway provision . Further details can be obtained from the Highways Development Control Group, Development Management Division, , Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management group Highways and Transportation Division, Central Bedfordshire Council, P.O. Box 1395 Bedford,
5. The applicant is advised that in order to comply with condition 10 of this permission details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Highways Development Control Group, Development Management Division, Central Bedfordshire Council, P.O. Box 1395 Bedford, MK42 5AN.
6. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Guidance.

DECISION

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	Date: 03:August:2010	
	Map Sheet No	
Scale: 1:1250		

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Item No. 10

APPLICATION NUMBER	CB/10/02377/FULL
LOCATION	Land to the rear of 23 & 25 Orchard Way, Lower Stondon, Henlow, SG16 6NA
PROPOSAL	Full: Change of use to residential garden and erection of 1.8m high wooden fencing
PARISH	Stondon
WARD	Silsoe & Shillington
WARD COUNCILLORS	Cllr Rita Drinkwater, Cllr Alison Graham
CASE OFFICER	Kate Phillips
DATE REGISTERED	15 July 2010
EXPIRY DATE	09 September 2010
APPLICANT	Mr Parry
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Request by Cllr Drinkwater on the grounds that the proposal changes the conditions attached to the original housing development permission and also that the proposal would be overbearing to neighbouring properties.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is the land to the rear of numbers 23 and 25 Orchard Way in Lower Stondon which are 2 separate, two storey, yellow brick residential dwellings located on the southern side of the road.

The land to the rear (south of the gardens) has been cleared of the hedgerow which still lines the edge of many of the gardens in the stretch and wooden posts have been erected in the proposed location of a new fence (the subject of this application). However the land is still outside the defined garden area of the two properties because the existing fence remains in its original position.

The surrounding area is characterised by other residential dwellings of a similar style and age. The land to the south is open countryside, outside the village's Settlement Envelope.

The Application:

This application seeks permission for a change of use of the land to residential garden land and also the erection of 1.8 metre high wooden fencing.

RELEVANT POLICIES:

National Policies (PPG + PPS)

- PPS 1 Delivering Sustainable Development (2005)
- PPS 3 Housing (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

Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document 2009

Policy DM3 High quality development – including extensions

Policy DM4 Development within and beyond settlement envelopes

South Bedfordshire Local Plan Review Policies

Not applicable

Supplementary Planning Guidance

Central Bedfordshire Council's Technical Guidance - Design Supplement 4:
Residential Alterations and Extensions (2010)

Planning History

None relevant

Representations: (Parish & Neighbours)

Stondon PC

Adj. occupiers

No comments received.

One letter of objection has been received from a resident in Plum Tree Road which runs perpendicular to Orchard Way. This person objects on the following grounds:

- A local and historic hedge has been ripped up and been replaced by a black fence.
- Spoils views/ outlook for the residents of Plum Tree Road.
- Impact on wildlife.

Consultations/Publicity responses

Site notice posted 27.7.10

Determining Issues

The main considerations of the application are;

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

Considerations

1. Principle of development

Policy DM4 of the Council's Core Strategy and Development Management Policies Development Plan Document notes that, "Beyond Settlement Envelopes, limited extensions to gardens will be permitted provided they do not harm the character of the area. They must be suitably landscaped or screened from the surrounding countryside and buildings may not be erected on the extended garden area".

The principle of changing the use of the land to residential garden is therefore considered to be acceptable, subject to the detailed considerations below.

2. Effect on the character and appearance of the area

The land in question is located to the rear of the properties, at the edge of the settlement, outside the Settlement Envelope. Views to the site are possible from the gardens of properties along Plum Tree Road (which runs perpendicular to Orchard Way) and also from the open countryside to the south.

An objection has been raised on the grounds that a local and historic hedge has been ripped up to be replaced by a black fence. Nevertheless, it is considered that fencing is an appropriate type of boundary treatment for a residential garden such as these two gardens and that, because the area of land that will be incorporated into the gardens is relatively small in size, the impact on the surrounding area is not so great as to warrant a refusal of the application on this basis.

Overall, the proposal is considered to be acceptable in this respect. Policy DM4 recommends that no buildings are erected on extended garden areas. In this case, taking into account the small size of the extended area, it is not considered necessary to attach this condition to any planning permission granted.

3. Impact on the residential amenity of neighbouring properties

An objection has been raised on the grounds that the new fencing disrupts the outlook and views for properties along Plum Tree Road. These properties are over 25 metres away from the application site and therefore it is not considered that their immediate outlook would be affected to any material degree.

It is a long established principle that there is no right to a view in planning terms. However, the impact of development on the character and appearance of the surrounding area is a planning issue. In this case, as noted above, the impact is considered to be acceptable.

Overall, it is not considered that any nearby residential properties would be affected by the proposal. It is therefore considered to be acceptable in this respect.

4. Any other implications

There are no further considerations to this application.

Reasons for Granting

The proposal to change the use of the land to residential garden and to erect a 1.8 metre high fence 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), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policies DM3 and DM4 of the Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document (2009). It is further in conformity with the Central Bedfordshire Council's Technical Guidance - Design Supplement 4: Residential Alterations and Extensions (2010).

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

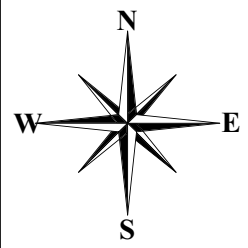
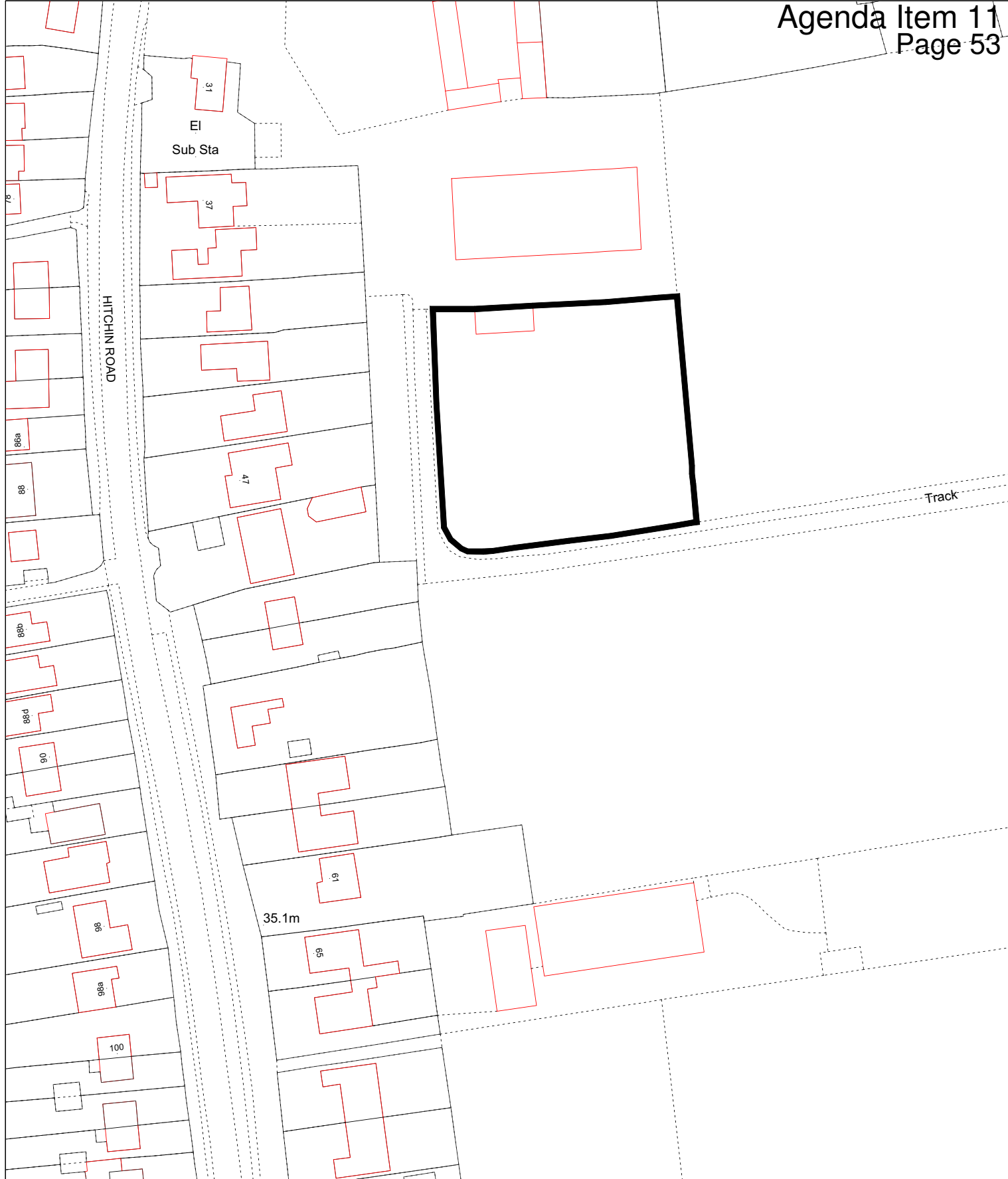
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 The materials to be used for the development shall be as detailed in the application hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the surrounding area.

DECISION

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Date: 03:August:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 11

APPLICATION NUMBER	CB/10/02284/FULL
LOCATION	Land at Caldecote House Farm, The Green, Upper Caldecote, Biggleswade SG18 9BX
PROPOSAL	Full: Change of use of agricultural land to horse pasture land with associated stable block and store (retrospective).
PARISH	Northill
WARD	Northill and Blunham
WARD COUNCILLORS	Cllr C Maudlin & Cllr T Turner
CASE OFFICER	Dee Walker
DATE REGISTERED	05 July 2010
EXPIRY DATE	30 August 2010
APPLICANT	G.J Maudlin & Sons
AGENT	Richard Beaty, Building Design Ltd
REASON FOR COMMITTEE TO DETERMINE	Applicant is related to Cllr Caroline Maudlin
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The site is located at land to the rear of Caldecote House Farm in Upper Caldecote. The application site is located and surrounded by land under the ownership of the applicant. The site consists of a grazing paddock with a stable block to the northern boundary. Although there are residential properties in close proximity to the site, the surrounding area is mainly agricultural use.

The Application:

The application seeks retrospective permission for the use of the land to graze horses and the retention of the stable block.

RELEVANT POLICIES:

National Policies (PPG & PPS)

- PPS1 Delivering Sustainable Development (2005)
- PPS 7 Sustainable Development in Rural Area (2004)

Regional Spatial Strategy

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

N/A

Central Bedfordshire Core Strategy and Development Management Policies 2009

Policy DM18 Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009)

Supplementary Planning Guidance

None

Planning History

None relevant to this application site

**Representations:
(Parish & Neighbours)**

Northhill Parish Council	No comments received to date, any response to be reported on late sheet
Adjacent Occupiers	No comments received to date, any response to be reported on late sheet

Consultations/Publicity responses

Public Protection Team	No objection subject to conditions being attached to any consent granted
Site Notice Posted	22.07.2010

Determining Issues

The main considerations of the application are;

1. The effect on the character of the area
2. The impact that the proposal will have 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 site is located within an agricultural holding with the main farm buildings to the north. The use of the land for the grazing of horses is considered acceptable in visual terms as the site is in close proximity to neighbouring grazing land and as such will not look out of character with the area.

The stable block is located nearby to one of the farms large agricultural outbuildings. The stables itself have been constructed in timber boarding and therefore are in keeping with the character and appearance of this rural area.

Overall, it is considered that the development does not have an adverse impact on the character and appearance of the area.

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

Although the site is bound on all sides by land under the ownership of the application, some properties along Hitchin Road back onto the farm land.

Due to the location of the stable block, nos. 41 and 43 Hitchin Road are the closest properties. However, there is still at least 45.0m physical distance. Therefore the use of the land and the stable block would not have any adverse impact on the residential amenity of the neighbouring properties by reason of overbearing impact, loss of light or privacy. Any activity on the land is likely to be no more than would be expected within a rural area.

3. Any Other Implications

The Public Protection Team were consulted on the application and although they raise no objection they have recommended conditions be attached to any consent granted to secure details of the storage and disposal of manure and to stipulate the non-commercial use of the stables.

Reasons for Granting

In conclusion, the scheme by reason of its site, design and location would not harm the character and appearance of the area or have an adverse impact on the residential amenity of neighbouring properties. As such the proposal is in conformity with Policy DM18 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Statement 7 (2004). It is therefore considered **acceptable** and that planning permission should be granted subject to conditions.

RECOMMENDATION

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

- 1 **Details of the storage and disposal of manure and the location of any manure storage area shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the date of this permission. Manure shall be stored and disposed of strictly in accordance with the approved details.**

Reason: In the interest of neighbouring and to prevent pollution of the environment.

- 2 No manure shall be burnt on site.

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

3 The development hereby permitted shall be used only as private, non-commercial stabling and for no other purpose.

Reason: To prevent the stable from being used for commercial purposes to the detriment of the locality.

DECISION

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