

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



please ask for Martha Clampitt  
direct line 0300 300 4032  
date 8 July 2010

## NOTICE OF MEETING

### DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

**Wednesday, 21 July 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 23 June 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 in Part A4 of the Constitution.

6. **DISCLOSURE OF EXEMPT INFORMATION**

To consider any proposals to discuss items likely to involve disclosure of exempt information as defined in the relevant paragraph(s) of Part 1 of Schedule 12A of the Local Government Act 1972 prior to the exclusion of the press and public.

**REPORT**

| <b>Item</b> | <b>Subject</b>                                                       | <b>Page Nos.</b> |
|-------------|----------------------------------------------------------------------|------------------|
| 7           | <b>Planning Enforcement Cases Where Formal Action Has Been Taken</b> | 7 - 14           |

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

### **Planning and Related Applications**

To consider the planning applications contained in the following schedules:

**Schedule A - Applications recommended for Refusal**

| <b>Item</b> | <b>Subject</b>                                                                                                                                                                                                                                                                                                                                                                                           | <b>Page Nos.</b> |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 8           | <p><b>Planning Application No. CB/10/00518/OUT</b></p> <p><b>Address:</b> Land East of Saxon Drive and North of Stratton Park, Saxon Drive, Biggleswade</p> <p>Outline: Health Centre, sports pitches, changing facilities with car parking, relocation of allotments, travelling show peoples site, woodland, meadowland and childrens play area.</p> <p><b>Applicant:</b> Biggleswade Town Council</p> | 15 - 52          |
| 9           | <p><b>Planning Application No. CB/10/00938/FULL</b></p> <p><b>Address :</b> Land next to River Hiz adjacent to west platform of Arlesey Train Station, Arlesey Road, Henlow</p> <p>Full: 390 space car park with landscaping and access road to serve Arlesey Train Station.</p> <p><b>Applicant :</b> Poppyhill Properties Ltd.</p>                                                                     | 53 - 66          |
| 10          | <p><b>Planning Application No. CB/10/001700/FULL</b></p> <p><b>Address :</b> Conway, Oldhill Wood, Studham, Dunstable, LU6 2NE</p> <p>Retention of 4 bed dwelling house as built with alterations to garage roof as previously approved under CB/09/06668/FULL</p> <p><b>Applicant :</b> Mr A Brewer</p>                                                                                                 | 67 - 74          |

|                                                               |
|---------------------------------------------------------------|
| <b>Schedule B - Applications recommended for<br/>Approval</b> |
|---------------------------------------------------------------|

| <b>Item</b> | <b>Subject</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Page Nos.</b> |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 11          | <p><b>Planning Application No. CB/09/06175/FULL</b></p> <p><b>Address:</b> Land at 100 &amp; 102 Bedford Road, Marston Moretaine</p> <p>Full: Demolition of existing two dwellings. Erection of 11 dwellings.</p> <p><b>Applicant:</b> Grand Union Housing Group</p>                                                                                                                                                                                                                                                     | 75 - 90          |
| 12          | <p><b>Planning Application No. CB/10/01409/FULL</b></p> <p><b>Address :</b> Land between Faynes Court &amp; High Street, Sandy</p> <p>Full: Erection of 7no 2 bed flats with associated access and parking.</p> <p><b>Applicant :</b> Mr P Hughes</p>                                                                                                                                                                                                                                                                    | 91 - 108         |
| 13          | <p><b>Planning Application No. CB/10/01873/FULL</b></p> <p><b>Address :</b> Land adjacent to 1 Prince Charles Avenue, Stotfold SG5 4PN</p> <p>Full: Erection of detached 3 bedroom dwelling</p> <p><b>Applicant :</b> Mr Hurling</p>                                                                                                                                                                                                                                                                                     | 109 - 118        |
| 14          | <p><b>Planning Application No. CB/10/01776/FULL</b></p> <p><b>Address :</b> 21 – 23 Queens Road, Ampthill</p> <p>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.</p> <p><b>Applicant :</b> Vigor Homes Ltd</p> | 119 - 132        |

15      **Planning Application No. CB/10/01474/FULL**      133 - 142

**Address :** The Five Bells, 2 Market Square, Eaton Bray,  
Dunstable, LU6 2DG

Demolition of store and yard and conversion of  
Public House into a residential dwelling with  
garage (revised application CB/09/06434/FULL)

**Applicant :** Miah Properties Ltd.

16      **Planning Application No. CB/10/01479/CA**      143 - 148

**Address :** The Five Bells, 2 Market Square, Eaton Bray,  
Dunstable, LU6 2DG

Demolition of store and yard in connection with the  
conversion of Public House into a dwelling with  
garage.

**Applicant :** Miah Properties Ltd.

17      **Planning Application No. CB/10/01467/FULL**      149 - 162

**Address :** The Five Bells, 2 Market Square, Eaton Bray,  
Dunstable LU6 2DG

Erection of a single dwelling and garage.

**Applicant :** Miah Properties Ltd

|                                        |
|----------------------------------------|
| <b>Schedule C - Other Applications</b> |
|----------------------------------------|

**Item      Subject      Page Nos.**

18      **Planning Application No. CB/10/01310/FULL**      163 - 172

**Address :** Silsoe Lower School, High Street, Silsoe, MK45  
4ES

Full: Childrens Centre: Free standing single storey  
flat roof building. 2No canopies, relocation of shed  
and gates, additional parking bay, erection of  
fencing and demolition of brick building and  
replace with shed.

**Applicant :** Central Bedfordshire Council

**Address :** 121 Biggleswade Road, Upper Caldecote, SG18  
9BH

Full: Two storey rear extension

**Applicant :** Mr Taylor

20 **Site Inspection Appointment(s)**

In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 18 August 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:**

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**Meeting:** Development Management Committee

**Date:** 21<sup>st</sup> July 2010

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

**Report of:** Director of Sustainable Communities

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

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Contact Officer: Sue Cawthra (Tel: 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                                                                                                              |
|----------|--------------------------------------|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-------------|----------------|-----------------|----------------------------|---------------------|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b> | CB/ENC/09/0555                       | Satco Plastic Ltd, Satco House, Unit 7 Argan park, Foster Avenue, Dunstable | Breach of Condition Notice, condition 7 SB/TP/04/00818, change of use to B2. 2nd Notice issued                       | 8-Dec-09    | 8-Dec-09       | 18-Jan-10       |                            |                     | Not complied                      | Planning application for new fan/extractor units not received. Referred to Legal 10/6/10 for further action - prosecution.        |
| <b>2</b> | CB/ENC/09/1015                       | Land south of Pond Farm house, 7 High Street, Pulloxhill                    | Enforcement Notice - unauthorised carrying out of engineering operations and works consisting of excavation of site. | 30-Nov-09   | 11-Jan-10      | 10-Feb-10       | Appeal Received 08/01/2010 |                     |                                   | Await outcome of Appeal                                                                                                           |
| <b>3</b> | CB/ENC/09/1079                       | Arcade Nursery, A507 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 July. Mobile home has been removed |
| <b>4</b> | 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                                                                                                   |
| <b>5</b> | CB/EN/09/1180                        | 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       |                            |                     |                                   | Check compliance after 14/7/10                                                                                                    |
| <b>6</b> | 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                                                                    |
| <b>7</b> | CB/ENC/09/1378                       | Long Yard, Dunstable Road, Studham                                          | Enforcement Notice - Residential use of barn                                                                         | 4-Jan-10    | 1-Feb-10       | 2-May-10        |                            |                     |                                   | Planning application received, await S106 agreement, CB/10/00783.                                                                 |
| <b>8</b> | 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       |                            |                     |                                   | Check compliance after 17-Aug-2010                                                                                                |
| <b>9</b> | MB/ENC/04/0282<br><b>Case closed</b> | 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                                                                                                                                 |
|-----------|----------------------|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-------------|----------------|-----------------|---------------------------------------------------------|---------------------|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>10</b> | MB/ENC/05/0178       | Land at Maulden Garden Centre, Water End, Maulden                    | Enforcement Notice - change of use from nursery to garden centre, construction of 6 buildings, siting of mobile home. | 9-Apr-09    | 9-May-09       | 9-Nov-09        | Appeal received 7-May-09                                |                     | Inquiry held 3rd to 5th Feb 2010                | Appeal decision received. Enforcement Notice varied & part upheld. Planning permission granted (part) with conditions. Details submitted by 19/6/10. |
| <b>11</b> | MB/ENC/06/0078       | Tythe Barn, Wood End, Tingrith                                       | Change of use of land to retail sales & 2 timber showrooms                                                            | 19-May-08   | 19-Jun-08      | 20-May-09       | Appeal withdrawn, extension agreed to compliance period |                     | Barn extension built.                           | 1 cabin removed, 2nd cabin moved awaiting being sold                                                                                                 |
| <b>12</b> | MB/ENC/06/0244       | Land at The Green Man, Broom Road, Stanford                          | Enforcement Notice - extractor fan duct, 2 masts supporting security cameras and flood lighting.                      | 9-Dec-08    | 9-Jan-09       |                 | Appeal received 4/2/09                                  | 26-Nov-09           | Appeal dismissed & uphold enforcement notice.   | Revised planning application CB/09/6800 refused, lighting being assessed by Environmental Health. Awaiting new planning application.                 |
| <b>13</b> | MB/ENC/07/0085       | Woodview Nurseries, Shefford Rd, Meppershall                         | Mobile home & conservatory                                                                                            | 21-Jan-08   | 19-Feb-08      | 19-Aug-08       | Appeal received. Hearing 14-Oct-08                      | 3-May-10            | Appeal dismissed & uphold enforcement notice    | Have not complied with Enforcement Notice. Full assessment to decide further action.                                                                 |
| <b>14</b> | MB/ENC/08/0214       | Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington           | Breach of conditions to Permissions 02/00553 & 06/00152. Enforcement Notice - outside storage & portacabins           | 15-Dec-08   | 12-Jan-09      | 12-Feb-09       |                                                         |                     | Not complied                                    | Referred to Legal to assess for further action for non compliance.                                                                                   |
| <b>15</b> | 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        |                                                         |                     |                                                 | Check compliance after 7th-Jan-2011                                                                                                                  |
| <b>16</b> | MB/ENC/08/0370       | Land at Hadenham Farm, Gravenhurst Road, Shillington                 | Enforcement Notice - Mobile Home                                                                                      | 11-Feb-10   | 11-Mar-10      | 9-Jun-10        | Appeal received 8/3/10                                  |                     |                                                 | Revised planning application CB/10/01092 refused. Await outcome of appeals.                                                                          |
| <b>17</b> | MB/ENC/08/0381       | Land and Buildings on the West side of Foundry Lane, Biggleswade     | Enforcement Notice - change of use to hand car wash                                                                   | 22-Dec-08   | 22-Jan-09      | 22-Feb-09       | Late appeal not accepted by PINS                        |                     | New planning application received 09/06135/full | Await outcome of planning application, 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                                                                |
|----------------------|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-------------|----------------|---------------------------|-----------------------------|---------------------------|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <b>18</b>            | Land at Whitsundales Farm                               | 2 Enforcement Notices - Change of use to storage, erection of hardstanding + Access                     | 17-Dec-09   | 17-Jan-10      | various up to 17-Apr-10   | Appeal received 12/01/2010  |                           | Hearing to be held jointly with planning appeals 10th to 11th August 2010                         | Await outcome of Appeals. Revised compliance periods agreed for trailers.           |
| <b>19</b>            | 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/09/0701/full refused, discussions to assess further action. |
| <b>20</b>            | Land at 2A Mardle Road, Linslade, LU7 2UT.              | Enforcement Notice, unauthorised erection of fence exceeding 1M in height adjacent to the highway.      | 20-Aug-09   | 17-Sep-09      | 15-Oct-09                 | 21-Sep-09                   | 12-Jan-10                 | Appeal dismissed                                                                                  | Fence to be removed by 01/07/2010, to be checked.                                   |
| <b>21</b>            | Land at Stanbridge Road, Billington, Leighton Buzzard   | Change of Use of land for stationing of caravans and mobile homes                                       | 10-Feb-04   | 12-Mar-04      | 12-Jun-04                 | Appeal received 30/03/2004  | 31-Aug-05                 | Appeal dismissed & enforcement notice upheld                                                      | Section C appeal dismissed, Plot 7 appeal dismissed - With Legal for further action |
| <b>22</b>            | Land at Stanbridge Road, Billington, Leighton Buzzard   | Laying of Hardcore and tarmac, erection of fencing and installation of services                         | 10-Feb-04   | 12-Mar-04      | 12-Jun-04                 | Appeal received 30/03/2004  | 31-Aug-05                 | Appeal dismissed & enforcement notice upheld                                                      | Section C appeal dismissed, Plot 7 appeal dismissed - With Legal for further action |
| <b>23</b>            | Land at Stanbridge Road, Billington, Leighton Buzzard   | Change of Use of land for stationing of caravans and mobile homes                                       | 10-Feb-04   | 12-Mar-04      | 12-Jun-04                 | Appeal received 30/03/2004  | 31-Aug-05                 | Appeal dismissed & enforcement notice upheld                                                      | Section C appeal dismissed, Plot 7 appeal dismissed - With Legal for further action |
| <b>24</b>            | Land at Stanbridge Road, Billington, Leighton Buzzard   | Laying of Hardcore and tarmac, erection of fencing and installation of services                         | 10-Feb-04   | 12-Mar-04      | 12-Jun-04                 | Appeal received 30/03/2004  | 31-Aug-05                 | Appeal dismissed & enforcement notice upheld                                                      | Section C appeal dismissed, Plot 7 appeal dismissed - With Legal for further action |
| <b>25</b>            | 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.          |
| <b>26</b>            | 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)

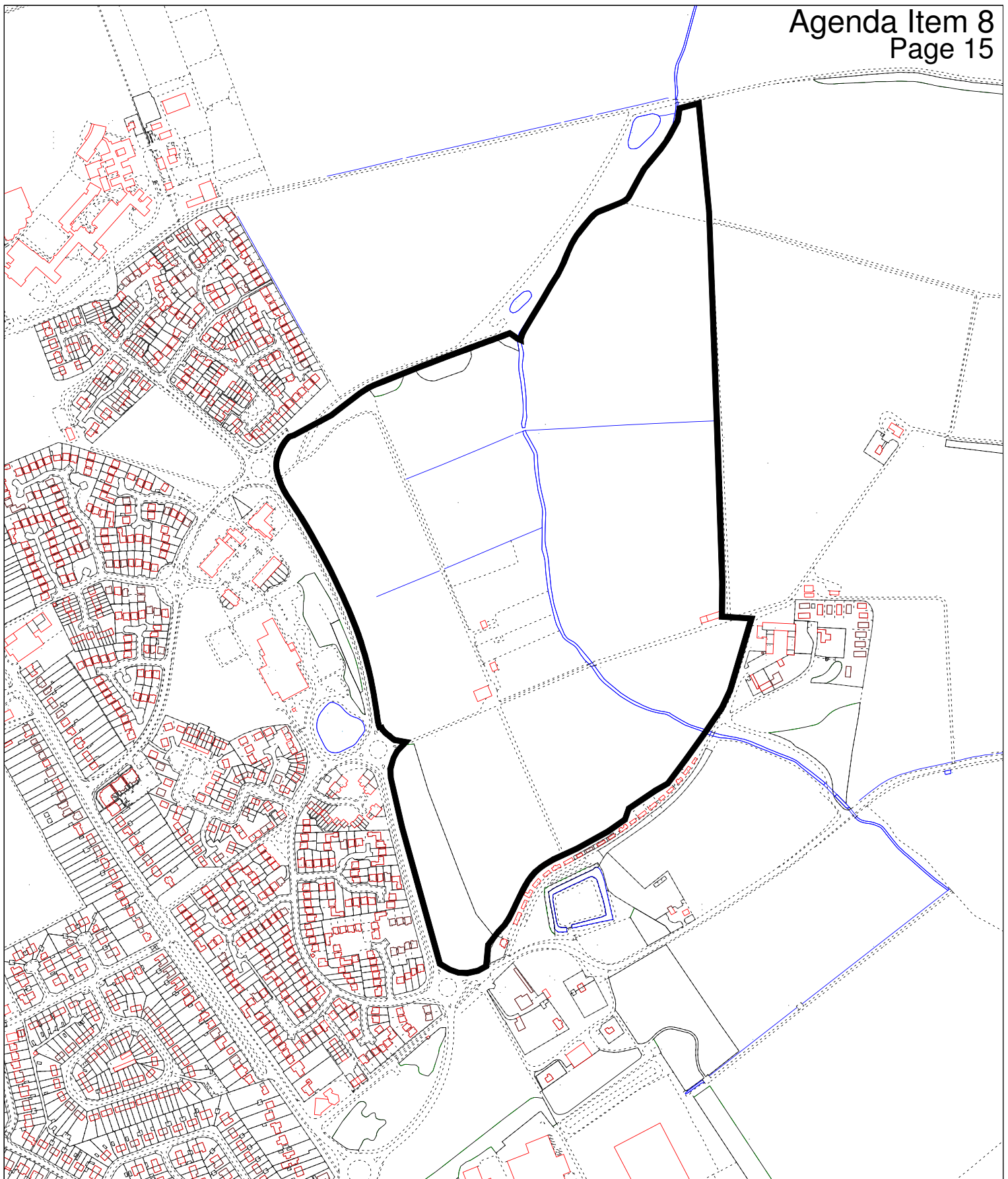
|           | ENFORCEMENT CASE NO.                 | LOCATION                                 | BREACH                                                                                          | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL    | NEW COMPLIANCE DATE | RESULT                                                                       | NOTES/FURTHER ACTION                                                                                                  |
|-----------|--------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------|-------------|----------------|-----------------|-----------|---------------------|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>27</b> | SB/ENF/05/0005                       | 215 Common Road, Kensworth               | Erection of a double garage and storeroom                                                       | 16-Mar-05   | 18-Apr-05      | 18-Jul-05       | 6-May-05  | 6-Aug-05            | Appeal dismissed & enforcement notice upheld.<br>Not complied                | Further evidence sent to Legal to commence prosecution.                                                               |
| <b>28</b> | SB/ENF/05/0007                       | Long Yard, Dunstable Road, Studham       | Unauthorised stationing of mobile home for residential use                                      | 29-Jul-05   | 1-Sep-05       | 1-Dec-05        | 28-Sep-05 | 28-Dec-05           | Appeal dismissed & enforcement notice upheld                                 | Planning application submitted for residential use of barn, CB/10/00783. Await outcome                                |
| <b>29</b> | 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.<br>Not complied          | Mobile home not now occupied independantly. Not expediant to take further action at present, but continue to monitor. |
| <b>30</b> | SB/ENF/07/0006                       | Dunedin, Harlington Road, Toddington     | Change of use of buildings to bedsit accommodation                                              | 10-Aug-07   | 12-Sep-07      | 4-Dec-07        | 27-Sep-07 | 9-Jan-09            | Appeal dismissed but period of compliance extended to 9/1/09                 | Not complied, further information sent to Legal for prosecution.                                                      |
| <b>31</b> | SB/ENF/07/0007                       | Dunedin, Harlington Road, Toddington     | Erection of building and alteration and extension of two other buildings                        | 10-Aug-07   | 12-Sep-07      | 4-Dec-07        | 27-Sep-07 | 9-Jan-09            | Appeal dismissed but period of compliance extended to 9/1/09                 | Not complied, further information sent to Legal for prosecution.                                                      |
| <b>32</b> | SB/ENF/07/0008                       | Dunedin, Harlington Road, Toddington     | Failure to comply with Condition 2 of Planning Permission SB/TP/98/0838 issued 31 December 1998 | 10-Aug-07   | 12-Sep-07      | 4-Dec-07        | 27-Sep-07 | 9-Jan-09            | Appeal dismissed but period of compliance extended to 9/1/09                 | Not complied, further information sent to Legal for prosecution.                                                      |
| <b>33</b> | SB/ENF/07/0009<br><b>Case closed</b> | 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.                                                                                 |
| <b>34</b> | SB/ENF/08/0003                       | Bury Spinney, Thorn Road, Houghton Regis | Use of offices for residential purposes                                                         | 3-Mar-08    | 4-Apr-08       | 2-May-09        | 7-May-08  | 22-Jul-09           | Appeal dismissed but compliance period extended to 6 months.<br>Not complied | Further prosecution June 2010 with fine, 2 months to comply.                                                          |
| <b>35</b> | SB/ENF/08/0009                       | 21 Emu Close, Heath & Reach              | Construction of single storey front and side extensions and loft conversion                     | 14-Apr-08   | 14-May-08      | 14-Aug-08       | 20-Jun-08 | 4-Sep-09            | Appeal part dismissed.<br>Not complied.                                      | Further evidence sent to Legal for prosecution.                                                                       |
| <b>36</b> | SB/ENQ/08/0035<br><b>Case closed</b> | 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.                                    |

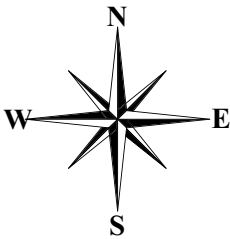
**Planning Enforcement formal action (DM Committee 21st July 2010)**

|           | ENFORCEMENT CASE NO. | LOCATION                                                                            | BREACH                                                                                                  | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL             | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION    |
|-----------|----------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-------------|----------------|-----------------|--------------------|---------------------|--------|-------------------------|
| <b>39</b> | SB/PCN/09/0011       | Land at Woodside Eggs and Animal Farm, Woodside Road/Mancroft Road, Slip End, Luton | 2 Enforcement Notices - construction of hardstanding & change of use to airport parking & business use. | 30-Nov-09   | 11-Jan-10      | Varied          | received 29-Dec-09 |                     |        | Await outcome of appeal |

## Planning Enforcement formal action (DM Committee 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,<br>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,<br>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<br>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,<br>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       | Appeal lodged (awaiting formal start date) |                     |                                                 | Notice requires restoration of site to former quarried levels with landscaping works.                                                                                                                                                                                                            |



|                                                                                    |                                                                                                         |                 |
|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------|
|  | © Crown Copyright. All rights reserved.<br>Central Bedfordshire Council<br>Licence No. 100049029 (2009) | <b>CASE NO.</b> |
|                                                                                    | Date: 06:July:2010                                                                                      |                 |
|                                                                                    | Map Sheet No                                                                                            |                 |
| Scale: 1:7000                                                                      |                                                                                                         |                 |

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**Item No. 8**

|                                          |                                                                                                                                                                                                         |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICATION NUMBER</b>                | <b>CB/10/00518/OUT</b>                                                                                                                                                                                  |
| <b>LOCATION</b>                          | <b>Land East Of Saxon Drive And North Of Stratton Park, Saxon Drive, Biggleswade</b>                                                                                                                    |
| <b>PROPOSAL</b>                          | <b>Outline Application: Health Centre, sports pitches, changing facilities with car parking, relocation of allotments, travelling show peoples site, woodland, meadowland and children's play area.</b> |
| <b>PARISH</b>                            | <b>Biggleswade</b>                                                                                                                                                                                      |
| <b>WARD</b>                              | <b>Biggleswade</b>                                                                                                                                                                                      |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Jones, D Lawrence, J Lawrence &amp; Vickers</b>                                                                                                                                                |
| <b>CASE OFFICER</b>                      | <b>Hannah Pattinson</b>                                                                                                                                                                                 |
| <b>DATE REGISTERED</b>                   | <b>23 March 2010</b>                                                                                                                                                                                    |
| <b>EXPIRY DATE</b>                       | <b>22 June 2010</b>                                                                                                                                                                                     |
| <b>APPLICANT</b>                         | <b>Biggleswade Town Council</b>                                                                                                                                                                         |
| <b>AGENT</b>                             | <b>Levitt Partnership</b>                                                                                                                                                                               |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Referred by Head of Service as CBC Land.</b>                                                                                                                                                         |
| <b>RECOMMENDED DECISION</b>              | <b>Outline Application - Refused</b>                                                                                                                                                                    |

**Site Location:**

The site is located on the east side of Saxon Drive and outside the settlement envelope for Biggleswade. The application site comprises unused land, allotments and arable land, with an area of grassland and a young tree plantation fronting Saxon Drive.

The land subject to this outline planning permission with all matters reserved is owned by Central Bedfordshire Council.

**The Application:**

Outline planning permission with all matters reserved is sought for a new Health Centre, relocated allotments, a park and ride, sports pitches, sports pavilion, children's play area and a travelling show people's site.

All plans submitted are illustrative as all matters have been reserved and will be determined at a later date if outline planning permission is granted.

The Design and Access Statement has indicated that the proposed Health Centre is to be of the size to support the Biggleswade Area. The scale of the Health Centre building would have a ridge height of between 6 - 12 metres and a floor space between 3000 and 5500 sq metres. The application proposes that there would be four senior football pitches and three junior football pitches and between four and eight tennis courts. The illustrative plan does indicate a total of 17 sports pitches which does not match the figures quoted within the Design and Access Statement. This would be resolved if outline planning permission was to be granted at reserved matters stage.

The proposal has also indicated the relocation and the provision of some additional land for allotments. It has been acknowledged in the Design and Access Statement

that this would result in initial disruption for the allotment holders when moving from their existing allotments.

A Travelling Show People's Site has been identified as part of the development to provide up to six pitches.

It is also proposed to provide areas of woodland and meadowland as part of the application and a new children's play area in close proximity to the sports pitches.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

PPS5, PPS7, PPS9, PPG13, PPG17, PPS23, PPG24 & PPS25

**Regional Spatial Strategy**

East of England Plan (May 2008)

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

**Core Strategy and Development Management Policies (2009)**

CS3, CS5, CS14, CS15, CS18, DM3, DM4, DM13 & DM15

**Planning History**

MB/05/00534/FULL      Full: Erection of Primary Care Centre with associated landscaping and car parking - withdrawn.

**Representations:  
(Parish & Neighbours)**

Biggleswade Town Council      No comments received.

Neighbours      Eight letters of objection have been received raising concern as to the relocation of the existing allotments, the necessity for so many additional sports pitches, detrimental impact on the nearby protected wild flower meadow, the need for such a facility and risk of flooding.

In addition a petition of 12 signatures has been received to prevent the relocation of the existing allotments.

Eight letters of support have been received for a facility of this nature in this location.

One letter has been received making general comments in relation to the area of land which is currently grazed by horses. The correspondence goes on to explain that they have planted a lot of trees and the whole area has matured into a wonderful, peaceful and ecologically sound area. In addition a comment has been made as to how the area is susceptible to flooding. In addition if outline

planning permission was to be granted assurance is sought that alternative provision would be made available for the horses nearby.

## Consultations/Publicity responses

Disability Discrimination Officer Made comments with regards to disabled access: Disabled access and parking should be provided to all the facilities in the application with further facilities in both the health centre and sports' changing rooms and accessible equipment in the play area.

Anglian Water

### Assets

#### Section 1 - Assets Affected

1.1 *Informative Statement:* There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

*"Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence."*

### Water Service

#### Section 2 - Water Resource Zone

2.1 *Informative statement:* There is sufficient water resource capacity to supply this development. However, in line with national and regional government policy Anglian Water would wish to see measures taken by the developer to ensure that buildings are constructed to high water efficiency standards. This can be achieved through the design of efficient plumbing systems and the installation of water efficient fixtures and appliances in line with the Code for Sustainable Homes. This will minimise the growth in demand for water from the new development and help to ensure the sustainable use of our regions water resources.

#### Section 3 - Water Supply Network

3.1 *Informative statement:* Capacity is limited in this part

of the network and the developer would need to confirm the actual required peak flows. Should other large developments in the area precede this development the capacity would no longer be available and reinforcements would be required. The developer may submit a formal requisition for a water supply main under Section 41 of the Water Industry Act 1991 or enter into an agreement to lay the water main ready for adoption by us under section 51A of the Act.

## **Wastewater Service**

### **Section 4 - Foul Sewerage System**

4.1 *Informative Statement:* The foul sewerage system cannot accommodate flows from this proposed development. Please be advised that we are not aware when capacity will become available, but this is unlikely to be within the standard timescales of a planning permission. If a development proceeds before further capacity is provided, it is possible that this result in environmental and amenity problems downstream.

The Local Planning Authority is also advised to consult the Environment Agency for its views on flooding and sewage pollution issues that may arise where capacity is exceeded.

Therefore, if the Planning Authority are minded to approve the application Anglian Water would ask that a 'Grampian Style' condition is imposed so that development is suitably phased in line with the anticipated improvements to Anglian Water's sewerage network.

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

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

Should the Planning Authority consider the above recommendation is inappropriate, we would ask that there be further liaison with Anglian Water prior to the approval of the Planning Application.

## Section 5 - Surface Water System

5.1 *Informative Statement:* The applicant has indicated on their application that their method of surface water drainage is not to a public sewer. Therefore, this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency to gauge whether the solutions identified are acceptable from their perspective.

## Section 6 - Wastewater Treatment

6.1 *Informative Statement:* The foul drainage from this development will be treated at Biggleswade Sewage Treatment Works that at present has available capacity for these flows.

## Section 7 - Trade Effluent

7.1 Not applicable.

Environment Agency

Planning permission should only be granted to the proposed development as submitted if 4 planning conditions are imposed in respect of land contamination; surface water drainage; and foundation design.

IDB

An objection is raised to the grant of planning permission for the following reason. The proposals contravene the Board's Land Drainage Byelaw since development is shown within 7 m of the top of bank of watercourse 74 which bisects the site. In order to comply with the Byelaw no development shall take place within 7 m of top of bank including landscaping, fencing and other structures. It is also inappropriate to layout sports pitches within the 7 m Byelaw strip because maintenance operations will entail the spreading and levelling of arisings from the watercourse on the strip and this would impede the use of the pitches.

SUDS facilities are proposed in the FRA for the draining of impermeable areas on the site. In order to ensure surface water runoff does not exceed the greenfield equivalent rate of 2 litres per second per hectare of developed land it is likely that surface water attenuation will be required. There does not appear to be a land allocation for this facility shown on the layout plan, drawing no. 12102/2.

Natural England (NE)

The proposed development does not lie within close proximity to any statutorily designated sites, and so it is considered that it is unlikely that the proposals will have a substantial effect on the special interest features of any such sites.

The inclusion of the biodiversity & protected species document and the Biggleswade Allotment Meadows

County Wildlife Site (CWS) assessment with the development application. However it is felt that due to the size and nature of the development in addition to its close proximity to the CWS and lack of information related to protected species in general, a more robust Ecological scoping survey from a suitably qualified specialist is required. Ideally taking the form of a phase one habitat survey, these surveys will inform all decisions relating to impact on the wildlife & ecology of the proposed development area and potential impact to the CWS.

NE would also like to emphasise the need for a more structured mitigation and compensation package to be produced in order to define the means necessary to protect any habitats and species of conservation interest identified in the surveys, and also to outline measures that are needed to protect the CWS during the construction/landscaping phase. We also recommend that any mitigation or compensation packages are accompanied by a long term management plan to help secure the future of any mitigation works carried out.

While NE would look to the County Wildlife Trust to provide the main representation to this application (or any subsequent application or appeal) in relation to the CWS, we consider that currently there appears to be inadequacies over the assessment of the impacts of the development on existing ecological features of the site, and insufficient assessment and compensation for the destruction of the development site flora & fauna as a whole.

Natural England therefore recommends that planning permission should be refused, in accordance with the key principle (vi) of PPS9.

The letter then goes on to provide further information in relation to Green Infrastructure, Biodiversity Enhancement and Sustainability.

Ecology Officer

I have now read through the 'Biodiversity & Protected Species Document'. Despite Protected species being mentioned in the title they hardly feature in the report! Reference is made to "badger paths within the area" but no information as to whether there are any setts on the site or which would be disturbed as a result of any development. The existing survey contains insufficient species data to make informed decisions on the proposed development and so I would recommend that a full ecological report is produced. Points to be addressed are;

- Requirement for further up-to-date badger survey identifying sett sites and potential impacts from development
- Ecological survey of the pond east of Saxon Drive

for GCN

- Survey of the areas ditches and waterways for evidence of water voles potentially in the area
- Survey of allotment site for reptiles and amphibians should also be undertaken.
- Site survey for potential harvest mouse habitat

Issues to raise using existing data and site visit;

- Maintenance of wildflower meadow, following existing cutting regime of late summer hay cut and removal of arisings. Taller margins next to hedgerows provide nesting sites for small mammals such as harvest mice and field voles which in turn attract raptors such as kestrel.
- Allotments present a ideal habitat opportunity for a number of species, compost heaps are a haven for insects and invertebrates and overwintering invertebrates and mammals.
- The Toad pond, its margins and tall grasses surrounding within the linear tree belt create the ideal habitat for overwintering amphibians such as frogs, toads, newts and great crested newts.
- The area around Biggleswade has a high bat species diversity and the potential impact from floodlighting is likely to be damaging.

Site proposals 'seek to retain the existing wildlife features and improve them if feasible'. If the application was approved a net gain for biodiversity should be sought whether feasible or not.

Amphibian & Reptile  
Group of the UK

We wish to register our objections to this proposed development.

The plans amount to a betrayal of the various commitments given regarding the conservation of the linear wood and associated hedgerows. This is an important edge of town wildlife site which supports badgers, skylarks and harvest mice as well as amphibians. If this development, or anything like it, goes ahead this habitat will be destroyed. It will rupture an important wildlife corridor, encourage traffic and pollution, flout the District Council's own resolution and demoralize people who have worked to maintain the conservation value of the site.

Our concern as a group is with the amphibian population and the apparent disregard of the promoters of this plan for their legal obligations.

We know this site very well. It is one of the most important toad sites in Bedfordshire. We first published

an article about amphibian loss in gully pots at Saxo Gate in 1998 (British Herpetological Society Bulletin 64). This led to the installation of the ACO 500 toad tunnel, the only one in the country and a recognition of the importance of the toad population at the site. This tunnel is not marked on the plan.

A resolution proposed by Alistair Gammell 'that the Council notes the importance of the site for amphibian and possibly other wild life in the area'.

The proposed plan shows an overflow car park about 20 metres from the pond. As pointed out above this, indeed the whole development, will have a catastrophic effect on the terrestrial habitat of the toads. It will destroy habitat and create additional hazards for the toads trying to reach the pond.

The common toad is now in serious decline in the UK. In 2007 the UK Biodiversity Action Plan listed the common toad as a priority species. Since 2008 this inclusion has been reinforced in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of this Act requires all public bodies to have regard for biodiversity conservation when carrying out their functions. Planning Policy Statement 9 urges local authorities to take measures to protect the habitats of toads from further decline, PPS9:16. It is also important that natural habitats which provide routes for the migration, dispersal and genetic exchange of toads in the wider environment should be maintained., PPS9:12. Road developments that disrupt migration routes, breeding and land based habitats can be harmful to toad populations.

in short, legislation requires that planning authorities need to ensure that common toads are protected from the adverse effects of development.

In the letter dated 22 Feb 2010 signed by Gary Worth, Development Management Central Beds, it states that the development cannot be registered owing to the following reasons (one of which is):

5. As the plans show that there is a pond and also open woodland on the site a Biodiversity and Protected Species survey needs to be submitted.

We can find no trace of this survey on the website. There is a 'Biggleswade Allotment Meadows County Wildlife Site Assessment'. This deals only with flora (not the fauna) of one field as though it was the only feature of wildlife interest and an end in itself.

We fail to see how this plan can even be considered until a thorough Environmental Assessment has been made.



This is International Biodiversity Year. These proposals show a total disregard for biodiversity including its educational and amenity value. This is too important a wildlife site to be built over.

BRCC

On behalf of CBC's LDF Team, BRCC has recently completed the production of the Biggleswade Green Infrastructure Plan. This community level plan has been created with input from many local organisations and individuals; and has identified many aspirations in the Saxon Gate area of Biggleswade.

We believe a scheme such as that proposed could, with appropriate amendments, contribute to delivering the eastern section of the Green Wheel.

Broadly, we would seek for such a development to create a multi-functional access, greenspace and wildlife corridor link between the linear park to the north (being created in association with the Eastern Relief Road) and the cluster of GI assets to the south (Stratton Moat & Meadow, Saxon Gate Pocket Park).

The current proposals could be amended and enhanced to maximise the potential for creating this part of the Green Wheel; and accordingly we would be very happy to meet with the applicant to discuss this further.

#### Thematic Comments

It would seem to us that reducing the number of sports pitches currently proposed would enable the provision of the Green Wheel (as above); and reduce the need to impact upon existing features/land uses.

#### Linear Woodland

In 2009 BRCC assisted Biggleswade Scouts in securing consent from CBC for the planting of x100 trees on the northern section of the linear woods (immediately east of Saxon Gate Leisure Centre); as part of the Scouting centenary celebrations. These trees were planted in December 2009 on an area which had previously been planted with trees (although these had largely failed). It was our understanding that the original planting was a planning condition relating to landscaping for the creation of Saxon Drive.

The current proposals indicate that much of this area, including the recent planting will be lost to car parking. This would destroy both the Scouts woodland planting and the developing biodiversity of this strip of land. Consideration should also be given as to whether it will remove a landscaping feature which was a condition of a previous planning consent.

Reducing the number of sports pitches and locating the car parking further east would enable this linear woodland to remain.

### Allotments

Allotment holders have invested significant time and money into developing their allotment, often over many years. The rewards of this investment would be lost and not regained on a new allotment site for many years.

Reducing the number of sports pitches would enable the existing allotments to remain.

The demand for additional allotments for the town should be considered and if the need cannot be met at other sites in the town increased numbers of allotments in the Saxon Gate area should be provided.

### Biodiversity Comments

There appears to be no documents relating to a "Biodiversity and Protected Species Survey" as requested in Central Bedfordshire's letter dated 22 February. A proper determination cannot be made as to the likely affects on Biodiversity and Protected Species without such a document.

The document titled "Biggleswade Allotment Meadows County Wildlife Site Assessment" was written by BRCC in order to assess the Allotment Meadows site against Bedfordshire's County Wildlife Site Criteria and it has come as a surprise to see it submitted as part of this planning application. The document was never intended to be part of any planning application and should not be taken to represent the Biodiversity and Protected Species Survey.

As an indication of the importance to the site for protected species we are aware of a number of species that are, or are likely, to be present on the site and have the following initial comments regarding those:

Harvest Mice are present in the Scouts woodland, these are a National Priority Species and as such their habitat should be protected, this area should therefore not be developed.

Badgers have a sett in Saxon Gate Swimming Pool car park and forage in the development area. It should be assured that suitable foraging areas are retained for badgers. The tunnel beneath Chambers Way that was installed to allow access for toads beneath the road is also used by Badgers. Repairs to the guide fencing should be encouraged in order to ensure badger road

casualties are kept to a minimum. Other setts may be present within the development area and it is vital that a full Badger survey is undertaken prior to determination of the planning application.

Common Toads use the ponds on the site and, more importantly, the surrounding land. Common Toads are National Priority Species and as such their habitat should be protected.

The water courses in this area are suitable for Water Voles, these are protected under the Wildlife and Countryside Act 1981 (as amended) and as such a full survey for this species should be undertaken in order to ascertain the likely impacts of this development upon them.

Some of the trees on the boundary of the site may be suitable as bat roosts additionally the site is almost certainly used for foraging by bats, as such a full bat survey should be undertaken to establish the likely impacts of this development upon them.

Other species are likely to be present, particularly farmland birds and a full protected species survey is essential prior to the determination of this application.

|                       |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bedfordshire<br>Trust | Wildlife | Object, the planning application does not have regard to the biodiversity features which may be found across the whole of the area to be developed. As initially requested by the planning authority a biodiversity and protected species survey carried out by a suitably qualified ecologist at any appropriate time of year is required. This should cover species and habitats which are protected by law, have a Biodiversity Action Plan (BAP) or are included in section 41 of the NERC Act 2006. The assessment should include desk based study, including records from the Bedfordshire and Luton Biodiversity Recording and Monitoring Centre (BMRC), as well as field surveys. |
|-----------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Public Protection | Given the nature and scale of the development concern is raised about noise and light pollution which may give rise to 'nuisance' or be to the detriment of the neighbouring residents. Noise concerns relate to a number of potential sources including the use of the pavilion for other functions, noise from plant and equipment on buildings and with respect to the sports pitches because of the number and therefore the scale of activities which may take place these may also give rise to concerns. Light is also a concern from the development and given that none of these has been considered at this stage then Public Protection have no option but to object. |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|               |                                                            |
|---------------|------------------------------------------------------------|
| Sport England | As the proposal does not affect an existing playing field, |
|---------------|------------------------------------------------------------|

the consultation is not statutory under the terms of the General Permitted Development Procedure Order 1995 (as amended).

In summary, the proposal is an outline planning application for a mixed use development on the edge of Biggleswade which would include a range of football pitches and there would include a substantial playing field that would have the capacity to accommodate a wide range of football pitches and there would be provision for a number of tennis courts. The sports facilities would be supported by a pavilion and car parking.

Planning Policy Objective 7 of Sport England's Planning for Sport and Active Recreation: Objectives and Opportunities document (September 2005), supports the development of new facilities that will secure opportunities to take part in sport. It is considered that the proposed development would offer the following potential benefits from a sports perspective:

- It would respond positively to an identified need for additional playing pitches in this part of Central Bedfordshire. The Council's Open Space, Sports and Recreational Needs Assessment (2008) for the Mid Bedfordshire area concluded that the East sub-area had a deficiency of 20 Hectares of playing pitches. While Sport England would not consider the needs assessment to represent a playing pitch assessment using accepted methodologies, the study does suggest that in relative terms there may be deficiencies of playing pitches in this part of the district. As Biggleswade is the main settlement in the eastern part of Mid Bedfordshire, locating a significant new community playing field in the town would offer potential to help address the needs for the whole of the sub-area. The Football Association have confirmed that if the proposed football facilities were provided there would be existing/future demand in Biggleswade for them to be used as there is an absence of large multi-pitch football sites in the town.
- The development would provide a large playing field which could accommodate multiple playing pitches. At present, there are no community playing fields in the Biggleswade area that have potential to accommodate a wide range of playing pitches. From both a user and an operational perspective, large multi-pitch and multi-sports playing fields are preferred by sports clubs and management bodies. This is because at peak times, clubs can supervise several teams playing from the same site at the same time which helps facilitate the development of sports clubs which is not the case if clubs have to play on pitches across different sites. Potential would exist for different sports to share the same site which has advantages as there would be potential economies of scale in terms of capital and

long term maintenance costs because ancillary facilities such as pavilions and car parking can be shared i.e. it is more efficient to provide one large pavilion to serve several sports and clubs on a single large site than provide several smaller facilities on a number of smaller sites.

- The sports facilities should be supported by appropriate ancillary facilities such as the pavilion and car parking. The provision of these facilities is essential for a modern playing field of this scale as playing field users will need built facilities for changing. Playing fields which do not have adequate ancillary facilities are unattractive to users and research has shown that inadequate ancillary facilities on playing field sites discourage people from participating in sport.
- The location of the proposed playing fields and the existing and proposed mix of uses are considered to be complementary. For example, as the site is opposite the Saxon Centre, the proposed outdoor sports facilities would be close to complementary swimming and fitness facilities and in combination would be expected to be the main hub for sports and recreation in Biggleswade. The other recreational uses proposed in the development such as the relocated allotments, children's play area and informal recreational space would complement the formal space proposed for the whole community. The site is also well located in terms of access and would be in close proximity to the urban extension to the east of Biggleswade to the north of the application site so would be suitable for meeting the needs of the new residential areas of the town.

On the basis of the above considerations, I consider that the proposal would meet our planning policy objective as it would be expected to secure new opportunities for participation in sport. Sport England would therefore support the principle of this planning application.

As the planning application is in outline it is considered inappropriate to comment on the design and layout of the proposed sports facilities at this stage as it is expected that the details provided are indicative and will be subject to change during the preparation of a detailed scheme at a later date if planning permission is granted. While I expect that the Council will impose a planning condition on any planning permission in any case which requires details of the design and layout of the proposed facilities to be submitted and approved through a reserved matters submission, I would recommend that such a condition is imposed with respect to the proposed sports facilities at least in order to allow an assessment to be made of the design and layout of the pavilion, playing pitches and tennis courts in order to ensure that the facilities are representative to local needs in practice and are of an

appropriate and acceptable design and layout.

With respect to the suitability of the application for accommodating natural turf playing pitches, I would expect a ground conditions assessment to be undertaken before a reserved matters application is submitted to confirm whether the ground conditions of the site would provide any constraints to ensuring that good quality playing surfaces can be developed, which will sustain the anticipated levels of use. If constraints such as drainage capacity and topography were identified through a survey, appropriate mitigation measures would need to be taken to ensure that this would not affect the quality of the proposed pitches. Sport England's guidance note "Natural Turf for Sport" (March 2000) provides detailed guidance on what should be included in a site feasibility study and how new playing pitch sites can be planned, designed, managed and maintained to maximise their quality.

I would therefore recommend that a planning condition be imposed on any planning permission requiring such an assessment to be submitted to and approved by the Council. A condition should also require that any recommended mitigation measures to be implemented. Such a condition would help ensure that a fit for purpose playing field is provided in practice. A model condition that Sport England has recommended for other planning applications can be provided upon request.

As the implementation of the proposals may be a long term project, the applicant is requested to ensure that the design and layout of the sports facilities is informed by specific the findings of any future playing fields strategy that Central Bedfordshire Council may prepare plus the guidance provided by continued discussions with local sports clubs, sports governing bodies and Sport England. The implications of delivering the proposed sports facilities for existing and outdoor sports facilities in Biggleswade should also be considered in order to ensure that the implementation of the proposals forms part of a strategic approach to outdoor facilities provision.

Please note that these comments relate to planning and design issues only and should not be interpreted as being representative of Sport England's (or a governing body's) position on any applications that may be made in the future for funding of the proposed sports facilities.

Play & Open Space Officer No comments received.

Rights of Way Officer I have no material objection to the plans but am concerned about two issues;

Rights of Way and Linear Wildlife Belt issues.

Firstly the well used Biggleswade footpath No 24 runs from Saxon Drive, due eastwards across the application site to, eventually, the village of Dunton. Footpaths No 25 and 26 skirt within the northern boundary of the site from firstly the same departure point on Saxon Drive and secondly slightly to the north of footpath 25, before footpath 25 makes its way northwards along the west side of the ditch on land to the east of Biggleswade. (See attached copy of the Definitive Map with footpaths marked in red.) I see no mapping/referral to the fact of the existence of the Rights of Way within the entirety of the application – save for a tick adjacent to Rights of Way in the application form. This usually means I have been consulted, however this has not been the case.

Secondly, there is a linear wildlife strip running from the top of the site down the western edge adjacent to Saxon Drive, which after crossing the access track to Kennel Farm, continues southwards to the Dunton roundabout. The southern part of the linear woodland south of the track to Kennel Farm is visible on most plans of the application but not the section directly within the western edge of the application site. There is a marginal representation of it on the plan titled:

“ Kennel Farm, Topographic Tree Survey “ – which illustrates the linear wildlife area adjacent to Saxon Drive within the application site and to the south thereof.

On the plans of the site layout, there is an access route, called amongst things “existing track, gravel road access to allotments and mud track” which seems to follow the west to east route of Footpath No 24 but this is never made clear and whether unobstructed access along this route will be allowed at all times.

I am concerned about any possible obstruction to the public highway during the construction of the planned application if the intention is not to divert the legal line of the footpaths. I am also concerned about the safety of the route during the duration of the work.

Any obstruction of the footpaths would constitute an offence under the Highways Act 1980.

Please ensure the applicant is aware of the implication of obstruction and has plans to ensure all vehicles and materials are not housed along the length of the affected footpaths at any time. The surface of the footpaths must also be returned to the state it was in prior to the development, should damage to it occur during

construction or any upgrade to it agreed with myself at a site meeting or in writing prior to the start of any works on the site.

I will be only too happy to address these observations further should you require it or indeed have a site visit with the applicant.

Should the applicant wish to temporarily close the footpaths during construction, they should apply to this office at least 6 weeks prior to work commencing for an application form for a Temporary Closure of the said footpaths.

I would also strongly suggest the applicant meets with myself and/or our Definitive Map Officer as soon as possible to discuss any permanent diversions/extinguishment's of the legal line of any of the footpaths involved. This will greatly reduce any costs and time delay should the application reach beyond the outline stage.

Ramblers Association

We object to this application for the following reasons:

1. Biggleswade Footpath No. 24, Footpath No. 25, and Footpath No. 26 all cross the application area. No public rights of way are shown on the Site Plans provided or referenced in the Planning, Design and Access Statement dated December 2009. This seems to show a blatant disregard to the significance of public rights of way by Biggleswade Town Council and CBC as planning authority.
2. It would appear that the routes of all three existing public rights of way would be obstructed by the proposed development as shown in Site Plan Drawings 1 and 2 dated Feb 2010. Despite that, the documentation provided does not indicate that any diversion orders that may be required.
3. There are significant differences between the two monochrome Site Plans referenced above and the two coloured A3 size plans provided (confusingly also identified as Drawings 1 & 2 dated Feb 2010). The positioning of the landscaped boundary in the northwest corner and the layout and details of car parking around the Health Centre differ significantly. This is an area that is particularly relevant to how the application would affect the three public rights of way. The application presents not one proposal but two possible proposals. This is unacceptable.

We request that this application is withdrawn and replaced by an application with documents that clearly shows public rights of way and indicates how they would be accommodated within the development and/or any proposals for diversion or extinguishment. Also that all site plans have North direction arrows (missing on two of



the four site plans provided).

Biggleswade  
Society

History No comments received.

Archaeology

The application site is highly archaeologically sensitive. It is on the eastern edge of the Stratton Saxon and medieval settlement. Archaeological field evaluation has shown that features belonging to the Saxon and medieval settlement, including a medieval moated site, extend into the proposed development area. The evaluation also showed that the western part of the development site contains remains of an extensive Roman settlement with some evidence of an earlier, Iron Age, phase of occupation. The existing evidence indicates these sites extend further eastwards in to the development site.

There are no archaeological sites and features recorded in the Historic Environment Record from the rest of the site. However, archaeological investigations on the land to the north have produced extensive evidence of later prehistoric and Roman settlement and other activity. A number of these sites were not known before archaeological investigations were undertaken as a consequence of development. Based on the evidence from western edge of the site and the immediately surrounding area the application site has high potential to contain important archaeological remains that have not yet been identified.

Along its southern boundary the application site borders the Stratton Park Moat and medieval settlement earthworks Scheduled Monument. This Monument is owned by Central Bedfordshire Council and is a valuable heritage resource for the community. The site is also within the area of the 19<sup>th</sup> century parkland belonging to Stratton Park.

The proposed development, particularly the Travelling Show Peoples Site, will have a significant negative impact on the setting of the Scheduled Monument on the southern boundary of the site.

The following elements of the development will have a negative and irreversible impact on buried archaeological remains:

- Construction of the Health Centre, Football Pavilion, car parking and other infrastructure.
- Construction of the sports pitches.
- Landscaping and woodland planting.
- Creation of allotments.

The Design and Access Statement identifies the guidance on how to deal with archaeology in the face of development proposals contained in PPG 16 *Archaeology and Planning*. This has recently been replaced by PPS 5 *Planning for the Historic Environment*.

PPG 16 notes that early consideration of the impact of a proposed development on archaeology is key to an informed planning decision, and if there is the likelihood of remains being present a field evaluation will be required to provide information on archaeological remains in order to assess the impact of the development on them. PPS 5 (Policy HE6.1) says that an applicant should provide a description of the significance of the heritage assets affected by a development proposal. Where the heritage assets include archaeological remains local planning authorities should require a field evaluation to ensure that appropriate information on the assets is available. There should also be an assessment of the impact of the proposed development on heritage assets (Policy HE6.2).

It is known that the application site contains significant archaeological remains on its western edge. This information comes in part from archaeological evaluation undertaken as a result of an earlier planning application for the health centre. The rest of the application site has very high potential to contain other, as yet unidentified archaeological remains. The proposed development will also have a significant impact on the setting of an adjacent Scheduled Monument. The application does not include a description of the heritage assets, in this case archaeological remains, affected by the proposed development nor does it contain an assessment of the impact of the proposal on those heritage assets, as required by PPS 5 ( Policy HE6).

Without information on heritage (archaeological) assets it is not possible to assess the impact of the proposed development on them. The applicant should be asked to provide a description of the archaeological assets affected by the proposal and their significance. This must include information on the known archaeological remains on the western edge of the site. It must also include the results of an archaeological field evaluation of the rest of the site which has not been subject to archaeological evaluation or investigation. The Stratton Moat Scheduled Monument must be included in the description of the assets.

This application should not be determined until a description of the archaeological assets affected by the proposed development and their significance together with an assessment of the impact of the proposal on them has been submitted by the applicant. This is in line with the policies in PPS 5. If the required information is not

forthcoming the application should be refused in the grounds that it is contrary to Policies HE6.1 and HE6.2 of PPS 5 *Planning for the Historic Environment*.

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| English Heritage         | No comments received                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Community Officer        | Safety No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Tree & Landscape Officer | <p>1 Although I can see that a survey has been made of the designated wild flower meadow area I cannot see that any form of ecological/tree survey has been carried out on the remainder of the site. I would suggest that this is a matter of some importance as the area contains open grassland, hedges, potentially two pond/wetland areas, and an area proposed to be retained as woodland.</p> <p>2 It appears that there will be substantial loss of young planted trees that are in the vicinity of the pond/wetland area on the western edge of the proposal. This is now proposed as a parking area.</p> <p>3 There will be the loss of a number of hedges that are within the site itself in order to site the football pitches.</p> <p>I would suggest that in view of the loss of trees and hedges on the site then the following points should be addressed:-</p> <p>The watercourse that runs from north to south is of significant importance as a wildlife corridor, particularly with the development that is occurring to the north of the site. And as a result I feel it is important that additional planting is carried out to enhance and fill in gaps to the hedgerow on the west of the watercourse and additional native tree planting is included along the bank on the eastern side of the watercourse. This should be continued along the full length of the watercourse where it passes through the site. An ecological survey is likely to be able to give far more detail on these aspects.</p> <p>An additional new native hedge should be planted around the perimeter of the relocated allotment area, to provide not only some additional wildlife habitat but also to add a little protection to what could be a fairly exposed site.</p> <p>The area of woodland to the south west of the site that will be adjacent to the children's play area would need to be assessed for condition and additional planting and any remedial tree work outlined in the tree/ecological survey.</p> <p>Details would be needed of all planting, species, sizes, densities, planting times, site preparation etc.</p> |

Paragraph 26 states that in rural areas, those sports and recreational facilities which are likely to attract significant numbers of participants or spectators should be located in, or on the edge of, country towns.

### **Core Strategy and Development Management Policies DPD**

#### Policy CS1

Biggleswade is identified as a Major Service Centre. The eastern expansion of the town will provide additional jobs, homes and town centre redevelopment and expansion. The preamble to the policy suggests one of the key priorities will be the provision of new facilities and services to support the increasing population.

#### Policy CS3

Support in principle the upgrading of community, open space, recreation, sports and health facilities, and identifying appropriate sites for new facilities to meet identified needs and shortfalls in accessible locations. All new facilities should meet the needs of the entire community.

#### Policy CS4

New development will be focused in locations, which due to their convenient access to local facilities and public transport, promote sustainable travel patterns.

#### Policy CS15

The Council will protect, conserve and enhance the district's heritage including its Listed Buildings, Scheduled Ancient Monuments, Conservation Areas, Registered Parks and Gardens and archaeology and their setting.

#### Policy CS18

Support the designation, management, and protection of biodiversity and geology including locally important County Wildlife Sites. Development that would fragment or prejudice the biodiversity network will not be permitted.

#### Policy DM3

Require a BREEAM rating of "Excellent" for new non-residential buildings.

#### Policy DM4

Where no land is available within a settlement for health

facilities (where need is identified), a site adjacent to the settlement may be granted planning permission. Such development should make the best available use of land.

#### Policy DM7

Planning applications that contain proposals that would adversely affect existing accessible green space will not be permitted.

#### Infrastructure Audit: Parish Schedules Annex

The Infrastructure Audit highlights that a new Primary Care Centre is planned for the town; a replacement for Biggleswade Community Hospital is also planned.

There is a need to create a NEAP to serve Saxon Gate Development.

Create new LAP's for toddlers within existing housing areas.

#### Biggleswade Town Centre Masterplan

While there has been no confirmed redevelopment strategy, three options are currently being identified for consultation. All three options identify the potential for health centre facilities within the town centre.

#### **Conclusion/Recommendation**

The site is located adjacent to the Settlement Envelope, to the south of the East of Biggleswade Local Plan housing allocation. The Infrastructure Audit, a technical document in support of the Core Strategy and Development Management Policies Development Plan Document, highlights the need for new recreational facilities and a new health care facility to meet the needs of the community in Biggleswade. It also identifies the need for recreational space for Biggleswade.

Development Management Policy DM4 supports development beyond the settlement envelope, where no land is available within. It is unclear whether a number of sites within Biggleswade have been assessed. Biggleswade is currently undergoing the production of a Town Centre Masterplan. While Biggleswade Town Centre Masterplan has not been decided yet, currently a number of options have been identified. These three options indicate either the expansion of the existing health centre or the development of a new health centre within the study area. This indicates there would be the potential for a health centre. Locating such community facilities on the edge of town would not provide convenient access to public transport and local facilities. In light of this, the application is contrary to Development

The southern extent of the site borders a Scheduled Ancient Monument (SAM). Due to the close proximity, the proposal may have a significant impact upon the setting of the SAM.

There are overriding concerns over the impact on the County Wildlife Site.

In conclusion, whilst there is the potential for a health centre within the town centre, developing into the countryside would be inappropriate.

Minerals & Waste

No comments received

Primary Care Trust

NHS Bedfordshire is aware of the Town Council's intent to try and develop the Saxon Drive land and of the inclusion of an area allocated for a "health centre". We have not had any input into the supporting document "Health Centre Assessment" and it is important to note that NHS Bedfordshire does not endorse the document or the conclusion it reaches over a location. There is no evidence that supports the space of premises required, indeed the space required for a building and the number of car parking spaces will be determined by the scope of services to be delivered, and this scoping work has not been completed by NHS Bedfordshire for the Biggleswade area.

NHS Bedfordshire continues to liaise with Central Bedfordshire Council over the health space requirements as part of the master planning of the Town Centre. This approach offers the opportunity to consider joint working where social care and health could be delivered from a joint location to the benefit of patients.

The Land East of Saxon Drive does represent a possible location for a health care facility, but it would be one of the options considered in a business case put to the Board of NHS Bedfordshire. To that end, there is no objection to this Application, but the final location of a health centre will be determined by the services that will be provided by NHS Bedfordshire in liaison with Central Bedfordshire Council.

We are grateful that Health is considered within all planning and growth developments and we are keen for Health to remain at the forefront of thinking in this area. In particular, it is vital that S106 contributions to provide Health facilities are provided be it off-site, a land option or a design and build option.

Police Architectural  
Liaison Officer

No objection but could consideration be given to extending the Biggleswade CCTV system to cover the health centre and any parking.

Ivel & Ouse Countryside Project No comments received

Highways

Existing Public Transport Provision:

It is stated that public transport services in the vicinity of the site are currently good with four services calling in close proximity to the proposed site. However, services E4, M3 and M4 run at 500 - 600 plus metres from the site hence in excess of the 400 m that it is recognised as reasonable walking distance to catch a bus, hence not easily accessible to the development users. So I would not say that public transport is good as there is only one bus service that runs within the acceptable walking distance from the site. In addition, there is no pedestrian link from the bus stop to the site.

Existing Cycle Provision

It is indicated that a mixture of on road and traffic free cycle route currently exists in Biggleswade to the west of the proposed site and they are indicated on Fig 2.6. As can be seen the indicated cycle route is far from the site, and whilst cyclists can cycle on the nearby streets, there aren't direct cycle links to reach the site neither have any been proposed.

Existing Pedestrian Provision

Whilst the local highway network contains a fully integrated footways, there is no pedestrian link to the site, neither has one been proposed.

In summary, there is an acceptable effect on the highway network in relation to motor vehicle access.

In addition there is a need for demonstration to be provided that the Show People's non standard vehicles could use the proposed roundabout. Also further details of cycle/pedestrian connection to the site.

Any future park and ride is considered to be a very different issue in relation to the traffic generation and peak hour congestion.

Highways Agency

No comments received

Biggleswade Allotment Group

We wish to register an objection to that part of the outline planning application relating to the relocation of allotments within the plans for new Health and Leisure/sports complex submitted by Biggleswade Town Council.

The plans provided shown that the current allotment sites will be used for sports pitches. The outline plans show

additional sports pitches to be provided on land to the east of the small stream.

We have no specific objections to the building plans or those pitches/courts which are to be site on land currently used as pasture although we feel the overall development footprint should be kept as small as possible to meet identified needs while avoiding unnecessary disruption, damage to habitats and cost; we also feel the current plans are dull and unimaginative environmentally.

Our specific objections are these:

- The need for so many pitches and courts in one part of the Town has not been clearly established (also see additional note 1);
- Any running down or removal of provision elsewhere (such as possible school playing fields and other club facilities) would be costly in terms of loss of local utility and possible financial support from those provisions, amenity or green space and, moreover, could lead to increase in sport related traffic and therefore add to our own carbon footprint.
- Sufficient additional pitches and courts could be provided on the land currently used as pasture, certainly for any immediately foreseeable future need.
- Substantial provision of additional allotments, while very welcome, would be better in many respects environmentally if it were dispersed as much as possible on a number of sites in the existing green ring around the town (also see additional Note 4/5).
- The proposed swap of land would be very detrimental to the current allotmenters ; much of that designated site has been waterlogged for significant parts of the year; if the proposal is to go ahead, the meadow proposed for allotments would be much more sensibly re designated as a wild flower areas (also see additional Note 4/5).
- The security of allotments, already prone to theft and vandalism, would be more difficult/costly to ensure if they were to be moved further away from populated areas (also see additional Note 6).
- Unnecessary costs of relocation would be incurred by council tax payers and additionally by allotmenters in particular.... planning, provision of roads, services, drainage, improved security fencing and huge time, energy and financial costs for allotmenters to bring land back to reasonably cultivated and fertile states (also see additional Note 7/8).
- Unnecessary disruption and cost would inevitably lead to some allotmenters giving up... perhaps those older or infirm for whom it is most beneficial both physically and psychologically. The proposals will involve greater travel distance for all allotments holders and would result in a number of plot holders who currently walk to site having to resort to using a vehicle to access the



- proposed site (also see additional Notes 6, 7, 8).
- Unnecessary disturbance of important habitats will occur, certainly affecting the skylark population and other bird life. If the allotments are moved, hedges and ditches removed or covered this will almost inevitably include significant disturbance of breeding and foraging grounds for Great Crested Newts. This disturbance will also lead to a loss of biodiversity in the currently designated wild-flower meadow which would effectively become an island in the centre of the proposed development.

#### Additional Notes

1. The number of sports pitches proposed (17) is excessive. Even allowing for the anticipated increase in the population of Biggleswade there can be no justification for this number of pitches. Apart from the schools facilities and the football club sites, there are at least three other areas around the town where sports pitches have been provided. These are close to population centres and whilst currently they are under used, if correctly managed would provide large areas for sports facilities.

4 & 5. The provision of additional allotment sites as shown on the plan is welcome. However, the proposed location is dubious. Originally the area shown as a wild flower meadow was a simple grass area and mown at regular intervals. As the demand for allotments increased, more of this area was brought into cultivation. Reacting to an incident with Travellers camping on the area and causing significant damage to the allotment plots and surrounding areas this area was roughly ploughed up and ditches dug around the site to prevent easy access to this allotment area. After a period of time the area was then levelled and designated as a wild flower meadow - something that it never was originally. It would make more sense to relocate the wild flower meadow to one of the areas proposed for the relocated allotments since these areas have had wild flowers and native species growing on them for much longer than the current wild flower meadow. The current area could then be used to enlarge the current allotment site.

During the compilation of the Green Plan and the Town Plan several additional sites around the Town were suggested by members of the public for use as allotment sites. These would be close to centres of population and would reduce the necessity for new allotment holders to have to drive to the one site currently used.

This has benefits in reducing cross town traffic and also reduces the carbon footprint of the site. Concentrating all the allotment developments in one area further away from the town has no environmental advantages. It just means that a larger area will be designated as a car park.

6. The security of the current site is sometimes problematical. Many plot holders have suffered acts of mindless vandalism and theft. Relocating the allotments further away from public scrutiny will exacerbate this problem.

7 & 8. There will be significant costs involved in moving the allotments for no benefit or return on the investment. It is not a justified expenditure to move a facility to provide an excessive number of sports pitches for which there is no proven demand when alternatives could achieve a better balanced solution and a lower cost.

King's Reach (Land East  
of Biggleswade)  
Development

Our concerns are that the travelling show people's element of this application is being delivered prematurely, particularly given the current consultation exercise on the Preferred Gypsy and Traveller Sites (Development Plan Document). The grant of outline planning permission would severely prejudice the findings of this exercise.

Paragraph 3.8 of the applicant's Planning, Design and Access Statement states that the *"site has been assessed as part of the Local Development Framework"*. Our client would argue that the site has not been fully assessed and that the consultation exercise that the Council is currently seeking views from the public on is looking precisely to do that. The grant of outline planning permission would unduly prejudice the outcome of the consultation, which runs until 7th June 2010. In light of this, no decision should be made until the findings of the consultation exercise and subsequent site allocation has been determined. Failure to adopt this approach would render the approach to site selection through the LDF unsound and should be avoided.

This approach is further reinforced by paragraph 36 of ODPM Circular 01/2006, which states that in order to ensure that a sufficiently robust assessment of appropriate sites has been considered *"Local planning authorities should facilitate early involvement in the preparation of DPDs (front loading) by consulting with the community and all stakeholders. Front loading is particularly important when the DPD is dealing with site allocations. Local planning authorities should ensure that sites are brought forward early in the process so that the community can be consulted, and they can be subjected to sustainability appraisal"*. The grant of outline planning permission for a travelling show people's site would contradict this advice as it would not have undergone the required levels of community consultation and sustainability appraisal. Whilst we acknowledge that the site is one of Central Bedfordshire Council's Preferred Options, it still needs to undergo appropriate consultation and outline planning permission should not be granted on the basis that the site has already been identified as a Preferred Option by the Council regardless of the

comments made prior to and during the current consultation process.

Paragraph 33 of the Circular 01/2006 states that *"local authorities must allocate sufficient sites for gypsies and travellers, in terms of the number of pitches required by the RSS, in site allocations DPD's"*. However this drive towards the provision of sites should not result in these being provided without the appropriate level of public consultation in inappropriate locations.

In addition to the major concerns relating to the site being granted planning permission prematurely, the proposed location for a travelling show people's site. There are concerns about the access and its relationship with the existing settlement of Biggleswade. It is also imperative that issues such as sustainability are taken into account. Paragraph 64 of Circular 01/2006 states that such consideration should include, *"the promotion of peaceful and integrated co-existence between the site and the local community"*. Paragraph 58 of the Circular states that consideration for gypsy and traveller sites should *"include the likely impact on the surrounding area, the existing level of provision and the need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and other personal circumstances"*.

In this instance the planning application has failed to take these factors into account. There are concerns that this site is being considered on the basis that it is available rather than on the basis that it forms the most appropriate location for development, especially as it is divorced from the existing site on the western side of Biggleswade.

As a consequence of the travelling show people's element of the application and the advice contained within Circular 01/2006, it is recommended that this application be refused. However, our client has no objection to the remaining aspects of the scheme and would be happy to support a revised or amended application that reflected the comments made within this representation.

## **Determining Issues**

The main considerations of the application are;

1. The Principle
2. Impact upon the Character and Appearance of the Area
3. Impact upon Residential Amenity
4. Highway Safety
5. Other Considerations

## Considerations

### 1. The Principle

The site is located outside the settlement envelope for Biggleswade. Therefore, this outline planning application has been advertised as a 'departure' in accordance with the Town and Country Planning (Consultation) (England) Direction 2009. As such, any decision other than a refusal would require this outline planning application to be referred to Government Office.

Even though the site is located outside the settlement envelope for Biggleswade it is adjacent to it and to the south east of the strategic residential housing site known as "Land East of Biggleswade". The Infrastructure Audit, a technical document in support of the Core Strategy and Development Management Policies Development Plan Document, highlights the need for new recreational facilities and a new health care facility to meet the needs of the residents of Biggleswade.

#### Health Centre

Policy DM4 supports development beyond the settlement envelope, where no land is available within. Currently it is unclear whether a number of sites within the settlement envelope for Biggleswade have been comprehensively assessed and discounted. In addition Biggleswade is currently undergoing the production of a Biggleswade Town Centre Masterplan and within this document a range of options have been identified. These identified options indicate either the expansion of the existing health centre or the development of a new health centre within the settlement envelope for Biggleswade. As such this has indicated that a site may be available nearer to the town centre which would avoid the need for built development beyond the settlement envelope and which would be harmful to the countryside.

NHS Bedfordshire provided a consultation response which stated the following:

*NHS Bedfordshire is aware of the Town Council's intent to try and develop the Saxon Drive land and of the inclusion of an area allocated for a "health centre". We have not had any input into the supporting document "Health Centre Assessment" and it is important to note that NHS Bedfordshire does not endorse the document or the conclusion it reaches over a location. There is no evidence that supports the space of premises required, indeed the space required for a building and the number of car parking spaces will be determined by the scope of services to be delivered, and this scoping work has not been completed by NHS Bedfordshire for the Biggleswade area.*

*NHS Bedfordshire continues to liaise with Central Bedfordshire Council over the health space requirements as part of the master planning of the Town Centre. This approach offers the opportunity to consider joint working where social care and health could be delivered from a joint location to the benefit of patients.*

*The Land East of Saxon Drive does represent a possible location for a health care facility, but it would be one of the options considered in a business case put to the Board of NHS Bedfordshire. To that end, there is no objection to this Application, but the final location of a health centre will be determined by the services that will be provided by NHS Bedfordshire in liaison with Central Bedfordshire Council.*

It is considered that in order for the Local Planning Authority to support a

substantial building in open countryside it must, in land use terms, be sequentially the preferable site. An integral part of this assessment would be an endorsement of the site by NHS Bedfordshire as the identified end user, which in this instance is missing. Indeed their consultation response strongly suggests that identifying a preferable site is still work in progress.

Moreover, the validity of the applicant's consideration of alternative sites must be questioned as NHS Bedfordshire have not been involved in the preparation of the outline planning application and it is only they that are in a position to consider whether sites are suitable for their use.

Without the endorsement at this time of NHS Bedfordshire as to this being their preferable site the sequential preferability of the application proposal must be drawn into question, and in the presence of this doubt it is not considered that a health centre outside the settlement envelope can be supported.

In summary, this element of this comprehensive proposal is contrary to Policy DM4 (Development Within and Beyond Settlement Envelopes) of the Core Strategy and Development Management Policies (2009) as the proposal is located outside the settlement envelope for Biggleswade and insufficient information has been provided to confirm that no alternative and preferable sites are available within the settlement envelope.

#### Travelling Showpeople's Site

Following an assessment of Travelling Showpeople accommodation need in 2007 it was identified that there was a shortfall in the number of pitches for Travelling Showpeople in Central Bedfordshire. The site as shown on this planning application known as Kennel Farm has been identified as a possible Travelling Showpeople site, for the North of Central Bedfordshire, through the Gypsy and Traveller Development Plan Document. This site was consulted upon at the Preferred Sites stage in November 2008. The Development Plan Document is still being progressed so no final decision has yet to be made on the allocation of this site. However, the site does offer a suitable and necessary alternative to the existing Travelling Showpeople families in Biggleswade who are currently living in over crowded conditions and as such may be considered to be a suitable site.

In light of this conclusion, it is not considered necessary to include a reason for refusal on the prematurity of this element of the outline planning application.

#### Sports Pitches, Pavilion, Relocated Allotments and other ancillary leisure land including a Children's Play Area

The majority of the remainder of the site is to provide recreation and community facilities. Whilst there may be some concern as to the location of such facilities on the edge of town as it is not considered to be particularly accessible for all members of the overall community Sport England have made comments as to the benefits of a large facility in terms of both its management and economies of scale. It is proposed to provide an additional children's play area, the principle of this is considered acceptable provided that it is located in a suitable position for public access.

The principle of the playing pitches and associated pavilion and parking would be considered acceptable and in accordance with both PPS7 and CS3 of the Core Strategy and Development Management Policies (2009) provided that full justification as to the need for the number of pitches and mix of football pitches and tennis courts is considered to be appropriate for Biggleswade. Even though

there is an identified need in Biggleswade it is felt that further information required to ensure that the 17 pitches indicated on the indicative plans is a true reflection of the need.

This outline planning application is proposing to relocate the existing allotments on the site and in fact increase the number of available allotments. This issue has raised a significant response to the application and clearly had there been no replacement provision as part of this proposal this would have counted negatively in the consideration of the application. As this issue is actively dealt with there is no justification to include a reason for refusal on this basis. However, additional information would need to be submitted to address the habitat, ecology and archaeological issues associated with this element of the proposal and the site generally.

### Park and Ride

A park and ride is proposed in conjunction with the health care facilities. It is not considered that sufficient justification has been provided to confirm why Biggleswade requires a park and ride. In addition as the proposal is located outside the settlement envelope it not felt to be appropriate in this location.

As such this is considered to be a reason for refusal as the lack of justification and sequential test considering all potential sites results in the proposal being contrary to PPG13 and CS14, DM3 & DM4 of the Core Strategy and Development Management Policies (2009).

### Loss of Best and Most Versatile Agricultural Land

The land that the application site is located on is classified as Grade 2 Agricultural Land Classification. PPS7 states that:

*The presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification), should be taken into account alongside other sustainability considerations (e.g. biodiversity; the quality and character of the landscape; its amenity value or heritage interest; accessibility to infrastructure, workforce and markets; maintaining viable communities; and the protection of natural resources, including soil quality) when determining planning applications. Where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 & 5) in preference to that of a higher quality, except where this would be inconsistent with other suitability considerations.*

PPS7 is clear that where significant development is to occur that the Local Planning Authority should seek to use areas of poor quality land. As such it is considered that at this time the principle of development on this site is not acceptable as no justification has been provided as to why alternative sites of a lower Agricultural Land Classification or within the settlement envelope have been considered and discounted. While the Core Strategy and Development Management Policies (2009) does not contain specific policies on this issue it does add weight to the necessity to justify the development on an open countryside site.

### Heritage Assets

The site is located in a sensitive archaeological location and is adjacent to a

Scheduled Ancient Monument. PPS 5 (Policy HE6.1) states that an application should provide a description of the significance of the heritage assets affected by a development proposal. Where the heritage assets include archaeological remains local planning authorities should require a field evaluation to ensure that appropriate information on the assets is available. There should also be an assessment of the impact of the proposed development on heritage assets (Policy HE6.2).

As mentioned above the southern extent of the site borders a Scheduled Ancient Monument (SAM) and as such the proposal may have a significant impact upon its setting. Due to the site's sensitivity and comments from the Archaeology Team, English Heritage have been consulted on this matter and it is hoped that comments will be added to the Late Sheet.

In summary as insufficient information has been provided with the current application to fully assess the impact of the proposed development on this heritage asset it is considered that this outline planning application is contrary to PPS5 and Policies DM13 & CS15 of the Core Strategy and Development Management Policies (2009).

### Principle Summary

In conclusion, it is considered that key elements of this development constitute inappropriate development in open countryside. In addition, the application lacks the information necessary to provide sufficient justification for the support of this proposal given the strong policy restrictions for development in the open countryside. The proposed sports pitches and associated pavilion, are acknowledged as genuine benefits to the Town and the Travelling Show People's Site, Children's play area and relocation of the allotments may be acceptable in principle if further justification and information relating to Heritage Assets can show that the proposals would not result in a detrimental impact.

In summary, this outline planning application is contrary to PPS5, PPS7, PPG13 and Policies DM4 & CS15 of the Core Strategy and Development Management Policies (2009).

## **2. Impact upon the Character and Appearance of the Area**

This application is an outline planning application with all matters reserved, and as such the detail of the site is not finalised. The plans submitted thus far are in principle only and illustrative in nature.

However, the illustrative plans have indicated the potential locations of all of the proposed facilities. Included within these plans is an illustrative sketch of the proposed health centre which indicates a large two storey building, plan ref: CBC001 although it should be noted that there appears to be some discrepancy in the description on the plan when compared with the outline planning application description.

For the reasons set out above the principle of the proposed health centre is not considered acceptable within open countryside. In addition the indicative drawings have indicated a two storey building for the Health Centre which would be completely out of character with the open appearance of the area and again in the absence of the necessary justification for the building a structure of this size must be detrimental to this open countryside location. This negative impact is sufficient to warrant a reason for refusal of this outline planning permission.

In planning policy terms the site is currently defined as open countryside. Due to the large area of proposed parking for the park and ride, the health centre and the football pavilion it is felt that this proposal would result in large areas of hard surfacing. It is felt that this would also have a detrimental impact upon the character and appearance of the area.

In summary when considering the submitted plans with this application it is considered that the impact upon the character and appearance of the area would be detrimental and therefore the proposal is contrary to Policy DM3 & CS14 of the Core Strategy and Development Management Policies (2009).

### 3. Impact upon Neighbouring Amenity

Due to the location of the proposed Health Centre and the football pavilion it is not considered that the proposal would have a detrimental impact upon neighbouring amenity in terms of loss of light or privacy.

The nearest dwellings to the application site, in terms of the built form, are located on Tansey Avenue. These dwellings back onto the start of the Eastern Relief Road (ERR), which is part of the Land East of Biggleswade development. These properties have their principal elevation facing onto Tansey Avenue and the rear garden back up to the ERR. As such these properties would not be detrimentally impacted upon.

While the Public Protection Team have raised concern as to the potential noise and light implications of the development. These are matters which could undoubtedly be controlled through condition and therefore do not warrant inclusion as to the reasons for refusal.

### 4. Highway Safety

The Highways Team have confirmed that the proposal would not result in an unacceptable impact on the highway network in relation to motor vehicle access.

Concern is raised and further information would be required to confirm whether the Show People's non standard vehicles could use the proposed roundabout.

Finally, further details of cycle/pedestrian connection to the site would be required.

It is considered that if the planning application was considered acceptable that the issues above could be dealt with by condition.

The Highways Team have raised concern in relation to the proposed park and ride as it is considered to be a very different issue in relation to the traffic generation and peak hour congestion. As such further information would be required in terms of justification and its impact on the highway network. As this has not been provided with this outline planning application it is considered that this would be a reason for refusal.

The Rights of Way Officer has raised concern about any possible obstruction to the public highway during construction if planning permission was to be granted. This is particular concern as no information has been submitted to clarify whether it is the intention or not to divert the legal line of the footpaths which cross the site. In addition concern is raised as to the safety of the route during any construction phase. However, given the conclusion on the principle of development it is not considered necessary to explore this issue further.



It should be noted that any obstruction of the footpaths on the site would constitute an offence under the Highways Act 1980.

In summary, when considering the submitted information, it is considered that insufficient information and justification has been provided in terms of Highway Safety specifically in relation to the proposed park and ride element of the proposal. As such this is considered to be a reason for refusal.

## 5. Other Considerations

### Green Infrastructure, Biodiversity & Protected Species

The submitted Biodiversity and Protected Species Document is not considered to be sufficient to ensure that the proposal would not have a detrimental impact. Objections have been received from Natural England, The Wildlife Trust and CBC's Ecology Officer. Concern is raised particularly in regard to the fact that this outline planning application has not had regard to all of the biodiversity features which may be found across the whole application site.

The various consultation responses have indicated that the site is located in an area where Harvest Mice, Badgers, Common Toads, Water Voles and Bats are likely to be present. In addition other species of farmland birds may also be present.

Therefore it is clear from the consultation responses that the relevant ecological and biodiversity surveys should be undertaken, at the relevant times of year, to cover species and habitats over the whole site some of which are protected by law, have a Biodiversity Action Plan (BAP) or are included in section 41 of the Natural Environment and Rural Communities Act (NERC) 2006. The assessment should include desk based study, including records from the Bedfordshire and Luton Biodiversity Recording and Monitoring Centre (BMRC), as well as field surveys.

In particular Natural England made the following comments:

*The proposed development does not lie within close proximity to any statutorily designated sites, and so it is considered that it is unlikely that the proposals will have a substantial effect on the special interest features of any such sites.*

*The inclusion of the biodiversity & protected species document and the Biggleswade Allotment Meadows County Wildlife Site (CWS) assessment with the development application. However it is felt that due to the size and nature of the development in addition to its close proximity to the CWS and lack of information related to protected species in general, a more robust Ecological scoping survey from a suitably qualified specialist is required. Ideally taking the form of a phase one habitat survey, these surveys will inform all decisions relating to impact on the wildlife & ecology of the proposed development area and potential impact to the CWS.*

*NE would also like to emphasise the need for a more structured mitigation and compensation package to be produced in order to define the means necessary to protect any habitats and species of conservation interest identified in the surveys, and also to outline measures that are needed to protect the CWS during the construction/landscaping phase. We also recommend that any mitigation or compensation packages are accompanied by a long term management plan to help secure the future of any mitigation works carried out.*

*While NE would look to the County Wildlife Trust to provide the main representation to this application (or any subsequent application or appeal) in relation to the CWS, we consider that currently there appears to be inadequacies over the assessment of the impacts of the development on existing ecological features of the site, and insufficient assessment and compensation for the destruction of the development site flora & fauna as a whole.*

*Natural England therefore recommends that planning permission should be refused, in accordance with the key principle (vi) of PPS9.*

To confirm, due to the size and nature of the proposed development and because of the County Wildlife Site it is considered that a more robust Ecological Scoping Survey, to include a phase one habitat survey is required.

These surveys are necessary so that an informed decision can be made in respect of the potential impacts that the proposed development may have on the wildlife and ecology of the application site. This would include its potential impact upon the County Wildlife Site.

As the submitted information is not considered to be satisfactory it is felt that the Local Planning Authority are not in a position to confirm that we have undertaken our duty under s.40 of the NERC Act 2006 and consequentially accorded with the advice in PPS9. As such it is considered that this outline planning application has provided insufficient information in respect of biodiversity and habitats.

In summary, the proposal is contrary to PPS9 and Policies DM15 CS18 of the Core Strategy and Development Management Policies (2009).

#### Drainage and Utilities

Anglian Water have acknowledged that there is sufficient water resource capacity to fund this nature of development but that capacity is limited in this part of the network and further capacity information is required. Anglian Water have also confirmed that the foul sewerage system would not be able to accommodate the anticipated flows from this development and have advised that if planning permission were to be granted that the capacity is unlikely to be able to be provided during the timescales of a planning permission.

As such if planning permission was to be granted a grampian condition would need to be included to ensure that no development could take place until sufficient capacity for foul sewerage has been provided. It should be noted that this could potentially result in substantive works and associated costs.

The Environment Agency have not objected to the proposal subject to recommending four relevant conditions which relate to contamination, no infiltration of surface water drainage into the ground and that the foundation methods proposed must not be penetrative without the written consent of the Council.

The IDB have raised an objection as there is proposed development and sports pitches and located within 7m of the top bank of an IDB watercourse. No development should occur within this 7 m strip due to potential works which may undertaken in the future to the watercourse. Members should be aware that this

is not a planning issue and would have to be resolved between the parties.

In summary, it is considered that these matters could be controlled through condition and therefore do not warrant inclusion within any reason for refusal.

**Conclusion**

The submitted planning application is contrary to planning policy as it is located within open countryside and yet there is still a possibility that the health centre could be located within the settlement envelope. In addition insufficient information has been submitted to consider the proposals impact upon habitats and biodiversity and the heritage assets. It is acknowledged that the sports pitches; sports pavilion; an the proposed location of the allotments may be considered acceptable in policy terms within the open countryside but again more detailed information would be required to asses the proposal.

**Reasons for Refusing**

The proposal is contrary to PPS5, PPS7, PPS9 & PPG13 and Policies DM3, DM4, DM13, DM15, CS14, CS15 & CS18 of the Core Strategy and Development Management Policies (2009) as the site is located outside the settlement envelope and the application is not accompanied by sufficient justification to allow development of this open countryside site; and insufficient information has been provided in relation to the Heritage Assets; and further information is required in regard of Habitats and Biodiversity in respect of the whole site.

**Recommendation**

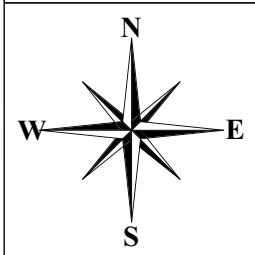
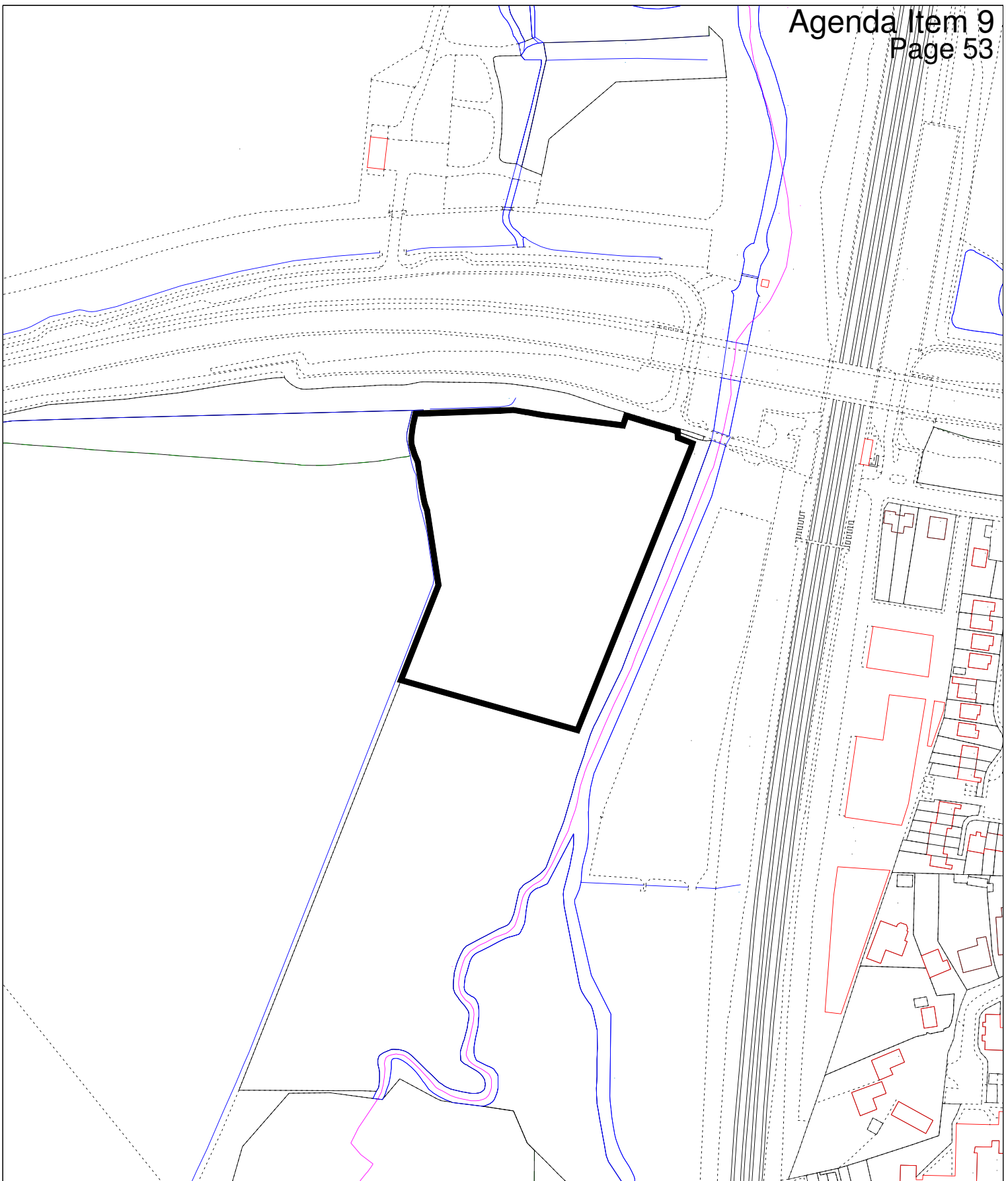
That Outline Planning Permission be Refused for the following reasons:

- 1 The proposed Health Centre and Park & Ride, by virtue of their scale and location outside the defined Settlement Envelope where insufficient justification has been provided for the development, would have an unacceptable impact on the character and appearance of this rural area where restrictive planning policies apply; as such the proposal is contrary to PPS7, PPG13 and Policies DM3, DM4 & CS14 of the Core Strategy and Development Management Policies (2009).
- 2 The application contains insufficient information to show that the development would not result in a detrimental impact upon ecology & habitats and as such the proposal is contrary to the PPS9 and Policies CS18 and DM15 of Central Bedfordshire Council's Core Strategy and Development Management Policies (2009) .
- 3 The application contains insufficient information to show that the development would not result in a detrimental impact upon heritage assets and as such the proposal is contrary to PPS5 and Policies CS15 & DM13 of Central Bedfordshire Council's Core Strategy and Development Management Policies (2009) .

**DECISION**

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Date: 05:July:2010

Map Sheet No

CASE NO.

Scale: 1:2500

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**Item No. 9**

|                                          |                                                                                                     |
|------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>APPLICATION NUMBER</b>                | <b>CB/10/00938/FULL</b>                                                                             |
| <b>LOCATION</b>                          | <b>Land Next To River Hiz Adjacent West Platform Of Arlesey Train Station, Arlesey Road, Henlow</b> |
| <b>PROPOSAL</b>                          | <b>Full: 390 space car park with landscaping and access road to serve Arlesey Train Station</b>     |
| <b>PARISH</b>                            | <b>Henlow</b>                                                                                       |
| <b>WARD</b>                              | <b>Langford and Henlow</b>                                                                          |
| <b>WARD COUNCILLORS</b>                  | <b>Cllr Clarke &amp; Cllr Rogers</b>                                                                |
| <b>CASE OFFICER</b>                      | <b>Godwin Eweka</b>                                                                                 |
| <b>DATE REGISTERED</b>                   | <b>29 March 2010</b>                                                                                |
| <b>EXPIRY DATE</b>                       | <b>28 June 2010</b>                                                                                 |
| <b>APPLICANT</b>                         | <b>Poppyhill Properties Ltd</b>                                                                     |
| <b>AGENT</b>                             | <b>Wastell &amp; Porter Architects Ltd</b>                                                          |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Cllr Clarke – due to significant local importance of proposal</b>                                |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application - Refused</b>                                                                   |

**Site Location:**

The site to which this development relates, lies just off the A507 and measures about one hectare in size. It is situated towards the western bank of the River Hiz, with Glebe Meadows Nature Reserve (LNR) nearby and is adjacent to the western platform of Arlesey Railway Station, Arlesey Bridge and the Network Rail Car Park. The site also lies outside the 'Settlement Envelope' and partially within Floodplain Zone 3 and currently under vegetation with mature trees, mostly poplars.

Access is obtained to the site using a slip road from the A507, which runs east parallel to the adjacent highway before turning south running under Arlesey bridge and then looping back to re-join the A507 on its southern side.

The existing slip road is currently being used by commuters for unauthorised and uncontrolled parking along the route, which is congested on a daily basis, thus restricting vehicular movements from other sites which use the road. This access road is a single-width capacity, which makes parking difficult and poses danger to other road users in and out of the Train Station.

**The Application:**

390 space car park with landscaping and access road to serve Arlesey Train Station. The proposal would comprise the following facilities:

- Pay and Display system;
- Parking Attendant;
- Low-level fencing, comprising 'post and rail' type, with affixed directional signage for vehicle movement within the site;
- Waste Bins on various locations;
- Security timed lighting.
- 19 Disabled parking.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

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

**Regional Spatial Strategy**

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

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

**Bedfordshire Structure Plan 2011**

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

DM3; DM4; DM14; DM15; DM17; CS1; CS4 and CS17.

**Supplementary Planning Guidance**

DS7 Design Guide for Residential Development (Jan 2010)

**Planning History**

MB/09/00094                      397 space car park with landscaping and access road to serve Arlesey Train Station. Withdrawn 7th April 2009.



**Representations:  
(Parish & Neighbours)**

- Henlow Parish Council      The Parish Council raises no objection and support the proposed development. However, the following comments are made:
- a) The access is not sufficiently wide and one-way traffic will cause considerable problems. The access should be improved and needs to accommodate two-way traffic.
  - b) Existing car parking in the access road needs to be prevented as soon as the proposed car park is operational.
  - c) Very concerned about egress onto the A507 and suggest that the entrance/exit is improved.
  - d) Ensure that lighting is low level and not intrusive to the location.
  - e) Request that parking for bicycles is provided close to the station within these proposals.
- Arlesey Town Council      The Town Council raises no objection and support the application.
- Neighbours                  There are no comments received.

**Consultations/Publicity responses**

- Highways and Transport Division      No fundamental highway objections raised. However, the impact of this development on the immediate surroundings, is inconclusive. A full assessment of the Highway Safety Implications are covered under a separate heading in this report.
- Environment Agency                  No objection, subject to conditions.

**Flood Risk**

We have reviewed the hydraulic model for the site at Arlesey train station. We consider the model is over estimating the flood risk for the site due to the hydrological method and the floodplain geometry used. We would normally recommend changes to the model to give a more accurate picture of flood risk; this could ultimately save you costs in the long run. However, we have recently conducted new modelling for the catchment resulting in a change to the Flood Map.

Our modelling is now complete and we aim to publish the information at the end of July 2010. This information is an improvement on the data we have previously had available to ourselves and will show your site to be at a reduced risk of flooding and mainly outside of Flood Zone 3 (1 in 100 chance of flooding in any year). We have only just received the revised data and it is now available at

a small cost, this information could be used instead of reviewing your own model.

Please contact Graham Verrier (Flood Risk Mapping and Data Management Team Leader) Tel: 01480 483905 for the revised data.

### **Groundwater**

#### **Environment Agency position**

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Bedfordshire and River  
Ivel Internal Drainage  
Drainage Board (IDB)

The Internal Drainage Board has written raising an objection to the grant of planning permission because the proposed development lies within 7 metres of a watercourse and would be contrary to the Byelaw. As such, it is likely to adversely impact on the Board's maintenance of watercourse 141 and the spread and levelling of arisings there from.

On the other hand, the Board has advised that if the Council is minded to grant planning permission, this should be subject to suggested conditions. The ramification of this proposal is further expanded in their comments:

This site is within the Board's drainage district, to the east of watercourse 141 and to the west of the main River Hiz. The site is partially within Flood Zone 3 of the main river. The flood zone extends from the main river some 110 m to 130m west of watercourse 141.

Whereas the Board's Byelaw provides that no development shall take place within 7m of bank top of watercourse 141 without the formal consent of the Board, the car park layout shown on drawing 2698/504 appears to indicate that the edge of the car park structure is within the Byelaw distance. An objection is, therefore, raised to the grant of planning permission because the development as proposed is within the Byelaw width and is likely to adversely impact on the Board's maintenance of watercourse 141 and the spread and levelling of arisings there from. This objection is to the structure of the car park, landscaping, fencing or any other obstructions which would impede watercourse maintenance.

The Board's Byelaw is shortly to be revised to in line with the other Board's in the Bedford Group and in line with the

Environment Agency's Byelaw. On revision, the reserved strip will be 9m wide from top of bank of the watercourse. If the proposals layout can be re-drawn therefore to show that there will be no encroachment into a reserved strip 9m wide along the top of bank of watercourse 141, then this objection will be withdrawn. I estimate that re-drawing of the layout is likely to result in a reduction of 10 car parking spaces.

The applicant's architect Wastell & Porter kindly provided me with a copy of the Flood Risk Assessment which I had previously requested from yourself. I am aware that the Environment Agency have called for additional hydraulic modelling which has been provided but at the time of writing this response to you I am not aware of the outcome. The historic flood level of 36.45m AOD in 1947, however, agrees with information held by the Board. If the EA are satisfied that the modelled flood levels of 36.80m AOD (1 in 100 year event) and 36.95m AOD (1 in 100 year + 20%cc) are a reasonable indication of the likely flood level, the Board will accept this finding. The FRA recommends a soffit level of 37.250m AOD minimum which gives a freeboard of 300mm between 1 in 100 year +20%cc flood level and soffit. Where water is passing under bridge structures the Board's recommendation is that 600mm be the required freeboard in order to deter floating debris from becoming wedged below the soffit.

Ecology Officer

I have read through this and the extended habitat survey accompanying application 10/00908. I am satisfied from the reports that there will be no immediate ecological impact from the developments, however I would hope that if permission is granted conditions are in place to secure a net gain to biodiversity.

The River Hiz is a County Wildlife Site and should be protected during any construction works to prevent damage to its banks and any polluted run off from entering the river. The habitat survey report discusses habitat enhancements for the riparian corridor to benefit water voles and otter and I would agree that these should be recommended should permission be granted.

Both applications will result in the need for additional lighting and as both are adjacent to the River Hiz corridor there is a potential for such schemes to have a detrimental effect on bats foraging in the area. The use of artificial lighting should be kept to a minimum within the river corridor zone and buffered where possible to allow for minimal light spillage. The provision of bat boxes within retained trees as part of 938 is desirable.

Landscape Officer

I understand the principle of a car park on this site has been agreed but having studied the application documents

and visited the site I do have concerns regarding the proposals in relation to visual impact on local landscape character:

1. Capacity of the proposed peripheral planting to adequately screen and integrate development within the surrounding landscape.
2. Visual impact of lighting and CCTV.
3. Proposed internal site planting – growing conditions and species.

The site and surrounds lie within the Upper Ivel Clay Valley Landscape Character Area, as described in the Mid Bedfordshire Landscape Character Assessment. The LCA provides a description of landscape character, key sensitivities and provides guidance on landscape and development management. The LCA identifies the River Hiz and associated pasture and wet woodlands as providing a strong sense of place, forming important habitats and biodiversity corridors and offering valuable opportunities for recreation.

The LCA describes a landscape strategy for enhancement of water meadows and woodlands and to create new features to strengthen the river valley character including additional tree planting to screen harsh urban / development boundaries. The LCA specifically highlights the potential impact of car parking on the tranquil character of river corridors.

1. The capacity of the proposed peripheral structure planting to mitigate the development is doubtful and requires greater depth / width and variety of planting, including under-storey, to the east, north and west elevations.
2. The need for inclusion of lighting and CCTV is understood in relation to personal safety and security of property but the impact of lighting at night can be visually intrusive for considerable distances - and be detrimental to habitats and wildlife. Whilst I understand it is the intention to operate lighting on a timer basis the proposed 24 hour CCTV coverage will likely require adequate lighting levels throughout hours of darkness in order to operate effectively. This places an additional onus on the peripheral structure planting to reduce the visual intrusion of lighting from the site into the surrounding landscape.
3. The proposed planting within the site is of concern particularly with regard to the planting of trees

within what is in effect a concrete planter. Concrete is a highly porous material and will draw moisture away from planting. If the planters were tanked there is the likelihood that the planters would become waterlogged during winter leading to root rot. The design appears to offer no area for growth / penetration of roots (ref. Drawing No. PL05: there appears to be a solid concrete base immediately below the rootballs) which will result in trees not able to extract water or become stable and will result in loss of trees. Such a design would also impact on shrubs becoming established and thriving unless there was commitment by the Applicant to ensure an intensive landscape management plan for the duration of the site as a car park. The rationale supporting the proposed mix of trees and shrubs is not clear; Populus tend to have 'thirsty' roots and would not be successful in an elevated concrete surround.

Tree Officer

It would be preferable to incorporate additional species to include salix alba, salix caprea and alnus glutinosa in the area to the east and northern boundaries which are proposed to be planted with Black Poplar. Adjacent to the eastern boundary, there are a number of old pollarded Willows and it is hoped that the inclusion of salix alba on the eastern boundary could lead to future management of these new trees as pollards, to eventually replace the old pollards on the opposite bank. Full details are required of planting species, sizes, preparation of site, aftercare and maintenance.

Natural England

Natural England has no further comments in respect of any statutorily designated sites. The reason for this view is that we consider it unlikely that the proposal will have a substantial effect on the special interest features of any such sites. However, the proposed car park is located between two County Wildlife Site (CWS), lying directly west of the Rivers Ivel and Hiz CWS and approximately 250 metres east of Arlesey Road Pit CWS. The proposal may have implications for these sites (in particular increased pollution and flooding through surface water run-off, but also restriction of wildlife movement between the sites and increased lighting along the river corridor).

Based on the information provided in the previous Ecological report, Natural England has no further comment to the proposals with regards to legally protected/BAP species as we are not aware that they are likely to be significantly impacted by the development.

Access Officer

No comments received with regard to disabled access.

Arlesey Conservation for Nature      The Group have no objection in principle for the proposals for a car park on the Henlow side of the railway. The following comments are summarised below:

- The car park would be visible from the Glebe Meadows. Perhaps, subject to no riparian restraints being in place that some low level indigenous hedging could be planted to screen the cars.
- We have always assumed that on leaving the Station and the Glebe Meadows to return to Arlesey that you pass under the A507 using the road (with passing places) on the northern side of the bridge, then turn left onto the A507. We do not understand the need to go to Henlow and turn round at the roundabout. However, we do find turning left from Arlesey, you do have to make a U-turn. This is more challenging especially with trailer on when commuter cars are parked right up to the end of the road.
- Parking restrictions must be placed and enforced along the access roads with particular attention paid to the passing points along the northern access road.

## Determining Issues

The main considerations of the application are:

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

## Considerations

### 1. Principle of the Development

This development lies outside the settlements of Arlesey and Henlow respectively. The proposed development is assessed against Policies CS1; CS4; CS17; DM3; DM4; DM14; DM15 and DM17.

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

The proposed site has a number of planted trees, which are mostly poplars and covers an area of approximately one hectare in size. The northern extent of the site borders Kingfisher Way, a valuable Green Corridor.

The site is located opposite the railway station, to the North West of Arlesey. The site is outside of the Settlement Envelope, separated by the railway lines. It is considered that the site is detached from the settlement envelope.

The Infrastructure Audit, a technical document in support of the Core Strategy and Development Management Policies Development Plan Document, highlights the need for increased car parking for the rail station. However it does not state the level of need required.

Policy CS1 identifies that Arlesey will require significant improvements, in terms of service provision and local traffic conditions. This policy also identifies that enhancements will be undertaken at Arlesey Station, and additional railway station car parking space provided.

The Council's Highways team is working on a scheme to formalise the access road as a one way system, to widen the pinch point on the southern access slip road to accommodate caravans and commercial vehicles, close the left out facility at the northern access, and with the exception of the existing bays, to introduce parking restrictions along its length.

In considering this application, the Highways Officer visited the site on Monday 26th April, and found that the existing Network Rail car park located on the opposite side of the railway to the application site had capacity for a total of 97 spaces, and that there were 43 spaces unused. In addition, a total of 99 cars were parked on the access road leading to the station. In terms of the works intended to be undertaken by the Highways team on the access road, there will be space provided for 18 cars as part of these works, and this leaves a notional requirement for 81 parking spaces. However, when the vacant spaces are included within the existing station car park, the shortfall of spaces reduces to 38 spaces. Whilst this assessment does not take into account the likely increase in passengers using Arlesey station due to planned growth in the town and surroundings settlements, this proposal for a 390 space car park is significantly in excess of the current needs of the station, and that probably required for several years to come.

It is clear that commuters would rather park for free on the access road, given the number of vacant spaces in the Network Rail car park. With the implementation of parking controls, most commuters will have to choose between paying for parking, not using their cars to access the station, or attempt to park on existing roads around the station. To a degree, the extent that any new car park would be used by the public would depend on the costs associated with the use of the facility.

The Design and Access Statement states that between 2002 and 2007 there has been an average annual increase in the use of the station of 11%, and that there is a substantial lack of parking within the area of the train station. However, no detailed justification for 390 spaces has been provided.

There is significant support for sustainable development at both a national and local level, and the provision of accessible public transport is a key factor in meeting this aim. The Council would want to encourage the use of public transport, although the focus should be in accessing buses and trains either by

foot or by cycle. Clearly, there will be many people living in outlying villages who will have little alternative but to drive to the station.

Whilst Arlesey station and the rail service is a very important local facility, it is not considered that a need has been demonstrated for a car park of this size on land outside the settlement envelope. For the above reasons the principle of the development is not considered to be acceptable.

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

As already evidenced in the submission of this application, there are concerns regarding the proposal in relation to visual impact on local landscape character especially, the capacity of the proposed peripheral planting to adequately screen and integrate development within the surrounding landscape, the visual impact of lighting, CCTV and the proposed internal site planting and the growing conditions and species.

The site and surrounds lie within the Upper Ivel Clay Valley Landscape Character Area, as described in the Mid Bedfordshire Landscape Character Assessment. The LCA provides a description of landscape character, key sensitivities and provides guidance on landscape and development management. The LCA identifies the River Hiz and associated pasture and wet woodlands as providing a strong sense of place, forming important habitats and biodiversity corridors and offering valuable opportunities for recreation.

The design of the large-scale car park would impact on trees particularly, loss of woodland and poplar crop and preventing them from becoming established and thriving. As already advised, the rationale supporting the proposed mix of trees and shrubs is not clear as Populus tend to have 'thirsty' roots and would not be successful in an elevated concrete surround.

As the proposed site lies outside the settlements of both Arlesey and Henlow, the adverse impact of such a large-scale car parking with flood lighting, Close Circuit Camera (CCTV), would result in harm to the character and appearance of the area in the absence of adequate justification for the number of spaces proposed.

## **3. Impact of Development on Neighbouring Properties**

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

## **4. Highway Safety Implications**

In addition to confirming their intention to implement parking controls on the slip road which provides access to the station, the Highways team have highlighted that the car park would access onto the A507 which is the main east/west strategic Road. All traffic wishing to travel east will need to undertake a U-turns at the A507/A6001 roundabout. No assessment has been undertaken regarding the impact on the roundabout and they are therefore unable to determine the impact of the proposal.

Whilst they raise no objections to the proposal, the Highways team recommend conditions which would require the applicant to modify the southern access, and to undertake works to the access road to allow the implementation of parking



controls.

**5. Biodiversity Issues**

The Council has considered this proposal and is satisfied from the submitted reports that there will be no immediate ecological impact from the proposed development. This is confirmed from the comments received from Natural England. It is advised that the Council has, within its *duty to conserve biodiversity*, that it has exercised its functions under 'Section 40 of the Natural Environment and Rural Communities Act 2006', to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

**6. Other Issues**

It is advised that a similar planning application has been submitted by Network Rail to the west of the railway platform for 75 car parking spaces, 6 motorcycle spaces and 3 disabled parking. This application has been withdrawn due to inadequate and insufficient information contained in the submitted Flood Risk Assessment which resulted in objections from the Environment Agency.

In terms of this application, the Environment Agency has raised no objections in terms of flood risk and groundwater contamination, subject to the imposition of appropriate conditions.

**Reasons for Refusal**

The proposed development is considered unacceptable by virtue of its location outside the 'Settlement Envelope', its large scale and no adequate justification for the level of parking spaces proposed in such a location, thus resulting in detriment of the character and appearance of the area. The proposed development therefore, is contrary to Policies DM3; DM4 and DM14 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

**Recommendation**

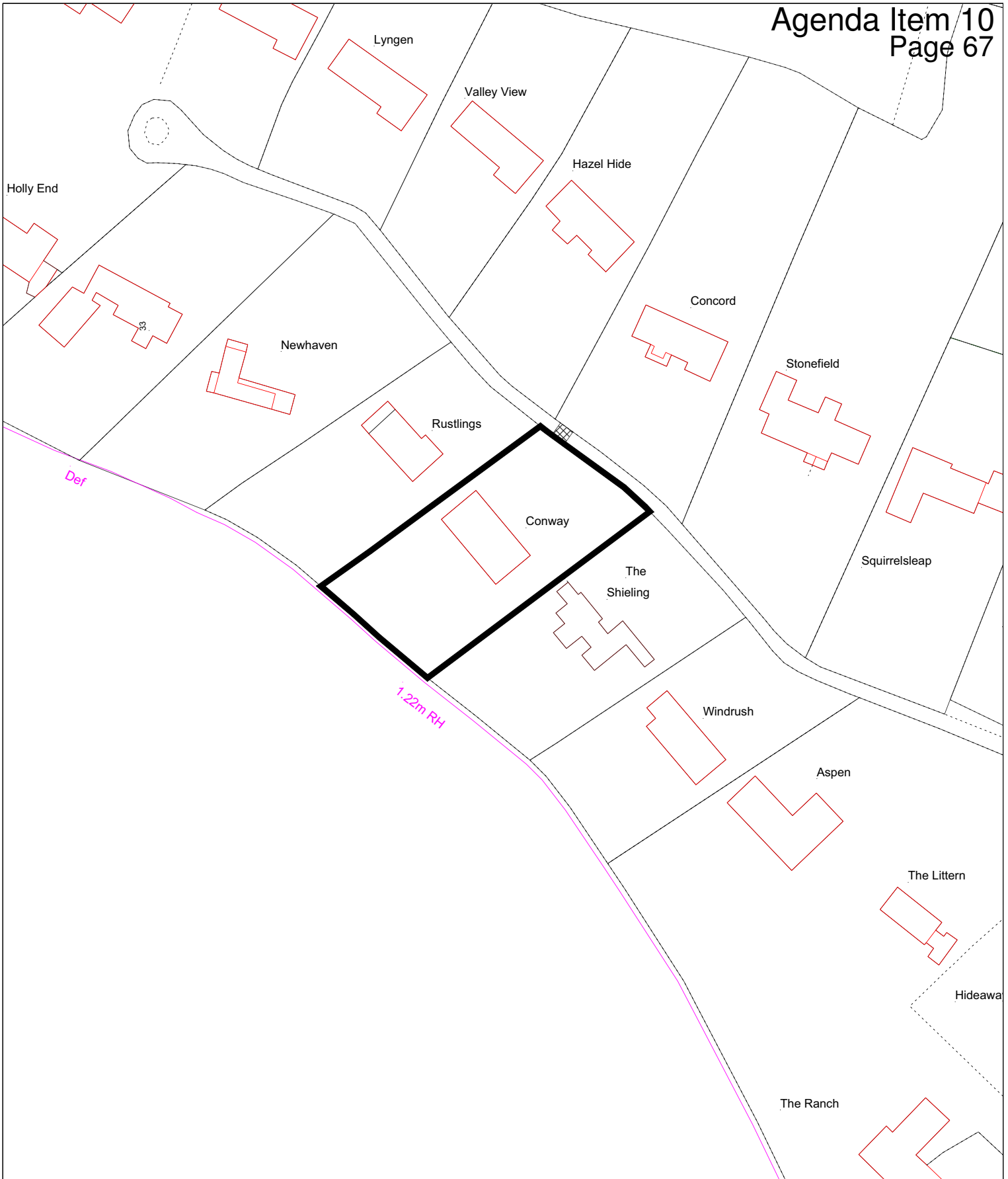
That Planning Permission be refused subject to the following:

- 1 The proposed development is considered unacceptable by virtue of its location outside the 'Settlement Envelope' and the adverse impact it would have on the character and appearance of the area and local landscape, due to visual intrusion, impact of light pollution, its large-scale and a lack of adequate justification for the amount of parking proposed. As such, the proposal would be contrary to Policies DM3; DM4 and DM14 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

**DECISION**

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|               | © Crown Copyright. All rights reserved.<br>Central Bedfordshire Council<br>Licence No. 100049029 (2009) | <h2>CASE NO.</h2> |
|               | Date: 06:July:2010                                                                                      |                   |
|               | Map Sheet No                                                                                            |                   |
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**Item No. 10**

**SCHEDULE A**

**APPLICATION NUMBER** CB/10/01700/FULL  
**LOCATION** Conway, Oldhill Wood, Studham, Dunstable, LU6 2NE  
**PROPOSAL** Retention of 4 bed dwelling house as built with alterations to garage roof as previously approved under CB/09/06668/FULL  
**PARISH** Whipsnade  
**WARD** South West Bedfordshire  
**WARD COUNCILLORS** Cllr Ken Janes & Cllr Marion Mustoe  
**CASE OFFICER** Nicola McPhee  
**DATE REGISTERED** 25 May 2010  
**EXPIRY DATE** 20 July 2010  
**APPLICANT** Mr A Brewer  
**AGENT** Briffa Phillips Architects  
**REASON FOR COMMITTEE TO DETERMINE** Called in by Cllr Mrs Mustoe.

**RECOMMENDED DECISION** Full Application - Refused

**Site Location:**

The application site comprises a detached dwelling located in Oldhill Wood, Studham (Parish of Whipsnade). The site is flanked by the adjacent properties 'Rustlings' and 'The Shieling'. To the rear of the site is agricultural land.

The application site is washed over by the South Bedfordshire Green Belt and is located within the Chilterns Area of Outstanding Natural Beauty, the Oldhill Wood 'Area of Special Character' and a designated Area of Great Landscape Value.

**The Application:**

The development for which planning permission is sought is described on the application form as 'Retain, as built, 4 bed dwellinghouse with alterations to garage roof as planning approval No. CB/09/06668/FULL.'

This application seeks to retain the unauthorised dwellinghouse as built, with the replacement of the ridged roof to the garage to a flat crown as approved by Members in 2009 (Planning Permission 09/6668) .

**Planning History:**

SB/TP/06/0719 Permission for insertion of three pitched roof dormer windows into front and rear roofslopes.  
 SB/TP/06/1046 Refusal for erection of detached double garage.  
 SB/TP/06/1369 Permission for erection of link-detached double garage.  
 SB/TP/07/0141 Permission for the erection of single storey rear extension.  
 SB/TP/07/0866 Refusal for erection of replacement dwelling. Subsequent appeal withdrawn.  
 SB/TP/08/0300 Permission for erection of single storey rear extension,

|                   |                                                                                                                                                        |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   | garage extension and raising of ridge height incorporating loft conversion.                                                                            |
| SB/TP/08/0901     | Permission for erection of replacement dwelling.                                                                                                       |
| CB//09/00077/FULL | Refusal of the erection of replacement dwelling (Revised application 08/901) (Appeal Dismissed).                                                       |
| CB/09/5112/FULL   | Permission for the retention of replacement dwelling with alterations to roof height of main roof and front projection (Revised application 09/00077). |
| CB/09/5509/VOC    | Permission for the variation of condition 1 of planning permission 09/5112 relating to time frame for completion.                                      |
| CB/09/5767/FULL   | Refusal of the retention as built of detached four bedroom dwelling (Resubmission 09/00077).                                                           |
| CB/09/6668/FULL   | Permission for alterations to garage roof (amendment to approved application 09/5112).                                                                 |

**Relevant Policies:**

**National Policies**

PPS1 - Delivering Sustainable Development  
PPG2 - Green Belts  
PPS3 - Housing  
PPS7 - Sustainable Development in Rural Areas  
PPG13 - Transport

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

ENV7 - Quality in the Built Environment

**Bedfordshire Structure Plan 2011**

Policy 7 - Areas of Great Landscape Value

**South Bedfordshire Local Plan Review**

H14 - Replacement Dwellings in GB  
BE6 - Control of Development in Areas of Special Character  
BE8 - Design Considerations

**Representations:  
(Parish & Neighbours)**

Parish Council: None received.

Neighbours: Rustlings, Oldhill Wood (13/06/10): Objects as the house has been built such that the increased bulk of the main house along with the garage that projects further towards the road, with its increased height, creates an urbanising feature in the woodland front gardens of Oldhill Wood. Considers that the approved plans, which specify the correct reduced roof height, will greatly reduce the perceived bulk of the building.

Lyngen, Woodland Rise, Concord, The Shieling, Sans-Souci, All Oldhill Wood. 18 Kensworth Road, Home Reddings, Common Road, High

Wood, Byslips Road, All Studham; Support retention of the dwelling as built.

## **Consultations/Publicity responses**

Nil.

## **Determining Issues**

The main issues considered relevant in the determination of this application are:

1. Principle of Development & Affect on Green Belt
2. Appeal Decision
3. Affect on Area of Special Character
4. Design & Appearance
5. Impact on Residential Amenity

### **1. Principle of development & affect on Green Belt**

The principles of development were considered in the previous application to retain the unauthorised dwellinghouse as built (09/00077.) There have been no relevant policy changes since the determination of that application.

#### Green Belt.

The application seeks permission for the erection of a replacement dwelling on a site which is located within the Green Belt. Replacement dwellings within the Green Belt are controlled by way of Policy H14 of the South Bedfordshire Local Plan Review which states that:

PLANNING PERMISSION WILL NOT BE GRANTED FOR A REPLACEMENT DWELLING IN THE GREEN BELT UNLESS IT WOULD:

- (i) NOT BE MATERIALLY LARGER THAN;
- (ii) BE NO MORE INTRUSIVE IN THE LANDSCAPE THAN; AND
- (iii) OCCUPY THE SAME FOOTPRINT AS;

THE DWELLING IT REPLACES.

The supporting text for this policy states that only in exceptional circumstances should planning permission be given for a replacement dwelling, as sympathetic renovation and restoration will usually be more appropriate. Only where this option is impractical is replacement a viable option.

#### H14 – Part (i)

This part of the policy states that the replacement dwelling should not be materially larger than the existing dwelling. Even with the proposed garage roof modifications, the retained unauthorised dwellinghouse would be substantially larger than both the original dwelling and that previously approved (see ii below). Accordingly the proposal would fail to comply with criterion (i) of Policy H14.

#### H14 – Part (ii)

The retained dwelling would have a main roof ridge line at least 1.5 metres higher than that of the original dwelling. The proposed modified front projecting garage would have a reduced impact, but taken as a whole the proposal would fail to comply with criterion (ii) of Policy H14.

#### H14 – Part (iii)

The proposed retention of the dwelling would correspond with the footprint of the original dwelling and the footprint of the approved extensions. Accordingly it is considered that the proposal would meet the requirements of criterion (iii) of Policy H14.

It is clear that the proposal fails to comply with the provisions of Policy H14 and can therefore be considered as inappropriate development in the Green Belt. In addition to the harm by inappropriateness the current proposal by virtue of its size, bulk and massing results in a further harmful reduction in the openness of the Green Belt.

#### Very Special Circumstances

The current application is not accompanied by any justification for the retention of the dwelling as built and as such there is no case for 'very special circumstances' for inappropriate development in the Green Belt.

### **2. Appeal Decision**

Application CB/09/00077/FULL sought permission to retain the dwellinghouse as built. This application was refused under delegated powers and the Appeal was later dismissed. Notwithstanding the Inspector's comments with regard to the preference of a ridged roof as opposed to a flat crown, the main thrust of the appeal decision is clear-cut and supports the Council's view that the dwelling, as built is in conflict with national Green Belt policy as set out in PPG2 and saved policies H14, NE6 and BE8 of the South Bedfordshire Local Plan Review 2004.

As it stands, the existing unauthorised dwelling should be altered to include a flat crown to the main roof (CB/09/05112/FULL), and to the garage (CB/09/06668/FULL), thus reducing the bulk of the entire building. Although the Inspector commented that he preferred the ridged roof design and that the flat crown would be at odds with the prevailing character of Oldhill Wood, nevertheless, he also added that the substituted crown would not be particularly conspicuous and that the negative aspects of the constructed dwelling cancel out the advantage of the ridged roof (Para 23 of APP/P0240/A/09/2109643). In summary, the appeal decision is therefore not supportive of the current proposal to retain the existing ridge roof of the unauthorised dwelling.

### **3. Affect on Area of Special Character**

The Inspector considered that the dwelling as built has a prominent forward-projecting element which is somewhat obtrusive and has an adverse effect on the character and appearance of the Oldhill Wood Area of Special Character. (Appeal Decision APP/P0240/A/09/2109643). Although this element has been addressed by the grant of approval for the front garage projection, as again proposed in this application, there remains the issue of the additional height and bulk of the unauthorised dwelling as discussed below.



**4. Design & Appearance**

The additional height and bulk of the current, unauthorised dwellinghouse is considered to be significantly greater than that previously approved such that it results in an over intensive, excessively urban form of development located within a semi-rural street scene. The proposal therefore has an adverse affect on the acknowledged character of the designated Oldhill Wood Area of Special Character.

**5. Impact on residential amenity**

We are satisfied that the current proposal would have no significant impact on the residential amenities of the occupiers of neighbouring properties in terms of overlooking, loss of privacy, loss of sunlight and daylight or overbearing appearance having regard to the previously approved development.

**Conclusion:**

Representations received from neighbouring dwellings argue that the plot is large, that many houses are larger than the dwelling constructed at Conway and that the house is attractive, However, the Inspector comments that it is the circumstances of the appeal site that must be considered rather than the circumstances of the other dwellings in the vicinity and that the approved dwelling could be as attractive overall as the constructed dwelling

This proposal is not materially different (with the exception of the garage roof) than the application refused in March 2009 and dismissed at Appeal in March 2010 and therefore cannot be supported by the Council.

**Recommendation: that Planning Permission be REFUSED for the following:**

- 1 The proposed retention of the unauthorised dwelling would by virtue of its size, bulk and massing be both materially larger than, and more intrusive in the landscape than the original dwelling to the detriment of the openness of the Green Belt. The proposed scheme is therefore considered to be inappropriate development within the Green Belt and no very special circumstances have been justified in support of the proposal. The proposed scheme is therefore contrary to the advice contained within Planning Policy Guidance Note 2: 'Green Belts' and contrary to the provision of Policy H14 of the South Bedfordshire Local Plan Review.
- 2 The proposed retention of the unauthorised development would result in an overly intrusive and urbanising feature within the semi-rural street scene and which makes a significant contribution towards the designated Oldhill Wood Area of Special Character. It would result in a more urbanised form of built development within the street scene, harmful to its character and that of the locality. The proposal is therefore contrary to Policies BE8 and BE6 of the South Bedfordshire Local Plan Review.

**DECISION**

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Playing Field

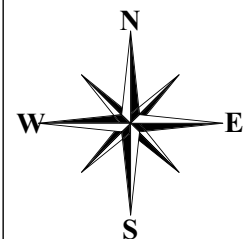
Pavilion

39.4m

Games Court

BEDFORD ROAD

PCs



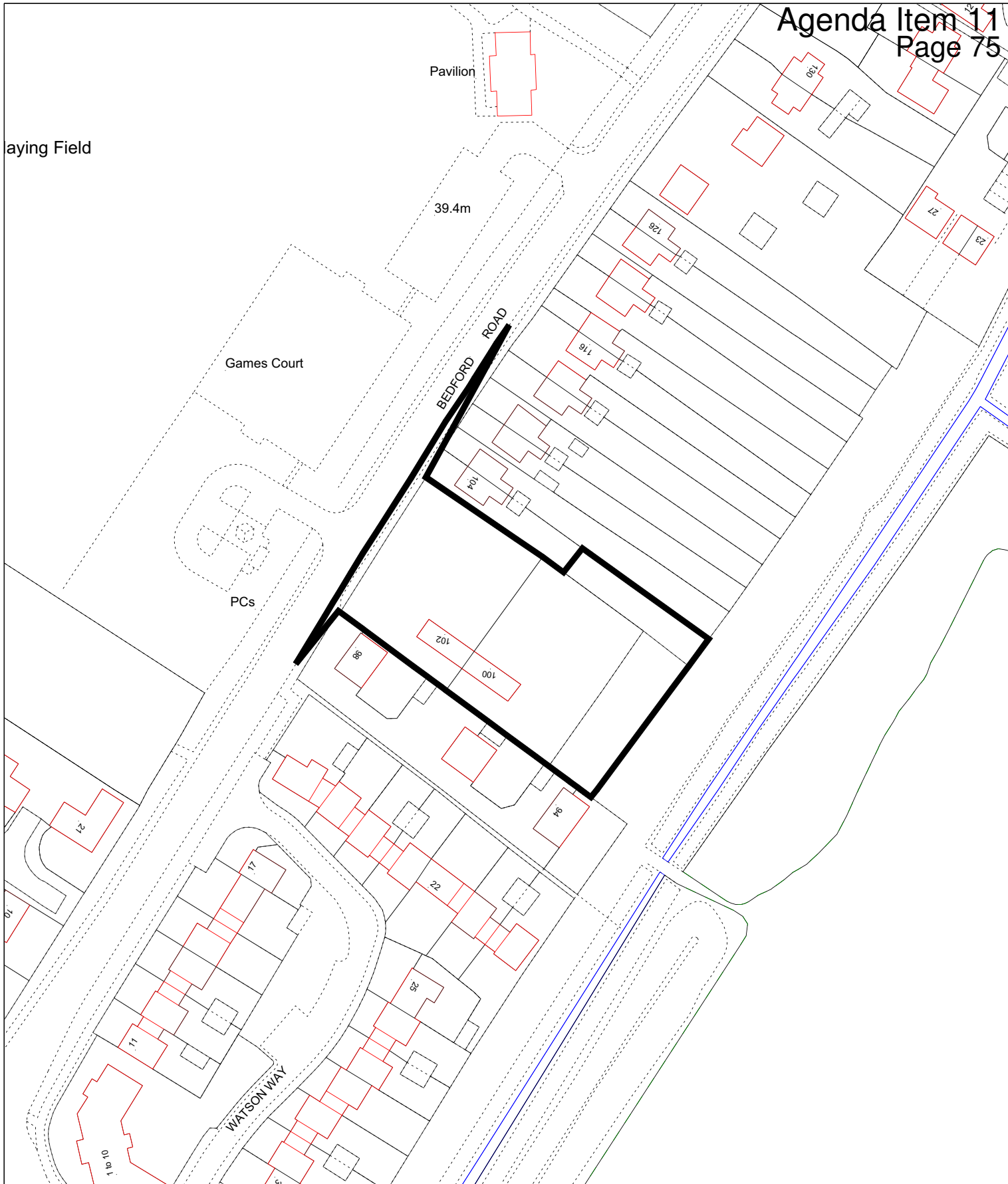
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Date: 06:July:2010

Map Sheet No

CASE NO.

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**Item No. 11**

|                                          |                                                                                  |
|------------------------------------------|----------------------------------------------------------------------------------|
| <b>APPLICATION NUMBER</b>                | <b>CB/09/06175/FULL</b>                                                          |
| <b>LOCATION</b>                          | <b>Land At 100 And 102, Bedford Road, Marston Moretaine</b>                      |
| <b>PROPOSAL</b>                          | <b>Full: Demolition of existing two dwellings.<br/>Erection of 11 dwellings.</b> |
| <b>PARISH</b>                            | <b>Marston Moretaine</b>                                                         |
| <b>WARD</b>                              | <b>Marston</b>                                                                   |
| <b>WARD COUNCILLORS</b>                  | <b>Cllr Roger Baker &amp; Cllr Mike Gibson</b>                                   |
| <b>CASE OFFICER</b>                      | <b>Nicola Stevens</b>                                                            |
| <b>DATE REGISTERED</b>                   | <b>01 October 2009</b>                                                           |
| <b>EXPIRY DATE</b>                       | <b>31 December 2009</b>                                                          |
| <b>APPLICANT</b>                         | <b>Grand Union Housing Group</b>                                                 |
| <b>AGENT</b>                             | <b>Levitt Partnership</b>                                                        |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Major development with outstanding objection from Parish Council.</b>         |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application – Granted Subject to signing of a S106 Legal Obligation.</b> |

**Site Location:**

The site is in the main a rectangular area of land located on the eastern side of Bedford Road. It lies within the settlement envelope of Marston Moretaine. The site is surrounded by 1930's residential properties to the north, a new residential development to the south, an open ditch with open land to the east (with outline consent for mixed development), and Bedford Road to the west beyond which is public open space and playing fields located on the opposite side of the road. Within the site is a pair of semi-detached properties owned by the applicant which are to be demolished. The site was formerly used as a small sewage treatment plant.

**The Application:**

The application seeks full consent for the demolition of the existing two dwellings and erection of 11 dwellings.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

**PPS:**

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS25 Development and Flood Risk

**Mid Bedfordshire Local Plan First Review 2005 Policies**

- LPS1 Selected settlements
- DPS5 New development
- DPS9 Provision of amenity areas and open space
- DPS10 Highways provision for new development
- DPS17 Surface Water drainage
- H05 Housing density
- H06 Location of new residential development

**Core Strategy and Development Management Policies Adopted November 2009**

- DM3 High Quality Development
- CS1 Selected settlements
- CS2 Developer Contributions
- CS3 Health and Sustainable Communities
- CS4 Linking Communities – Accessibility and Transport
- CS7 Affordable Housing
- CS16 Landscape and Woodland
- CS17 Green Infrastructure
- DM2 Surface Water Drainage
- DM3 High Quality Development
- DM4 Development within and beyond settlement envelopes

**Supplementary Planning Guidance**

A Design Guide for New Residential Development in Mid Bedfordshire  
Adopted 2004

Design Guide for Central Bedfordshire & DS1 New Residential Development  
Adopted Jan 2010.

**Planning History**

None relevant

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

Marston Moretaine Parish Council      Object, 36 dph is considered to be over development, suggest it be reduced to 30dph.

Neighbours/Site Notice      1 letter of objection received, hope the Parish Council object and limit any further development on this small site, concerned about structural damage to adjoining property from construction traffic, there should be a heavy restriction on the use of the area of land directly between neighbours house and the dyke which encircles the large field towards the country park.

**Consultations/Publicity responses**

Highway Officer      No objection subject to conditions and notes

Forest of Marston Vale Project Officer      This application may be relevant for contribution to the delivery of the Forest of Marston Vale as set out in the Mid Beds Planning Obligations Strategy 2008.

Public Protection North      No objection subject to a contamination condition

Waste Officer      No objection to the revised layout and Waste Audit. Site Waste Management Plan required.

IDB      8.11.09 The IDB has pointed out that the applicant has indicated that surface water is to be discharged to soakaways, which is unacceptable where the soil conditions are clay. If the applicant cannot discharge to the watercourse then it is unlikely a satisfactory means of surface water can be achieved. Clarification should be sought prior to grant of planning permission.

16.11.09 According to the red line the applicant does not have control of the land between the site boundary and the watercourse. The applicant must have prior consent from the adjoining landowner and the IDB to discharge surface water to the watercourse. An alternative would be the possibility of a rainwater harvesting system. Suggest attaching a Grampian style condition stating that the

development may only proceed if a satisfactory means of surface water disposal can be secured.

### **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 site is located within the selected settlement of Marston Moretaine wherein the principle of new residential development is acceptable as endorsed by Policy HO6 and CS1, subject to various criteria being satisfied.

The proposal is for 11 dwellings (following demolition of the two existing semi-detached properties) equating to a density of development of 36 dwellings per hectare. Although the comments of the Parish Council are noted, the figure set out in PPS3 of 30 dwellings per hectare is a minimum and it is considered that the tandem development proposed does reflect the character and nature of the locality and in this context the erection of 11 dwellings is considered acceptable.

The proposal falls within the selected settlement boundary and constitutes an under utilised resource. It is not defined for any purpose within the adopted Local Plan and therefore its development for residential purposes is wholly appropriate and compliant with Local Plan policy.

#### **2. Visual impact**

The application seeks consent for 11 two storey dwellings. The layout of the development is tandem in its form, determined by the width and depth of the site. The majority of the site is on land currently occupied by the pair of semi-detached properties although a small element was formally part of the garden of No 104 Bedford Road. The layout shows a terrace of four properties fronting onto Bedford Road, three detached, and another terrace of four to the rear of the site.



Policy H06 and the pre-ambles to it advise that the Council will generally resist proposals for "tandem development", unless it can be clearly shown that it will have no impact upon the amenity of adjoining dwellings or the character of the area. Policy DM4 of the Core Strategy states that housing will be approved commensurate with the scale of the settlement. CS1 identifies Marston Moretaine as a minor service centre where small scale housing development is considered acceptable.

The character of the area at this point is mixed comprising recent tandem development directly to the south. The existing 2 dwellings on the site sit perpendicular to Bedford Road but appear isolated and unrelated to surrounding development in terms of their orientation and setting. To the north the pattern of development reflects more conventional linear development fronting onto Bedford Road. Having regard to the shape of the site, there is no other realistic manner to develop the land in a sustainable way which maximises its potential, other than in a tandem form. Furthermore, the proposed terrace for plots 1 to 4 will continue the building line across the front of the site. Having regard to the mixed character of the surroundings it is concluded that this form of development will not be unacceptably harmful to the character of the area and in this context, it is acceptable.

The design of the dwellings and mix of ridge heights (all two storey) proposed will simply reflect the variety of building forms in the locality and is acceptable. The site is generally flat with only slight falls to the rear and the eastern boundary. Although dependant on the final ground level of the development (and as such a levels condition should be attached), it is likely the front terrace will be slightly taller than No 98 Bedford Road and possibly around a metre taller than No 104. In streetscene terms this is considered acceptable given the relationship and distances between properties. The vista along the access road is terminated by the dwelling on plot 5, which is welcomed. Each of the dwellings would sit comfortably on their respective plots and there is scope for pockets of soft landscaping to contribute to their individual settings.

Revised plans have been submitted to show solar panels on the roofs of the proposed dwellings. This is to achieve Code for Sustainable Homes Level 4. The solar panels will all be on the rear of the dwellings, except for plot 5 which will be on the front which is set back from the road. It is considered that this alteration is visually acceptable.

In this instance, it is concluded that the development of this site for 11 dwellings, in the form proposed would not result in any unacceptable harm to the character or visual amenities of the area.

### **3. Residential amenity**

The side elevations of No 98 and the proposed dwelling on plot 4 facing each other are both blank sided, given the siting and design of the front terrace it will not result in any undue loss of residential amenity to No 98 in terms of light,

privacy or overbearing impact, nor loss of privacy to No 96.

No 96 has a first floor obscure glazed window on its side elevation facing the application site. The proposed dwelling on plot 6 will be sited 14.6m away and will have only a first floor bathroom window on its rear elevation which can be conditioned to be obscure glazed.

The dwelling on plot 11 will be blank sided and offset approx 2.0m from the shared boundary. Given its siting and relationship with the two existing properties No 94 and 96 it will not result in any undue loss of light, privacy or overbearing impact.

Parking and outbuildings within the application site will be separated from the existing properties by an existing 1.8m fence with 0.3m trellis with the single storey garages serving 94, 96 and 98 providing further screening. Overall, it is considered that the proposed dwellings will have a better relationship with Nos 94, 96 and 98 in residential amenity terms than the existing semi-detached properties (nos 100 and 102).

No 104 has two small windows on the side elevation facing the application site, whilst the new access road would run parallel to its boundary and the side of the house, the road itself will be offset by approx 5.2m which is considered sufficient distance to ensure no undue loss of noise and disturbance. Furthermore, it is proposed to erect a new 1.8m fence with 0.3m trellis along the boundary. No 104 will be unaffected by the dwelling on plot 1 which will be blank sided and separated from no 104 by the new access road. The dwelling on plot 5 will be sited approx 19m away and has no first floor window facing onto the rear of 104 and only a first floor bathroom window on the rear facing onto the gardens of 104 and 106 which can be conditioned to be obscure glazed.

The rear garden of 106 adjoins the application site. However the development is sufficient distance from the house itself to ensure no undue loss of light, privacy or overbearing impact. No other surrounding properties would be harmed as a result of this scheme as they are located too far away.

Revised plans have been submitted for plot 10 (drg 13B) to show a first floor bathroom window on the side (southern) elevation. As this will face onto the blank sided wall of plot 11 there will be no loss of residential amenity to existing or future occupiers as a result of this minor change.

The siting, orientation and detailed design of the properties is such that the residential amenity of future occupiers would also be protected.

The private amenity space for each dwelling would be acceptable, providing for an appropriate level of usable amenity for future occupiers.

#### **4 Highways**

Vehicular access to the site will be taken directly from Bedford Road. The Highway Officer has confirmed in writing that the proposed layout is satisfactory and that there are no highway and pedestrian safety concerns. Sufficient vision splays, road width, service strips, and turning head have been provided to serve the proposed 11 dwellings.

Secured cycle parking is provided in sheds within the gardens of individual

properties. Access to cycle parking provision for units 1 and 2 is not satisfactory as it will only be possible to access them if the parking spaces in front are unoccupied, it is suggested this element is dealt with by condition.

A neighbour has expressed concern about the route of construction traffic accessing the site. Whilst any structural damage caused by construction damage would be a private matter, it is considered reasonable to ask for details of how construction traffic will access the site, together with on site parking as requested by the Highway Officer

## 5 Other issues

### Drainage

The IDB has pointed out that the applicant has indicated that surface water is to be discharged to soakaways, which is unacceptable where the soil conditions are clay. If the applicant cannot discharge to the watercourse then it is unlikely a satisfactory means of surface water can be achieved. It is noted that the recent residential development to the south (ref: 07/2020/Full) did discharge to the watercourse. Following discussions with the developer the IDB have stated that according to the red line the applicant does not have control of the land between the site boundary and the watercourse. The applicant must have prior consent from the adjoining landowner and the IDB to discharge surface water to the watercourse. An alternative would be the possibility of a rainwater harvesting system. It is suggested a Grampian style condition be attached to any permission stating that the development may only proceed if a satisfactory means of surface water disposal can be secured.

The use of a Grampian style condition is not advocated by Officers as it could result in a development that cannot be implemented either because they cannot provide adequate details to discharge such a condition or because it could result in drainage works which in themselves require formal planning consent. However, technically a Grampian style condition can be used in relation to private land and the applicant has confirmed in writing that they would prefer this approach. As such an appropriately worded condition is attached together with a note to applicant to advise them of the problems which may arise.

### Contamination

Given the previous use of the site, the Environmental Health Officer has no objection to its development subject to a contamination condition being attached.

### Waste

The Planning Development Liaison Officer has no objection to the proposed development or the Waste Audit Statement submitted with the application. The internal layout of the scheme has been revised to provide bin collection points for the dwellings at the rear of the site.

### Affordable Housing

There is no requirement under the Adopted Mid Bedfordshire Local Plan First Review which was the relevant policy document when this application was submitted, to provide affordable housing on this site. Under the Core Strategy policy CS7 requires an element of affordable housing but given that this application was submitted prior to the adoption of the Core Strategy this would not be sought. However, the applicant is Grand Union Housing Group an Affordable Housing provider therefore the scheme being sought is completely for affordable housing.

### Unilateral Obligation

There is a requirement for a Unilateral Obligation to be provided. This would include financial contributions to the Forest of Marston Vale as highlighted by the Project Officer. However, the applicants have satisfactorily demonstrated that based on a purely affordable housing scheme it would not be financially viable to develop this scheme based on the financial calculations of the calculator. A much reduced figure per dwelling has been agreed as the only means to develop this site purely for affordable housing. Given that a reduced figure has been agreed based on the whole site being brought forward for affordable housing its tenure must also be secured within the Unilateral The Section 106 Obligation will need to be finalised before the decision can be issued.

### **Reasons for Granting**

The proposal is in conformity with Policies H06, DPS5, DPS17 and DPS9 of the Mid Bedfordshire Local Plan First Review adopted December 2005 and policies CS1, CS2, CS3, CS4, CS7, CS16, CS17, DM2, DM3, DM4 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), Planning Policy Guidance, 25 (Development and Flood Risk), and Technical Guidance: A Design Guide for New Residential Development in Mid Bedfordshire Adopted 2004, Design Guide for Central Bedfordshire & DS1 New Residential Development 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 Notwithstanding the details shown in the application, details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.

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

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

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

- 4 **Notwithstanding the details shown, 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:-**

- i) materials to be used for any hard surfacing;**
- ii) planting plans, including schedule of size, species, positions, density and times of planting;**
- iii) cultivation details including operations required to establish new planting;**
- iv) 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.**

- 5 The scheme approved in Condition 4 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 buildings 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.

- 6 The boundary treatment shall be erected as shown on layout plan No 11861/10A unless otherwise agreed in writing with the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the buildings are occupied.

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

- 7 Prior to the first occupation of the buildings on plots 5 and 6 the first floor windows in the rear elevations of plots 5 and 6 shall be fitted with obscured glass of a type to substantially restrict vision through them at all times, and restriction on their 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.

- 8 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on the side elevations of plots 7 and 11.

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

- 9 All existing on site building and other structures shall be demolished and all resultant detritus completely removed from the site prior to the commencement of building works unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

- 10 **No development shall commence until details of surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved plans before any part of the development is brought into use.**

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

- 11 **Development shall not begin until details of the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.**

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

- 12 No dwelling shall be occupied until visibility splays as shown on drawing 11861/10A have been provided at the junction of the estate road with the

public highway.

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

- 13 No dwelling shall be occupied until the 2.0m wide footway along the frontage of the site as shown on drawing No 10A has been constructed in accordance with details of the approved drawing/or scheme to be submitted to and approved by the Local Planning Authority. 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.

- 14 Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

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

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

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

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

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

- 17 **No development shall commence until, a scheme showing how access into the parking areas for cycles for plots 1 and 2 is submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details before the development is first occupied or brought into use and thereafter retained for this purpose.**

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

- 18 **Development shall not commence until a scheme detailing provision for access of construction traffic and 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 a satisfactory means of access for construction traffic to the site to protect residential amenity and to ensure adequate off street parking during construction in the interests of road safety.**

- 19 **The development shall not begin until a scheme for the investigation and assessment to identify the extent and nature of contamination has been provided and agreed in writing by the Local Planning Authority. The scheme shall conform to Environmental Services 'Pre application guidance note on the assessment and remediation of land that may be affected by contamination for Environmental Consultants and Developers' and in doing so shall comprise of the following:**

- a. **A phase 1 report (desk study), including a historical survey and conceptual model of the site.**
- a. **A phase 2 report (Exploratory investigation), documenting the ground conditions of the site, incorporating chemical, gas and water analysis as identified as being appropriate by the phase 1 report**
- a. **A Phase 3 report (Remediation Plan), detailing the remediation works to prevent any land from the site being designated as contaminated land following development**
- a. **A phase 4 report (Validation), demonstrating proof and success of remedial works.**

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

- 20 **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.**

### **Notes to Applicant**

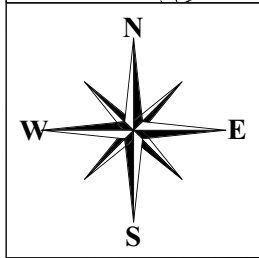
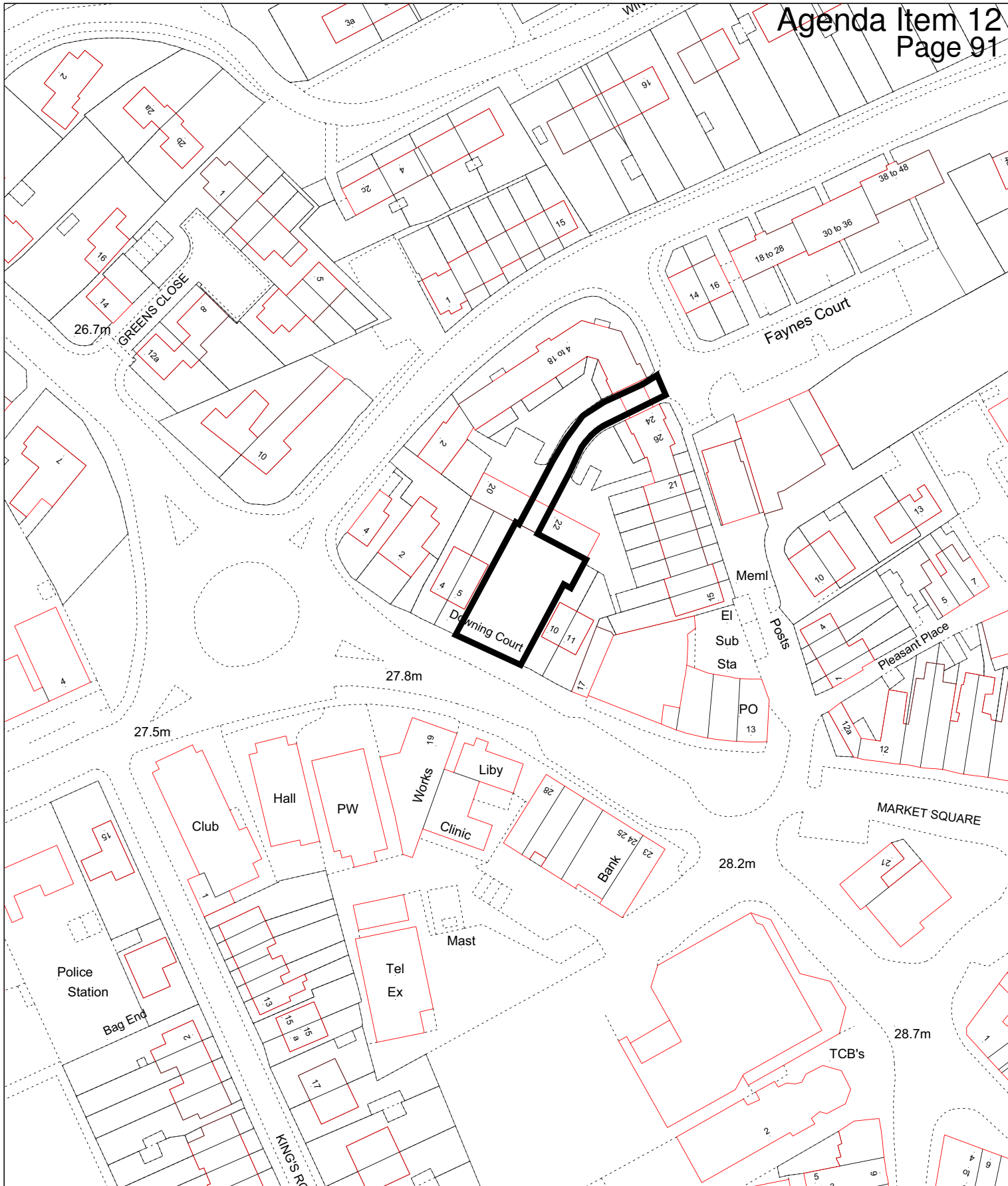
1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's, Highways Help Desk P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number



and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

2. The applicant is advised that in order to comply with Condition 13 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Development Control Group, Development Management Division, , Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN
  
3. The applicant is advised that no highway surface water drainage system designed as part of the new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated .Any improvements must be approved by the Highways Development Control group, Development Management Division, Central Bedfordshire Council. Further details can be obtained from the Traffic Management group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395 Bedford, MK42 5AN.
  
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, MK42 5AN.
  
5. The applicant is advised that the closure of existing access shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's, Highways Help Desk P.O.Box 1395, Bedford, MK42 5AN. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access.
  
6. You are advised to note the comments of the Waste Officer who states that the cost of bins for this development will be chargeable to the applicant.
  
7. You are advised to note that condition 10 relating to surface water drainage could result in a development that cannot immediately be implemented either because it may not be possible to provide adequate details to

discharge such a condition or because it could result in drainage works which in themselves require formal planning consent. Page 90



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Date: 05:July:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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|--------------------|
| <b>Item No. 12</b> |
|--------------------|

|                                          |                                                                                                                                                        |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICATION NUMBER</b>                | <b>CB/10/01409/FULL</b>                                                                                                                                |
| <b>LOCATION</b>                          | <b>Land Between Faynes Court and High Street, High Street, Sandy</b>                                                                                   |
| <b>PROPOSAL</b>                          | <b>Full: Erection of 7no. 2 bed flats with associated access and parking.</b>                                                                          |
| <b>PARISH</b>                            | <b>Sandy</b>                                                                                                                                           |
| <b>WARD</b>                              | <b>Sandy</b>                                                                                                                                           |
| <b>WARD COUNCILLORS</b>                  | <b>Cllr Aldis &amp; Cllr Blaine</b>                                                                                                                    |
| <b>CASE OFFICER</b>                      | <b>Dee Walker</b>                                                                                                                                      |
| <b>DATE REGISTERED</b>                   | <b>18 May 2010</b>                                                                                                                                     |
| <b>EXPIRY DATE</b>                       | <b>13 July 2010</b>                                                                                                                                    |
| <b>APPLICANT</b>                         | <b>Mr P Hughes</b>                                                                                                                                     |
| <b>AGENT</b>                             | <b>Kingswood Design Ltd</b>                                                                                                                            |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Requested by Cllr Aldis on grounds that the scheme will result in overdevelopment of the site and additional parked cars on and around the site</b> |
| <br><b>RECOMMENDED DECISION</b>          | <br><b>Full Application - Granted</b>                                                                                                                  |

**Site Location:**

The site is located in a prominent position within the Sandy Conservation Area to the northern end of Market Square and is currently vacant land. This site, which fronts the High Street, is enclosed on three sides by residential development with new houses to each side and flats to the rear, which formed part of the Jordan's Yard redevelopment.

**The Application:**

The application seeks permission for the erection of a 3½ storey building comprising of 7 no. 2 bed flats, with parking for 8 cars provided at the rear, accessed from Sunderland Road.

This is a revised application to that previously refused under ref: MB/08/01221/FULL (Erection of a 3 storey block of 6 no. two bedroom apartments to replace the former Magnolia House including parking, landscaping and associated works) dated 17.10.2008. The application was subsequently allowed at appeal (APP/J0125/A/08/2089658) on 27.04.2009 and the decision letter is appended to this report.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

- PPS1      Delivering Sustainable Development (2005)
- PPS 3      Housing (2010)
- PPS 5      Planning for the Historic Environment (2010)

## Regional Spatial Strategy

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

## Bedfordshire Structure Plan 2011

N/A

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

Policies CS1, CS2, Central Bedfordshire Adopted Core Strategy and Development DM3 and DM13 Management Policies (2009)

## Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development - *Design Supplement 1: New Residential Development* (2009)

Design in Central Bedfordshire: A Guide for Development - *Design Supplement 5: The Historic Environment* (2009)

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

## Planning History

|             |                                                                                                                                                                                                                               |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MB/04/01459 | Full: Erection of 5 no. four bedroom houses, 7 no two bedroom houses, 10 no. two bedroom flats, and 2 no. two/three bedroom flats, and conversion of chapel into 1 no. unit for A3 (food and drink use) – Approved 20/07/2005 |
| MB/04/01460 | Conservation Area Consent: Demolition of rear part of the Old Chapel and rear part of 18 Market Square – Approved 21/07/2005                                                                                                  |
| MB/05/01970 | Conservation Area Consent: Demolition of building – Approved 10.01.2007                                                                                                                                                       |
| MB/06/00423 | Full: Erection of 3 storey office building – Approved 10.01.2007                                                                                                                                                              |
| MB/08/01221 | Full: Erection of a 3 storey block of 6 no. two bedroom apartments to replace the former Magnolia House including parking, landscaping and associated works – Refused 17.10.2008                                              |
|             | Appeal (APP/J0125/A/08/2089658) – Allowed 27.04.2009                                                                                                                                                                          |
| CB/10/00676 | Full: Erection of 7 no. 2 bed flats with associated access and parking – Withdrawn 30.04.2010                                                                                                                                 |

## Representations: (Parish & Neighbours)

- |                    |                                                                                                                                                                                                                                                                                             |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sandy Town Council | <p>Objects to the scheme on the following grounds:</p> <ul style="list-style-type: none"> <li>• The addition of a seventh flat would be an overdevelopment of the site;</li> <li>• There is insufficient parking in the courtyard area and parking in the vicinity is difficult;</li> </ul> |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- There would be a loss of amenity to near neighbours the form of additional traffic and noise to the area around the flats
- Adjacent Occupiers      Two letters of objections received on grounds of:
- Inadequate access to site for construction traffic;
  - Inadequate parking for construction workers;
  - Access road to rear is private and residents contribute towards maintenance of said road therefore concerns on how bins are going to be emptied;
  - Concerns with parking provisions for residents and visitors.

### Consultations/Publicity responses

|                                 |                                                                            |
|---------------------------------|----------------------------------------------------------------------------|
| Highways Team                   | No objections subject to conditions being attached to any consent granted  |
| Sandy Historical Research Group | No comments received to date                                               |
| Public Protection Team          | Have concerns with road noise traffic, land contamination and odour/noise. |
| Archaeology Team                | No objections subject to a condition being attached to any consent granted |
| Waste                           | No comments received to date                                               |
| I.D.B                           | No comments received to date                                               |
| Site Notice Posted              | 26.05.2010                                                                 |
| Newspaper Advert                | 28.05.2010                                                                 |

### Determining Issues

The main considerations of the application are;

1. Background to the site
2. The principle of development;
3. The effect on the character of the conservation area;
4. The impact that the proposal will have on the residential amenity of neighbouring properties;
5. Highway implications;
6. Any other implications of the proposal.

### Considerations

#### 1. Background to the Site

The site lies within Sandy town centre. The land to the side and rear of the proposed building incorporates the former Jordan's Coal yard and Old Chapel, now a residential development of houses and flats and a vacant A3/B1 use.

Planning permission was granted for the redevelopment of Jordan's Yard and the chapel in 2005 under ref: MB/04/01459/FULL. The permission related to "the erection of 5 no. four bed houses, 7 no. two bed houses, 10 no. two bed flats and 2 no. three bed flats and conversion of chapel into an A3 use".

Planning permission was subsequently granted for the total demolition of

Magnolia House under ref: MB/05/01970/CAC, which was approved subject to being redeveloped by the permission MB/06/00423/FULL for a 3 storey office building, which sought to reflect the characteristics of the original building. The condition was imposed to ensure that it was replaced by a suitable building rather than being left vacant, which however unfortunate is the current situation.

The previous application (MB/08/01221/FULL) was recommended for approval, but refused by the Committee on the grounds that the proposed development would, due to siting and location, result in an inadequate standard of amenities to the detriment of future occupiers. The application was subsequently allowed at appeal as the Planning Inspector concluded that the proposal would provide a standard of amenities for future residents which would not be unacceptably harmful to their living conditions.

## **2. Principle of Development**

Sandy is classified as a Major Service Centre within Policy CS1 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009) as such the principle of small scale housing development located close to the town centre is permitted in principle.

The main issues in the appeal case were the siting and location of the building and the standard of amenities for future residents. Therefore the principle of the development was not considered unacceptable in the previous application and the appeal. The Inspector found that the siting and location of the building would not be unacceptable and with careful design and landscaping, an acceptable standard of amenities for residents could be provided.

The proposal is therefore considered acceptable in principle subject to no conflict with any other relevant policies set out elsewhere in the Core Strategy.

## **3. Character and Appearance of the Conservation Area**

The site already benefits from planning permission for a three storey building of a similar design to that now being proposed. Although the height of the building has increased slightly from 10.9m to 11.1m, the siting remains unchanged. The front elevation of the building, the most prominent elevation, would be identical to the existing permission with chimneys retained on either side of the roof reflecting the surrounding development. The previous scheme has a double pitched roof but this revised scheme has a traditional pitched roof in order to gain sufficient space in the roof for the additional flat.

The revised scheme also includes the provision for 2 no. dormer windows and 2 no. roof lights to the rear roof elevation to serve the 3rd floor flat, given that these are to the rear and would not form part of the street scene they are considered acceptable in visual terms.

As with the previous scheme, the proposed parking area would be sited at the rear of the building and as such well screened from the frontage.

Concerns have been raised regarding overdevelopment of the site, however, the building is to be of similar footprint to the approved scheme and given that the introduction of a 7th flat will not increase this, the revised scheme is not considered to result in any overdevelopment of the site.



On the basis of the above it is considered that the proposal would be in keeping with the character of its surroundings and would preserve the character of the Conservation Area.

**4. Residential Amenity of Neighbouring Properties**

The two properties on either side of the proposed development have secondary flank windows which it is considered would not be unduly affected by the siting of the proposed building, with the relationship similar to that already approved. However, in order to ensure that privacy is not affected it is considered necessary to impose a condition on any consent granted that the proposed flank kitchen windows be obscurely glazed. It is noted that the kitchens are served by 2 no. front windows within the lounge.

The proposal introduces 2 no. dormer and 2 no. roof light windows into the rear roof elevation of the approved building facing towards the rear development, located approx. 14.0m away. However, the adjacent flats have only small roof lights serving the rear part of the development (stairwell/corridor) with main windows being located on the other elevation facing the courtyard.

Given the fact that the siting of the building remains the same and the overall size is similar, it is not considered that the development would result in an unreasonable loss of privacy, light or overbearing impact on any neighbouring occupiers.

**5. Highway Implications**

The application proposes 8 no. parking spaces for the 7 no. 2 bed flats, with access from Sunderland Road via the development at the rear. Concerns have been raised by the residents with regards to the legal right to access the development over this privately owned land. May it be noted that this is a civil matter that the planning process cannot address or determine and therefore not a material consideration within the determination of this application.

The Highways Team was consulted on the proposal and raised no objections in principle. They raised comments with regards to the parking layout, however this can be addressed by attached a relevant condition to any consent granted for submission of further plans.

Given the central location of the site such provision is considered acceptable, subject to the provision of cycle parking to encourage sustainable travel.

The concerns from the Town Council are noted but it must be emphasised that an appeal has already been allowed on the site for a similar development. The revised scheme will not result in a change in the foot print of the building and therefore not considered to result in any overdevelopment of the site; the parking provision in the courtyard area is no different to the proposed and the Highways Team consider the level of parking acceptable. Any level of noise and additional traffic would not be materially different if the original planning permission had been implemented.

The appeal decision that is appended to this report clearly finds the principle of this development acceptable and given that the building is to be located in the same position and the same level of amenities are being provided, this revised scheme is acceptable and recommend for the approval subject to conditions.

## 6. Any Other Implications

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

This application was submitted on 18 May 2010 and as such the proposal would attract Planning Obligations. A legal agreement was submitted with the application and has been confirmed as acceptable. The application is therefore in accordance with Policy CS2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009)

With the introduction of Policy CS7 all new housing developments for 4 or more dwellings need provide an element of affordable housing. Sites of 4 dwellings should include one affordable dwelling. On all other qualifying sites, 35% or more units should be affordable. Although this application would require the affordable housing element because the existing planning permission was granted before the policy was adopted and given that the revised scheme is only increasing the number of units by one, it is considered unreasonable to request that the revised scheme be subject to this affordable housing requirement.

## Reasons for Granting

In conclusion, the scheme by reason of its site, design and location is in conformity with Policies CS1, CS2, DM3 and DM13 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2010); Design in Central Bedfordshire: A Guide for Development - *Design Supplement 1: New Residential Development* (2009); Design in Central Bedfordshire: A Guide for Development - *Design Supplement 5: The Historic Environment* (2009) and Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008). The proposal is therefore **acceptable** and that planning permission should be granted subject to conditions.

## RECOMMENDATION

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

- 1 The development hereby 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 **Prior to the commencement of development details of the materials to be used for the external walls, roof, windows, doors and all other external finishes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Development shall accord with the approved details.**

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

- 3 **Prior to the commencement of development details of the brick bond and mortar mix shall be submitted to and approved in writing by the Local Planning Authority. The development shall accord with the approved details.**

**Reason: To safeguard the character and appearance of the Conservation Area.**

- 4 **Prior to the commencement of development approved by this planning permission, with the exception of works undertaken in order to allow intrusive testing, the developer shall submit to the Planning Authority, in duplicate and electronic form where possible;**

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

**b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils, gas and groundwater sampling; the latter copied to the Environment Agency for comment.**

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

**d) On completion of the development, the developer shall provide written confirmation that all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report incorporating photographs and soil transport receipts where applicable.**

**Any remediation scheme shall be agreed in writing by the local planning authority prior to the commencement of works.**

**Any remediation scheme, as agreed in writing shall be fully implemented before the development hereby permitted is first occupied.**

**All variations to any remediation scheme shall be agreed in writing with the Local Planning Authority and any unexpected discoveries of contamination during development reported to the Local Planning Authority.**

**Reason: To ensure that the site is suitable for its end use and to protect human health and the water environment.**

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

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

- 6 **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.**

- 7 **No development shall take place until the applicant or developer has secured the implementation of a written scheme of archaeological investigation which has been submitted to and approved by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.**

**Reason: To safeguard any material of archaeological interest which exists on the site.**

- 8 **Before development commences, a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per flat and 1 no. short stay space per flat shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

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

- 9 **All windows shall be of sliding sash type and be white painted timber, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure a satisfactory appearance within the Conservation Area.**

- 10 **The first and second floor windows in the flank elevation of the development hereby permitted shall be of fixed type and fitted with obscured glass of a type to substantially restrict vision through it at all times up to 1.7m from the floor level of the room. No further windows or other openings shall be formed in the elevation.**

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

- 11 Prior to the first occupation of the building hereby approved full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-
- i. materials to be used for any hard surfacing;
  - ii. planting plans, including schedule of size, species, positions, density and times of planting;
  - iii. cultivation details including operations required to establish new planting;

The hard surfacing shall be carried out prior to first occupation and the landscaping carried out in accordance with Condition 7. All work 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.

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

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

- 13 A scheme shall be submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the building is first occupied in accordance with a timescale agreed in writing with the Local Planning Authority.

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

- 14 Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable manner in accordance to details to be approved in writing by the Local Planning Authority. 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: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety. To reduce the risk of flooding, minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits

- 15 There shall be no restriction on the use of the car parking spaces shown on the approved plans 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.

- 16 Details of bin collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The bin storage/collection point shall be implemented in accordance with the approved details prior to the occupation of any dwelling.

Reason: In the interest of highway safety.

### Notes to Applicant

1. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Highway Engineer, Central Bedfordshire Council, PO Box 1395, Bedford, MK42 5AN.
2. The applicant is advised that photographs of the existing highway that is to be used for access and the delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highways Authority at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
3. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Councils 'Cycle Parking Guidance - August 2006'.

### DECISION

.....  
.....



## Appeal Decision

Hearing held on 19 March 2009  
Site visit made on 19 March 2009

by **Roland Punshon** BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email [enquiries@pins.gov.uk](mailto:enquiries@pins.gov.uk)

Decision date:  
27 April 2009

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**Appeal Ref: APP/J0215/A/08/2089658**

**Site of 18 Market Square, Sandy, Bedfordshire SG19 1LA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Peter Steel of McCann Homes against the decision of Mid-Bedfordshire District Council.
- The application Ref 08/01221/FULL, dated 7 July 2008, was refused by notice dated 17 October 2008.
- The development proposed is erection of a 3 storey block of 6 no. apartments to replace the former Magnolia House including parking, landscaping and associated works.

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### Application for costs

1. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### Decision

2. I allow the appeal, and grant planning permission for erection of a 3 storey block of 6 no. apartments to replace the former Magnolia House including parking, landscaping and associated works at site of 18 Market Square, Sandy, Bedfordshire SG19 1LA in accordance with the terms of the application, Ref 08/01221/FULL, dated 7 July 2008, and the plans submitted with it, subject to the conditions set out in the attached Schedule of Conditions.

### Main issue

3. I consider that the main issue in this case is whether, having regard to the siting and location of the building, the proposal would provide a standard of amenities for future residents which would be unacceptably harmful to their living conditions.

### Reasons

#### Living conditions of future residents

4. At the Hearing the Council confirmed that it had no objection to the proposal in terms of the principle of residential development, design or sustainability. It confirmed that all outstanding matters other than that which is set out in the main issue could be adequately addressed through a planning obligation made under Section 106 of the Town and Country Planning Act 1990 as amended (the Act) or by the imposition of planning conditions.
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Appeal Decision APP/J0215/A/08/2089658

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5. The proposal comprises a 3 storey block containing 6 two-bedroom apartments. Vehicular access would be from the rear to a parking area containing 7 parking spaces and a bin store. The building would be set back about 5 metres (m) from the street behind a garden area.
6. Amongst other things, Policy DPS9 of the adopted Mid Bedfordshire Local Plan First Review states that, in the case of flats, the provision of amenity areas of a sufficient size, shape and position to provide an attractive and secluded sitting out area for residents will be required. In the proposed layout most of the space at the sides and rear of the building would be taken up with car parking areas, pedestrian access ways, a bin store and, possibly, a cycle parking area. The appellant has indicated that a small seating area could be provided at the rear of the building but, having regard to the limited amount of sunlight which would reach this area, the position of the proposed bedroom windows and the location adjoining the bin store, I do not consider that this would be attractive to residents.
7. The proposed front garden area would be set back from the road behind a dwarf wall. Although it was not evident at the time of my site visit, I was informed that the road outside the appeal site is used by large numbers of heavy goods vehicles which, in the Council's view, would make the front garden unattractive for sitting out. However, the footpath is about 4m wide at this point which would diminish the disturbing effect of passing traffic and recently installed traffic-calming measures will reduce the speed of vehicles. I was informed that other restrictions on the use of the road by heavy vehicles are being locally promoted. In my opinion the proximity of passing traffic would not be so intrusive that the space would be wholly unattractive to those residents seeking somewhere to sit outdoors. I accept that, as a sitting out area, the front garden area may not be ideal. It would be open to observation by passing pedestrians and motorists and would not provide a secluded space as is required by Policy DPS9. Nonetheless, I am satisfied that, with careful design and landscaping, some sitting out space could be provided in this location.
8. During my site visit I visited Bedford Road Park which is about 200m from the appeal site. It contains playing fields, a children's play area and a dedicated sitting out area. Access can be gained to the park by way of a traffic-calmed pedestrian crossing immediately outside the appeal site. I am satisfied that those residents of the proposal who did require more space for open-air relaxation would find the park convenient and readily accessible.
9. I accept that some future residents may have children. However, the demand for communal or private amenity space will vary with individual tastes. Some will seek large private gardens whilst others may have little or no requirement for outdoor space. In the final analysis it is a matter of individual preference and choice. Future residents of the proposal would make their decisions on whether the accommodation suited them in the light of the space which is available. During my site visit I saw that there was a range of properties with different standards of open space provision in the area. In my opinion those who seek dwellings with larger outdoor spaces would have the opportunity to find a property which meets their needs. I can see no sound reason why all properties should be required to comply with the narrow terms of Policy DPS9 in these circumstances.



10. At the Hearing I was informed that the Council had some concerns about the impact of traffic noise on living conditions within the apartments but that it considered that this could be adequately addressed by the imposition of a planning condition. I deal with this matter below.
11. In these circumstances I conclude on the main issue that the proposal would provide a standard of amenities for future residents which would not be unacceptably harmful to their living conditions. I accept that the proposal would not comply with the requirement set by Local Plan Policy DPS9 in respect of secluded sitting out areas but I am satisfied that it would comply with the Local Plan as a whole.

#### Other matters

12. At the Hearing I was informed that Local Plan Policy TCS3 was no longer 'saved'. The main part of the appeal site did not fall within the Policy TCS3 area and had not, at any time, been subject to that policy's provisions. I accept that this may have simply reflected circumstances 'on the ground' that pertained at the time the policy was drawn up. Nonetheless, the policy never had any direct bearing on development of the main part of the appeal site. In any event the policy required an appropriate mix of uses on the Policy TCS3 site 'which may include leisure, retail, offices and/or residential' but specified no particular quantum of each type or that all types should be included. I understand that the Policy TCS3 development now includes residential and office development and the policy has, therefore, been complied with.
13. I have noted concerns raised regarding a perceived lack of opportunities for new office development in the adjacent town centre. During my site visit I visited the town centre. I saw nothing to persuade me that, should a small business be seeking to locate there, it would be faced with insurmountable difficulties in finding space whether in one of the few vacant shop units, at first floor level or by the conversion of residential properties. Had demand for offices been as high as was suggested, I am satisfied that the appellant would have implemented the extant permission for office development on the appeal site.

#### Unilateral Undertaking and Conditions

14. I have been provided with a signed and dated unilateral undertaking made under Section 106 of the Town and Country Planning Act 1990 as amended which commits the appellant to financial contributions in respect of a number of infrastructure facilities. The payments are in-line with Council's adopted Supplementary Planning Document (SPD) on Planning Obligations and the appellant does not dispute that these contributions should be made. The majority of items arise from the increase in pressure which would be put upon services by increased numbers of dwellings within the District whilst others which deal with matters such as recreational open space and sustainable transport can be more directly linked to the particular circumstances deriving from the appeal proposal. However, I am satisfied that the contributions sought by the Council meet the tests set by national guidance and in these circumstances the provisions of the unilateral undertaking should be taken into account.

Appeal Decision APP/J0215/A/08/2089658

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15. I have considered the list of conditions suggested by the local planning authority in the light of the advice contained in Circular 11/95: The Use of Conditions in Planning Permissions. I have imposed the standard time limit condition. I agree with the Council that the design of the building would conserve the character and appearance of the Conservation Area. However, I consider that, given this sensitive location, conditions are necessary to control external materials and window designs. Similarly I have imposed conditions requiring the implementation of an approved hard and soft landscaping scheme and boundary treatment in order that the proposal should fit in with its surroundings and to ensure best use of the front garden area. I consider that the first and second floor windows in the side elevations of the building should be fitted with obscure glazing in the interests of privacy. In the interests of highway safety I have imposed a condition requiring the provision of vehicle parking and manoeuvring space both for residents and for workers during the construction phase. In addition I have imposed a condition requiring the approval of details of the bin store and cycle parking as these have not been submitted with the application documents. In the interests of public safety I have imposed a condition in respect of ground contamination. I have made some amendments to the wording of the suggested conditions to improve their clarity and enforceability and to bring them in line with the Circular's advice.
16. At the Hearing I was informed that Local Plan Policy DPS24 dealing with noise issues is no longer saved. However, the Council expressed some concern that the occupiers of the proposed apartments could be affected by traffic noise in both external and internal areas although it conceded that the matter of internal noise could be adequately dealt with by the imposition of a planning condition. I have seen no clear evidence to suggest that internal noise levels are likely to be a problem. So far as I am aware the modern houses on either side of the site were not subject to such a condition and there is no suggestion that the living conditions of their occupants have been harmed by traffic noise even though, as I was informed, traffic levels in the area are increasing. I can see no sound reason for imposing a condition in this regard.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

*Roland Punshon*

INSPECTOR

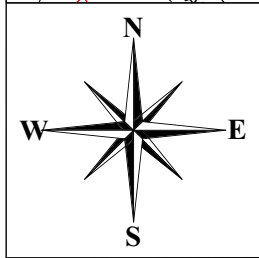
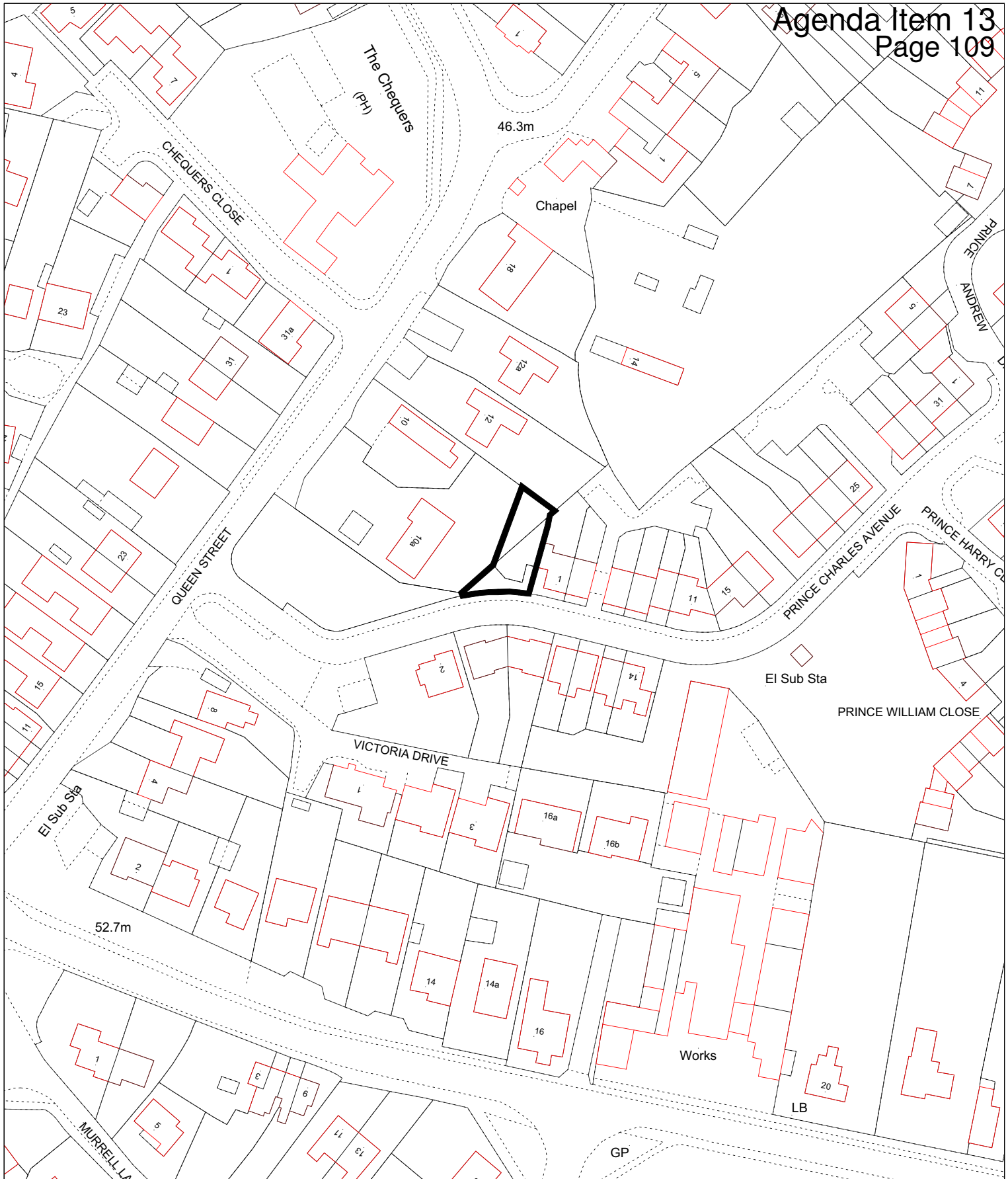
SCHEDULE OF CONDITIONS:

1. The development hereby approved shall be commenced within three years of the date of this permission.
  2. Notwithstanding any details shown on the approved drawings, details of the materials to be used for the external walls, roof, windows, doors and all other external finishes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Development shall be carried out in accordance with the approved details.
  3. All windows shall be of sliding sash type and be white painted timber, unless otherwise agreed in writing by the Local Planning Authority.
  4. The first and second floor windows in the flank elevations of the development hereby permitted shall be of fixed type and shall be fitted with obscured glazing of a type to substantially restrict vision through it at all times.
  5. Before the development hereby permitted is commenced, full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-
    - materials to be used for any hard surfacing;
    - planting plans, including schedule of size, species, positions, density and times of planting;
    - cultivation details including operations required to establish new planting.
- The hard surfacing shall be carried out prior to first occupation of the development in accordance with the approved details.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.
  7. A scheme indicating the positions, design, materials, and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The boundary treatment shall be completed in accordance with the approved scheme before the building is first occupied.
  8. Prior to occupation of any of the dwellings hereby permitted, all on site vehicular areas shall be laid out in accordance with the approved site plan and shall be surfaced in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. 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.

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9. Details of cycle parking facilities and a bin store shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced and the development shall be completed in accordance with the approved details prior to the first occupation of the permitted building.
10. 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.
11. Prior to the first occupation of any of the dwellings hereby permitted details of an agreed precautionary proprietary gas membrane to be provided as part of the foundations and details of certificated imported soils for the communal garden areas shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be completed in accordance with the agreed details prior to the first residential occupation of the approved premises.



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Date: 05:July:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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**Item No. 13**

|                                          |                                                                                                                                                        |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICATION NUMBER</b>                | <b>CB/10/01873/FULL</b>                                                                                                                                |
| <b>LOCATION</b>                          | <b>Land adjacent 1 Prince Charles Avenue, Stotfold, Hitchin, SG5 4PN</b>                                                                               |
| <b>PROPOSAL</b>                          | <b>Full: Erection of detached 3 bedroom dwelling</b>                                                                                                   |
| <b>PARISH</b>                            | <b>Stotfold</b>                                                                                                                                        |
| <b>WARD</b>                              | <b>Stotfold &amp; Arleseay</b>                                                                                                                         |
| <b>WARD COUNCILLORS</b>                  | <b>Cllr Dalgarno, Cllr Saunders, Cllr Street &amp; Cllr Turner</b>                                                                                     |
| <b>CASE OFFICER</b>                      | <b>Dee Walker</b>                                                                                                                                      |
| <b>DATE REGISTERED</b>                   | <b>27 May 2010</b>                                                                                                                                     |
| <b>EXPIRY DATE</b>                       | <b>22 July 2010</b>                                                                                                                                    |
| <b>APPLICANT</b>                         | <b>Mr Hurling</b>                                                                                                                                      |
| <b>AGENT</b>                             |                                                                                                                                                        |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Requested by Cllr Mrs C Turner on grounds of overdevelopment of the entire site, unsuitability of the access and egress on the bend of the road</b> |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application - Granted</b>                                                                                                                      |

**Site Location:**

The application site is located at land adjacent to 1 Prince Charles Avenue in Stotfold. The site is located within the recently completed Taylor Wimpey development. The site is currently the side garden area for no. 1 and rear garden of no. 10a Queen Street.

**The Application:**

The application seeks permission for the construction of 1 no. 3 bedroom detached dwelling linked to the garage. The proposed dwelling will be of a similar design to the existing development.

This is a revised proposal following a scheme (CB/09/07015/FULL) refused on grounds of unacceptable form of overdevelopment; inadequate off road parking provision, substandard access and the application contained insufficient information in the form of a legal agreement. Furthermore, the overall site area has increased to accommodate the proposed dwelling in this revised application.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

- PPS1 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

N/A

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

Policies CS1, CS2, Central Bedfordshire Adopted Core Strategy and Development CS5, DM3 and DM4 Management Policies (2009)

## Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development - *Design Supplement 1: New Residential Development* (2009)  
Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008)

## Planning History

CB/09/07015 Full: Erection of 1 no. two bedroom detached dwelling with associated parking – Refused 10.02.2010

## Representations: (Parish & Neighbours)

- |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stotfold Town Council | Object on the following grounds: <ul style="list-style-type: none"><li>• The proposal by reason of its size and siting would result in an undesirable and unacceptable form of overdevelopment such that it would have an adverse impact on the character of the area, and that it would have an overbearing and adverse impact on the amenities, outlook and privacy of adjoining dwellings particularly being on an already elevated position;</li><li>• The proposal fails to make adequate parking provision for off street parking and if permitted would lead to an increase in on street parking or a vehicle overhanging the footpath thereby resulting in obstruction and additional hazards for users of Prince Charles Avenue;</li><li>• The proposed development would exceed the site quota of dwellings for the site, as permitted by the Inspector at the planning enquiry;</li><li>• It is also noted that the plans accompanying the application show the use of a neighbours land.</li></ul> |
| Adjacent Occupiers    | One letter with no objection received.<br>One letter of objection received on the following grounds: <ul style="list-style-type: none"><li>• Overdevelopment of the site;</li><li>• Inadequate off road parking for now a three bedroom</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |



dwelling.

## Consultations/Publicity responses

|                        |                                                                                                 |
|------------------------|-------------------------------------------------------------------------------------------------|
| Highway Team           | Comments received with regards to the location of the access in relation to the existing access |
| Public Protection Team | No objections                                                                                   |
| Site Notice Posted     | 10.06.2010                                                                                      |

## Determining Issues

The main considerations of the application are;

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

## Considerations

### 1. Principle of development

Stotfold is defined as a Minor Service Centre in Policy CS1 of the Central Bedfordshire Council Adopted Core Strategy and Development Management Policies 2009. Policy DM4 states that the Council will approve housing development appropriate with the scale of the settlement.

Following the announcement by DCLG and subsequent revised Planning Policy Statement 3 in June 2010, gardens are no longer classified as 'previously developed land' and therefore allowing Council's greater management to protect gardens from inappropriate development. However, the Central Bedfordshire Council Adopted Core Strategy and Development Management Policies Document allows, in principle new residential development within settlement envelopes. In this case the site is wholly within the settlement envelope and is considered to be appropriate development.

Therefore, in principle the proposed new development is acceptable. The report now deals with the relevant high quality requirements as set out in Policy DM3.

### 2. Character and Appearance of the Area

The surrounding development was completed in 2009 and the proposed dwelling is similar in terms of design. The proposed dwelling will be located on land that is currently private garden space and landscaping. The site is situated on a bend at the entrance to the estate and thus in a prominent location. The immediate neighbouring dwellings are terraced and semi-detached and in close proximity to each other. The proposed dwelling will infill an area that provides physical separation from the new dwellings and the existing dwelling at no. 10a Queen Street.

The revised scheme proposes a detached dwelling that will occupy the existing side garden of no. 1 and some of the rear garden of no. 10a Queen Street. Although the proposed garage will abut the boundary with no. 10a it will be of a single storey nature. With the inclusion of additional land for the plot of the new

dwelling it will result in a reasonable plot size that is not dissimilar to neighbouring dwellings and it is considered that the proposal would not have an adverse impact on the character and appearance of the area.

### 3. Residential Amenity of Neighbouring Properties

The principal properties that will be affected by the proposals are nos. 1, 4 and 6 Prince Charles Avenue, 10a and 12 Queen Street. All other properties are adequately well removed so as not to be affected by the proposal.

No. 1 Prince Charles Avenue is also under the ownership of the applicant and although the proposal will result in the loss of the side garden space to this dwelling, the property would retain an adequate area of garden to the rear.

No. 10a Queen Street is located immediately to the west of the site approx. 10 metres from the shared boundary. Although this dwellings has a wide rear garden it is comparatively shallow. Currently, there is a physical separation between the existing properties on Queen Street and the estate development but this would be reduced with the introduction of the proposal. The proposal involves a part of the rear garden of no. 10a being utilised as the rear garden for the proposed dwelling. The revised scheme results in the linked garage of the proposed dwelling being immediately on the boundary with no. 10a, however it is of a single storey nature and as such would not have an overbearing impact on this neighbouring property. There are no first floor windows proposed in the north west elevation and as such there will be no loss of privacy or overlooking to this dwelling. Furthermore, given the sun orientation and the siting of the dwelling, there will be no material loss of light as a result of the proposal.

No. 12 Queen Street is located to the north of the site and its rear garden backs onto the end of the proposed dwellings rear garden. The proposed dwelling will have 2 no. windows on the rear elevation that will serve bedrooms and given that it will be located approx. 11 metres from the boundary of no. 12 will give a degree of overlooking into their rear garden. Furthermore, given the topography of the site in relation to no. 12, the application site is on higher ground therefore given more scope to have views directly into the rear garden of no. 12. However, the view from the new dwelling will be a reasonable distance from the shared boundary and towards the end of the rear garden of no. 12 and thus not looking directly into their immediate private amenity space to the rear of the property. The building to building distance will not result in a significant loss of privacy and overlooking to the detriment of the occupiers.

Nos. 4 and 6 Prince Charles Avenue are located on the opposite side of the road and although the resultant dwelling will introduce another dwelling opposite, it is considered that the development would not have any more impact than the case for neighbouring dwellings which face each other along this road.

Overall, it is considered that the proposal would not have a significant adverse impact on the residential amenity of these neighbouring properties by reason of loss of privacy, light or overbearing impact.

### 4. Any Other Implications

The Highways Team was consulted on the previous proposal and raised objections to the proposal on grounds of visibility, which subsequently resulted in a reason for the refusal to the scheme. The revised scheme indicates a slightly

realigned access crossover in order to enter/exit the garage and as such the Highways Team have raised no objection subject to conditions being attached.

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

This application was submitted on 27 May 2010 and as such the proposal would attract Planning Obligations. A legal agreement was submitted with the application but there are further amendments required. Should the document be completed before the committee date, then the application will be in accordance with Policy CS2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

### Reasons for Granting

In conclusion, the scheme by reason of its site, design and location is in conformity with Policies DM3, CS5 and CS1 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2006); Design in Central Bedfordshire: A Guide for Development - *Design Supplement 1: New Residential Development* (2009) and Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008). The proposal is therefore **acceptable** and that planning permission should be granted subject to conditions.

### RECOMMENDATION

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

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

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

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

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

- 4 Prior to the first occupation of the building hereby approved full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- materials to be used for any hard surfacing;
- 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.

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

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

- 6 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout illustrated on the approved plan No. PCA/PL001/- and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

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

7 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.

8 Before the premises are occupied any surplus existing access within the frontage of the land to be developed, not incorporated in the new access hereby approved shall be closed and surplus lengths of dropped kerb reinstated in a manner to the Local Planning Authority's written approval.

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

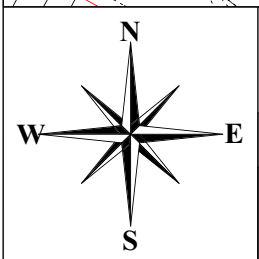
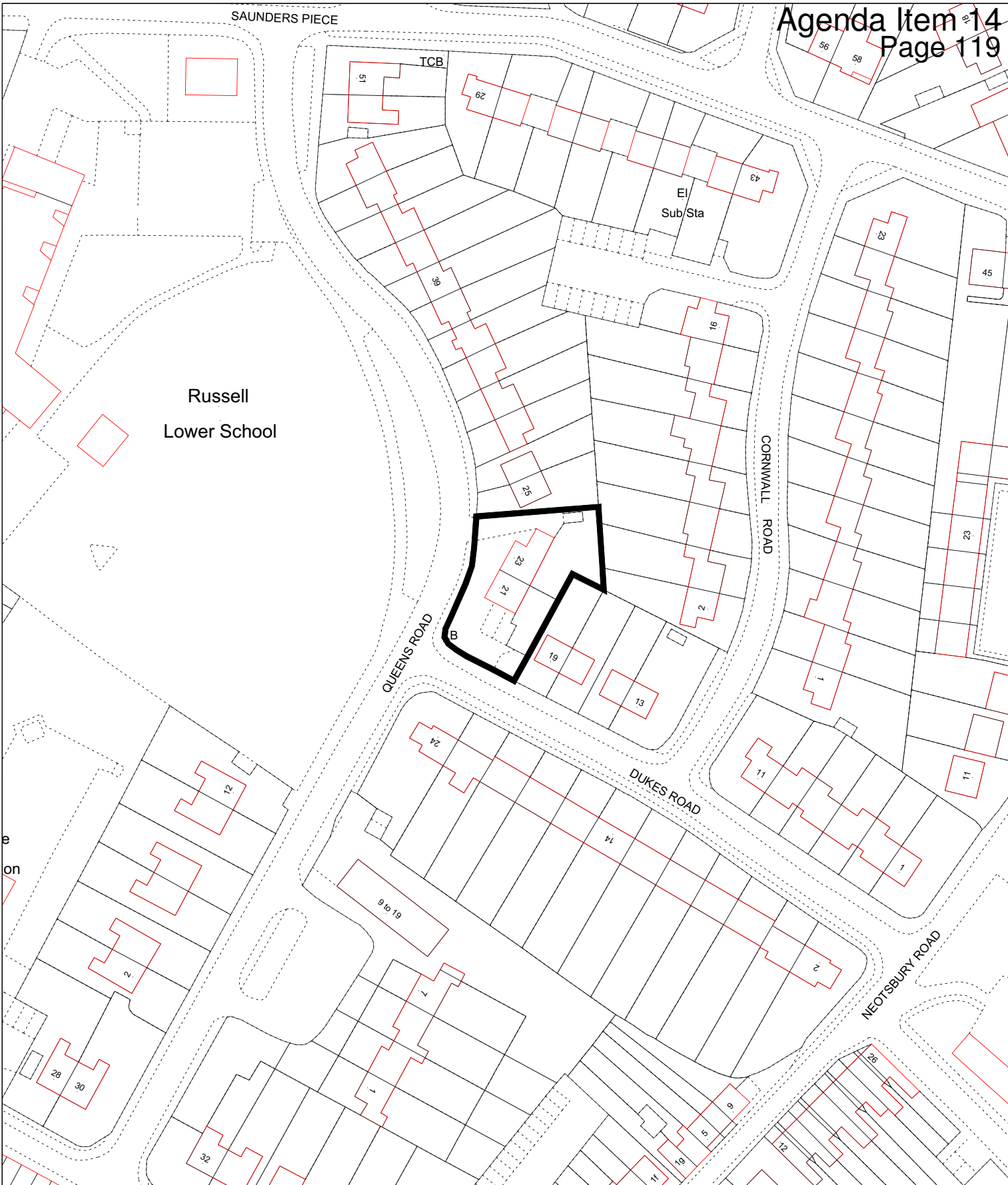
9 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on the western elevation of the building.

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

**DECISION**

.....  
.....

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Date: 06:July:2010

Map Sheet No

**CASE NO.**

Scale: 1:1250

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**Item No. 14**

|                                          |                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICATION NUMBER</b>                | <b>CB/10/01776/FULL</b>                                                                                                                                                                                                                                                                                                                                          |
| <b>LOCATION</b>                          | <b>21 - 23, Queens Road, Ampthill, Bedford</b>                                                                                                                                                                                                                                                                                                                   |
| <b>PROPOSAL</b>                          | <b>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.</b> |
| <b>PARISH</b>                            | <b>Ampthill</b>                                                                                                                                                                                                                                                                                                                                                  |
| <b>WARD</b>                              | <b>Ampthill</b>                                                                                                                                                                                                                                                                                                                                                  |
| <b>WARD COUNCILLORS</b>                  | <b>Councillor Paul Duckett, Councillor Gary Summerfield</b>                                                                                                                                                                                                                                                                                                      |
| <b>CASE OFFICER</b>                      | <b>Nicola Stevens</b>                                                                                                                                                                                                                                                                                                                                            |
| <b>DATE REGISTERED</b>                   | <b>20 May 2010</b>                                                                                                                                                                                                                                                                                                                                               |
| <b>EXPIRY DATE</b>                       | <b>15 July 2010</b>                                                                                                                                                                                                                                                                                                                                              |
| <b>APPLICANT</b>                         | <b>VIGOR HOMES LTD</b>                                                                                                                                                                                                                                                                                                                                           |
| <b>AGENT</b>                             | <b>SAUNDERS PARTNERSHIP ARCHITECTS</b>                                                                                                                                                                                                                                                                                                                           |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Cllr Summerfield request – concerned about overbearing impact on neighbours and highway issues.</b>                                                                                                                                                                                                                                                           |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application - Granted</b>                                                                                                                                                                                                                                                                                                                                |

**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 DCR Reg 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.

Adj occupiers

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<br>Planning<br>Management Officer | Waste     | No objection subject to conditions and notes<br>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<br>Officer                               | Landscape | 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 34m<sup>2</sup> (from 147.5m<sup>2</sup> to 181.5m<sup>2</sup>) 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 this 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 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 (34m<sup>2</sup>), 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 unilateral has been submitted but is not yet considered satisfactory, this will need to form a reason for refusal if not resolved 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.

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, Planning 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.

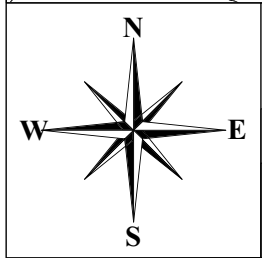
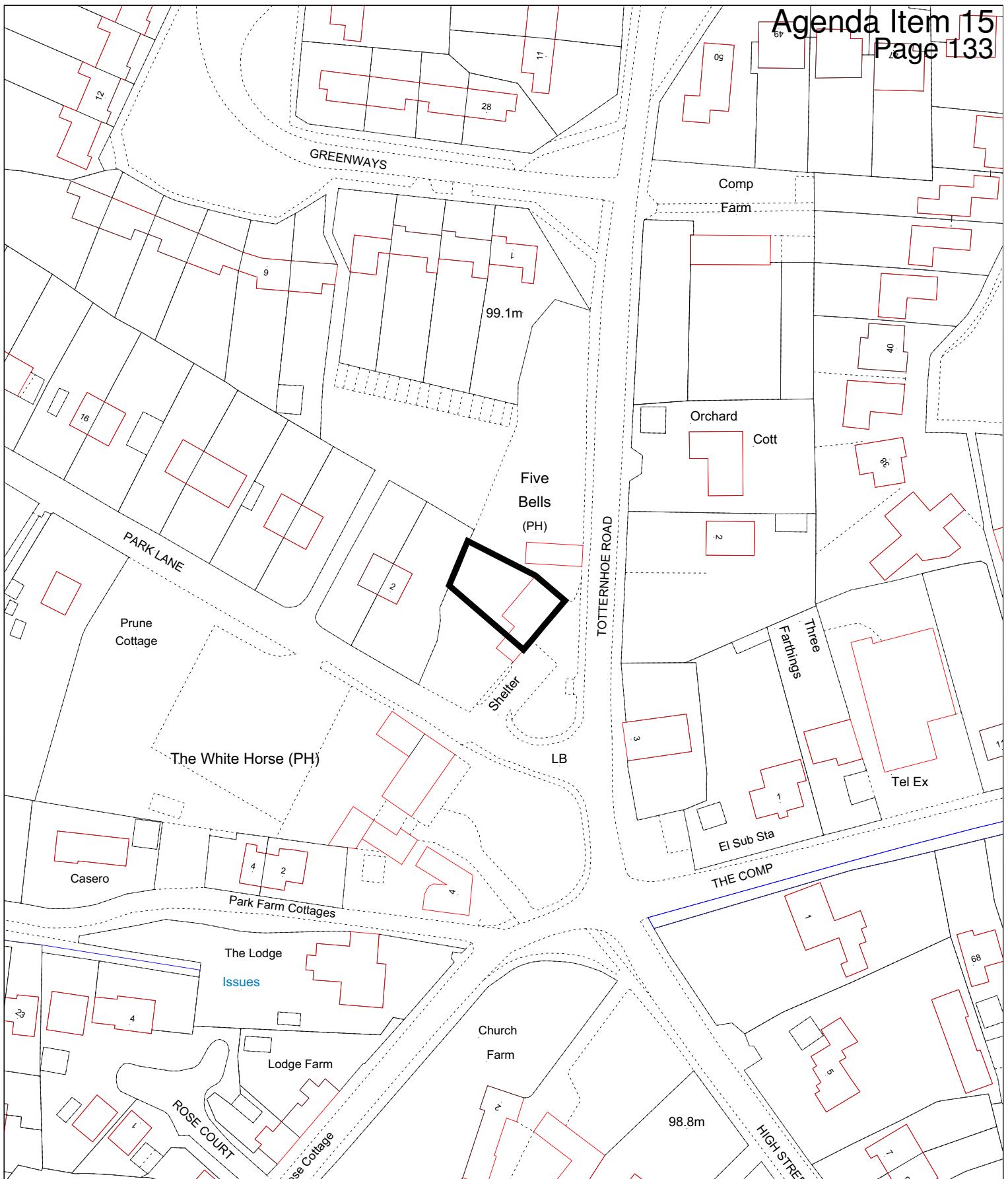
### **Notes to Applicant**

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.

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Date: 06:July:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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**Item No. 15**

|                                                  |                                                                                                                                               |
|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICATION NUMBER</b>                        | <b>CB/10/01474/FULL</b>                                                                                                                       |
| <b>LOCATION</b>                                  | <b>The Five Bells, 2 Market Square, Eaton Bray,<br/>Dunstable, LU6 2DG</b>                                                                    |
| <b>PROPOSAL</b>                                  | <b>Demolition of store and yard and conversion of<br/>Public House into a dwelling with garage (revised<br/>application CB/09/06434/FULL)</b> |
| <b>PARISH</b>                                    | <b>Eaton Bray</b>                                                                                                                             |
| <b>WARD</b>                                      | <b>South West Bedfordshire</b>                                                                                                                |
| <b>WARD COUNCILLORS</b>                          | <b>Cllr Ken Janes &amp; Cllr Marion Mustoe</b>                                                                                                |
| <b>CASE OFFICER</b>                              | <b>Mr A D Robertson</b>                                                                                                                       |
| <b>DATE REGISTERED</b>                           | <b>26 April 2010</b>                                                                                                                          |
| <b>EXPIRY DATE</b>                               | <b>21 June 2010</b>                                                                                                                           |
| <b>APPLICANT</b>                                 | <b>Miah Properties Ltd</b>                                                                                                                    |
| <b>AGENT</b>                                     | <b>Hinton Cook Architects</b>                                                                                                                 |
| <b>REASON FOR<br/>COMMITTEE TO<br/>DETERMINE</b> |                                                                                                                                               |
| <b>RECOMMENDED<br/>DECISION</b>                  | <b>Full Application - Granted</b>                                                                                                             |

**Site Location:**

The Five Bells P.H is located on the north-western side of the junction between Totternhoe Road and Park Lane within the Eaton Bray conservation area. The building, which has its front elevation facing towards Totternhoe Road, is set within a large area of land which comprises a hard surfaced car park to the south and west of the building together with an open grassed area to the north. The combined site has an area of some 0.17ha, with a total frontage to Totternhoe Road of 100m and a frontage to Park Lane of 13m. The existing building has two storeys and is of white painted brick construction with a slate roof. Attached to the south side of the building is a garage/store of timber construction and to the north is a brick building with a clay tile roof, previously used as a functions room/restaurant, which is attached to the main building by a flat roofed link structure.

The application site comprises the public house and includes part of the garage/store building together with an area of land to the rear of the building measuring 14.6m wide by an average 14.0m deep.

**The Application:**

Planning permission is sought to convert and refurbish the former public house to provide a four bedroomed dwelling. The existing attached garage/store and the link extension would be demolished and a detached single garage provided on the western side of the site adjoining the northern boundary.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

PPS1 - Delivering Sustainable Development.

PPS3 - Housing.

PPG13 - Transport.

PPG15 - Planning and the Historic Environment.

**Regional Spatial Strategy  
East of England Plan (May 2008)**

SS1 - Achieving Sustainable Development.  
ENV6 - The Historic Environment.  
ENV7 - Quality in the Built Environment.

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

**South Bedfordshire Local Plan Review Policies**

BE8 - Design and Environmental Considerations.  
H2 - Provision of Housing via 'Fall-in' Sites.  
H9 - Conversion of Property to form Dwellings.  
T10 - Parking in New Developments.

**Planning History**

|                 |                                                                                                                                                  |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| CB/09/6425/CA   | Application for demolition of outbuilding in connection with the erection of three dwellings - Withdrawn.                                        |
| CB/09/6426/FULL | Application for demolition of outbuilding, erection of three dwellings and construction of vehicular accesses - Withdrawn.                       |
| CB/09/6434/FULL | Application for demolition of store and yard and conversion of public house to dwelling with garage - Withdrawn.                                 |
| CB/09/6443/CA   | Application for demolition of outbuilding in connection with the conversion of public house to dwelling and residential development - Withdrawn. |

**Representations:  
(Parish & Neighbours)**

|                            |                                                                          |
|----------------------------|--------------------------------------------------------------------------|
| Eaton Bray Parish Council: | See report on planning application no. CB/10/01467/FULL - Agenda Item ?? |
| Neighbours:                | See report on planning application no. CB/10/01467/FULL - Agenda item ?? |

**Consultations/Publicity responses**

Environment Agency: No objection.

Environmental Health Officer: No objection.

Highway Officer: Advises that the land to the front of the public house is classed as common land and is also highway maintained at the public expense, the boundary being up to the face of the building and around the porch. No building works may be carried out on this land without the approval of the Highway Authority although the applicant may be able to plant in the areas either side of the porch if a licence is



Conservation Officer: applied for.  
Comments as follows:-

- the Five Bells and associated car park and beer garden lie within the northern part of the historic part of the village and conservation area:
- although not a listed building, the main pub building along with the outbuilding immediately to the north are traditional buildings which make a positive contribution to the character of the conservation area:
- along with the listed White Horse to the south-west, the Five Bells is the predominant visual feature of the open 'green' of the present village; the impact of this green open space is accentuated by its hedge lined approaches, at the northern end the plain-tiled Five Bells outbuilding terminates the hedge line of the beer garden and forms a visual pinch point or gateway from which the 'green' opens out beyond;
- such greens are a common feature of historic village settlements in rural south Bedfordshire and are typically lined by perimeter houses reflecting historic piecemeal settlement: The White Horse and Five Bells buildings look like such a settlement : beyond them considerable 20th century development (eg. Park Lane and Greenways) has less coherence in respect of the historic core , and has diluted the intimate, rural context of the 'green' and its historic settlement although the overall result is an interesting mix of building forms and contrasting rooflines which provides the immediate context of the proposed development of plots 3,4 and 5 (on the Totternhoe Road frontage):
- the former Five Bells building is retained and enhanced by the demolition of the "unfortunate outbuilding accretions". The proposed residential conversion respects the particular architectural qualities of the building.

## Determining Issues

The main considerations of the application are;

1. Principle of the development.
2. Impact on the Conservation Area.
3. Access and parking.
4. Impact on residential amenity.

## Considerations

### 1. Principle of the development.

The proposed conversion of the building for residential purposes is in accordance with national advice and the provisions of Policy H9 of the South Bedfordshire Local Plan Review. The Policy is based on the recognition that in urban areas and the larger villages the conversion or sub-division of suitable properties to provide additional units can be an important source of dwellings. The Policy states that the conversion of property to provide additional residential accommodation will be permitted where certain criteria are met, namely:-

- the building and its plot are of a suitable size and layout for conversion and are

not within an area of predominantly single family dwellings of a terraced, detached or small detached type;

- satisfactory provision is made for landscaped amenity space, parking and other services in appropriate locations;
- nuisance to neighbouring properties will not occur and there is a satisfactory separation, privacy and noise insulation between the proposed new units and any neighbouring properties;
- extensions necessary for the conversion are in accordance with the Council's residential extensions Policy.

It is considered that this proposal is in full accordance with these criteria.

Objections have been raised with regard to the loss of the public house having regard to its value as a local amenity. In this connection the Council does not have a specific policy in relation to such proposals, however the applicants have been requested to address this issue and in this connection have submitted a supporting statement which makes the following points:-

- whilst the village has a growing population, the village location of two pubs in close proximity augers badly for the ongoing viability of both pubs; due to the proximity of large urban centres there is a wider more eclectic choice of hostelrys making it more difficult for the traditional English pub to survive;
- since the introduction of ever more stringent drink/driving laws the level of customers driving from the surrounding village pubs has declined sharply;
- rural pubs generally attract a loyal following of some local people who frequent the pub because of ease of access, camaraderie and a taste for the beer on tap; the village pub probably commands more curiosity value these days and unless a 'bistro' themed pub of some culinary repute, cannot compete with more contemporary out-of-town venues;
- the Five Bells does not have a particularly strong character that would attract the 'transit' trade and with the 'hard core' beer drinker not now so prevalent , would not appear particularly attractive to many;
- the proximity of the White Horse with its restaurant and variety of beers and wines had a negative effect on the Five Bells in that the owners were unable to compete on the same level and could not find a viable way to meet the needs of potential customers;
- the pub was offered as a going concern but was not taken up by any potential purchaser; the pub has been closed for about a year and the current owners cannot see this public house as a viable option;
- as there are two other establishments within the village which both offer dining as well as drinks sales, a third drinking establishment would find it difficult to compete and be financially viable.

## **2. Impact on the Conservation Area.**

The proposed conversion works would achieve the restoration of the former public house building and, as a result of the removal of the two attached outbuildings, would enhance the setting of the building and the contribution it makes to the character and appearance of the conservation area.

## **3. Access and parking.**

The Highway Officer raises no objection to the proposal on highway safety grounds, the proposed means of access being over the section of public highway which serves the existing garage/store, Car parking is provided for up to four vehicles within the garage and the access drive and this level of provision meets the Council's standards.

## **4. Impact on residential amenity.**

The only property affected by this proposal is the adjoining property to the west,

no 2 Park Lane. The rear of the converted building would face towards the rear garden of that property, the distance between the rear elevation and the site boundary being an average of 18m. The closest distance between the rear elevation of the converted building and the flank elevation of the adjoining property would be 24m. Having regard to the relationship between the two buildings it is considered that there would be no adverse impact on residential amenity.

### Reasons for Granting

The proposed conversion of the former public house to provide a dwelling is considered to be acceptable and in accordance with national guidance and policies within the South Bedfordshire Local Plan Review. There would appear to be no prospect of the public house use being re-established, there would be no adverse impact on residential amenity and there are no highway or parking issues.

### Recommendation

That Planning Permission be GRANTED subject to the following:

- 1 The development shall begin not later than three years from the date of this permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**  
REASON: To ensure a satisfactory standard of landscaping.  
(Policy BE8, S.B.L.P.R).
- 3 Before the development is first occupied or brought into use, the parking scheme shown on Drawing No. .... shall be completed and thereafter retained for this purpose.  
REASON: To ensure provision for car parking clear of the highway.  
(Policy T10 S.B.L.P.R).
- 4 Notwithstanding any details submitted with the application, the proposed vehicular access shall be constructed and surfaced in accordance with details which shall previously be approved in writing by the Local Planning Authority for a distance of 5m into the site, measured from the highway boundary, before the premises are first occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.  
REASON: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.
- 5 Any gates provided shall open away from the highway and be set back a distance of at least 5.0m from the nearside edge of the carriageway of the

adjoining highway.

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

6

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

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

7

**Before development begins, details of a bin storage/collection point shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented before the first occupation of the dwelling.**

**REASON: To avoid the long term storage of refuse containers on the highway so as to safeguard the interests of highway safety.**

8

9

This permission relates only to the details shown on the Site Location Plan and Drawing nos. 09-21-APP2-002, 09-21-APP2-007, 09-21-APP2-008 and 09-21-APP2-009 received 26/04/10 or to any subsequent appropriately endorsed revised plan.

REASON: To identify the approved plans and to avoid doubt.

## Notes to Applicant

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

### **Regional Spatial Strategy**

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

SS1 - Achieving Sustainable Development.

ENV6 - The Historic Environment.

ENV7 - Quality in the Built Environment.

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

BE8 - Design and Environmental Considerations.

H2 - Provision of Housing via 'Fall-in' Sites.

H9 - Conversion of Property to form Dwellings.

T10 - Parking in New Developments.

2. In accordance with Article 22 of the Town and Country Planning (General

Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).

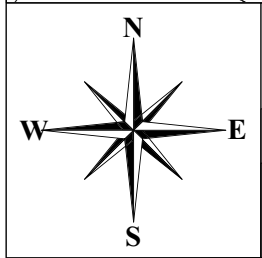
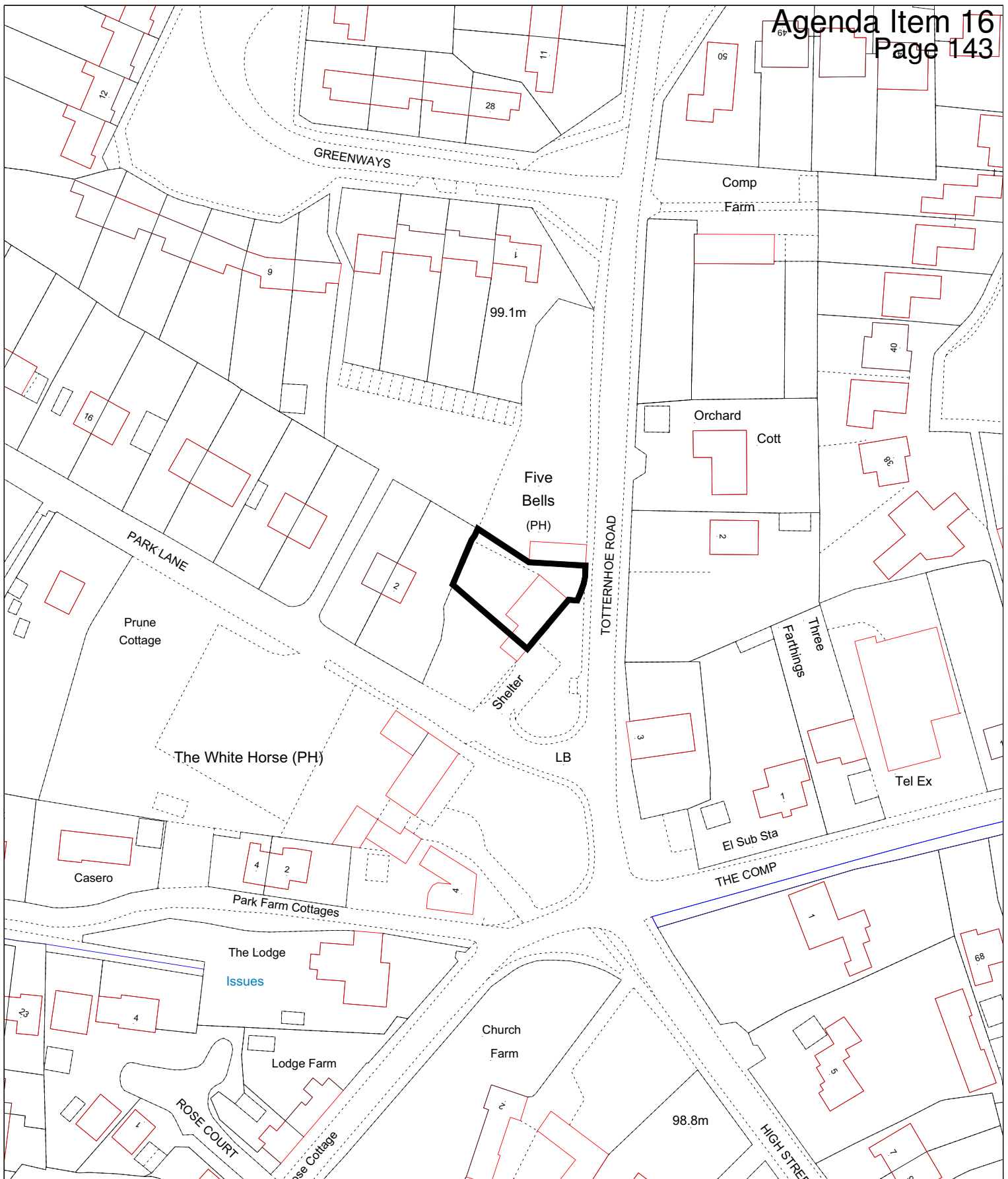
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The applicant/developer is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Customer Contact Centre, quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
5. The applicant/developer is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Highways, Streetworks Co-ordination Unit.
6. The applicant/developer is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
7. The applicant/developer is advised that, whilst the Council has no reason to believe that this site is contaminated and is not aware of any potentially contaminative past use, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. Any staining, odours or other indications of contamination discovered during development should be described to Central Bedfordshire Council's Public Protection Service. Any imported material for gardens and landscaping must be of a quality that adheres to British Standard for Topsoil BS 3882:2007, as expected by the NHBC and other bodies.

**DECISION**

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Date: 06:July:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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**Item No. 16**

|                                          |                                                                                                                                                   |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICATION NUMBER</b>                | <b>CB/10/01479/CA</b>                                                                                                                             |
| <b>LOCATION</b>                          | <b>The Five Bells, 2 Market Square, Eaton Bray, Dunstable, LU6 2DG</b>                                                                            |
| <b>PROPOSAL</b>                          | <b>Demolition of store and yard in connection with the conversion of Public House into a dwelling with garage.</b>                                |
| <b>PARISH</b>                            | <b>Eaton Bray</b>                                                                                                                                 |
| <b>WARD</b>                              | <b>South West Bedfordshire</b>                                                                                                                    |
| <b>WARD COUNCILLORS</b>                  | <b>Cllr Ken Janes &amp; Cllr Marion Mustoe</b>                                                                                                    |
| <b>CASE OFFICER</b>                      | <b>Mr A D Robertson</b>                                                                                                                           |
| <b>DATE REGISTERED</b>                   | <b>26 April 2010</b>                                                                                                                              |
| <b>EXPIRY DATE</b>                       | <b>21 June 2010</b>                                                                                                                               |
| <b>APPLICANT</b>                         | <b>Miah Properties Ltd</b>                                                                                                                        |
| <b>AGENT</b>                             | <b>Hinton Cook Architects</b>                                                                                                                     |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Called in by Ward Councillor Mrs Marion Mustoe for reasons of overdevelopment; access on a busy road; risk of flooding; and change of use.</b> |
| <b>RECOMMENDED DECISION</b>              | <b>Conservation Area - Granted</b>                                                                                                                |

**Site Location:**

The Five Bells P.H is located on the north-western side of the junction between Totternhoe Road and Park Lane within the Eaton Bray Conservation Area. The building, which has its front elevation facing towards Totternhoe Road, is set within a large area of land which comprises a hard surfaced car park to the south and west of the building together with an open grassed area to the north. The combined site has an area of some 0.17ha, with a total frontage to Totternhoe Road of 100m and a frontage to Park Lane of 13m. The existing building has two storeys and is of white painted brick construction with a slate roof. Attached to the south side of the building is a garage/store of timber construction and to the north is a brick building with a clay tile roof, previously used as a functions room/restaurant, which is attached to the main building by a flat roofed link structure.

The application site comprises the public house, the garage/store building, the link extension and an area of land to the rear of the public house. It is irregular in shape with a frontage of 26.0m and an average depth of some 24.5m.

**The Application:**

Conservation Area consent is sought for the removal of the garage/store on the southern side of the public house building and the link extension between the public house and the outbuilding on the northern side.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

PPG15 - Planning and the Historic Environment

**Regional Spatial Strategy  
East of England Plan (May 2008)**

ENV6 - The Historic Environment  
ENV7 - Quality in the Built Environment

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

**South Bedfordshire Local Plan Review Policies**

BE8 - Design and Environmental Considerations

**Planning History**

|                 |                                                                                                                                                  |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| CB/09/6425/CA   | Application for demolition of outbuilding in connection with the erection of three dwellings - Withdrawn.                                        |
| CB/09/6426/FULL | Application for demolition of outbuilding, erection of three dwellings and construction of vehicular accesses - Withdrawn.                       |
| CB/09/6434/FULL | Application for demolition of store and yard and conversion of public house to dwelling with garage - Withdrawn.                                 |
| CB/09/6443/CA   | Application for demolition of outbuilding in connection with the conversion of public house to dwelling and residential development - Withdrawn. |

**Representations:  
(Parish & Neighbours)**

|                            |                                                                           |
|----------------------------|---------------------------------------------------------------------------|
| Eaton Bray Parish Council: | See report on planning application no. CB/10/01467/FULL - Agenda Item 18. |
| Neighbours:                | See report on planning application no. CB/10/01467/FULL - Agenda Item 18. |

**Consultations/Publicity responses**

Conservation Officer:

**Determining Issues**

The main considerations of the application are:

1. Impact on the Conservation Area.

**Considerations**

**1. Impact on the Conservation Area.**

The buildings proposed for removal do not make a significant contribution to the character and appearance of the conservation area and the loss of the link extension in particular would improve the setting of the public house building and the street scene generally.

**Reasons for Granting**

The removal of the two buildings would not adversely affect the setting of the public house building or the character and appearance of the conservation area.

**Recommendation**

That Conservation Area consent be GRANTED subject to the following:

- 1 The works shall begin not later than three years from the date of this consent.  
REASON: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This consent shall extend only to the demolition of the buildings shown cross-hatched black on Drawing no. 09-21-APP2-004.  
REASON. For the avoidance of doubt in order to define the extent of the demolition for which consent is granted.  
(Policy BE8, S.B.L.P.R).
- 3 **The existing buildings shall not be demolished before a contract has been entered into for carrying out of works of redevelopment of the site, and planning permission has been granted for such redevelopment.**  
**REASON: To ensure that premature demolition does not occur leaving an empty gap in the street scene.**  
**(Policy BE8, S.B.L.P.R).**
- 4 This consent relates only to the details shown on the Site Location Plan and Drawing Nos. 09-21-APP4-001 and 09-21-APP2-007 received 26/04/10 or to any subsequent appropriately endorsed revised plan.  
REASON: To identify the approved plans and to avoid doubt.

**Notes to Applicant**

- 1. In accordance with Regulation 3 (5) of the Planning (Listed Buildings And Conservation Areas) Regulations 1990, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

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

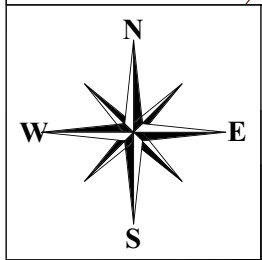
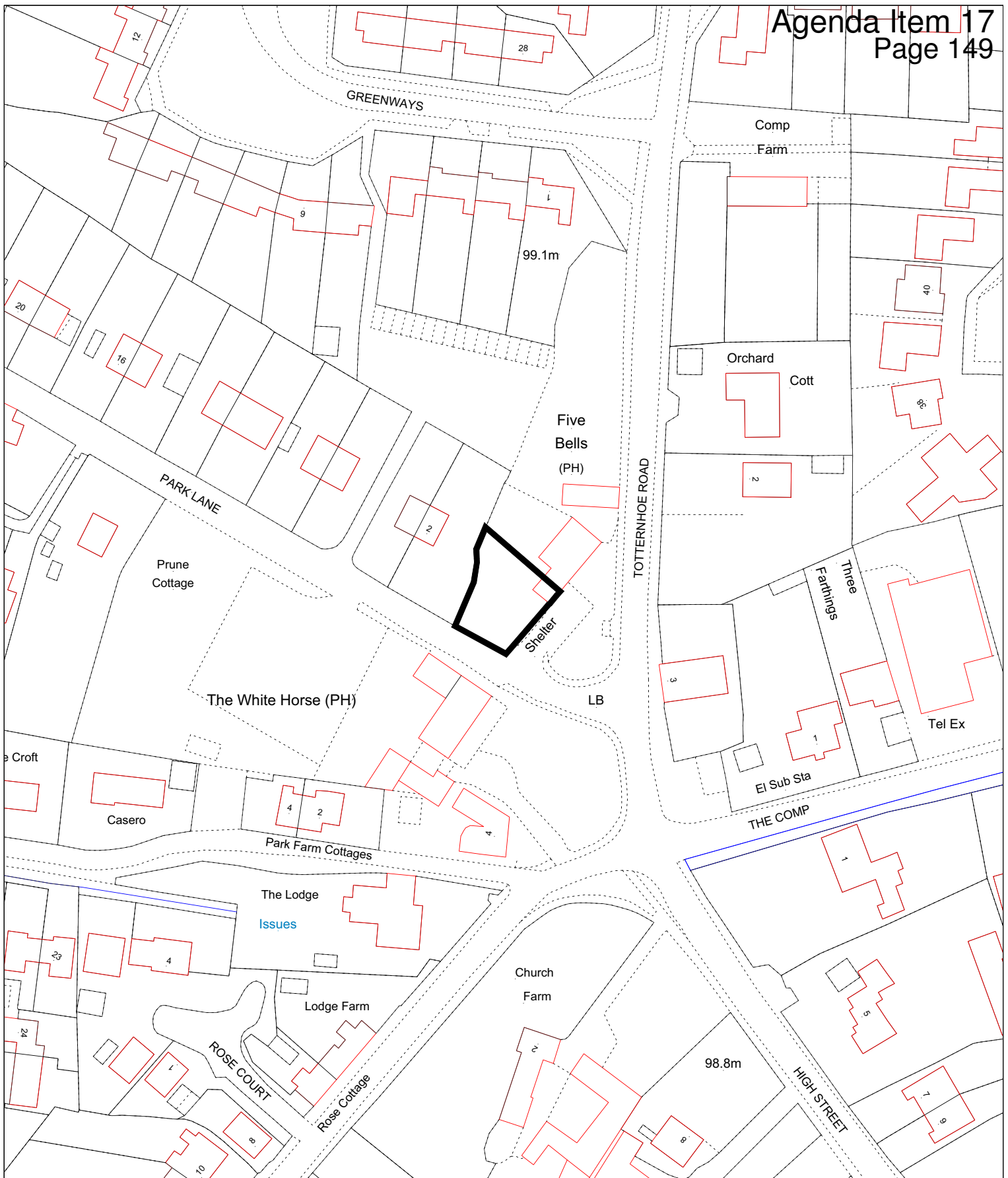
**South Bedfordshire Local Plan Review**  
 BE8 - Design and Environmental Considerations

- 2. This consent relates only to that required under the Planning (Listed Building and Conservation Areas) Act 1990 and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**DECISION**

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Date: 06:July:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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|                    |
|--------------------|
| <b>Item No. 17</b> |
|--------------------|

|                                          |                                                                                                                                                   |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICATION NUMBER</b>                | <b>CB/10/01467/FULL</b>                                                                                                                           |
| <b>LOCATION</b>                          | <b>The Five Bells, 2 Market Square, Eaton Bray, Dunstable, LU6 2DG</b>                                                                            |
| <b>PROPOSAL</b>                          | <b>Erection of a single dwelling and garage.</b>                                                                                                  |
| <b>PARISH</b>                            | <b>Eaton Bray</b>                                                                                                                                 |
| <b>WARD</b>                              | <b>South West Bedfordshire</b>                                                                                                                    |
| <b>WARD COUNCILLORS</b>                  | <b>Cllr Ken Janes &amp; Cllr Marion Mustoe</b>                                                                                                    |
| <b>CASE OFFICER</b>                      | <b>Mr A D Robertson</b>                                                                                                                           |
| <b>DATE REGISTERED</b>                   | <b>26 April 2010</b>                                                                                                                              |
| <b>EXPIRY DATE</b>                       | <b>21 June 2010</b>                                                                                                                               |
| <b>APPLICANT</b>                         | <b>Miah Properties Ltd</b>                                                                                                                        |
| <b>AGENT</b>                             | <b>Hinton Cook Architects</b>                                                                                                                     |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Called in by Ward Councillor Mrs Marion Mustoe for reasons of overdevelopment; access on a busy road; risk of flooding; and change of use.</b> |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application - Granted</b>                                                                                                                 |

**Site Location:**

The Five Bells P.H is located on the north-western side of the junction between Totternhoe Road and Park Lane within the Eaton Bray Conservation Area. The building, which has its front elevation facing towards Totternhoe Road, is set within a large area of land which comprises a hard surfaced car park to the south and west of the building together with an open grassed area to the north. The combined site has an area of some 0.17ha, with a total frontage to Totternhoe Road of 100m and a frontage to Park Lane of 13m. The existing building has two storeys and is of white painted brick construction with a slate roof. Attached to the south side of the building is a garage/store of timber construction and to the north is a brick building with a clay tile roof, previously used as a functions room/restaurant, which is attached to the main building by a flat roofed link structure.

The application site comprises the car park to the south of the main building and includes part of the garage/store building. It is irregular in shape with a frontage to Park Lane of 13.0m and a depth of 20.0m.

**The Application:**

Planning permission is sought for the erection of a detached four bedroomed cottage style dwelling fronting towards the Totternhoe Road/Park Lane junction together with a detached single garage. The dwelling would be positioned close to the front boundary of the site with areas of garden on the Park Lane frontage and to the rear. The garage would be located towards the rear of the site immediately adjoining the northern site boundary. The dwelling would be 'L' shaped, the rear wing having a subordinate ridged roof, and would be of brick construction with a slate roof.

**RELEVANT POLICIES:**

- National Policies (PPG & PPS)**
- PPS1 - Delivering Sustainable Development
  - PPS3 - Housing
  - PPG13 - Transport
  - PPG15 - Planning and the Historic Environment

**Regional Spatial Strategy****East of England Plan (May 2008)**

SS1 - Achieving Sustainable Development

ENV6 - The Historic Environment

ENV7 - Quality in the Built Environment

**Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)****South Bedfordshire Local Plan Review Policies**

BE8 - Design and Environmental Considerations

H2 - Provision of Housing via 'Fall-in' Sites

T10 - Parking in New Developments

**Planning History**

|                 |                                                                                                                                                  |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| CB/09/6425/CA   | Application for demolition of outbuilding in connection with the erection of three dwellings - Withdrawn.                                        |
| CB/09/6426/FULL | Application for demolition of outbuilding, erection of three dwellings and construction of vehicular accesses - Withdrawn.                       |
| CB/09/6434/FULL | Application for demolition of store and yard and conversion of public house to dwelling with garage - Withdrawn.                                 |
| CB/09/6443/CA   | Application for demolition of outbuilding in connection with the conversion of public house to dwelling and residential development - Withdrawn. |

**Representations:  
(Parish & Neighbours)**

- Eaton Bray Council: Recommend refusal for the following reasons:-
- Overdevelopment;
  - Traffic/access;
  - Natural drainage (will make existing flood plain worse);
  - Change of use.
- Neighbours:
- 1 The Orchards: Comments as follows:-
- Pleased that The Five Bells no longer functions as a public house as it was a source of trouble on occasions when drunken customers left late at night intent on making a nuisance of themselves, but concerned that the building of so many houses will cause problems of a different nature;
  - High Street/Totternhoe Road is an increasingly busy road which is becoming more dangerous and already has more than it's fair share of traffic problems;
  - to build more houses on the site would immediately cause additional car parking problems and the prospect of accidents as the residents in the new houses would need space for their cars; families living in villages usually have more than one car to travel to



work and have access to goods and services which are not available locally; parking is a particular problem in the area when the nearby Methodist Chapel is in use for services and meetings;

- traffic through Eaton Bray travels much too fast to be safe, particularly HGVs;
- the proposed development is too close to a five road junction, and there are two bus stops outside the Five Bells which cater for villagers and school children and this is an added safety concern;
- the area around Park Lane floods in winter;
- the site is in a conservation area and the proposal would not change the appearance of the area for the better.

(Copy attached as an appendix)

'Lol Cottage', Green Lane:

Objection for the following reasons:-

- The Five Bells was a popular local pub and was trading until the purchaser took ownership, despite the proximity of The White Horse; the pub had a thriving dominoes and darts teams and a functions room where many local events were held; these facilities are not available at The White Horse; the present owner did not have any intention of running a business and only bought the premises as a development project;
- gross overdevelopment;
- too close to five junctions with two bus stops, including school bus stop, in close proximity;
- the area often floods and the proposed building would make the situation worse;
- Totternhoe Road has a vastly increased volume of traffic and is particularly bad at peak times; the proposed housing would make the situation worse and more dangerous;
- this is a conservation area and should be protected as the development would be detrimental to the environment and would not enhance the village; an area of common land which has had an open aspect for hundreds of years should merit "historic interest" and protected from developers;
- to build a house between two pubs would undermine the character and openness of this part of the village; if the pub is to be developed, the car park should be landscaped as part of the garden;
- the development of three houses would totally alter the character of this part of the village conservation area as it would not be complementary but would alter the skyline and the essential nature of the area.

(Copy attached as an appendix).

2 Greenways:

No issues with the proposed conversion of The Five Bells public house into a home but objects to the proposed building of houses for the following reasons:-

- overlooking of bedrooms, living room and gardens and

- consequent loss of privacy and safety of children;
- loss of wildlife habitat;
- insufficient standard of visibility due to restricted footway width leading to highway danger for users of the road and the new accesses;
- density and modern design of the development is not in keeping with the village.

(Copy attached as appendix).

Standard letter from 3,4,and 25 Greenways,6 and 16 Booth Place, 7 Lords Mead, 15 Totternhoe Road, 36 Wallace Drive, 15b The Nurseries and one unaddressed:

Object for the following reasons:-

- too close to five junctions;
- increased volume of traffic on already very busy road;
- close to two bus stops and school bus stops;
- area often floods;
- detrimental to conservation area;
- no consultation with villagers when pub was closed;
- pub was only closed when present owners purchased it and they then closed it as a business;
- loss of amenity;
- despite being close to The White Horse the pub flourished because it offered different amenities such as dominoes, darts, weekly quizzes and a function room which have never been offered at The White Horse;
- the area should be safeguarded, the original building should be a house with the brick barn becoming an annex or one single storey dwelling;

Additional points:-

- the land would be better used as a public amenity or a farmers market;
- loss of privacy and concern for children's safety;
- parking concerns.

### Consultations/Publicity responses

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environment Agency:             | No objection.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Environmental Health Officer:   | No objection but recommends an informative in respect of potential land contamination.                                                                                                                                                                                                                                                                                                                                                                                                 |
| Buckingham and River Ouzel IDB: | Comments on the means of storm water disposal and recommends the imposition of a suitable condition.                                                                                                                                                                                                                                                                                                                                                                                   |
| Highway Engineer:               | Comments as follows:- <ul style="list-style-type: none"> <li>– the proposal provides parking in full accordance with the Council's standards but suggests that cycle parking is provided to encourage the use of alternative modes of transport;</li> <li>– the surfacing of the junction of Park Lane and the carriageway serving the property frontage is breaking up and may be subject to further damage during construction work. Suggests that as part of the closure</li> </ul> |

and reinstatement of the redundant vehicle crossing  
the applicant makes good the surfacing at the main  
junction onto Park Lane;

- in order to provide a 4.5m radius on the north-western side of the junction onto Park Lane, some land will need to be dedicated as highway.

Requests the imposition of appropriate conditions

Conservation Officer:

Comments as follows:-

- the Five Bells and associated car park and beer garden lie within the northern part of the historic part of the village and conservation area:

- although not a listed building, the main pub building along with the outbuilding immediately to the north are traditional buildings which make a positive contribution to the character of the conservation area:

- along with the listed White Horse to the south-west, the Five Bells is the predominant visual feature of the open 'green' of the present village; the impact of this green open space is accentuated by its hedge lined approaches, at the northern end the plain-tiled Five Bells outbuilding terminates the hedge line of the beer garden and forms a visual pinch point or gateway from which the 'green' opens out beyond;

- such greens are a common feature of historic village settlements in rural south Bedfordshire and are typically lined by perimeter houses reflecting historic piecemeal settlement: The White Horse and Five Bells buildings look like such a settlement : beyond them considerable 20th century development (eg. Park Lane and Greenways) has less coherence in respect of the historic core , and has diluted the intimate, rural context of the 'green' and its historic settlement although the overall result is an interesting mix of building forms and contrasting rooflines which provides the immediate context of the proposed development of plots 3,4 and 5 (on the Totternhoe Road frontage):

-

## Determining Issues

The main considerations of the application are:

1. Principle of the development.
2. Impact on the Conservation Area.
3. Access and parking.
4. Impact on residential amenity.
5. Flood Risk

## Considerations

### 1. Principle of the development

The site lies outside the green belt and within the main built-up area of Eaton Bray. Accordingly the proposed development is considered to be acceptable in principle and is in accordance with national and local policies which encourage the development of vacant and under-used land in urban areas and villages well served by existing facilities. The site is directly adjoined by existing

development, to the west by existing housing in Park Lane, to the east by public house building and to the south, on the opposite side of Park Lane, by The White Horse P.H.

**2. Impact on the Conservation Area**

The site lies within the northern section of the Conservation Area which includes the whole of the curtilage of The Five Bells, the adjoining pair of semi-detached houses in Park Lane and properties on the eastern side of Totternhoe Road. Previously used as a hard surfaced car park with no landscaping or meaningful boundary planting, the site does not in its present condition make a positive contribution to the character and appearance of the Conservation Area or the street generally. In determining the application it is therefore necessary to consider whether the proposed development would improve the character of the area. In this connection, lengthy pre-application discussions took place in order to ensure that any development would be of an appropriate siting, scale and design such that would be in keeping with the form of the existing adjoining development and would provide an open aspect on the Park Lane frontage in order to retain views to the west out of the Conservation Area. This objective has been achieved in that the proposed dwelling is of a cottage style of modest proportions and incorporates a large landscaped area of garden on the frontage to Park Lane. It is considered that the proposed development would enhance rather than detract from the setting, character and appearance of the Conservation Area.

**3. Access and parking**

Vehicular access to the proposed dwelling would be taken from the section of access road which runs in front of the site and serves the existing garage/store building. This road is designated as highway land and although its surface is not ideal, the proposed access is considered by the Highway Officer to be of an appropriate standard to serve the development. The proposal provides the opportunity to secure improvements to the existing access arrangements.

A total of 4 car parking spaces would be provided within the curtilage of the site, ie, one space within the garage and three on the drive, and this level of off-street parking is in accordance with the Council's standards.

**4. Impact on residential amenity**

The only residential property affected by this proposal is no. 2 Park Lane which lies to the west of the site. This property has its flank wall set some 9.0m from the rear boundary of the site with a minimum total distance of 16.4m between the rear elevation of the proposed dwelling and the flank elevation of no.2 Park Lane. Accordingly it is not considered that there would be any adverse impact on the residential amenity of the adjoining property.

**5. Flood Risk**

Neither the Environment Agency or the Internal Drainage Board have raised objections to the proposal on the grounds of the potential risk of flooding.

**Reasons for Granting**

The proposed development would be likely to result in an improvement to the overall setting, character and appearance of the Conservation Area and would not have an adverse impact on the residential amenity of the adjoining residential property. Additionally there are no objections to the proposal either on highway or flood risk grounds. The proposal is accordingly in accordance with government guidance and Local Plan Review policies.

**Recommendation**

That Planning Permission be GRANTED subject to the following:

- 1 The development shall begin not later than three years from the date of this permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**  
REASON: To ensure a satisfactory standard of landscaping.  
(Policy BE8, S.B.L.P.R).
- 3 Before the development is first occupied or brought into use, the parking scheme shown on Drawing No. 09-21-APP3-002 shall be completed and thereafter retained for this purpose.  
REASON: To ensure provision for car parking clear of the highway.  
(Policy T10, S.B.L.P.R).
- 4 **Notwithstanding the details submitted with the application, before development begins, a scheme for screen fencing and/or screen walling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**  
REASON: To safeguard the amenity of the area.  
(Policy BE8, S.B.L.P.R).
- 5 **Before development begins and notwithstanding any details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**  
REASON: To control the appearance of the building.  
(Policy BE8, S.B.L.P.R).
- 6 **Before development begins, details of the levels of the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.**  
REASON: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.  
(Policy BE8, S.B.L.P.R).
- 7 **Before development begins, the position of the proposed dwelling shall be pegged out on site and its position approved in writing by the Local Planning Authority.**  
REASON: To enable consideration to be given to the precise layout of

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

- 8 The windows shown on Drawing No. 09-21-APP3-004 shall be permanently glazed with obscured glass.  
REASON: To protect the privacy of the occupiers of adjoining properties.  
(Policy BE8, S.B.L.P.R).
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building hereby permitted shall be carried out without the grant of further specific permission from the Local Planning Authority.  
REASON: To control the external appearance of the building in the interests of the amenities of the area.  
(Policy BE8, S.B.L.P.R).
- 10 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property without the grant of further specific permission from the Local Planning Authority.  
REASON: To control the development in the interests of the amenities of the area.  
(Policy BE8, S.B.L.P.R).
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), any garage, car port or parking space hereby permitted shall be kept permanently available for the parking of motor vehicles.  
REASON: To ensure that off-street parking is retained in the interests of highway safety.  
(Policy T10, S.B.L.P.R).
- 12 **Development shall not begin until details of the junction of the junction between the access road fronting the site and Park Lane have been approved by the Local Planning Authority and the dwelling shall not be occupied until the junction has been constructed in accordance with the approved details.**  
**REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.**
- 13 Before the access serving the driveway is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.  
REASON: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.
- 14 The dwelling shall not be occupied until a visibility splay has been provided at the junction between the access road fronting the site with Park Lane. The

minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the access road from its junction with the channel of the Park Lane and 25m measured in a north-westerly direction from the centre line of the access road along the line of the channel of Park Lane. The vision splays required shall, on land in the applicant's control, be kept free of any obstruction.

REASON: To provide adequate visibility between the access road and Park Lane and to make the access safe and convenient for the traffic which is likely to use it.

- 15 The vehicular access shall be constructed and surfaced in accordance with details to previously be approved in writing by the Local Planning Authority for a minimum distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

REASON: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.

- 16 Before the vehicular access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

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

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

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

- 18 **Before development begins, details of a bin storage/collection point shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented before the first occupation of the dwelling.**

**REASON: To avoid the long term storage of refuse containers on the highway so as to safeguard the interests of highway safety .**

- 19 **Before development begins, details of the proposed method of surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works as approved shall be constructed in accordance with the approved details before the development is first occupied or brought into use.**

**REASON: To ensure satisfactory drainage of the site.**

- 20 This permission relates only to the details shown on the Site Location Plan and Drawing Nos. 09-21-APP3-002, 09-21-APP3-003 and 09-21-APP3-004 received 26/04/10 or to any subsequent appropriately endorsed revised plan. REASON: To identify the approved plans and to avoid doubt.

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

**Regional Spatial Strategy**

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

SS1 - Achieving Sustainable Development

ENV6 - The Historic Environment

ENV7 - Quality in the Built Environment

**South Bedfordshire Local Plan Review**

BE8 - Design and Environmental Considerations

H2 - Provision of Housing via 'Fall-in Sites'

T10 - Parking in New Developments

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The applicant/developer is advised that in order to comply with Conditions \_\_\_\_ and \_\_\_\_ of this permission it will be necessary for the developer of the site to enter into a small works agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Agreements Officer, Central Bedfordshire Council.
5. The applicant/developer is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council Customer Contact Centre.
6. The applicant/developer is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
7. The applicant/developer is advised that whilst the Council has no reason to believe that the site is contaminated and is not aware of any potentially



contaminative past use, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site.

Any staining, odours or other indications of contamination discovered during development should be described to Central Bedfordshire Council's Public Protection Service. Any imported material for gardens and landscaping must be of a quality that adheres to British Standard for Topsoil BS 3882:2007, as expected by the NHBC and other bodies.

**DECISION**

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**Item No. 18**

**APPLICATION NUMBER** CB/10/01310/FULL  
**LOCATION** Silsoe Lower School, High Street, Silsoe, Bedford, MK45 4ES  
**PROPOSAL** Full: Childrens Centre: Free standing single storey flat roof building, 2No canopies, relocation of shed and gates, additional parking bay, erection of fencing and demolition of brick building and replace with shed.  
**PARISH** Silsoe  
**WARD** Silsoe & Shillington  
**WARD COUNCILLORS** Cllr Drinkwater and Cllr Graham  
**CASE OFFICER** Mary Collins  
**DATE REGISTERED** 22 April 2010  
**EXPIRY DATE** 17 June 2010  
**APPLICANT** Central Bedfordshire Council  
**AGENT** Mouchel  
**REASON FOR COMMITTEE TO DETERMINE** Central Bedfordshire Council is the applicant and objection has been received which is not resolved by the imposition of conditions.

**RECOMMENDED DECISION** Full Application - Granted

**Site Location:**

The application site is Silsoe Lower School, located off of the High Street, Silsoe. The school building is single storey and set back from the High Street behind a playing field. There is also a large playing field to the rear of the school. To the northern boundary of the school and its grounds are playing fields, allotments and the Millennium Green. To the southern and eastern boundaries are residential properties.

**The Application:**

Planning permission is sought for the erection of a Childrens Centre: Free standing single storey flat roof building with two canopies. Relocation of two existing sheds and gates, additional parking bay, erection of fencing and demolition of brick building and replace with shed.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

- PPS 1 Delivering Sustainable Development
- PPS 5 Planning for the Historic Environment

**Regional Spatial Strategy**

East of England Plan (May 2008)

**Bedfordshire Structure Plan 2011**

None

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

DM3 - High Quality Development

DM5 - Important Open Space within Settlement Envelopes

CS15 - Heritage

**Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development, Adopted January 2010

**Planning History**

|                  |                                                                                                                                                                          |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MB/79/01293/CC   | County Council: Full: completion of silsoe lower school.<br>Approved: 29/11/1979                                                                                         |
| MB/79/1293/A/CC  | County Council: Single temporary classroom and toilet block.<br>Approved: 21/03/1980                                                                                     |
| MB/94/01064/CC   | County Council: Retrospective: siting of 3 bay temporary classroom.<br>Approved: 26/08/1994                                                                              |
| MB/97/00775/CC   | County Council: Replacement of single temporary classroom with double temporary classroom unit. Approved: 25/06/1997                                                     |
| MB/97/01403/CC   | County Council: Continued siting of single temporary classroom unit.<br>Approved: 15/10/1997                                                                             |
| MB/98/01608/FULL | Full: Siting of temporary classroom for use by village playgroup and after-school club. Approved: 29/12/1998                                                             |
| MB/00/01088/cc   | County Council: Single storey extension, four space extension to car park and extension to play area. Approved: 21/08/2000                                               |
| MB/03/00718/CC   | County Council: Single storey extension to provide new classroom and construction of 7 additional parking spaces.<br>Approved: 28/04/2003                                |
| MB/04/01749/CC   | County Council: Extension to existing school building to replace temporary unit to incorporate a foundation classroom, nursery and ancillary areas. Approved: 11/10/2004 |
| MB/05/00836/CC   | County Council: Revised position of pond and nature area and conversion of previous nature area to tarmac area.<br>Approved: 13/06/2005                                  |
| MB/08/00900/FULL | Full: Erection of one shading canopy to front of school and one free-standing within the rear Pre-School playground.<br>Approved: 11/09/2008                             |
| MB/08/01936/FULL | Full: Erection of one shading canopy to front of school and one free standing within the rear playground. Approved: 08/01/2009                                           |

**Representations:  
(Parish & Neighbours)**

|                       |                                                      |
|-----------------------|------------------------------------------------------|
| Silsoe Parish Council | No response received                                 |
| Neighbours            | One letter of objection received: Loss of privacy to |

## Consultations/Publicity responses

|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sport England                      | <p>The development would involve relocating a small shed to the north east corner of the playing field. However, in view of the limited area (about 6 sq.m) affected and the unlikelihood that this corner of the playing field would be capable of being used for forming part of a pitch, this is not considered to affect the formal use of the playing field.</p> <p>In this instance, Sport England is therefore satisfied that the proposal meets exception E3 of their policies, in that the development only affects land incapable of forming a playing pitch or part thereof and does not adversely affect existing pitch provision on the site. They confirm that Sport England has no objection to this planning application.</p> |
| Public Protection<br>Highways      | <p>No objections</p> <p>No objections in principle. Request that a condition is attached restricting the use of the centre to start at 9.15 am which will allow the traffic congestion for the school to disperse and make way for any on street parking for the centre.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Application advertised<br>30/04/10 | No response received                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Site Notice Posted<br>28/04/10     | No response received                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

## Determining Issues

The main considerations of the application are;

1. **Impact on the character and appearance of the Silsoe Conservation Area.**
2. **Impact on neighbouring amenities**
3. **Parking issues**

## Considerations

### 1. **Impact on the character and appearance of the Silsoe Conservation Area.**

The school and its grounds are next to the Silsoe Conservation Area lying to the north of it. To the north of the school site are playing fields and allotments and the Silsoe Millennium Green.

There are currently views of the existing school from the footpath, playing fields and the allotments and there are distant views of the school from the Millennium Green.

The proposed building will occupy the position of an existing flat roofed storage building of a smaller footprint which is to be demolished and a detached shed which is to be relocated which sited between the main school building and the

northern boundary of the site.

The building will be 3 metres high with a flat felt roof and brick sides and will be 8.5 metres wide by 12.4 metres long. At each end will be a canopy, the one to the west end over the entrance to the building and serving as a buggy store and one to the east end serving as a covered all weather play area. The building will comprise 63m<sup>2</sup> of multifunctional space with office, stores, WCs and refreshment area.

The building will retain the current separation from the existing school building, will be parallel with it and its height will be the same as the existing store building at this point. The front of the building does not project forward of the main school building and views of the building from the High Street are limited and recessive.

The new building will extend closer to the northern boundary of the site and will be within 0.6 metres of the boundary at its nearest point with the separation increasing to 2 metres.

Due to ground levels of the site sloping away to the northern boundary, a retaining wall will be constructed and the ground floor of the building will be higher than the level of the footpath by approximately 0.5 metres. The height of the building plus the retaining wall at this boundary will be 3.6 metres high. Although close to the footpath and raised in relation to the level of the footpath, the lower half of the building is not considered to be imposing on the footpath and the lower half of the building will be screened by the hedge planting to the boundary. The side wall of the building is approximately in line with the side wall of the residential properties at The Fairways and does not encroach further into the open space to the side of the footpath. Properties in The Fairways to the east are constructed on the boundary with the footpath, as such it is considered that the proposed building will not be incongruous to the surrounding area.

The profile of the building will be mostly viewed from the north against the backdrop of the existing flat roofed school buildings and is not considered to be detrimental to the setting of the conservation area. The ends of the building will be seen from the footpath in particular the front of the building which faces west and serves the main entrance to the building. The Children's Centre will be accessed from the footpath and it is considered that as this the main entrance to the site, it should be visible.

Two timber sheds are to be relocated within the school grounds and a new shed to replace the demolished brick store is also proposed. Planning permission is required for the sheds as they will be sited within five metres of the boundary of the curtilage of the premises and because one will be sited on an existing playing field that is currently in use.

The small timber shed to be relocated to the corner of the school playing field is 1.8m wide x 2.4m long and 2.3m high to the ridge and is shown on photograph IMGPO565. The other existing shed to be relocated is about 3.6m x 2.4m and the height will be about 2.3m to the ridge and is shown on photograph IMGPO342.

The new shed is timber and is 3 metres wide by 5.5 metres long and approximately 3.3 metres to the apex of the pitched roof. The sheds are sited in close proximity to the northern boundary and due to their minimal height are



partially screened by the existing hedgerow planting to the northern boundary of the site. As such the siting of the sheds is not considered to be detrimental to the appearance of the wider surroundings.

A small shed is to be relocated to the north east corner of the playing field close to the northern boundary. However, in view of the limited area (about 6 sq.m) affected and the unlikelihood that this corner of the playing field would be capable of being used for forming part of a pitch, this is not considered to affect the formal use of the playing field.

## **2. Impact on neighbouring amenities**

The nearest neighbours affected by the proposed building are in The Oaks, adjoining the site to the south and The Fairways, adjoining the site to the east.

The building will be partially screened from view from properties in The Oaks by the existing school buildings and is on the opposite side of the school grounds, as such these properties will not be detrimentally affected by the proposal.

The building will be visible from the rear of the properties at The Fairways. An area of tree planting between the front of the proposed building and the rear boundary of the properties in The Fairways will help to partially screen the building from view. A distance of 23 metres exists between the rear of the proposed building and the boundary with these properties. A detrimental loss of privacy to first floor windows to these properties should not arise as a result of the proposal. Ground floor windows and rear gardens will be screened by boundary fencing. The revised plans show a two metre high timber acoustic fence to the play area which will act as a noise barrier.

## **3. Parking issues**

There is already a shortfall of parking for staff within the site. Although the proposal has included a parking space for the one member of staff, any visiting staff will have to park on the highway. Highways have requested if possible it would be beneficial if another parking space could be provided for an additional member of staff/visitor space. The applicants have been asked to see if this is possible and if any provision of additional parking is made this will be reported in the late sheet update to the committee.

The school already generates major congestion at school starting/ending times. The centre proposes to open between the hours of 8.30 am to 4.30 pm and although the closing time will not clash with the parents collecting their children at the end of the school day, it does correspond with the start of the school day and the heavily congested High Street can not cope with anymore on street parking at this time. Highways have requested that a condition is attached restricting the use of the centre to start at 9.15 am which will allow the traffic congestion for the school to disperse and make way for any on street parking for the centre.

A childrens centre is a place where parents can come for advice relating to pregnancy, childcare and parenting skills. Courses are run from the centre by visiting specialists. School sites are considered the most appropriate places for

Children's Centres as it helps to encourage parents to become integrated with their local school from an early stage.

The centre wishes to open from 08:30 when a member of staff will arrive at the premises. The applicant has confirmed that the first sessions will generally start between 09:15 and 09:30. This is ensure that parents can attend the classes after dropping off their children. The aim is to run courses at times to allow parents with children to take them to school and attend the classes and collect their children from school later.

The Children's Centre is to be used by parents who may already have children that attend the school and these parents may or could potentially already drive and park in the High Street in which case it is considered they will not add to the on street parking congestion in the mornings. Sessions will be also be attended by parents who may not have children or children currently at the school. As the classes are intended to start from 09:15 onwards, these people will be arriving after the main morning rush hour. Classes are also intended to finish before the school closes to ensure that parents are free to pick up their children from their children's schools at the end of the day.

Some classes will be held in the evening and these will be aimed at adults only and will not have a detrimental impact on on street parking.

In school holidays the car park of the school will be available for parking. This will equate to approximately 12 weeks of the year.

It is considered appropriate that a condition be attached to ensure that the use of the building is for a Children's Centre only and not to be used for any other public gathering. This is to ensure that the premises are not used for any other purpose. A condition restricting the start time of the formal sessions will be imposed to ensure that the traffic congestion on the High Street is minimised at morning peak times.

## **Conclusion**

In light of the above considerations it is recommended that planning permission be approved.

## **Reasons for granting permission**

The proposal is in conformity with Policies DM3 of the Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009 as the proposal respects the amenity of surrounding properties and is appropriate in scale and design to its setting. The proposal would result in an enhanced provision in functional terms of the site and the locality and does not adversely effect the visual quality of the settlement. It is also in accordance with Planning Policy Guidance: PPS1: Delivering Sustainable Development.

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

- **for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;**

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

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

- 3 **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.**

- 4 **Before development commences details of a covered 'buggy bar' and secure and covered cycle/scooter parking shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until the buggy bar and cycle/scooter parking have been constructed in accordance with approved details. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

**Reason: To ensure the provision of cycle/scooter parking and buggy parking of the proposed development in the interests of encouraging the use of sustainable modes of transport.**

- 5 **The childrens centre shall develop a travel plan which adds to the Silsoe Lower school travel plan. The Children Centre's travel plan should detail their involvement with the aims, objectives and actions currently being taken forward by the other establishments on the site. The above plan will include timescales for its ongoing review and amendment as appropriate. The Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted.**

**Reason: To promote and encourage sustainable modes of transport.**

- 6 Before the premises is brought into use the proposed parking bay shall be surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits.

- 7 Formal Sessions shall not commence until 09:15 hrs on any day.

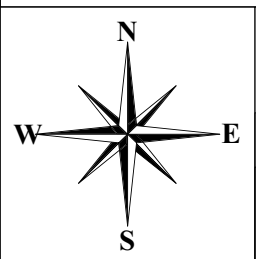
Reason: To alleviate parking on the High Street at peak hours.

- 8 The building hereby approved shall be used as a Children's Centre and only in accordance with e-mail dated 17/06/10 from Mouchel and for no other purpose (including any other purpose falling within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 2006), 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 building.

#### **Notes to Applicant**

1. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Council's "Cycle Parking Guidance - August 2006".



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Date: 05:July:2010

Map Sheet No

**CASE NO.**

Scale: 1:1250

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**Item No. 19**

|                                          |                                                                     |
|------------------------------------------|---------------------------------------------------------------------|
| <b>APPLICATION NUMBER</b>                | <b>CB/10/01984/FULL</b>                                             |
| <b>LOCATION</b>                          | <b>121 Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BH</b> |
| <b>PROPOSAL</b>                          | <b>Full: Two storey rear extension</b>                              |
| <b>PARISH</b>                            | <b>Northhill</b>                                                    |
| <b>WARD</b>                              | <b>Northhill and Blunham</b>                                        |
| <b>WARD COUNCILLORS</b>                  | <b>Cllr Turner &amp; Cllr Maudlin</b>                               |
| <b>CASE OFFICER</b>                      | <b>Kate Phillips</b>                                                |
| <b>DATE REGISTERED</b>                   | <b>01 June 2010</b>                                                 |
| <b>EXPIRY DATE</b>                       | <b>27 July 2010</b>                                                 |
| <b>APPLICANT</b>                         | <b>Mr Taylor</b>                                                    |
| <b>AGENT</b>                             |                                                                     |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>The applicant is related to a Council employee</b>               |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application - Granted</b>                                   |

**Site Location:**

The application site is 121 Biggleswade Road in Upper Caldecote, which is a two-storey, semi-detached, white-rendered residential property on the northern side of the road with a driveway to the front and side.

The surrounding area is residential in character. The properties that line this part of Biggleswade Road are all similar in age and appearance. To their rear is open countryside, outside the village settlement envelope.

**The Application:**

This application seeks permission for a two storey rear extension.

**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

**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

**Representations:  
(Parish & Neighbours)**

Northill PC No comments received.

**Consultations/Publicity responses**

Site notice posted 10.6.10

**Determining Issues**

The main considerations of the application are;

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

**Considerations**

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

The proposed extension would be located to the rear of the property where it would only be partially visible in the gap between the buildings. It is proposed to extend in line with the existing building line, which is contrary to the guidance given in the Council's adopted Technical Guidance - Design Supplement 4: Residential Alterations and Extensions (2010), because it can draw attention to the differences between the new and old parts of the building. However because the dwelling is rendered it is not considered that the impact would be too great. Furthermore the roofline of the rear extension would be lower than the main roofline of the dwelling which would help the extension to appear subservient.

On balance, given that the extension is to the rear of the host dwelling it is not considered that the character and appearance of the area would be detrimentally affected. The proposal is considered to be acceptable in accordance with Policy DM3 of the Council's Core Strategy and Development



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

The main properties that might be affected are the two neighbouring properties: number 123 (to the east) and 119 (to the west).

With regards to number 123, the attached neighbouring property to the east, it is not considered that this property would be affected in terms of loss of light or outlook or overbearing impact because the extension would be located towards the furthest side of the host dwelling. With regards to overlooking, there would be no windows in the eastern elevation of the extension and a condition could be attached to any planning permission granted to ensure this remains the case in the future.

With regards to the other neighbouring property, number 119 to the west, given the separation distance between the two properties it is not considered that his property would be affected in terms of loss of light or outlook or overbearing impact either. With regards to overlooking, the only window to be inserted in the western elevation is a rooflight and it is not considered that it would pose a problem of overlooking. A condition could ensure no further windows are inserted in this elevation in the future.

Subject to the suggested conditions the application is considered to be acceptable in this respect.

**3. Any other implications**

There are no further considerations to this application.

**Reasons for Granting**

The proposal to erect a two storey rear extension would not impact detrimentally upon either the character and appearance of the surrounding area or upon the residential amenity of any nearby residential properties. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2010), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policy DM3 of the Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document (2009). It is further in conformity with the Central Bedfordshire Council's Technical Guidance - Design Supplement 4: Residential Alterations and Extensions (2010).

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

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

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

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

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

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

**DECISION**

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